1   SENATE BILL NO. 175

2   INTRODUCED BY F. MANDEVILLE

3

4   A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURE FOR A BOARD OF COUNTY

5   COMMISSIONERS TO ADOPT OR AMEND ZONING REGULATIONS; REQUIRING THAT A PUBLIC

6   MEETING BE NOTICED AND HELD BEFORE A BOARD OF COUNTY COMMISSIONERS MAY ADOPT A

7   RESOLUTION TO AMEND A ZONING REGULATION; AND AMENDING SECTION 76-2-205, MCA."

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

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

12   "**76-2-205.   Procedure for adoption and amendment of regulations and boundaries.** (1) The

13   board of county commissioners shall observe the ~~following~~ procedures ~~in the establishment or revision of~~

14   described in subsections (2) through (8) when establishing or revising boundaries for zoning districts and ~~in the~~

15   ~~adoption or amendment of~~ when adopting or amending zoning regulations~~:~~.

16   ~~(1)~~(2)   (a) Notice of a public hearing on the proposed zoning district boundaries and of regulations for

17   the zoning district must state:

18   ~~(a)   state:~~

19   (i)   the boundaries of the proposed district;

20   (ii)   the general character of the proposed zoning regulations;

21   (iii)   the time and place of the public hearing; and

22   (iv)   that the proposed zoning regulations are on file for public inspection at the office of the county

23   clerk and recorder~~;~~.

24   (b)   The notice must be:

25   (i)   posted not less than 45 days before the public hearing in at least five public places, including

26   but not limited to public buildings and adjacent to public rights-of-way, within the proposed district; and

27   ~~(c)~~(ii)   ~~be~~ published once a week for 2 weeks in a newspaper of general circulation within the county.

28   ~~(2)~~(3)   At the public hearing, the board of county commissioners shall give the public an opportunity to

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1   be heard regarding the proposed zoning district and regulations.

2   (3)(4)   After the public hearing, the board of county commissioners shall review the proposals of the

3   planning board and shall make any revisions or amendments that it determines to be proper.

4   (4)(5)   The board of county commissioners may pass a resolution of intention to create a zoning

5   district and to adopt zoning regulations for the district.

6   (5)(6)   The board of county commissioners shall publish notice of passage of the resolution of

7   intention once a week for 2 weeks in a newspaper of general circulation within the county. The notice must

8   state:

9   (a)   the boundaries of the proposed district;

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

11   (c)   that the proposed zoning regulations are on file for public inspection at the office of the county

12   clerk and recorder; and

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

14   receive written comments on the creation of the zoning district or to the zoning regulations from persons owning

15   real property within the district whose names appear on the last-completed assessment roll of the county.

16   (6)(7)   Within 30 days after the expiration of the comment period, the board of county commissioners

17   may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for

18   the district.

19   (8)   (a) When amending a zoning regulation, the board of county commissioners shall provide

20   notice of a public hearing on the proposed amendment to the zoning regulation.

21   (b)   The notice must state:

22   (i)   the specific a general description of the changes to the regulation;

23   (ii)   the time and place of the public hearing; and

24   (iii)   that the original zoning regulation and any proposed amendments to the original zoning

25   regulation are on file for public inspection at the office of the county clerk and recorder.

26   (c)   The notice must be:

27   (i)   posted not less than 15 days before the public hearing; and

28   (ii)   published once a week for 2 weeks in a newspaper of general circulation within the county.

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1   (d)   The board of county commissioners may adopt a resolution amending the zoning regulation

2   after the public hearing."

3   - END -