SENATE BILL 364

Introduced by Rye, et al.

2/11	Introduced
2/11	Referred to Local Government
2/11	First Reading
2/16	Hearing
2/18	Committee ReportBill Passed
2/20	2nd Reading Passed
2/22	3rd Reading Passed
	Transmitted to House
2/23	Referred to Local Government
2/23	First Reading
3/16	Hearing
3/26	Committee ReportBill Concurred as Amended
3/30	2nd Reading Concurred
4/01	3rd Reading Failed
4/02	Motion Failed to Reconsider
	Previous Action on 3rd Reading
4/02	Motion Carried to Postpone Action
	on Bill until the 76th Leg. Day
1/05	Motion Failed to Reconsider
	Previous Action on 3rd Reading

1 2 INTRODUCED BY

3 FALLY RESULT McCled Colling

4 A BILL POR AN ACT ENTITLED: "AN ACT PROHIBITING

5 MUNICIPALITIES FROM ENACTING ZONING PROVISIONS THAT REGULATE

6 THE NUMBER OF PERSONS WHO MAY RESIDE IN A DWELLING BASED

7 SOLEY UPON THE RELATIONSHIP BETWEEN THE PERSONS; AND

8 AMENDING SECTION 76-2-304, MCA."

9 10

11

12

13 14

15

16 17

18 19

20

21

22

23

24

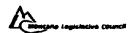
25

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

Section 1. Section 76-2-304, MCA, is amended to read:

"76-2-304. Purposes and restriction of soning. (1) Such regulations—shall Regulations must be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) Such--regulations--shall Regulations must be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land



- 1 throughout such the municipality.
- 2 (3) A municipality may not regulate the number of
- 3 residents of a dwelling if the regulation is, in any manner,
- 4 based upon the relationship between the residents.*

-End-

SB364 -2- Introduced Bill

APPROVED BY COMM. ON LOCAL GOVERNMENT

Senate BILL NO. 314

Janes Branch Mc Cell Collings

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING MUNICIPALITIES FROM ENACTING ZONING PROVISIONS THAT REGULATE THE NUMBER OF PERSONS WHO MAY RESIDE IN A DWELLING BASED SOLEY UPON THE RELATIONSHIP BETWEEN THE PERSONS; AND AMENDING SECTION 76-2-304, MCA."

9

10

11

12

13 14

15

16

17 18

19

20

21

22

23

24

25

1

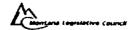
2

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

Section 1. Section 76-2-304, MCA, is amended to read:

"76-2-304. Purposes and restriction of soning. (1) Such regulations—shall Regulations must be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) Such-regulations-shall Regulations must be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land



- 1 throughout such the municipality.
- 2 (3) A municipality may not regulate the number of
- 3 residents of a dwelling if the regulation is, in any manner,
- based upon the relationship between the residents."

-End-

1

5

7

9 10

11

12

13 14

15 16

17

18 19

20

21

22

23

24

25

INTRODUCED BY

INTRODUCED BY

A BILL POR AN ACT ENTITLED: "AN ACT PROHIBITING

MUNICIPALITIES FROM ENACTING ZONING PROVISIONS THAT REGULATE

THE NUMBER OF PERSONS WHO MAY RESIDE IN A DWELLING BASED

SOLEY UPON THE RELATIONSHIP BETWEEN THE PERSONS; AND

AMENDING SECTION 76-2-304, MCA."

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

Section 1. Section 76-2-304, MCA, is amended to read:

*76-2-304. Purposes and restriction of soning. (1) Such regulations—shall Regulations must be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) Such-regulations-shall Regulations must be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land



- throughout such the municipality.
- 2 (3) A municipality may not regulate the number of
- 3 residents of a dwelling if the regulation is, in any manner,
- 4 based upon the relationship between the residents."

-End-

HOUSE STANDING COMMITTEE REPORT

March 26, 1993 Page 1 of 1

Mr. Speaker: We, the committee on <u>Local Government</u> report that <u>Senate Bill 364</u> (third reading copy -- blue) <u>be concurred in as amended</u>.

Signed: Norm Wallin, Chair

And, that such amendments read:

Carried by: Rep. Bohlinger

1. Page 2, line 5. Following: "line 4"

Insert: "(4) This section does not affect or limit the authority of a municipality to enact zoning regulations, pursuant to subsections (1) and (2); to reduce traffic and parking congestion; to control noise in a neighborhood; to avoid undue concentration of population; to regulate the total number of persons, related or unrelated, residing in a dwelling; or to conserve property values."

-END-

HOUSE 5B 364 681037SC.HSS

Committee Vote: Yes 12, No 4.

SENATE BILL NO. 364

2 INTRODUCED BY RYE, SQUIRES, BIANCHI, MCCULLOCH, BOHLINGER

3

5

6

7

1

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING MUNICIPALITIES FROM ENACTING ZONING PROVISIONS THAT REGULATE

THE NUMBER OF PERSONS WHO MAY RESIDE IN A DWELLING BASED

SOLEY UPON THE RELATIONSHIP BETWEEN THE PERSONS; AND

AMENDING SECTION 76-2-304, MCA."

9 10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Section 1. Section 76-2-304, MCA, is amended to read:

"76-2-304. Purposes and restriction of zoning. (1) Such regulations—shall Regulations must be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(2) Such-regulations-shall Regulations must be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land

- throughout such the municipality.
- 2 (3) A municipality may not regulate the number of
- 3 residents of a dwelling if the regulation is, in any manner,
- 4 based upon the relationship between the residents.
- 5 (4) THIS SECTION DOES NOT AFFECT OR LIMIT THE AUTHORITY
- 6 OF A MUNICIPALITY TO ENACT ZONING REGULATIONS, PURSUANT TO
- 7 SUBSECTIONS (1) AND (2), TO REDUCE TRAFFIC AND PARKING
- 8 CONGESTION; TO CONTROL NOISE IN A NEIGHBORHOOD; TO AVOID
- 9 UNDUE CONCENTRATION OF POPULATION; TO REGULATE THE TOTAL
- 10 NUMBER OF PERSONS, RELATED OR UNRELATED, RESIDING IN A
- 11 DWELLING: OR TO CONSERVE PROPERTY VALUES."

-End-