

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SENATE BILL NO. 323

INTRODUCED BY J. TREBAS, C. KNUDSEN, C. HINKLE, M. HOPKINS, K. BOGNER, D. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MUNICIPAL ZONING LAWS;  
REQUIRING CERTAIN CITIES TO PERMIT-ALLOW THE USE OF DUPLEX, TRIPLEX, AND FOURPLEX  
HOUSING IN ZONING REGULATIONS; PROVIDING DEFINITIONS; AMENDING SECTIONS 76-2-304 AND  
76-2-309, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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) In a city with a population of at least 5,000 residents, duplex housing must be allowed as a permitted use on a lot where a single-family residence is a permitted use, and zoning regulations that apply to the development or use of duplex housing may not be more restrictive than zoning regulations that are

1 applicable to single-family residences.

2 (4) In a city with a population of at least 50,000 residents, ~~duplex, triplex, or fourplex housing must~~  
3 be allowed as a permitted use on a lot where a single-family residence is a permitted use, and zoning  
4 regulations that apply to the development or use of duplex, triplex, and fourplex housing may not be more  
5 restrictive than zoning regulations that are applicable to single-family residences.

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

7 (a) "Duplex housing" means a parcel or lot with two dwelling units that are designed for residential  
8 occupancy by not more than two family units living independently from each other.

9 (b) "Family unit" means:

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

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

12 (c) "Fourplex housing" means a parcel or lot with four dwelling units that are designed for  
13 residential occupancy by not more than four family units living independently from each other.

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

15 (e) "Triplex housing" means a parcel or lot with three dwelling units that are designed for  
16 residential occupancy by not more than three family units living independently from each other."

17

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

19 **"76-2-309. Conflict with other laws.** (1) Wherever the regulations made under authority of this part  
20 require a greater width or size of yards, courts, or other open spaces; require a lower height of building or less  
21 number of stories; require a greater percentage of lot to be left unoccupied; or impose other higher standards  
22 than are required in any other statute or local ordinance or regulation, the provisions of the regulations made  
23 under authority of this part ~~shall~~must govern.

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

**Amendment - 1st Reading-white - Requested by: Jeremy Trebas - (S) Local Government**

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0323.001.001

1

2            NEW SECTION. **Section 3. Effective date.** [This act] is effective January 1, 2024.

3

- END -

AMEND