

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

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0382.002.002

SENATE BILL NO. 382

INTRODUCED BY F. MANDEVILLE, D. FERN, S. VINTON, M. BERTOGLIO, L. BREWSTER, M. HOPKINS, E.

BOLDMAN, G. HERTZ, C. FRIEDEL, J. KARLEN

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA LAND USE PLANNING ACT;
REQUIRING COUNTIES AND CITIES CITIES THAT MEET CERTAIN POPULATION THRESHOLDS TO
UTILIZE THE LAND USE PLAN, MAP, ZONING REGULATIONS, AND SUBDIVISION REGULATIONS
PROVIDED IN THE ACT; ALLOWING OTHER LOCAL GOVERNMENTS THE OPTION TO UTILIZE THE
PROVISIONS OF THE ACT; REQUIRING PUBLIC PARTICIPATION DURING THE DEVELOPMENT,
ADOPTION, OR AMENDMENT OF A LAND USE PLAN, MAP, ZONING REGULATION, OR SUBDIVISION
REGULATION; PROVIDING STRATEGIES TO MEET POPULATION PROJECTIONS; PROVIDING FOR
CONSIDERATION OF FACTORS SUCH AS HOUSING, LOCAL FACILITIES, ECONOMIC DEVELOPMENT,
NATURAL RESOURCES, ENVIRONMENT, AND NATURAL HAZARDS WHEN DEVELOPING A LAND USE
PLAN, MAP, AND ZONING REGULATION; PROVIDING FOR A PROCEDURE TO REVIEW SUBDIVISIONS
AND APPROVE FINAL PLATS; PROVIDING FOR A LOCAL GOVERNING BODY TO COLLECT FEES;
PROVIDING AN APPEALS PROCESS, ENFORCEMENT MECHANISMS, AND PENALTIES; PROVIDING
DEFINITIONS; REPEALING SECTIONS 7-21-1001, 7-21-1002, AND 7-21-1003, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. **Section 1. Short Title.** [Sections 1 through 37] may be cited as the "Montana Land
Use Planning Act".

NEW SECTION. **Section 2. Legislative purpose, findings, and intent.** (1) It is the purpose of
[sections 1 through 37] to promote the health, safety, and welfare of the people of Montana through a system of
comprehensive planning that balances private property rights and values, ~~economic efficiency in~~ public services

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

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0382.002.002

and adoption of the land use plan and implementing regulations; and

(d) allows for streamlined administrative review decisionmaking for site-specific development applications.

NEW SECTION. Section 3. Definitions. As used in [sections 1 through 37], unless the context or subject matter clearly requires otherwise, the following definitions apply:

(1) "Aggrieved party" means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

(2) "Applicant" means a person who seeks a land use permit or other approval of a development proposal.

(3) "Built environment" means man-made or modified structures that provide people with living, working, and recreational spaces.

(4) "Cash-in-lieu donation" is the amount equal to the fair market value of unsubdivided, unimproved land.

(5) "Certificate of survey" means a drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations.

(6) "Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.

(7) "Division of land" means the segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to [sections 1 through 37]. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land.

(8) "Dwelling-unit" means a building designed for residential-structure-in-which-a-person-or-persons reside living purposes, including single-unit, two-unit, and multi-unit dwellings.

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

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0382.002.002

1 (9) "Dwelling unit" means one or more rooms designed for or occupied exclusively by one
2 household.

3 (9)(10) "Examining land surveyor" means a registered land surveyor appointed by the governing body
4 to review surveys and plats submitted for filing.

5 (10)(11) "Final plat" means the final drawing of the subdivision and dedication required by [sections 1
6 through 37] to be prepared for filing for record with the county clerk and recorder and containing all elements
7 and requirements set forth in [sections 1 through 37] and in regulations adopted pursuant to [sections 1 through
8 37].

9 (12) "Four-unit dwelling" or "fourplex" means a building designed for four attached dwelling units in
10 which the dwelling units share a common separation, such as a ceiling or wall, and in which access cannot be
11 gained between the units through an internal doorway, excluding common hallways.

