

SENATE BILL NO. 383

INTRODUCED BY L. JONES

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CRITERIA AND GUIDELINES FOR ZONING REGULATIONS; REQUIRING A BOARD OF COUNTY COMMISSIONERS TO EVALUATE THE REGULATIONS TO ENSURE THAT THE PROPOSED PROCESS FOR ZONING OR REZONING AN AREA WILL NOT RESULT IN IMPERMISSIBLE SPOT ZONING; AND AMENDING SECTION 76-2-203, MCA."

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

Section 1. Section 76-2-203, MCA, is amended to read:

"76-2-203. Criteria and guidelines for zoning regulations. (1) Zoning regulations must be:

- (a) made in accordance with the growth policy; and
- (b) designed to:
 - (i) secure safety from fire and other dangers;
 - (ii) promote public health, public safety, and general welfare; and
 - (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) In the adoption of zoning regulations, the board of county commissioners shall consider:

- (a) reasonable provision of adequate light and air;
- (b) the effect on motorized and nonmotorized transportation systems;
- (c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;
- (d) the character of the district and its peculiar suitability for particular uses; and
- (e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

(3) Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

(4) (a) Prior to the adoption of the proposed zoning regulations, the board of county commissioners shall evaluate the regulations to ensure that the proposed process for zoning or rezoning an area pursuant to the



1 regulations will not result in impermissible spot zoning. For purposes of this section, impermissible spot zoning
2 exists when:

3 (i) the requested use is significantly different from the prevailing land uses in the surrounding area;

4 (ii) the area for the requested zoning or rezoning is relatively small in terms of the number of landowners
5 benefited from the zoning or rezoning; and

6 (iii) the zoning or rezoning is designed to benefit one landowner or a small number of landowners at the
7 expense of the surrounding landowners or the public.

8 (b) The zoning or rezoning of an area that has been reviewed and determined by the board of county
9 commissioners to be in substantial compliance with the county's growth policy may not be considered spot
10 zoning."

11 - END -