
ZONING & PLANNING - MONTANA

Johnson v. City of Bozeman

Supreme Court of Montana - August 6, 2024 - P.3d - 2024 WL 3665299 - 2024 MT 168

City residents brought action to challenge zoning provision within city's amended unified development code which reclassified fraternity and sorority housing as "group living" which was permitted in neighborhood.

The District Court of the Eighteenth Judicial District granted residents' partial motion for summary judgment and declared the reclassification void ab initio. City appealed.

The Supreme Court held that:

- Amendment was not void ab initio due to insufficient notice to city residents, but rather the statute of limitations did not begin to run until the residents received notice of the revision, and
- 30-day statute of limitations for actions to set aside an agency decision, rather that default five-year statute of limitations, applied.

City's amended unified development code, which reclassified fraternity and sorority housing as "group living" that was permitted in neighborhood, was not void ab initio due to insufficient notice to city residents, but rather the 30-day statute of limitations on residents' right to challenge the revised ordinance did not begin to run until the residents received notice of the revision, or reasonably should have known of the revision.

Thirty-day statute of limitations for actions to set aside an agency decision, rather that default five-year statute of limitations, applied to residents' challenge to zoning provision within city's amended unified development code which reclassified fraternity and sorority housing as "group living" permitted in neighborhood.

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