

HOUSE BILL NO. 713

INTRODUCED BY L. BREWSTER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MUNICIPAL ZONING LAWS; PROVIDING FOR METHODS TO ESTABLISH, AMEND, OR REPEAL CERTAIN REGULATIONS, RESTRICTIONS, OR BOUNDARIES; REPEALING A METHOD OF PROTEST FOR ALTERING ZONING REGULATIONS; AMENDING SECTION 76-2-303, MCA; AND REPEALING SECTION 76-2-305, MCA."

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

Section 1. Section 76-2-303, MCA, is amended to read:

"76-2-303. Procedure to administer certain annexations and zoning laws -- hearing and notice.

(1) (a) A regulation, restriction, or boundary may be determined, established, enforced, amended, supplemented, changed, modified, or repealed in conformance with this section.

(b) _____ The city or town council or other legislative body of a municipality shall provide for the manner in which regulations and restrictions and the boundaries of districts are determined, established, enforced, ~~and amended, supplemented, changed, modified, or repealed~~ subject to the requirements of subsection (2).

(2) (a) A ~~The determination, establishment, enforcement, amendment, supplement, change, modification, or repeal of a~~ regulation, restriction, or boundary may not become effective until after a public hearing in relation to the regulation, restriction, or boundary at which parties in interest and citizens have an opportunity to be heard has been held. At least 15 days' notice of the time and place of the hearing must be published in an official paper or a paper of general circulation in the municipality.

(b) _____ If a zone map boundary only is proposed to be amended, supplemented, changed, modified, or repealed, the city or town council or other legislative body of the municipality shall adopt the boundary change by resolution. The adoption of the boundary change by resolution is effective immediately.

(3) (a) For municipal annexations, a municipality may conduct a hearing on the annexation in conjunction with a hearing on the zoning of the proposed annexation if the proposed municipal zoning regulations for the annexed property:

- 1 (i) authorize land uses comparable to the land uses authorized by county zoning;
- 2 (ii) authorize land uses that are consistent with land uses approved by the board of county
- 3 commissioners or the board of adjustment pursuant to Title 76, chapter 2, part 1 or 2; or
- 4 (iii) are consistent with zoning requirements recommended in a growth policy adopted pursuant to
- 5 Title 76, chapter 1, for the annexed property.
- 6 (b) A joint hearing authorized under this subsection (3) fulfills a municipality's obligation regarding
- 7 zoning notice and public hearing for a proposed annexation."

9 NEW SECTION. Section 2. **Repealer.** The following section of the Montana Code Annotated is
10 repealed:

11 76-2-305. Alteration of zoning regulations -- protest.

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