12 (11)(13) "IMMEDIATE FAMILY" MEANS A SPOUSE, CHILDREN BY BLOOD OR ADOPTION, AND PARENTS.

13 (12)(14) "JURISDICTIONAL AREA" OR "JURISDICTION" MEANS THE AREA WITHIN THE BOUNDARIES OF THE LOCAL
14 GOVERNMENT. FOR MUNICIPALITIES, THE TERM INCLUDES THOSE AREAS THE LOCAL GOVERNMENT ANTICIPATES MAY BE
15 ANNEXED INTO THE MUNICIPALITY OVER THE NEXT 20 YEARS.

16 (11)(13)(15) "Land use permit" means an authorization to complete development in conformance
17 with an application approved by the local government.

18 (12)(14)(16) "Land use plan" means the land use plan and future land use map adopted in
19 accordance with [sections 1 through 37].

20 (13)(15)(17) "Land use regulations" means zoning, zoning map, subdivision, or other land use
21 regulations authorized by state law.

22 (14)(16)(18) "Local governing body" or "governing body" means the elected body responsible for the
23 administration of a local government.

24 (15)(17)(19) "Local government" means a county, consolidated city-county, or an incorporated
25 municipality to which the provisions of [sections 1 through 37] apply AS PROVIDED IN [SECTION 5].

26 (16)(18)(20) "Manufactured housing" means a dwelling for a single household, built offsite in a
27 factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in

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

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0382.002.002

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

~~(17)(19)(21)~~ "Ministerial permit" means a permit granted upon a determination that a proposed project complies with the zoning map and the established standards set forth in the zoning regulations. The determination must be based on objective standards, involving little or no personal judgment, and must be issued by the planning administrator.

(22) "Multi-unit dwelling" means a building designed for five or more attached dwelling units in which the dwelling units share a common separation, such as a ceiling or wall, and in which access cannot be gained between the units through an internal doorway, excluding common hallways.

(23) "Permitted use" means a use that may be approved by issuance of a ministerial permit.

~~(18)(20)(24)~~ "Planning administrator" means the person designated by the local governing body to review, analyze, provide recommendations, or make final decisions on any or all zoning, subdivision, and other development applications as required in [sections 1 through 37].

~~(19)(21)(25)~~ "Plat" means a graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications.

~~(20)(22)(26)~~ "Preliminary plat" means a neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a governing body.

~~(21)(23)(27)~~ "Public utility" has the meaning provided in 69-3-101, except that for the purposes of [sections 1 through 37], the term includes a county water or sewer district as provided for in Title 7, chapter 13, parts 22 and 23, and municipal sewer or water systems and municipal water supply systems established by the governing body of a municipality pursuant to Title 7, chapter 13, parts 42, 43, and 44.

(28) "Single-room occupancy development" means a development with dwelling units in which residents rent a private bedroom with a shared kitchen and bathroom facilities.

(29) "Single-unit dwelling" means a building designed for one dwelling unit that is detached from any

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

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0382.002.002

1 other dwelling unit.

2 ~~(22)(24)(30)~~ "Subdivider" means a person who causes land to be subdivided or who proposes a
3 subdivision of land.

4 ~~(23)(25)(31)~~ "Subdivision" means a division of land or land so divided that it creates one or more
5 parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States
6 government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise
7 transferred and includes any resubdivision and a condominium. The term also means an area, regardless of its
8 size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or
9 mobile homes will be placed.

10 ~~(24)(26)(32)~~ "Subdivision guarantee" means a form of guarantee that is approved by the
11 commissioner of insurance and is specifically designed to disclose the information required in [section 33].

12 ~~(25)(27)(33)~~ "Tract of record" means an individual parcel of land, irrespective of ownership, that can
13 be identified by legal description, independent of any other parcel of land, using documents on file in the
14 records of the county clerk and recorder's office.

15 (34) "Three-unit dwelling" or "triplex" means a building designed for three attached dwelling units in
16 which the dwelling units share a common separation, such as a ceiling or wall, and in which access cannot be
17 gained between the units through an internal doorway, excluding common hallways.

