

SENATE BILL NO. 379

INTRODUCED BY S. FITZPATRICK

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

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

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

**"76-2-212. Minimum lot size restrictions.** A board of county commissioners may not adopt zoning regulations under this part that require minimum lot sizes in an area zoned for residential use unless:

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

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

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

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

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

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

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

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

6 ~~(2)~~(3) When two or more noncontiguous cities have boundaries so near to one another as to create  
7 an area of potential conflict in the event that all cities concerned should exercise the full powers conferred by  
8 76-2-302, 76-2-311, and this section, then the extension of zoning or subdivision regulations, or both, by these  
9 cities must terminate at a boundary line agreed upon by the cities."

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

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