Senate Bill 133

In The Senate

January 15, 1981		Introduced and referred to Committee on Local Government.
		Fiscal note requested.
Janu <mark>ary</mark> 21, 1981		Fiscal note returned.
February 16, 1981		Committee recommend bill do pass.
February 17, 1981		Bill printed and placed on members' desks.
February 18, 1981		Second reading do pass.
February 19, 1981		Correctly engrossed.
February 20, 1981		Third reading passed.
	In The House	
February 21, 1981		Introduced and referred to Committee on Local Government.
March 24, 1981		Committee recommend bill not concurred.
	In The Senate	
March 25, 1981		Returned from House not concurred.

INTRODUCED BY Manun Curtus

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE LANDOWMER 5 CONTROL OF ZONING BY REQUIRING LANDOWNER APPROVAL REFORE 5 ZONING MEASURES ARE ADOPTED BY THE BJARD OF COUNTY 7 COMMISSIONERS, BY REQUIRING CITY-COUNTY PLANNING BOARD 6 APPROVAL OF INTERIM ZONING, AND BY ALLOWING PROTEST OF 9 VARIANCES; AMENDING SECTIONS 76-2-202, 75-2-205, 76-2-206, 10 ADO 76-2-223, NCA."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 76-2-202, MCA, is amended to read: "76-2-202. Establishment of zoning districts --14 15 regulations. (1) within Subject to [sections 5. through \_9]. within the unincorporated portions of a jurisdictional area 16 17 which has been established under provisions of 76-1-501 through 76-1-503 or 76-1-504 through 76-1-507, the board of 16 19 county commissioners may by resolution establish zoning districts and zoning regulations for all or part of the 20 jurisdictional area. 21

(2) Within some such zoning districts it shall be
lawful and within others it shall be unlawful to erect,
construct, alter, or maintain certain buildings or to carry
on cartain trades, industries, or callings.

1 (3) Within each district the height and bulk of future 2 buildings and the area of the yards, courts, and other open 3 spaces and the future uses of the land or buildings shall be 4 limited and future building setback lines shall be 5 established.

6 (4) All such regulations shall be uniform for each
7 class or kind of buildings throughout a district, but the
8 regulations in one district may differ from those in other
9 districts.<sup>m</sup>

10 Section 2. Section 76-2-205, MCA, is amended to read: 11 #75-2-203. Procedure---for Hearing on adoption of 12 regulations and boundaries. The board of county 13 commissioners shall observe the following hearing procedures in the establishment or revision of boundaries for zoning 14 15 districts and in the adoption or amendment of zoning 16 regulations:

(1) Notice of a public hearing on the proposed zoning
district boundaries and of regulations for the zoning
district shall be published once a week for 2 weeks in a
newspaper of general circulation within the county. The
notice shall state:

22 (a) the boundaries of the proposed district;

(b) the general character of the proposed zoningregulations;

25 (c) the time and place of the public hearing;

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1 (d) that the proposed zoning regulations are on file 2 for public inspection at the office of the county clerk and 3 recorder.

4 (2) At the public hearing, the board of county 5 commissioners shall give the public an opportunity to be 6 heard regarding the proposed zoning district and 7 regulations.

8 (3) After the public hearing, the board of county
9 commissioners shall review the proposals of the planning
10 board and shall make such revisions or amendments as it may
11 deem proper.

12 (4) The board of county commissioners: mey before 13 proceeding\_furthers\_must pass a resolution of intention to 14 submit to certain gualified\_electors\_under\_[section\_5]\_the 15 issue\_of\_whether\_or\_not\_to\_create a zoning district and to 16 adopt zoning regulations for the district or to\_revise\_the 17 houndaries\_of\_en\_existing\_zoning\_district.

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 20 for-2-weeks-in-o-newspaper-of-general-circulation-within-the
 21 countyw-The-notice-shall-states

22 ta)--the-boundaries-of-the-proposed-district;

23 (b)--the--general--character--of--the--proposed--zoning
24 regulations;

25 fet--thet--the--proposed-zoning-regulations-ore-on-file

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1 for-public-inspection-at-the-office-of-the-county-clerk--and 2 recordert

3 (d)--that--for--30-days-after-first-publication-of-this 4 noticey-tha--board--of--county--commissionars--will--receive 5 written--protests--to-the-creation-of-the-zoning-district-or 6 to-the-zoning-regulations-from-persons-owning-real--property 7 within-the-district-whose-names-appear-on-tha-last-completed 8 assessment-roll-of-the-countyw

