

SENATE BILL NO. 112

Introduced: 01/12/83

Referred to Committee on Local Government: 01/12/83

Hearing: 1/20/83

Died in Committee.

1 *Senate* BILL NO. *112*
2 INTRODUCED BY *Thomas*
3 *Miller*
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A COUNTY
5 PLANNING BOARD ACTING AS A ZONING COMMISSION TO GIVE NOTICE
6 OF AND CONDUCT A PUBLIC HEARING ON THE ADOPTION OR AMENDMENT
7 OF ZONING REGULATIONS; REDUCING FROM 30 DAYS TO 2 WEEKS THE
8 PERIOD FOR PROTEST OF PROPOSED ZONING REGULATIONS AND
9 DISTRICTS; AND REDUCING FROM 30 DAYS TO 2 WEEKS THE TIME
10 LIMIT FOR FORMAL ACTION BY THE BOARD OF COUNTY COMMISSIONERS
11 ON THE PROPOSED ZONING REGULATIONS AND DISTRICTS; AMENDING
12 SECTION 76-2-205, MCA."
13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15 Section 1. Section 76-2-205, MCA, is amended to read:
16 "76-2-205. Procedure for adoption of regulations and
17 boundaries. The board of county commissioners or the county
18 planning board acting as the zoning commission shall observe
19 the following procedures in the establishment or revision of
20 boundaries for zoning districts and in the adoption or
21 amendment of zoning regulations:
22 (1) Notice of a public hearing on the proposed zoning
23 district boundaries and of regulations for the zoning
24 district shall be published ~~once a week for 2 weeks~~ in a
25 newspaper of general circulation within the county at least

1 ~~once, not less than 10 days prior to the hearing.~~ The notice
2 shall state:
3 (a) the boundaries of the proposed district;
4 (b) the general character of the proposed zoning
5 regulations;
6 (c) the time and place of the public hearing;
7 (d) that the proposed zoning regulations are on file
8 for public inspection at the office of the county clerk and
9 recorder.
10 (2) At the public hearing, the board of county
11 commissioners or the county planning board acting as the
12 zoning commission shall give the public an opportunity to be
13 heard regarding the proposed zoning district and
14 regulations.
15 (3) After the public hearing, the board of county
16 commissioners shall review the proposals of the planning
17 board and shall make such revisions or amendments as it may
18 deem proper.
19 (4) The board of county commissioners may pass a
20 resolution of intention to create a zoning district and to
21 adopt zoning regulations for the district.
22 (5) The board of county commissioners shall publish
23 notice of passage of the resolution of intention once a week
24 for 2 weeks in a newspaper of general circulation within the
25 county. The notice shall state:

INTRODUCED BILL

1 (a) the boundaries of the proposed district;

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

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

7 (d) that for ~~30-days~~ 2 weeks after first publication
8 of this notice, the board of county commissioners will
9 receive written protests to the creation of the zoning
10 district or to the zoning regulations from persons owning
11 real property within the district whose names appear on the
12 last completed assessment roll of the county.

13 (6) Within ~~30-days~~ 2 weeks after the expiration of the
14 protest period, the board of county commissioners may in its
15 discretion adopt the resolution creating the zoning district
16 and/or establishing the zoning regulations for the district;
17 but if 40% of the freeholders within such district whose
18 names appear on the last completed assessment roll shall
19 have protested the establishment of the district or adoption
20 of the regulations, the board of county commissioners shall
21 not adopt the resolution and no further zoning resolution
22 shall be proposed for the district for a period of 1 year."

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