

HOUSE BILL NO. 240

Introduced: 01/14/83

Referred to Committee on Local Government: 01/14/83

Hearing: 1/25/83

Report: 01/26/83, Do Not Pass, As Amended

Bill Killed: 01/27/83

1 ~~House~~ BILL NO. 240
2 INTRODUCED BY Steve Jean Hansen
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE PROTEST
5 PROVISION FOR THE ADOPTION OF COUNTY ZONING DISTRICTS FROM
6 40 PERCENT TO 60 PERCENT OF THE FREEHOLDERS IN THE DISTRICT;
7 AMENDING SECTION 76-2-205, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 76-2-205, MCA, is amended to read:

11 "76-2-205. Procedure for adoption of regulations and
12 boundaries. The board of county commissioners shall observe
13 the following procedures in the establishment or revision of
14 boundaries for zoning districts and in the adoption or
15 amendment of zoning regulations:

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

21 (a) the boundaries of the proposed district;

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

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

25 (d) that the proposed zoning regulations are on file

1 for public inspection at the office of the county clerk and
2 recorder.

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

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

11 (4) The board of county commissioners may pass a
12 resolution of intention to create a zoning district and to
13 adopt zoning regulations for the district.

14 (5) The board of county commissioners shall publish
15 notice of passage of the resolution of intention once a week
16 for 2 weeks in a newspaper of general circulation within the
17 county. The notice shall state:

18 (a) the boundaries of the proposed district;

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

21 (c) that the proposed zoning regulations are on file
22 for public inspection at the office of the county clerk and
23 recorder;

24 (d) that for 30 days after first publication of this
25 notice, the board of county commissioners will receive

1 written protests to the creation of the zoning district or
2 to the zoning regulations from persons owning real property
3 within the district whose names appear on the last completed
4 assessment roll of the county.

5 (6) Within 30 days after the expiration of the protest
6 period, the board of county commissioners may in its
7 discretion adopt the resolution creating the zoning district
8 and/or establishing the zoning regulations for the district;
9 but if ~~40%~~ 50% of the freeholders within such district whose
10 names appear on the last completed assessment roll shall
11 have protested the establishment of the district or adoption
12 of the regulations, the board of county commissioners shall
13 not adopt the resolution and no further zoning resolution
14 shall be proposed for the district for a period of 1 year."

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