

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

- 2025

69th Legislature 2025

Drafter: Maddie Krezowski,

HB0492.002.001

HOUSE BILL NO. 492

INTRODUCED BY K. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LOCAL GOVERNMENT LAWS; PROVIDING FOR LIMITED PARKING SPACE REQUIREMENTS IN MUNICIPAL ZONING; ~~REQUIRING COMPENSATION TO DEVELOPERS WHO ARE REQUIRED TO PROVIDE ADDITIONAL PARKING SPACES~~ ALLOWING PROPERTY OWNERS, DEVELOPERS, AND BUILDERS TO PROVIDE MORE THAN THE MINIMUM NUMBER OF PARKING SPACES; ~~AND AMENDING SECTIONS 7-14-4501, 76-2-304, AND 76-25-303, MCA;~~ AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 7-14-4501, MCA, is amended to read:

"7-14-4501. Acquisition, construction, and maintenance of parking areas. ~~(1) A city or town council may:~~

~~(1)(a) acquire by lease, gift, purchase, or condemnation pursuant to Title 70, chapter 30, lots or lands for use as parking areas for motor vehicles;~~

~~(2)(b) construct and maintain on the acquired land or on any premises owned or under lease by the city or town suitable parking facilities for the use of the public and for general traffic control; and~~

~~(3)(c) charge for the use of parking facilities;~~

~~(2) — A city or town council that requires more parking spaces than those allowed in 76-2-304(5) or 76-25-303(1)(i) for a new development shall compensate the property owner for the real cost of the construction of the required parking."~~

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

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- 1 (b) designed to:
- 2 (i) secure safety from fire and other dangers;
- 3 (ii) promote public health, public safety, and the general welfare; and
- 4 (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other
- 5 public requirements.

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

- 7 (a) reasonable provision of adequate light and air;
- 8 (b) the effect on motorized and nonmotorized transportation systems;
- 9 (c) promotion of compatible urban growth;
- 10 (d) the character of the district and its peculiar suitability for particular uses; and
- 11 (e) conserving the value of buildings and encouraging the most appropriate use of land throughout
- 12 the jurisdictional area.

13 (3) In a city with a population of at least 5,000 residents, duplex housing must be allowed as a

14 permitted use on a lot where a single-family residence is a permitted use, and zoning regulations that apply to

15 the development or use of duplex housing may not be more restrictive than zoning regulations that are

16 applicable to single-family residences.

17 (4) (a) In a municipality that is designated as an urban area by the United States census bureau

18 with a population over 5,000 as of the most recent census, the city council or other legislative body of the

19 municipality shall allow as a permitted use multiple-unit dwellings and mixed-use developments that include

20 multiple-unit dwellings on a parcel or lot that:

- 21 (i) has a will-serve letter from both a municipal water system and a municipal sewer system; and
- 22 (ii) is located in a commercial zone.

23 (b) Zoning regulations in municipalities meeting the requirements of subsection (4)(a) may not

24 include a requirement to provide more than:

- 25 (i) one off-street parking space for each unit and accessible parking spaces as required by the
- 26 Americans With Disabilities Act of 1990, 42 U.S.C. 12101, et seq.; or
- 27 (ii) an equivalent number of spaces required under subsection (4)(b)(i) provided through a shared

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1 parking agreement.

2 (5) Except ~~as provided in subsection (6)~~ or to provide accessible parking spaces as required by the
3 Americans With Disabilities Act of 1990, 42 U.S.C. 12101, et seq., zoning regulations may not include
4 provisions that require:

5 (a) ~~more than one parking space for every 5,000 feet of commercial space;~~

6 (b)(A) more than one parking space for each residential dwelling unit; ~~or~~

7 (c)(B) any minimum parking requirement for:

8 (i) existing buildings, including vacant buildings, undergoing a change of use;

9 (ii) ~~commercial spaces under 15,000 square feet;~~

10 (iii)(II) child-care facilities licensed or registered by the department of public health and human
11 services;

12 (iv)(III) ~~residential units under 1,200 square feet;~~

13 (v)(IV)(iii) deed-restricted affordable housing; or

14 (vi)(V)(iv) assisted living facilities; or

15 (c) more than one-half parking space for each residential unit under 1,200 square feet.

16 (6) ~~The city council or other legislative body of a municipality may require more parking spaces~~
17 ~~than those allowed in subsection (5) if the municipality compensates the developer or project owner for the real~~
18 ~~cost of the construction of the required additional parking~~ NOTHING IN THIS PART RESTRICTS A PROPERTY OWNER,
19 DEVELOPER, OR BUILDER FROM PROVIDING MORE PARKING SPACES THAN THE MINIMUM NUMBER OF PARKING SPACES
20 REQUIRED IN ZONING REGULATIONS ADOPTED UNDER THIS PART.

21 (5)(7) As used in this section, the following definitions apply:

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

24 (b) "Family unit" means:

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

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

27 (c) "Mixed-use development" means a development consisting of residential and nonresidential

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1 uses in which the nonresidential uses are less than 50% of the total square footage of the development and are
2 limited to the first floor of buildings that are two or more stories.

3 (d) "Multiple-unit dwelling" means a building designed for five or more dwelling units in which the
4 dwelling units share a common separation like a ceiling or wall and in which access cannot be gained between
5 units through an internal doorway, excluding common hallways.

6 (e) "Single-family residence" has the meaning provided in 70-24-103."
7

8 **Section 2.** Section 76-25-303, MCA, is amended to read:

9 **"76-25-303. Limitations on zoning authority.** (1) A local government acting pursuant to this part
10 may not:

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

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

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

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

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

22 (d) establish a maximum height limit for an amateur radio antenna of less than 100 feet above the
23 ground;

24 (e) subject to subsection (2) and outside of incorporated municipalities, prevent the complete use,
25 development, or recovery of any mineral, forest, or agricultural resources identified in the land use plan, except
26 that the use, development, or recovery may be reasonably conditioned or prohibited within residential zones;

27 (f) except as provided in subsection (3), treat the following differently from any other residential