1		SENATE BILL NO. 245	
2	INTRODUCED BY D. ZOLNIKOV, C. FRIEDEL, J. ELLSWORTH, K. BOGNER		
3			
4	A BILL FOR A	N ACT ENTITLED: "AN ACT REVISING MUNICIPAL ZONING LAWS; REQUIRING CERTAIN	
5	MUNICIPALITIES TO ALLOW MULTIFAMILY HOUSING AND MIXED-USE DEVELOPMENT; PROHIBITING A		
6	MUNICIPALITY FROM INCLUDING CERTAIN DENSITY, HEIGHT, LOT COVERAGE, SETBACK, AND		
7	PARKING REQUIREMENTS; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 76-2-304 AND 76-2-		
8	309, MCA."		
9			
10	BE IT ENACTE	ED BY THE LEGISLATURE OF THE STATE OF MONTANA:	
11			
12	Sectio	n 1. Section 76-2-304, MCA, is amended to read:	
13	"76-2-3	804. Criteria and guidelines for zoning regulations. (1) Zoning regulations must be:	
14	(a)	made in accordance with a growth policy; and	
15	(b)	designed to:	
16	(i)	secure safety from fire and other dangers;	
17	(ii)	promote public health, public safety, and the general welfare; and	
18	(iii)	facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other	
19	public requirements.		
20	(2)	In the adoption of zoning regulations, the municipal governing body shall consider:	
21	(a)	reasonable provision of adequate light and air;	
22	(b)	the effect on motorized and nonmotorized transportation systems;	
23	(c)	promotion of compatible urban growth;	
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	<u>(3)</u>	(a) In a municipality that is designated as an urban area by the United States census bureau	
28	with a population	on over 7,000 as of the most recent census, the city council or other legislative body of the	
	Legislativ	<i>e</i> - 1 - Authorized Print Version – SB 245	

Services Division

Amendment - 1st Reading-white - Requested by: Mary Ann Dunwell - (S) Local Government

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8th Le	egislature 2023	Drafter: Toni Henneman, 406-444-3593	SB0245.001.002	
1	municipality sh	all allow as a permitted use multifamily housing or mixed-use developments tha	t include	
2	multifamily hou	sing <u>on</u> a parcel or lot that is:		
3	<u>(i)</u>	currently serviced by both a municipal water system and a municipal sewer sy	stem; and	
4	<u>(ii)</u>	located in a zone where office, retail, or parking is a principally permitted use.		
5	<u>(b)</u>	Zoning regulations in municipalities meeting the requirements of subsection (3	b)(a) may not	
6	include a requirement to:			
7	<u>(i)</u>	limit the residential density or lot coverage of a multifamily housing or mixed-u	<u>se development</u>	
8	to lower than the highest residential density or lot coverage allowed in the entire jurisdiction of the municipality;			
9	<u>(ii)</u>	limit the height of a multifamily housing or mixed-use development to lower that	an the highest	
10	height allowed	in the entire jurisdiction of the municipality or 40 feet, whichever is greater;		
11	<u>(iii)</u>	impose minimum setback requirements on a multifamily housing or mixed-use	development	
12	larger than the	smallest minimum setback allowed in the municipality; or		
13	<u>(iv)</u>	impose a predetermined number of offstreet parking spaces.		
14	<u>(c)</u>	A municipality as provided in subsection (3)(a) may regulate the siting and des	<u>sign of a</u>	
15	multifamily hou	sing or mixed-use development that is required to be permitted under this section	on provided that	
16	the regulations	do not individually or cumulatively discourage the development of other multifa	mily housing or	
17	mixed-use dev	elopments permitted in the area through unreasonable costs or delay.		
18	<u>(4)</u>	As used in this section:		
19	<u>(a)</u>	"mixed-use development" means a development:		
20	<u>(i)</u>	consisting of residential and nonresidential uses in which the nonresidential u	<u>ses are less than</u>	
21	50% of the tota	I square footage of the development and are limited to the first floor of buildings	that are two or	
22	<u>more stories; a</u>	<u>nd</u>		
23	<u>(ii)</u>	that reserves at least 30% of the available units for residential use for low-inco	ome and	
24	moderate-income households as defined in 90-6-132; and			
25	<u>(</u> b)	"multifamily housing" means a housing accommodation that:		

- 26 (i) is designed principally for residential use;
- 27 (ii) reserves at least 30% of the residential units for low-income and moderate-income households

28 as defined in 90-6-132; and



Amendment - 1st Reading	-(S) J-white - Requested by: Mary Ann Dunwell	Local Government
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1 (iii) consists of not less than 5 housing units on one lot or parcel." 2 3 Section 2. Section 76-2-309, MCA, is amended to read: 4 "76-2-309. Conflict with other laws. (1) Wherever the regulations made under authority of this part 5 require a greater width or size of yards, courts, or other open spaces; require a lower height of building or less 6 a fewer number of stories;, require a greater percentage of a lot to be left unoccupied;, or impose other higher 7 standards than are required in any other statute or local ordinance or regulation, the provisions of the 8 regulations made under authority of this part shall govern. 9 (2) Wherever the provisions of any other statute or local ordinance or regulation require a greater 10 width or size of yards, courts, or other open spaces;, require a lower height of building or a less fewer number 11 of stories; require a greater percentage of <u>a</u> lot to be left unoccupied; or impose other higher standards than 12 are required by the regulations made under authority of this part, except for restrictions provided in 76-2-304(3), 13 the provisions of such the other statute or local ordinance or regulation shall govern." 14 - END -