

1 SENATE BILL NO. 323  
2 INTRODUCED BY J. TREBAS, C. KNUDSEN, C. HINKLE, M. HOPKINS, K. BOGNER, D. ZOLNIKOV  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MUNICIPAL ZONING LAWS;  
5 REQUIRING CERTAIN CITIES TO PERMIT ALLOW THE USE OF DUPLEX, ~~TRIPLEX, AND FOURPLEX~~  
6 HOUSING IN ZONING REGULATIONS; PROVIDING DEFINITIONS; AMENDING SECTIONS 76-2-304 AND  
7 76-2-309, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10  
11 **Section 1.** Section 76-2-304, MCA, is amended to read:

12 **"76-2-304. Criteria and guidelines for zoning regulations.** (1) Zoning regulations must be:

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

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

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

26 (3) In a city with a population of at least 5,000 residents, DUPLEX HOUSING MUST BE ALLOWED AS A  
27 PERMITTED USE ON A LOT WHERE A SINGLE-FAMILY RESIDENCE IS A PERMITTED USE, AND zoning regulations that apply

**Amendment - 1st Reading/2nd House-blue - Requested by: Katie Zolnikov - (H) Local Government**

- 2023

68th Legislature 2023

Drafter: Laura Sankey Keip, 406-444-4410

SB0323.002.001

1 to the development or use of duplex housing may not be more restrictive than zoning regulations that are  
2 applicable to single-family residences.

3 ~~(4) — In a city with a population of at least 50,000 residents, DUPLEX, TRIPLEX, OR FOURPLEX HOUSING~~  
4 ~~MUST BE ALLOWED AS A PERMITTED USE ON A LOT WHERE A SINGLE-FAMILY RESIDENCE IS A PERMITTED USE, AND~~  
5 ~~zoning regulations that apply to the development or use of duplex, triplex, and fourplex housing may not be~~  
6 ~~more restrictive than zoning regulations that are applicable to single-family residences.~~

7 ~~(5)(4)~~ As used in this section, the following definitions apply:

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

10 (b) "Family unit" means:

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

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

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

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

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

18

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

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

25 (2) Wherever the provisions of any other statute or local ordinance or regulation require a greater  
26 width or size of yards, courts, or other open spaces; require a lower height of building or a less number of  
27 stories; require a greater percentage of lot to be left unoccupied; or impose other higher standards than are

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1 required by the regulations made under authority of this part, except for restrictions provided in 76-2-304(3) ~~and~~

2 ~~(4)~~, the provisions of such ~~the~~ statute or local ordinance or regulation shall must govern."

3

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

5

- END -

AMENDED