

HOUSE BILL NO. 134

INTRODUCED BY D. TENENBAUM

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MUNICIPAL ZONING LAWS; PROHIBITING ZONING REGULATIONS THAT RESTRICT DUPLEX, TRIPLEX, AND FOURPLEX HOUSING IN CERTAIN CITIES; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 76-2-304 AND 76-2-309, 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. Criteria and guidelines for zoning regulations. (1) Zoning regulations must be:

- (a) made in accordance with a growth policy; and
- (b) designed to:
  - (i) secure safety from fire and other dangers;
  - (ii) promote public health, public safety, and the general welfare; and
  - (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

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

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

(3) On a parcel or lot that is currently permitted to allow for the development or use of a single-family residence and that is currently serviced by both a municipal water system and a municipal sewer system, a city 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."

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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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