18 (35) "Two-unit dwelling" or "duplex" means a building designed for two attached dwelling units in
19 which the dwelling units share a common separation, such as a ceiling or wall, and in which access cannot be
20 gained between the units through an internal doorway.

21

22 NEW SECTION. Section 4. Planning commission. (1) (a) Each local government shall establish, by
23 ordinance or resolution, a planning commission.

24 (b) Any combination of local governments may create a multi-jurisdiction planning commission or
25 join an existing commission pursuant to an interlocal agreement.

26 (c) (i) Any combination of legally authorized planning boards, zoning commissions, planning and
27 zoning commissions, or boards of adjustment existing prior to [the effective date of this act] may be considered

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

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0382.002.002

other relevant local services or facilities assessments adopted by the local governing body, such as a capital improvements plan or an impact fee study.

(5) The amount of detail provided in the analysis beyond the minimum criteria established in this section is at the discretion of the local governing body.

NEW SECTION. Section 12. Economic development. (1) The land use plan must:

(a) assess existing and potential commercial, industrial, small business, and institutional enterprises in the jurisdiction, including the types of sites and supporting services needed by the enterprises;

(b) summarize job composition and trends by industry sector, including existing labor force characteristics and future labor force requirements, for existing and potential enterprises in the jurisdiction;

(c) assess the extent to which local characteristics, assets, and resources support or constrain existing and potential enterprises, including access to transportation to market goods and services, and assess historic, cultural, and scenic resources and their relationship to private sector success in the jurisdiction;

(d) inventory sites within the jurisdiction, including zoned, unzoned, vacant, underutilized, and potentially redeveloped sites, available to meet the jurisdiction's economic development needs;

(e) assess the adequacy of existing and projected local facilities and services, schools, housing stock, and other land uses necessary to support existing and potential commercial, industrial, and institutional enterprises; and

(f) assess the financial feasibility of supporting anticipated economic growth in the jurisdiction.

(2) The local government may incorporate by reference any information or policies identified in other relevant economic development assessments.

(3) The amount of detail provided in the analysis beyond the minimum criteria established in this section is at the discretion of the local governing body.

NEW SECTION. Section 13. Natural resources, environment, and hazards. (1) The land use plan must:

(a) include inventories and maps of natural resources within the jurisdiction, including but not

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

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0382.002.002

limited to agricultural lands, agricultural water user facilities, minerals, sand and gravel resources, forestry lands, and other natural resources identified by the local government;

(b) describe the natural resource characteristics of the jurisdictional area, including a summary of historical natural resource utilization, data on existing utilization, and projected future trends;

(c) include an inventory, maps, and description of the natural environment of the jurisdictional area, including a summary of important natural features and the conditions of and real and potential threats to soils, geology, topography, vegetation, surface water, groundwater, aquifers, floodplains, scenic resources, wildlife, wildlife habitat, wildlife corridors, and wildlife nesting sites within the jurisdiction; and

(d) include maps of, identify factors related to, and describe natural hazards within the jurisdictional area, including flooding, fire, earthquakes, steep slopes and other known geologic hazards and other natural hazards identified by the jurisdiction, with a summary of past significant events resulting from natural hazards that includes:

(i) a description of land use constraints resulting from natural hazards;

(ii) a description of the efforts that have been taken within the local jurisdiction to mitigate the impact of natural hazards; and

(iii) a description of the role that natural resources and the environment play in the local economy.

(2) The local government may incorporate by reference any information or policies identified in other relevant assessments of natural resources, environment, or hazards.

(3) The amount of detail provided in the analysis beyond the minimum criteria established in this section is at the discretion of the local governing body.

NEW SECTION. Section 14. Land use and future land use map. (1) A land use plan must include a future land use map and a written description of the proposed general distribution, location, and extent of residential, commercial, mixed, industrial, agricultural, recreational, and conservation uses of land and other categories of public and private uses, as determined by the local government.

(2) The future land use map must reflect the anticipated and preferred pattern and intensities of development for the jurisdiction over the next 20 years, based on the information, analysis, and public input

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

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0382.002.002

collected, considered, and relevant to the population projections for and economic development of the jurisdiction and the housing and local services needed to accommodate those projections, while acknowledging and addressing the natural resource, environment, and natural hazards of the jurisdiction.

