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
ordinance that prohibits the development or use of:

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

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

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

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

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

(b) conditions imposed in covenants.

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

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

(b) “Family unit” means:

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

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

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

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

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

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

“76-2-309. Conflict with other laws. (1) Wherever the regulations made under authority of this part require a greater width or size of yards, courts, or other open spaces; require a lower height of building or less number of stories; require a greater percentage of lot to be left unoccupied; or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this part shall must govern.
(2) Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces; require a lower height of building or a less number of stories; require a greater percentage of lot to be left unoccupied; or impose other higher standards than are required by the regulations made under authority of this part, except for restrictions provided in 76-2-304(3) through (5), the provisions of such a statute or local ordinance or regulation shall must govern."