

SENATE BILL 275

IN THE SENATE

January 29, 1979

Introduced and referred to
Committee on Local Government.

February 20, 1979

Committee recommend bill,
do not pass, as amended

On motion, Senate reconsider
its action taken on Adverse
Committee report and order
printed and placed on second
reading. Motion failed.

1 INTRODUCED BY *Sen. S. Brown* *Norman* BILL NO. *275*

2 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING LOCAL
3 GOVERNING BODIES TO REVIEW AND APPROVE SHOPPING CENTERS
4 UNDER THE MONTANA SUBDIVISION AND PLATTING ACT; AMENDING
5 SECTIONS 76-3-103, 76-3-202, AND 76-3-204, MCA."

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

7 Section 1. Section 76-3-103, MCA, is amended to read:

8 "76-3-103. Definitions. As used in this chapter,
9 unless the context or subject matter clearly requires
10 otherwise, the following words or phrases shall have the
11 following meanings:

12 (1) "Certificate of survey" means a drawing of a field
13 survey prepared by a registered surveyor for the purpose of
14 disclosing facts pertaining to boundary locations.

15 (2) "Dedication" means the deliberate appropriation of
16 land by an owner for any general and public use, reserving
17 to himself no rights which are incompatible with the full
18 exercise and enjoyment of the public use to which the
19 property has been devoted.

20 (3) "Division of land" means the segregation of one or
21 more parcels of land from a larger tract held in single or
22 undivided ownership by transferring or contracting to

1 transfer title to or possession of a portion of the tract or
2 properly filing a certificate of survey or subdivision plat
3 establishing the identity of the segregated parcels pursuant
4 to this chapter.

5 (4) "Examining land surveyor" means a registered land
6 surveyor duly appointed by the governing body to review
7 surveys and plats submitted for filing.

8 (5) "Governing body" means a board of county
9 commissioners or the governing authority of any city or town
10 organized pursuant to law.

11 (6) "Irregularly shaped tract of land" means a parcel
12 of land other than an aliquot part of the United States
13 government survey section or a United States government lot,
14 the boundaries or areas of which cannot be determined
15 without a survey or trigonometric calculation.

16 (7) "Occasional sale" means one sale of a division of
17 land within any 12-month period.

18 (8) "Planned unit development" means a land
19 development project consisting of residential clusters,
20 industrial parks, shopping centers, office building parks,
21 or any combination thereof which comprises a planned mixture
22 of land uses built in a prearranged relationship to each
23 other and having open space and community facilities in
24 common ownership or use.

25 (9) "Plat" means a graphical representation of a

1 subdivision showing the division of land into lots, parcels,
2 blocks, streets, alleys, and other divisions and
3 dedications.

4 (10) "Preliminary plat" means a neat and scaled drawing
5 of a proposed subdivision showing the layout of streets,
6 alleys, lots, blocks, and other elements of a subdivision
7 which furnish a basis for review by a governing body.

8 (11) "Final plat" means the final drawing of the
9 subdivision and dedication required by this chapter to be
10 prepared for filing for record with the county clerk and
11 recorder and containing all elements and requirements set
12 forth in this chapter and in regulations adopted pursuant
13 thereto.

14 (12) "Registered land surveyor" means a person licensed
15 in conformance with the Montana Professional Engineers'
16 Registration Act (Title 37, chapter 67) to practice
17 surveying in the state of Montana.

18 (13) "Registered professional engineer" means a person
19 licensed in conformance with the Montana Professional
20 Engineers' Registration Act (Title 37, chapter 67) to
21 practice engineering in the state of Montana.

22 (14) "Subdivider" means any person who causes land to
23 be subdivided or who proposes a subdivision of land.

24 (15) "Subdivision" means a division of land or land so
25 divided which creates one or more parcels containing less

1 than 20 acres, exclusive of public roadways, in order that
2 the title to or possession of the parcels may be sold,
3 rented, leased, or otherwise conveyed and shall include any
4 resubdivision and shall further include any shopping center,
5 condominium, or area, regardless of its size, which provides
6 or will provide multiple space for recreational camping
7 vehicles, or mobile homes.

8 (16) "Shopping center" means a group of commercial
9 establishments containing a minimum of 100,000 square feet
10 of total sales floor area developed and managed as a single
11 unit with common offstreet parking provided on the
12 property."

13 Section 2. Section 76-3-202, MCA, is amended to read:
14 "76-3-202. Exemption for structures on complying
15 subdivided lands. Where required by this chapter, the land
16 upon which an improvement is situated has been subdivided in
17 compliance with this chapter, the sale, rent, lease, or
18 other conveyance of one or more parts of a building,
19 structure, or other improvement, except a shopping center,
20 situated on one or more parcels of land is not a division of
21 land and is not subject to the terms of this chapter."

22 Section 3. Section 76-3-204, MCA, is amended to read:
23 "76-3-204. Exemption for conveyances of one or more
24 parts of a structure or improvement. The sale, rent, lease,
25 or other conveyance of one or more parts of a building,

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1 structure, or other improvement, except a shopping center,
2 situated on one or more parcels of land is not a division of
3 land, as that term is defined in this chapter, and is not
4 subject to the requirements of this chapter."

5 NEW SECTION. Section 4. Exemption for certain
6 shopping centers. The provisions of this chapter do not
7 apply to shopping centers developed in compliance with a
8 zoning ordinance adopted pursuant to Title 76, chapter 1,
9 and that is based on a master plan that contains a housing
10 plan, public services plan, and land-use plan.

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