HOUSE BILL 726

Introduced by Marks

2/15	Introduced
2/16	Referred to Local Government
2/18	Hearing
2/18	Tabled in Committee

1      $\underline{House}$ BILL NO. $\underline{726}$

2   INTRODUCED BY $\underline{Marks}$

3

4   A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING PROCEDURES

5   FOR THE EXTENSION OF MUNICIPAL ZONING AND SUBDIVISION

6   REGULATIONS TO AN AREA OUTSIDE THE COUNTY IN WHICH THE

7   MUNICIPALITY IS LOCATED; AMENDING SECTIONS 76-2-101,

8   76-2-310, AND 76-2-311, MCA; AND PROVIDING AN IMMEDIATE

9   EFFECTIVE DATE."

10

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

12   **Section 1.** Section 76-2-101, MCA, is amended to read:

13   "76-2-101. **Planning and zoning commission and**

14 **district.** (1) Whenever the public interest or convenience

15 may require and upon petition of 60% of the freeholders

16 affected thereby, the board of county commissioners is

17 hereby authorized and empowered to order and create a

18 planning and zoning district and to appoint a commission

19 consisting of five members.

20   (2) No-such A planning or zoning district may be

21 created in an area which has been zoned by an incorporated

22 city pursuant to 76-2-310 and 76-2-311 when the county board

23 adopts a master plan pursuant to chapter 1 and accompanying

24 zoning or subdivision resolutions, or both, which include

25 the area.

1   (3) For the purposes of this part, the word "district"

2   shall mean any area that consists of not less than 40

3   acres."

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

5   "76-2-310. **Extension of municipal zoning and**

6   **subdivision regulations beyond municipal boundaries.** (1) The

7   local city or town council or other legislative body which

8   has adopted a master plan pursuant to chapter 1 may extend

9   the application of its zoning or subdivision regulations, or

10 both, beyond its limits in any direction to an area

11 contiguous to the municipality but not in a county which has

12 adopted such regulations within the contemplated area.

13   (2) An extension of municipal zoning or subdivision

14 regulations, or both, to an area beyond the municipal

15 boundaries and outside the boundaries of the county in which

16 the municipality is located must be accomplished under the

17 provisions of [section 4].

18   (3) (a) A city of the first class as defined in

19 7-1-4111 may not extend the application of its zoning or

20 subdivision regulations, or both, more than 3 miles beyond

21 its limits; a city of the second class may not so extend

22 more than 2 miles beyond its limits; and a city or town of

23 the third class may not so extend more than 1 mile beyond

24 its limits.

25   (b) Where two or more noncontiguous cities have

1   boundaries so near to one another as to create an area of
2   potential conflict in the event that all cities concerned
3   should exercise the full powers conferred by this section,
4   76-2-302, and 76-2-311, then the extension of zoning or
5   subdivision regulations, or both, by these cities shall
6   terminate at a boundary line agreed upon by the cities so
7   concerned."
8   **Section 3.** Section 76-2-311, MCA, is amended to read:
9   "76-2-311. Administration of regulations in extended
10   area. (1) Any city or town council or other legislative body
11   may thereafter enforce ~~such~~ zoning or subdivision
12   regulations, or both, in the area to the same extent, as if
13   ~~such~~ that property were situated within its corporate
14   limits, until the county board adopts a master plan pursuant
15   to chapter 1 and accompanying zoning or subdivision
16   resolutions, or both, which include the area.
17   (2) As a prerequisite to the exercise of this power, a
18   city-county planning board whose jurisdictional area
19   includes the area to be regulated must be formed or an
20   existing city planning board must be increased to include
21   two representatives from the unincorporated area which is to
22   be affected. These representatives shall be appointed by
23   the board of county commissioners of the county in which the
24   area to which regulations are to be extended is located.
25   Such representation, however, shall cease when the county

1   board adopts a master plan pursuant to chapter 1 and
2   accompanying zoning or subdivision resolutions, or both,
3   which include the area."
4   NEW SECTION. **Section 4.** Procedures for extension of
5   regulations to area outside boundaries of county in which
6   municipality located. (1) The governing body of a
7   municipality may extend zoning or subdivision regulations,
8   or both, to an area beyond its boundaries and outside the
9   boundaries of the county in which the municipality is
10   located under the procedures provided in this section.
11   (2) The governing body of the municipality proposing
12   to extend zoning or subdivision regulations, or both, shall:
13   (a) adopt a resolution providing a legal description
14   of the area to which regulations are to be extended;
15   (b) identify and notify by certified mail all property
16   owners in the area to which regulations are to be extended;
17   (c) submit to the electors of the municipality and to
18   property owners of the area or areas to which regulations
19   are to be extended the question of whether the extension
20   should take effect.
21   (3) The question of whether the extension should take
22   effect must be resolved by:
23   (a) a vote of the qualified electors at the next
24   general or special election of the municipality proposing to
25   extend the regulations; and

1   (b)   submission by mail to the property owners in the

2   area to which regulations are proposed to be extended

3   ballots on the question of whether the proposed regulations

4   should take effect.

5   (4)   The regulations may not take effect unless:

6   (a)   a majority of the electors voting on the question

7   within the municipality vote in favor of the proposal; and

8   (b)   a majority of the property owners in the area to

9   which regulations are proposed to be extended votes in favor

10   of the proposal.

11   NEW SECTION. **Section 5.** Codification   instruction.

12   [Section 4] is intended to be codified as an integral part

13   of Title 76, chapter 2, part 3, and the provisions of Title

14   76, chapter 2, part 3, apply to [section 4].

15   NEW SECTION. **Section 6.** Effective date. [This act] is

16   effective on passage and approval.

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