

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MUNICIPAL ZONING LAWS;
5 PROHIBITING ZONING REGULATIONS THAT RESTRICT DUPLEX, TRIPLEX, AND FOURPLEX HOUSING
6 IN CERTAIN CITIES; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 76-2-304 AND 76-2-309,
7 MCA."

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

10
11 **Section 1.** Section 76-2-304, MCA, is amended to read:

12 **"76-2-304. Criteria and guidelines for zoning regulations.** (1) Zoning regulations must be:

- 13 (a) made in accordance with a growth policy; and
 - 14 (b) designed to:
 - 15 (i) secure safety from fire and other dangers;
 - 16 (ii) promote public health, public safety, and the 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 municipal governing body shall consider:

- 20 (a) reasonable provision of adequate light and air;
 - 21 (b) the effect on motorized and nonmotorized transportation systems;
 - 22 (c) promotion of compatible urban growth;
 - 23 (d) the character of the district and its peculiar suitability for particular uses; and
 - 24 (e) conserving the value of buildings and encouraging the most appropriate use of land throughout
- 25 the jurisdictional area.

26 (3) On a parcel or lot that is currently permitted to allow for the development or use of a single-family
27 residence and that is currently serviced by both a municipal water system and a municipal sewer system, a city
28 or town council or other legislative body of a municipality may not enact or enforce a zoning regulation or

1 ordinance that prohibits the development or use of:

2 (a) duplex housing in a city with a population of at least 5,000 residents; or

3 (b) duplex, triplex, or fourplex housing in a city with a population of at least 50,000 residents.

4 (4) A city or town council or other legislative body of a municipality may not enact or enforce a zoning
5 regulation or ordinance that requires the development or maintenance of off-street parking spaces for single-
6 family residences or duplex, triplex, or fourplex housing.

7 (5) This section may not be construed to limit:

8 (a) regulations or ordinances imposed by a city or town council or other legislative body of a
9 municipality with a population less than 5,000 residents; or

10 (b) conditions imposed in covenants.

11 (6) As used in this section, the following definitions apply:

12 (a) "Duplex housing" means a housing structure containing two dwelling units, designed for residential
13 occupancy by not more than two family units living independently from each other.

14 (b) "Family unit" means:

15 (i) a single person living or residing in a dwelling or place of residence; or

16 (ii) two or more persons living together or residing in the same dwelling or place of residence.

17 (c) "Fourplex housing" means a housing structure containing four dwelling units designed for
18 residential occupancy by not more than four family units living independently from each other.

19 (d) "Single-family residence" has the meaning provided in 70-24-103.

20 (e) "Triplex housing" means a housing structure containing three dwelling units, designed for
21 residential occupancy by not more than three family units living independently from each other."

22

23 **Section 2.** Section 76-2-309, MCA, is amended to read:

24 **"76-2-309. Conflict with other laws.** (1) Wherever the regulations made under authority of this part
25 require a greater width or size of yards, courts, or other open spaces; require a lower height of building or less
26 number of stories; require a greater percentage of lot to be left unoccupied; or impose other higher standards
27 than are required in any other statute or local ordinance or regulation, the provisions of the regulations made
28 under authority of this part ~~shall~~ must govern.

1 (2) Wherever the provisions of any other statute or local ordinance or regulation require a greater
2 width or size of yards, courts, or other open spaces; require a lower height of building or a less number of
3 stories; require a greater percentage of lot to be left unoccupied; or impose other higher standards than are
4 required by the regulations made under authority of this part, except for restrictions provided in 76-2-304(3)
5 through (5), the provisions of ~~such a~~ statute or local ordinance or regulation ~~shall~~ must govern."

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