
68th Legislature 2023 HB 606.1

1	HOUSE BILL NO. 606		
2	INTRODUCED BY J. CARLSON, J. SCHILLINGER, S. GIST, K. ZOLNIKOV, A. BUCKLEY, R. LYNCH, B.		
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5	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ZONING REGULATIONS TO PROVIDE FOR THE		
6	USE OF RESIDENTIAL HOMES OR ACCESSORY STRUCTURES AS HOME OCCUPATIONS; AND		
7	AMENDING SECTIONS 76-2-203 AND 76-2-304, MCA."		
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:		
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11	Section	n 1. Section 76-2-203, MCA, is amended to read:	
12	"76-2-	203. Criteria and guidelines for zoning regulations. (1) Zoning regulations must be:	
13	(a)	made in accordance with the growth policy; and	
14	(b)	designed to:	
15	(i)	secure safety from fire and other dangers;	
16	(ii)	promote public health, public safety, and general welfare; and	
17	(iii)	facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other	
18	public requirements.		
19	(2)	In the adoption of zoning regulations, the board of county commissioners shall consider:	
20	(a)	reasonable provision of adequate light and air;	
21	(b)	the effect on motorized and nonmotorized transportation systems;	
22	(c)	compatible urban growth in the vicinity of cities and towns that at a minimum must include the	
23	areas around municipalities;		
24	(d)	the character of the district and its peculiar suitability for particular uses; and	
25	(e)	conserving the value of buildings and encouraging the most appropriate use of land throughout	
26	the jurisdictional area.		
27	(3)	Zoning regulations must, as nearly as possible, be made compatible with the zoning	
28	ordinances of nearby municipalities.		



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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	<u>(6)</u>	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	<u>(a)</u>	Except for actions that prevent or abate common law nuisances, zoning regulations may not:	
13	<u>(i)</u>	prohibit a home occupation from serving clients by appointment;	
14	<u>(ii)</u>	prohibit two or fewer nonresident employees from working at the home occupation;	
15	<u>(iii)</u>	prohibit or require structural modifications for a home occupation;	
16	<u>(iv)</u>	restrict the amount of floorspace a home occupation may use; or	
17	<u>(v)</u>	restrict storage or the use of equipment that does not produce effects outside the home or	
18	accessory structure.		
19	<u>(b)</u>	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	on 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	



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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	<u>(a)</u>	Except for actions that prevent or abate common law nuisances, zoning regulations may not:	
13	<u>(i)</u>	prohibit a home occupation from serving clients by appointment;	
14	<u>(ii)</u>	prohibit two or fewer nonresident employees from working at the home occupation;	
15	(iii)	prohibit or require structural modifications for a home occupation;	
16	<u>(iv)</u>	restrict the amount of floorspace a home occupation may use; or	
17	<u>(v)</u>	restrict storage or the use of equipment that does not produce effects outside the home or	
18	accessory structure.		
19	<u>(b)</u>	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 -	