9 t6t--Within-30-days-after-the-expiration-of-the-protest 10 periody--the--board--of--county--cormissioners--moy--in--its 11 discretion-adopt-the-resolution-creeting-the-zoning-district 12 endyor-establishing-the-zoning-regulations-for-the-district; 13 but-if-48%-of-the-freeholders--within--such--district--whose names--appear--on--the--last-completed-assessment-roll-shall 14 15 have-protested-the-establishment-of-the-district-or-adoption of-the-regulationsy-the-board-of-county-commissioners--shall 16 not--adopt--the--resolution-and-no-further-zoning-resolution 17 shall-be-proposed-for-the-district-for-e-period-of-1--year\*" 18 19 Section 3. Section 76-2-206, MCA, is amended to read: 20 \*76-2-206. Interim zoning map or regulation. (1) If a county is conducting or in good faith intends to conduct 21 22 studies within a reasonable time or has held or is holding a 23 hearing for the purpose of considering a master plan or zoning regulations or an amendment, extension, or addition 24 25 to either pursuant to this part, the board of county

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commissioners with the approval of the majority of the city=county\_planning\_boards in order to promote the public health, safety, morals, and general welfares may adopt as an emergency measure a temporary interim zoning map or temporary interim zoning regulation, the purpose of which shall be to classify and regulate uses and related matters as constitutes the emergency.

8 (2) Such interim resolution shall be limited to 1 year from the date it becomes effective. The <u>With the approval of</u> 9 the majority of the city-county planning boards the board of 10 county commissioners may extend such interim resolution for 11 12 1 year, but not more than one such extension may be made." 13 Section 4. Section 76-2-223, MCA, is amended to read: 14 "76-2-223. Fowers of board of adjustment. (1) The 15 board of adjustment shall have the following powers:

(a) to hear and decide appeals where it is alleged
there is error in any order, requirement, decision, or
determination made by an administrative official in the
enforcement of this part or of any resolution adopted
pursuant thereto;

(b) to hear and decide special exceptions to the terms
of the zoning resolution upon which said board is required
to pass under such resolution;

(c) to authorize upon appeal in specific cases such
variance from the terms of the resolution as will not be

contrary to the public interest and where, owing to special
 conditions, a literal enforcement of the provisions of the
 resolution will result in unnecessary hardship and so that
 the spirit of the resolution shall be observed and
 substantial justice done.

(2) In exercising the above-mentioned powers, the 6 7 board of adjustment may, in conformity with the provisions в of this part, reverse or affirm, wholly or partly, or modify 9 the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or 10 11 determination as ought to be made and to that end shall have 12 all the powers of the officer from whom the appeal is taken. 13 (3) Notwithstanding any provision to the contrary, any decision by the board of adjustment concerning exceptions. 14 variances. conditional uses. permitted uses. or planned 15 16 variations may be overruled by petition of not less than 40% 17 of the total number of qualified electors owning land within 18 the zoning district, if the petition is received within 60 19 days\_cf\_the\_board\_of\_adjustment\_decision. No\_\_such\_\_decision 20 is\_final\_unless\_the\_60-day\_protest\_period\_has\_elapsed 21 without filing the above properly signed petition." 22 NEW SECTION. Section 5. Election required for 23 establishment or revision of boundaries for zoning districts. (1) Before the board of county commissioners may 24

25 establish or revise boundaries for zoning districts proposed

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in a resolution of intention passed pursuant to 76-2-205.
 the board shall submit the resolution to a vote of the
 qualified electors who are owners of land within the area
 proposed to be zoned.

5 (2) The election provided for in subsection (1) may be 6 conducted at the regular ennual election hald in the county 7 or at a special election called for that purpose by the 8 board of county commissioners.

5 (3) If a majority of the persons voting are in favor
10 of the zoning measure, the board of county commissioners
11 shall implement it.

12 <u>NEW SECTION</u> Section 6. Registration of electors. The 13 board of county commissioners shall provide for the 14 registration of qualified electors owning land within the 15 area to be zoned.

16 <u>NEW\_SECTION.</u> Section 7. Notice of election on zoning measure. (1) When the issue of whether or not to create a 17 zoning district and to adopt zoning regulations for the 18 district or to revise the boundaries of an existing zoning 19 20 district is submitted to the electors, notice thereof shall 21 be given by publication for 4 consecutive weeks prior to the voting date in every newspaper published or of general 22 23 circulation in the county. The notice must state:

24 (a) the boundaries of the proposed district or the25 boundaries of the existing district and proposed revision;

1 (b) the general character of the proposed zoning 2 regulations;

3 (c) that the proposed zoning regulations are on file
4 for public inspection at the office of the county clerk and
5 recorder; and

(d) the date, place, and times for voting.

