

HOUSE BILL NO. 614

INTRODUCED BY G. OVERSTREET, F. MANDEVILLE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COUNTY ZONING LAWS; ALLOWING FOR THE TERMINATION OF A ZONING DISTRICT IF THE COUNTY HAS OPTED INTO THE MONTANA LAND USE PLANNING ACT OR IF THE ZONING DISTRICT IS TO BE INCLUDED IN ANOTHER ZONING DISTRICT; AND AMENDING SECTIONS 76-2-118 AND 76-2-229, MCA."

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

Section 1. Section 76-2-118, MCA, is amended to read:

"76-2-118. ~~Referendum to terminate~~ Termination of zoning district. (1)(a) Real property owners in a zoning district may petition the board of county commissioners to submit a referendum to the registered electors residing in the zoning district to terminate the zoning district. The petition must be in writing and contain the signatures and addresses of 20% or more of the real property owners in the zoning district. The petition requesting a referendum for the termination of a zoning district must be delivered to the county clerk and recorder, who shall endorse on it the date when the petition was received and validate the signatures within 60 days of receipt of the petition. If the petition contains valid signatures of at least 20% of the real property owners within the zoning district, the county clerk and recorder shall notify the county commissioners.

(2)(b) On receipt of a valid petition described in subsection (1)(a), the county commissioners shall submit the referendum to the registered electors residing in the district in an election conducted pursuant to Title 13, chapter 1, part 4 or 5.

(3)(c) If the referendum described in subsection (1)(a) and conducted under subsection (2) (1)(b) is not successful, the real property owners in the zoning district may not bring forth a subsequent referendum petition for 3 years from the date that the original referendum was submitted to the registered electors pursuant to subsection (2) (1)(b).

(2) The board of county commissioners may, after providing notice as required in 76-2-106(1) and holding a public hearing, pass a resolution to terminate a zoning district if the county:

(a) _____ has decided to comply with the provisions of the Montana Land Use Planning Act under Title 76, chapter 25, using the process specified in 76-25-105; or

(b) _____ has established a larger zoning district pursuant to Title 76, chapter 2, part 2, that encompasses the land within the zoning district to be terminated."

Section 2. Section 76-2-229, MCA, is amended to read:

"76-2-229. Referendum to terminate Termination of zoning district. (1)(a) Real property owners in a zoning district may petition the board of county commissioners to submit a referendum to the registered electors residing in the zoning district to terminate the zoning district. The petition must be in writing and contain the signatures and addresses of 20% or more of the real property owners in the zoning district. The petition requesting a referendum for the termination of a zoning district must be delivered to the county clerk and recorder, who shall endorse on it the date when the petition was received and validate the signatures within 60 days of receipt of the petition. If the petition contains valid signatures of at least 20% of the real property owners within the zoning district, the county clerk and recorder shall notify the county commissioners.

(2)(b) On receipt of a valid petition described in subsection (1)(a), the county commissioners shall submit the referendum to the registered electors residing in the district in an election conducted pursuant to Title 13, chapter 1, part 5.

(c) If the referendum described in subsection (1)(a) and conducted under subsection (1)(b) is not successful, the real property owners in the zoning district may not bring forth a subsequent referendum petition for 3 years from the date that the original referendum was submitted to the registered electors pursuant to subsection (1)(b).

(2) The board of county commissioners may, after providing notice as required in 76-2-205(1) and holding a public hearing, pass a resolution to terminate a zoning district if the county:

(a) _____ has decided to comply with the provisions of the Montana Land Use Planning Act under Title 76, chapter 25, using the process specified in 76-25-105; or

(b) _____ has established a larger zoning district pursuant to this part that encompasses the land within the zoning district to be terminated."

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