(3) The future land use map may not confer any authority to regulate what is not otherwise specifically authorized in [sections 1 through 37].

(4) The future land use map and the written description must include:

(a) a statement of intent describing the jurisdiction's applicable zoning, subdivision, and other land use regulations;

(b) descriptions of existing and future land uses, including:

(i) categories of public and private use;

(ii) general descriptions of use types and densities of those uses;

(iii) general descriptions of population; and

(iv) other aspects of the built environment;

(c) geographic distribution of future land uses in the jurisdiction, anticipated over a 20-year planning period that specifically demonstrate:

(i) adequate land to support the projected population in all land use types in areas where local services can be adequately and cost-effectively provided for that population;

(ii) adequate sites to accommodate the type and supply of housing needed for the projected population; and

(iii) areas of the jurisdiction that are not generally suitable for development and the reason, based on the constraints identified through the land use plan analysis;

(d) a statement acknowledging areas within the jurisdiction known to be subject to covenants, codes, and restrictions that may limit the type, density, or intensity of housing development projected in the future land use map; and

~~(d)~~(e) areas of or adjacent to the jurisdiction subject to increased growth pressures, higher development densities, or other urban development influences.

(5) To the greatest extent possible, local governments shall create compatibility in the land use

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

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0382.002.002

1 plans and future land use map in those areas identified in subsection ~~(4)(d)~~ (4)(e).

2 (6) The land use plan may:

3 (a) provide information required by a federal land management agency for the local governing
4 body to establish or maintain coordination or cooperating agency status; and

5 (b) incorporate by reference any information or policies identified in other relevant assessments
6 adopted by the local governing body, such as a pre-disaster mitigation plan or wildfire protection plan.

7 (7) The amount of detail provided in the analysis beyond the minimum criteria established in this
8 section is at the discretion of the local governing body.

9
10 **NEW SECTION. Section 15. Area plans.** (1) A local governing body may adopt area plans for a
11 portion of the jurisdiction to provide a more localized analysis of all or any part of a land use plan. An area plan
12 may include but is not limited to a neighborhood plan, a corridor plan, or a subarea plan.

13 (2) The adoption, amendment, or update of an area plan must follow the same process as a land
14 use plan provided for in [sections 7 through 17] and may be adopted as an amendment to the land use plan.

15 (3) The area plan must be in substantial compliance with the land use plan. To the extent an area
16 plan is inconsistent with the land use plan, the land use plan controls.

17
18 **NEW SECTION. Section 16. Issue plans.** (1) A local governing body may adopt issue plans for all or
19 part of a jurisdiction that provide a more detailed or thorough analysis for any component of the land use plan.

20 (2) The adoption, amendment, or update of an issue plan must follow the same process as a land
21 use plan provided for in [sections 7 through 17].

22 (3) If an issue plan covers the jurisdictional area of the land use plan, the issue plan may serve as
23 the detailed analysis required in the land use plan.

24
25 **NEW SECTION. Section 17. Implementation.** (1) The land use plan and future land use map is not
26 a regulatory document and must include an implementation section that:

27 (a) establishes meaningful and predictable implementation measures for the use and development