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7 (2) The board of county commissioners shall cause the 8 notice provided in subsection (1) to be mailed first class 9 to the address of each person shown on the county property 10 tax assessment rolls to be an owner of real property in the 11 proposed district. The notice must be mailed at least 30 12 days prior to the election.

MEX\_SECTION. Section 8. Form of ballot. The ballot to
 be used in the zoning measure election must contain:

(1) the boundaries of the proposed district or
boundaries of the existing district and proposed revision;
(2) the general character of the proposed zoning
regulations; and

a question, depending upon whether the creation or
 revision of a district is sought, substantially in the
 following form:

(a) Shall the board of county commissioners be
authorized to create the zoning district and adopt the
zoning regulations described on this ballot?

FOR zoning district and zoning regulations

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1	AGAINST zoning district and zoning regulations
2	(b) Shall the board of county commissioners be
3	authorized to revise the zoning district as described on
4	this ballot?
5	FOR zoning district revision
ó	AGAINST zoning district revision
т	<u>NEW SECTION.</u> Section 9. Conduct of election. (1) The
8	voters shall mark the ballot in the same manner as other
5	ballots are marked under the election laws of this state.
10	(2) The election shall be held and the votes cenvassed
11	and returned as in other county elections.
12	Section 10. Codification instruction. Sections 5
13	through 9 are intended to be codified as an integral part of
14	Title 76, chapter 2, part 2, and the provisions of Title 76,
15	chapter 2, part 2, apply to sections 5 through 9.
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# STATE OF MONTANA

REQUEST NO. 106-81

# FISCAL NOTE

Form BD-15

In compliance with a written request received <u>January 16</u>, 19 <u>81</u>, there is hereby submitted a Fiscal Note for <u>Senate Bill 133</u> pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

# Description of Proposed Legislation

Senate Bill 133 would increase landowner control of zoning by requiring landowner approval before zoning measures are adopted by the Board of County Commissioners, by requiring city-county planning board approval of interim zoning, and by allowing protest of variances.

# Fiscal Impact

None.

## Local Impact

There would possibly be increased special election expense in the 10 counties which have adopted zoning measures. Also, new Section 6 appears to require a special registration of electors owning land within the area to be zoned.

BUDGET DIRECTOR Office of Budget and Program Planning Date: 1-21-81

Approved by Comm. on Local Government

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SE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 13 Section 1. Section 76-2-262, MCA, is amended to read: #76-2-202. Establishment of zoning districts --14 15 regulations. (1) within Subject to Isections 5. through 91. within the unincorporated portions of a jurisdictional area 16 which has been established under provisions of 76-1-501 17 through 76-1-503 or 76-1-504 through 76-1-507, the board of 18 county commissioners may by resolution establish zoning 19 districts and zoning regulations for all or part of the 20 21 jurisdictional area.

(2) Within some such zoning districts it shall be
lawful and within others it shall be unlawful to erect,
construct, alter, or maintain certain buildings or to carry
on certain trades, industries, or callings.

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1 (3) Within each district the height and bulk of future 2 buildings and the area of the yards, courts, and other open 3 spaces and the future uses of the land or buildings shall be 4 limited and future building setback lines shall be 5 established.

6 (4) All such regulations shall be uniform for each
7 class or kind of buildings throughout a district, but the
8 regulations in one district may differ from those in other
9 districts."

10 Section 2. Section 76-2-205. MCA. is amended to read: 11 #76-2-205. Procedure---for <u>Hearing\_on</u> adoption of 12 regulations and boundaries. The board of county commissioners shall observe the following hearing procedures 13 14 in the establishment or revision of boundaries for zoning 15 districts and in the adoption or emendment of zoning 16 regulations:

17 (1) Notice of a public hearing on the proposed zoning
18 district boundaries and of regulations for the zoning
19 district shall be published once a waek for 2 weeks in a
20 newspaper of general circulation within the county. The
21 notice shall state:

(a) the boundaries of the proposed district;

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23 (b) the general character of the proposed zoning24 regulations;

25 (c) the time and place of the public hearing;

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(d) that the proposed zoning regulations are on file
 for public inspection at the office of the county clerk and
 recorder.

