| 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

- 2023 6

| 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 |
|-------------------------|---|------------------|
| - 2023 | | |
| 68th Legislature 2023 | Drafter: Toni Henneman, 406-444-3593 | SB0245.001.002 |

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 -