

HOUSE BILL NO. 337

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MUNICIPAL ZONING DISTRICT REQUIREMENTS; PROHIBITING ZONING REGULATIONS FROM IMPOSING CERTAIN MINIMUM LOT SIZES ON A LOT THAT IS SERVICED BY A MUNICIPAL WATER AND SEWER SYSTEM; PROHIBITING CERTAIN DWELLING SETBACKS AND AREA RESERVED FOR OPEN SPACE; PROVIDING A DEFINITION; AND AMENDING SECTION 76-2-302, MCA."

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

**Section 1.** Section 76-2-302, MCA, is amended to read:

**"76-2-302. Zoning districts.** (1) For the purposes of 76-2-301, the local city or town council or other legislative body may divide the municipality into districts of the number, shape, and area as are considered best suited to carry out the purposes of this part. Within the districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.

(2) All regulations must be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

(3) In a proceeding for a permit or variance to place manufactured housing within a residential zoning district, there is a rebuttable presumption that placement of a manufactured home will not adversely affect property values of conventional housing.

(4) As used in this section, "manufactured housing" means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of the United States

1 department of housing and urban development at the time of its production. A manufactured home does not  
2 include a mobile home or housetrailer, as defined in 15-1-101.

3 (5) This section may not be construed to limit conditions imposed in historic districts, local design  
4 review standards, existing covenants, or the ability to enter into covenants pursuant to Title 70, chapter 17, part  
5 2.

6 (6) Zoning regulations may not include a requirement to:

7 (a) pay a fee for the purpose of providing housing for specified income levels or at specified sale  
8 prices; ~~or~~

9 (b) dedicate real property for the purpose of providing housing for specified income levels or at  
10 specified sale prices;

11 (c) comply with dimensional standards that cumulatively result in an effective minimum lot size of  
12 greater than 2,500 square feet for a lot that is currently serviced by both a municipal water system and a  
13 municipal sewer system; or

14 (d) on a lot that is less than 4,000 square feet:

15 (i) implement dwelling setbacks more than 10 feet from the front and rear lot lines or more than 5  
16 feet from the side lot lines; or

17 (ii) reserve more than 40 percent of lot area for open space or permeable surface.

18 (7) A dedication of real property as prohibited in subsection (6)(b) includes a payment or other  
19 contribution to a local housing authority or the reservation of real property for future development of housing for  
20 specified income levels or specified sale prices.

21 (8) As used in this section, "dimensional standard" means a development requirement that  
22 establishes the maximum size of buildings and structures located on a lot and the buildable area within a lot  
23 where a building can be located. The term includes but is not limited to requirements for lot coverage, building  
24 height, floor area ratio, density standards, lot width and depth requirements, setback requirements, or other  
25 standards defined in zoning regulations adopted pursuant to this part."

26 - END -