4 (2) At the public hearing, the board of county 5 commissioners shall give the public an opportunity to be 6 heard regarding the proposed zoning district and 7 regulations.

8 (3) After the public hearing, the board of county
9 commissioners shall review the proposals of the planning
10 board and shall make such revisions or amendments as it may
11 deem proper.

12 (4) The board of county commissioners, may before 13 proceeding\_furthers\_must pass a resolution of intention to 14 submit\_to\_certain\_qualified\_electors\_under\_[section\_5]\_the 15 issue\_of\_whether\_or\_not\_to\_create a zoning district and to 16 adopt zoning regulations for the district <u>or\_to\_revise\_the</u> 17 boundaries of an existing\_zoning district.

18 (5)--The--boerd--of--county-commissioners-shall-publish 19 notice-of-passage-of-the-resolution-of-intention-ence-a-week 20 for-2-weeks-in-a-newspaper-of-general-circulation-within-the 21 county-The-notice-shall-state: 22 fal--the-boundaries-of-the-proposed-district;

23 (b)--the--general--character--of--the--proposed--zoning 24 regulations;

25 tet--that--the--proposed-zoning-regulations-are-on-file

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l	for-public-inspection-at-the-office-of-the-eaunty-elerkand
Z	recordert
З	{d}thatfor30-days-after-first-publication-of-this
4	notice <del>y-theboardofcountycommissionerswillreceive</del>
5	writtenproteststo-the-creation-of-the-zoning-district-or
6	to-the-zoning-regulations-from-persons-owning-realproperty
7	within-the-district-whose-names-appear-on-the-last-completed
8	assessment-roll-of-the-county.
9	<del>{6}Within-30-days-after-the-expiration-of-the-protest</del>
10	periodytheboardofcountycommissionersmeyinits
11	<del>discretion-adopt-the-resolution-creating-the-zoning-district</del>
12	end/or-establishing-the-zoning-regulations-for-the-district1
13	but-if-40%-of-the-freeholderswithinsuchdistrictwhos-
14	namesappearonthelast-completed-assessment-roll-shall
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18	shall-be-proposed-for-the-district-for-e-period-of-1year*"
19	Section 3. Section 76-2-206, MCA, is amended to read:
20	"76-2-206. Interim zoning map or regulation. (1) If a
21	county is conducting or in good faith intends to conduct
22	studies within a reasonable time or has held or is holding a
23	hearing for the purpose of considering a master plan or
24	zoning regulations or an amendment, extension, or addition
25	to either pursuant to this part, the board of county

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commissioners with the approval of the majority of the city-county planning boards in order to promote the public health, safety, morals, and general walfares may adopt as an emergency measure a temporary interim zoning map or temporary interim zoning regulation, the purpose of which shall be to classify and regulate uses and related matters as constitutes the emergency.

ε (2) Such interim resolution shall be limited to 1 year 9 from the date it becomes effective. The Mith\_the\_approval\_of 10 the majority of the city-county planning board, the board of county commissioners may extend such interim resolution for 11 12 1 year, but not more than one such extension may be made." 13 Section 4. Section 76-2-223, MCA, is amended to read: 14 "76-2-223. Powers of board of adjustment. (1) The 15 board of adjustment shall have the following powers:

16 (a) to hear and decide appeals where it is alleged 17 there is error in any order, requirement, decision, or 18 determination made by an administrative official in the 19 enforcement of this part or of any resolution adopted 20 pursuant thereto;

(b) to hear and decide special exceptions to the terms
of the zoning resolution upon which said board is required
to pass under such resolution;

(c) to authorize upon appeal in specific cases such
variance from the terms of the resolution as will not be

1 contrary to the public interest and where, owing to special 2 conditions, a literal enforcement of the provisions of the 3 resolution will result in unnecessary hardship and so that 4 the spirit of the resolution shall be observed and 5 substantial justice done.

(2) In exercising the above-mentioned powers, the 6 board of adjustment may, in conformity with the provisions 7 of this part, reverse or affirm, wholly or partly, or modify 8 9 the order, requirement, decision, or determination appealed 10 from and may make such order, requirement, decision, or 11 determination as ought to be made and to that and shall have all the powers of the officer from whom the appeal is taken. 12 (3) Notwithstanding any provision to the contrary, any 13 14 decision by the board of adjustment concerning exceptions. variances. conditional uses. nermitted uses. or planned 15 16 variations way be overruled by petition of not less than 40% of the total number of qualified electors owning land within 17 the zoning district, if the petition is received within 60 18 19 days of the board of adjustment decision. No such decision is final unless the 60-day protest period has elapsed 20 21 without filing the above properly signed petition." NEW\_SECTION. Section 5. Election required for 22 establishment or revision of boundaries for zoning 23

24 districts. (1) Before the board of county commissioners may
25 establish or revise boundaries for zoning districts proposed

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in a resolution of intention passed pursuant to 76-2-205,
 the board shall submit the resolution to a vote of the
 qualified electors who are owners of land within the area
 proposed to be zoned.