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

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0382.002.002

- 1
- 2 **NEW SECTION. Section 18. Authority to adopt local zoning regulations.** (1) (a) A local
- 3 government subject to [sections 1 through 37], within its respective jurisdiction, has the authority to and shall
- 4 regulate the use of land in substantial compliance with its adopted land use plan by adopting zoning
- 5 regulations.
- 6 (b) The governing body of a county or city has the authority to adopt zoning regulations in
- 7 accordance with [sections 18 through 24] by an ordinance that substantially complies with 7-5-103 through 7-5-
- 8 107.
- 9 **(c) A MUNICIPALITY SHALL ADOPT ZONING REGULATIONS FOR THE PORTIONS OF THE JURISDICTIONAL AREA**
- 10 **OUTSIDE OF THE BOUNDARIES OF THE MUNICIPALITY THAT THE GOVERNING BODY ANTICIPATES MAY BE ANNEXED INTO**
- 11 **THE MUNICIPALITY OVER THE NEXT 20 YEARS. UNLESS OTHERWISE AGREED TO BY THE APPLICABLE JURISDICTIONS,**
- 12 **ZONING REGULATIONS ON PROPERTY OUTSIDE THE MUNICIPAL BOUNDARIES MAY NOT APPLY OR BE ENFORCED UNTIL**
- 13 **THOSE AREAS ARE ANNEXED OR ARE BEING ANNEXED INTO THE MUNICIPALITY.**
- 14 (2) Local zoning regulations authorized in subsection (1) include but are not limited to ordinances
- 15 prescribing the:
- 16 (a) uses of land;
- 17 (b) density of uses;
- 18 (c) types of uses;
- 19 (d) size, character, number, form, and mass of structures; and
- 20 (e) development standards mitigating the impacts of development, as identified and analyzed
- 21 during the land use planning process and review and adoption of zoning regulations pursuant to [sections 1
- 22 through 37].
- 23 (3) The local government shall incorporate any existing zoning regulations adopted pursuant to
- 24 Title 76, chapter 2, into the zoning regulations meeting the requirements of [sections 1 through 37].
- 25 (4) The local government shall adopt a zoning map for the jurisdiction in substantial compliance
- 26 with the land use plan and future land use map and the zoning regulations adopted pursuant to this section,
- 27 graphically illustrating the zone or zones that a property within the jurisdiction is subject to.

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

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0382.002.002

(5) The local government may provide for the issuance of permits as may be necessary for the implementation of [sections 1 through 37].

(6) (a) The zoning regulations and map must identify areas that may necessitate the denial of a development or a specific type of development, such as unmitigable natural hazards, insufficient water supply, inadequate drainage, lack of access, inadequate public services, or the excessive expenditure of public funds for the supply of the services.

(b) The regulations must prohibit development in the areas identified in subsection (6)(a) unless the hazards or impacts may be eliminated or overcome by approved construction techniques or other mitigation measures identified in the zoning regulations.

(c) Approved construction techniques or other mitigation measures described in subsection (6)(b) may not include building regulations as defined in 50-60-101 other than those identified by the department of labor and industry as provided in 50-60-901.

(7) The zoning regulations and map must ~~prohibit mitigate the hazards created by~~ development in areas located within the floodway of a flood of 100-year frequency, as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body. If the hazards cannot be mitigated, the zoning regulations and map must identify those areas where future development is limited or prohibited.

(8) The zoning regulations must allow for the continued use of land or buildings legal at the time that any zoning regulation, map, or amendment thereto is adopted, but the local government may provide grounds for discontinuing nonconforming uses based on changes to or abandonment of the use of the land or buildings after the adoption of a zoning regulation, map, or amendment.

NEW SECTION. Section 19. Encouragement of development of housing. (1) The zoning regulations authorized in [section 18] must include a minimum of five of the following housing strategies, applicable to the majority of the area, ~~that allow for WHERE~~ residential development IS PERMITTED in the jurisdictional area ~~or that are adopted as programs applicable to the entire jurisdiction:~~

(a) allow, AS A PERMITTED USE, for at least two residential units per lot on a majority of land zoned to allow for residential development A DUPLEX RESIDENTIAL UNIT WHERE A SINGLE-FAMILY HOME single-unit dwelling IS

