

1 SENATE BILL NO. 528

2 INTRODUCED BY G. HERTZ

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MUNICIPAL ZONING LAWS TO ALLOW FOR
5 ACCESSORY DWELLING UNITS; REQUIRING MUNICIPALITIES TO ADOPT CERTAIN REGULATIONS IN
6 RELATION TO ACCESSORY DWELLING UNITS; PROHIBITING CERTAIN REGULATIONS IN RELATION
7 TO ACCESSORY DWELLING UNITS; ALLOWING A MUNICIPALITY TO CHARGE A FEE TO REVIEW
8 APPLICATIONS TO CREATE ACCESSORY DWELLING UNITS; AND PROVIDING A DELAYED EFFECTIVE
9 DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 NEW SECTION. Section 1. Accessory dwelling units -- regulations -- restrictions. (1) A

14 municipality shall adopt regulations under this chapter that:

- 15 (a) allow a minimum of one accessory dwelling unit by right on a lot or parcel that contains a
16 single-family dwelling;
- 17 (b) allow an accessory dwelling unit that is:
- 18 (i) attached to a single-family dwelling;
- 19 (ii) detached from a single-family dwelling;
- 20 (iii) contained within the single-family dwelling; or
- 21 (iv) currently constructed or may be constructed;
- 22 (c) set a maximum gross floor area for accessory dwelling units that is the lesser of 1,000 square
23 feet or the gross floor area of the single-family dwelling; and
- 24 (d) allow an accessory dwelling unit to be used as rental housing.
- 25 (2) A municipality may not:
- 26 (a) require that a lot or parcel have additional parking to accommodate an accessory dwelling unit
27 or require fees in lieu of additional parking;

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

- 2023

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Drafter: Laura Sankey Keip, 406-444-4410

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- 1 (b) require that an accessory dwelling unit match the exterior design, roof pitch, or finishing
2 materials of the single-family dwelling;
- 3 (c) require that the single-family dwelling or the accessory dwelling unit be occupied by the owner;
- 4 (d) require a familial, marital, or employment relationship between the occupants of the single-
5 family dwelling and the occupants of the accessory dwelling unit;
- 6 (e) require periodic license renewal of an accessory dwelling unit;
- 7 (f) assess impact fees on the construction of an accessory dwelling unit;
- 8 (g) require improvements to public streets as a condition of permitting an accessory dwelling unit;
- 9 (h) set maximum building heights, minimum setback requirements, minimum lot sizes, maximum
10 lot coverages, or minimum building frontages for accessory dwelling units that are more restrictive than those
11 for single-family dwellings;
- 12 (i) impose more onerous zoning regulations on an accessory dwelling unit beyond those set forth
13 in this section; or
- 14 (j) require a restrictive covenant concerning an accessory dwelling unit on a parcel zoned for
15 residential use by a single-family dwelling. This subsection (2)(j) may not be construed to prohibit restrictive
16 covenants concerning accessory dwelling units entered into between private parties, but the municipality may
17 not condition a permit, license, or use of an accessory dwelling unit on the adoption or implementation of a
18 restrictive covenant entered into between private parties.

19 (3) Nothing in this section prohibits a municipality from regulating short-term rentals as defined in
20 15-68-101.

21 (3)(4) A municipality may require a fee for reviewing applications to create accessory dwelling units.
22 The one-time application fee for the license may be up to \$250 for each accessory dwelling unit. Nothing in this
23 section prohibits a municipality from requiring its usual building fees in addition to the application fee.

24 (4)(5) A municipality that has not adopted or amended regulations pursuant to this section by January
25 1, 2024, shall review and permit accessory dwelling units in accordance with the requirements of this section
26 until regulations are adopted or amended. Regulations in effect on or after January 1, 2024, THAT APPLY TO
27 ACCESSORY DWELLING UNITS AND do not comply with this section are void.

