

## 1 HOUSE BILL NO. 156

2 INTRODUCED BY D. MOORE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A FIRST-CLASS MUNICIPALITY MAY ALLOW  
5 ACCESSORY DWELLING UNITS IN CERTAIN ZONING DISTRICTS ONLY UPON APPROVAL OF A CERTAIN  
6 PERCENTAGE OF PROPERTY OWNERS; AND AMENDING SECTION 76-2-302, MCA."

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

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10 **Section 1.** Section 76-2-302, MCA, is amended to read:

11 **"76-2-302. Zoning districts.** (1) For the purposes of 76-2-301, the local city or town council or other  
12 legislative body may divide the municipality into districts of the number, shape, and area as are considered best  
13 suited to carry out the purposes of this part. Within the districts, it may regulate and restrict the erection,  
14 construction, reconstruction, alteration, repair, or use of buildings, structures, or land.

15 (2) All regulations must be uniform for each class or kind of buildings throughout each district, but the  
16 regulations in one district may differ from those in other districts.

17 (3) In a proceeding for a permit or variance to place manufactured housing within a residential zoning  
18 district, there is a rebuttable presumption that placement of a manufactured home will not adversely affect  
19 property values of conventional housing.

20 (4) As used in this section, "manufactured housing" means a single-family dwelling, built offsite in a  
21 factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size,  
22 has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on  
23 site-built homes, and is in compliance with the applicable prevailing standards of the United States department  
24 of housing and urban development at the time of its production. A manufactured home does not include a mobile  
25 home or housetrailer, as defined in 15-1-101.

26 (5) (a) In a first-class municipality, zoning regulations may allow accessory dwelling units in a zoning  
27 district that is restricted to single-family residential units only upon the approval of at least 90% of the property  
28 owners within the existing zoning district.

29 (b) For the purposes of this subsection (5) "accessory dwelling unit" means a self-contained living unit  
30 subordinate to a single-family dwelling that includes its own cooking, sleeping, and sanitation facilities and is