5 (2) The election provided for in subsection (1) may be 6 conducted at the regular annual election held in the county 7 or at a special election called for that purpose by the 8 board of county commissioners.

9 (3) If a majority of the persons voting are in favor
10 of the zoning measure, the board of county commissioners
11 shall implement it.

12 <u>NEW SECTION</u> Section 6. Registration of electors. The 13 board of county commissioners shall provide for the 14 registration of qualified electors owning land within the 15 area to be zoned.

NEW SECTION. Section 7. Notice of election on zoning 16 17 measure. (1) When the issue of whether or not to create a zoning district and to adopt zoning regulations for the 18 district or to revise the boundaries of an existing zoning 19 district is submitted to the electors, notice thereof shall 20 21 be given by publication for 4 consecutive weeks prior to the 22 voting date in every newspaper published or of general circulation in the county. The notice must state: 23

24 (a) the boundaries of the proposed district or the25 boundaries of the existing district and proposed revision;

(b) the general character of the proposed zoning
 regulations;
 (c) that the proposed zoning regulations are on file

4 for public inspection at the office of the county clerk and 5 recorder; and

(d) the date, place, and times for voting.

7 (2) The board of county commissioners shall cause the 8 notice provided in subsection (1) to be mailed first class 9 to the address of each person shown on the county property 10 tax assessment rolls to be an owner of real property in the 11 proposed district. The notice must be mailed at least 30 12 days prior to the election.

13 <u>NEW SECTION.</u> Section 8. Form of ballot. The ballot to
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17 (2) the general character of the proposed zoning
18 regulations; and

a question, depending upon whether the creation or
 revision of a district is sought, substantially in the
 following form:

22 (a) Shall the board of county commissioners be
23 authorized to create the zoning district and adopt the
24 zoning regulations described on this ballot?

- 25 FOR zoning district and zoning regulations

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AGAINST zoning district and zoning regulations 1 (b) Shall the board of county commissioners be 2 authorized to revise the zoning district as described on 3 this ballot? 4 5 FOR zoning district revision AGAINST zoning district revision ó 7 NEW SECTION. Section 9. Conduct of election. (1) The voters shall mark the ballot in the same manner as other 8 ballots are marked under the election laws of this state. 5 10 (2) The election shall be held and the votes canvassed

11 and returned as in other county elections.

12 Section 10. Codification instruction. Sections 5 13 through 9 are intended to be codified as an integral part of 14 Title 76, chapter 2, part 2, and the provisions of Title 76, 15 chapter 2, part 2, apply to sections 5 through 9.

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- SB 133

INTRODUCED BY Many Curtino 1 2 3

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE LANDOWNER 4 CONTROL OF ZONING BY REQUIRING LANDOWNER APPROVAL BEFORE 5 ZONING MEASURES ARE ADOPTED BY THE SOARD COUNTY ΩE э COMMISSIONERS. BY REQUIRING CITY-COUNTY PLANNING SOARD 7 8 APPROVAL OF INTERIM ZONING, AND BY ALLOWING PROTEST OF VARIANCES; AMENDING SECTIONS 76-2-202, 75-2-205, 76-2-206, 9 ALD 76-2-223, NCA." 10

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within-the-district-whose-names-appear-on-the-last-completed

8 assessment-roll-of-the-countys

9 f6}--Within-38-days-after-the-expiration-of-the-protest 10 periody--the--board--of--county--commissioners--may--its 11 discretion-adopt-the-resolution-creeting-the-zoning-district 12 and/or-establishing-the-zoning-regulations-for-the-districts 13 bat-+f-+0%-of-the-freeholders--within--such--district--whose 14 names--appear--on--the--last-completed-assessment-roll-shall 15 have-protested-the-establishment-of-the-district-or-sdoption of-the-regulations-the-board-of-county-commissioners--shall 16 17 not--adopt--the--resolution-and-no-further-zoning-resolution shall-be-proposed-for-the-district-for-d-period-of-l--years\* 18 Section 3. Section 76-2-206, MCA, is amended to read: 19 20 "76-2-206. Interim zoning map or regulation. (1) If a county is conducting or in good faith intends to conduct 21 studies within a reasonable time or has held or is holding a 22 hearing for the ourpose of considering a master plan or 23 zoning regulations or an amendment, extension, or addition 24 to either pursuant to this part, the boar, of county 25

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of the zoning resolution upon which said board is required
to pass under such resolution;

(c) to authorize upon appeal in specific cases suchvariance from the terms of the resolution as will not be

contrary to the public interest and where, owing to special
 conditions, a literal enforcement of the provisions of the
 resolution will result in unnecessary hardship and so that
 the spirit of the resolution shall be observed and
 substantial justice done.

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(2) In exercising the above-mentioned powers, the 6 board of adjustment may, in conformity with the provisions 7 of this part, reverse or affirm, wholly or partly, or modify 8 9 the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or 10 11 determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. 12 13 (3) Notwithstanding any provision to the contrary, any 14 decision by the board of adjustment concerning exceptions. variances, conditional uses, permitted uses, or planned 15 16 variations may be overruled by petition of not less than 40% 17 of the total number of qualified electors owning land within 18 the zoning district, if the petition is received within 60 19 days of the board of adjustment decision. No such decision 20 is\_figal\_unless\_the\_60-day\_protest\_period\_has\_elansed 21 without filing the above properly signed petition." NEW\_SECTION. Section 5. Election required for 22 23 establishment or revision of boundaries for zoning districts. (1) Sefore the board of county commissioners may 24 establish or revise boundaries for zoning districts proposed 25

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in a resolution of intention passed pursuant to 76-2-205.
 the board shall submit the resolution to a vote of the
 qualified electors who are owners of land within the area
 proposed to be zoned.

5 (2) The election provided for in subsection (1) may be 6 conducted at the regular annual election held in the county 7 or at a special election called for that purpose by the 8 board of county commissioners.

9 (3) If a majority of the persons voting are in favor
10 of the zoning measure, the board of county commissioners
11 shall implement it.

12 NEW\_SECTION. Section 6. Registration of electors. The 13 board of county commissioners shall provide for the 14 registration of qualified electors owning land within the 15 area to be zoned.

16 NEW SECTION. Section 7. Notice of election on zoning 17 measure. (1) When the issue of whether or not to create a 18 zoning district and to adopt zoning regulations for the 19 district or to revise the boundaries of an existing zoning 20 district is submitted to the electors, notice thereof shall 21 be given by publication for 4 consecutive weeks prior to the 22 voting date in every newspaper published or of general 23 circulation in the county. The notice must state:

24 (a) the boundaries of the proposed district or the25 boundaries of the existing district and proposed revision;

(b) the general character of the proposed zoning
 regulations;

3 (c) that the proposed zoning regulations are on file
4 for public inspection at the office of the county clerk and
5 recorder; and

(d) the date, place, and times for voting.

6

25

7 (2) The board of county commissioners shall cause the 8 notice provided in subsection (1) to be mailed first class 9 to the address of each person shown on the county property 10 tax assessment rolls to be an owner of real property in the 11 proposed district. The notice must be mailed at least 30 12 days prior to the election.

13 <u>NEW SECTION</u> Section 8. Form of ballot. The ballot to
 14 be used in the zoning measure election must contain:

15 (1) the boundaries of the proposed district or
16 boundaries of the existing district and proposed revision;
17 (2) the general character of the proposed zoning
18 regulations; and

(3) a question, depending upon whether the creation or
 revision of a district is sought, substantially in the
 following form:

22 (a) Shall the board of county commissioners be23 authorized to create the zoning district and adopt the

24 zoning regulations described on this ballot?

FOR zoning district and zoning regulations

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AGAINST zoning district and zoning regulations 1 2 (b) Shall the board of county commissioners be authorized to revise the zoning district as described on З this ballot? 4 FOR zoning district revision 5 AGAINST zoning district revision ó 7 NEW SECTION. Section 9. Conduct of election. (1) The voters shall mark the ballot in the same manner as other 8 ŝ ballots are marked under the election laws of this state. 10 (2) The election shall be held and the votes canvassed 11 and returned as in other county elections. Section 10. Codification instruction. Sections 5 12 13 through 9 are intended to be codified as an integral part of Title 76, chapter 2, part 2, and the provisions of Title 76, 14 15 chapter 2, part 2, apply to sections 5 through 9.

-End-

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