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

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0382.002.002

- 1 PERMITTED;
- 2 (b) ~~permit housing units to be incorporated in a wider range of development by adopting mixed-use~~
- 3 ~~zoning;~~
- 4 (e)(B) zone for higher density housing near transit stations, places of employment, higher education
- 5 facilities, and other appropriate population centers, as determined by the local government;
- 6 (d)(C) ~~provide reduced~~ ELIMINATE OR REDUCE OFF-STREET parking requirements TO REQUIRE NO MORE
- 7 THAN ONE PARKING SPACE PER RESIDENTIAL-dwelling UNIT;
- 8 (e)(D) ~~reduce or eliminate local IMPACT fees for ACCESSORY DWELLING UNITS OR~~ developments that
- 9 include MULTIFAMILY housing units multi-unit dwellings OR REDUCE THE FEES BY AT LEAST 25%;
- 10 (f)(E) allow, AS A PERMITTED USE, FOR AT LEAST ONE for internal or detached accessory dwelling ~~units~~
- 11 unit in all residential zones ON A LOT WITH A SINGLE-FAMILY HOME single-unit dwelling OCCUPIED AS A PRIMARY
- 12 RESIDENCE;
- 13 (g)(F) allow for single room single-room occupancy developments;
- 14 (h) ~~create or support a community land trust program and rezone land trust lots to allow for higher~~
- 15 ~~residential densities;~~
- 16 (i) ~~reduce or eliminate impact fees for accessory dwelling units;~~
- 17 (j)(G) allow for, AS A PERMITTED USE, a triplex or fourplex residential units per lot WHERE A SINGLE-
- 18 FAMILY HOME single-unit dwelling IS PERMITTED;
- 19 (k)(H) ~~reduce or eliminate minimum lot sizes~~ OR REDUCE THE EXISTING MINIMUM LOT SIZE REQUIRED BY AT
- 20 LEAST 25%;
- 21 (l)(I) ~~reduce or eliminate aesthetic, material, shape, bulk, size, height, floor area, and other massing~~
- 22 ~~requirements~~ FOR MULTIFAMILY multi-unit dwellings OR MIXED-USE RESIDENTIAL DEVELOPMENTS OR REMOVE AT
- 23 LEAST HALF OF THOSE REQUIREMENTS;
- 24 (m)(J) provide for zoning that specifically allows or encourages the development of tiny houses, as
- 25 defined in Appendix Q of the International Residential Code as it was printed on January 1, 2023;
- 26 (n)(K) ~~reduce or eliminate setback requirements~~ OR REDUCE EXISTING SETBACK REQUIREMENTS BY AT
- 27 LEAST 25%; or

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

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0382.002.002

(e)(L) INCREASE BUILDING HEIGHT LIMITS FOR ~~RESIDENTIAL DWELLINGS~~ dwelling units BY AT LEAST 25%;

(M) allow ~~MULTIFAMILY residential multi-unit dwellings~~ OR MIXED-USE development in all areas zoned

to allow AS A PERMITTED USE ON ALL LOTS WHERE office, retail, or commercial development as a ARE PRIMARY

permitted use USES; OR

(N) ALLOW ~~MULTIFAMILY RESIDENTIAL DEVELOPMENT multi-unit dwellings~~ AS A PERMITTED USE ON ALL

LOTS WHERE ~~THREE triplexes~~ OR ~~MORE RESIDENTIAL UNITS fourplexes~~ ARE PERMITTED USES.

(2) To meet the requirements of this section, a strategy allowed in subsection (1) must be measured in comparison to regulations adopted by a local government on or after January 1, 2021 IF A LOCAL GOVERNMENT'S EXISTING ZONING ORDINANCE ADOPTED PURSUANT TO TITLE 76, CHAPTER 2, BEFORE [THE EFFECTIVE DATE OF THIS ACT] DOES NOT CONTAIN A ZONING REGULATION THAT IS LISTED AS A REGULATION TO BE ELIMINATED OR REDUCED IN SUBSECTION (1), THAT STRATEGY IS CONSIDERED ADOPTED BY THE LOCAL GOVERNMENT.

(3) If the adoption of a housing strategy allowed in subsection (1) subsumes another housing strategy allowed in subsection (1), only one strategy may be considered to have been adopted by the local government.

NEW SECTION. Section 20. Limitations on zoning authority. (1) A local government acting pursuant to [sections 18 through 24] may not:

(a) treat manufactured housing units differently from any other residential units;

(b) include in a zoning regulation any requirement to:

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

(ii) dedicate real property for the purpose of providing housing for specified income levels or at specified sale prices, including a payment or other contribution to a local housing authority or the reservation of real property for future development of housing for specified income levels or specified sale prices;

(c) prevent the erection of an amateur radio antenna at heights and dimensions sufficient to accommodate amateur radio service communications by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal