

1 SENATE BILL NO. 379

2 INTRODUCED BY S. FITZPATRICK

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ZONING LAWS; PROHIBITING ADOPTION OF
5 MINIMUM LOT SIZE REGULATIONS MORE THAN 1 MILE BEYOND MUNICIPAL BOUNDARIES;
6 AMENDING SECTIONS 76-2-212 AND 76-2-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
7 DATE."

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

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11 Section 1. Section 76-2-212, MCA, is amended to read:

12 "76-2-212. Minimum lot size restrictions. ~~After [the effective date of this act], a~~ board of county
13 commissioners may not adopt zoning regulations under this part that require minimum lot sizes in an area
14 zoned for residential use unless:

15 ~~(1) for zoning regulations adopted prior to [the effective date of this act], the zoning regulation~~
16 ~~requiring minimum lot sizes is applied to land that is within 3 miles of the limits of an incorporated municipality;~~
17 ~~or~~

18 ~~(2) the county has adopted a land use map in its growth policy pursuant to 76-1-601(5) that sets~~
19 ~~forth projected population densities and recommended minimum lot sizes~~ for zoning regulations adopted on or
20 after [the effective date of this act], the zoning regulation requiring minimum lot sizes is applied to land that is
21 within 1 mile of the limits of an incorporated municipality."

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23 Section 2. Section 76-2-310, MCA, is amended to read:

24 "76-2-310. Extension of municipal zoning and subdivision regulations beyond municipal
25 boundaries. (1) Except as provided in 76-2-312 and subsection (2) of this section, and except in locations
26 where a county has adopted zoning or subdivision regulations, a city or town council or other legislative body
27 that has adopted a growth policy pursuant to chapter 1 for the area to be affected by the regulations may
28 extend the application of its zoning or subdivision regulations beyond its limits in any direction subject to the

1 following limits:

2 (a) up to 3 miles beyond the limits of a city of the first class as defined in 7-1-4111;

3 (b) up to 2 miles beyond the limits of a city of the second class; and

4 (c) up to 1 mile beyond the limits of a city or town of the third class.

5 (2) After [the effective date of this act], zoning regulations requiring minimum lot sizes may not be
6 adopted that extend minimum lot size restrictions more than 1 mile beyond the limits of a city or town.

7 (2)(3) When two or more noncontiguous cities have boundaries so near to one another as to create
8 an area of potential conflict in the event that all cities concerned should exercise the full powers conferred by
9 76-2-302, 76-2-311, and this section, then the extension of zoning or subdivision regulations, or both, by these
10 cities must terminate at a boundary line agreed upon by the cities."
11

12 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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