

1 (4) Zoning regulations may not include a requirement to:

2 (a) pay a fee for the purpose of providing housing for specified income levels or at specified sale
3 prices; or

4 (b) dedicate real property for the purpose of providing housing for specified income levels or at
5 specified sale prices.

6 (5) A dedication of real property as prohibited in subsection (4)(b) includes a payment or other
7 contribution to a local housing authority or the reservation of real property for future development of housing for
8 specified income levels or specified sale prices.

9 (6) Zoning regulations must allow for the use of a residential home or accessory structure by a
10 resident of the home or accessory structure for a home occupation. Zoning regulations must comply with the
11 following requirements:

12 (a) Except for actions that prevent or abate common law nuisances, zoning regulations may not:

13 (i) prohibit a home occupation from serving clients by appointment;

14 (ii) prohibit two or fewer nonresident employees from working at the home occupation;

15 (iii) prohibit or require structural modifications for a home occupation;

16 (iv) restrict the amount of floorspace a home occupation may use; or

17 (v) restrict storage or the use of equipment that does not produce effects outside the home or
18 accessory structure.

19 (b) Outside the home or accessory structure, a municipal governing body retains all power under
20 this chapter to regulate external effects that may accompany a home occupation under this section."

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

23 **"76-2-304. Criteria and guidelines for zoning regulations.** (1) Zoning regulations must be:

24 (a) made in accordance with a growth policy; and

25 (b) designed to:

26 (i) secure safety from fire and other dangers;

27 (ii) promote public health, public safety, and the general welfare; and

28 (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other

1 public requirements.

2 (2) In the adoption of zoning regulations, the municipal governing body shall consider:

3 (a) reasonable provision of adequate light and air;

4 (b) the effect on motorized and nonmotorized transportation systems;

5 (c) promotion of compatible urban growth;

6 (d) the character of the district and its peculiar suitability for particular uses; and

7 (e) conserving the value of buildings and encouraging the most appropriate use of land throughout

8 the jurisdictional area.

9 (3) Zoning regulations must allow for the use of a residential home or accessory structure by a
10 resident of the home or accessory structure for a home occupation. Zoning regulations must comply with the
11 following requirements:

12 (a) Except for actions that prevent or abate common law nuisances, zoning regulations may not:

13 (i) prohibit a home occupation from serving clients by appointment;

14 (ii) prohibit two or fewer nonresident employees from working at the home occupation;

15 (iii) prohibit or require structural modifications for a home occupation;

16 (iv) restrict the amount of floorspace a home occupation may use; or

17 (v) restrict storage or the use of equipment that does not produce effects outside the home or

18 accessory structure.

19 (b) Outside the home or accessory structure, a municipal governing body retains all power under
20 this chapter to regulate external effects that may accompany a home occupation under this section."

21 - END -