

1 SENATE BILL NO. 532

2 INTRODUCED BY F. MANDEVILLE, D. ZOLNIKOV, J. FULLER, C. GLIMM, G. HERTZ, K. BOGNER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COUNTY ZONING LAWS TO ALLOW FOR  
5 ACCESSORY DWELLING UNITS; REQUIRING COUNTIES TO ADOPT CERTAIN REGULATIONS IN  
6 RELATION TO ACCESSORY DWELLING UNITS; PROHIBITING CERTAIN REGULATIONS IN RELATION  
7 TO ACCESSORY DWELLING UNITS; ALLOWING A COUNTY TO CHARGE A FEE TO REVIEW  
8 APPLICATIONS TO CREATE ACCESSORY DWELLING UNITS; AND AMENDING SECTION 76-4-130, MCA;  
9 AND PROVIDING A TERMINATION DATE."

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

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13 **NEW SECTION. Section 1. Accessory dwelling units -- regulations -- restrictions.** (1) (a) In  
14 jurisdictional areas where the board of county commissioners has established zoning regulations under this  
15 part, the regulations must allow a minimum of one accessory dwelling unit by right on a lot or parcel that  
16 contains a single-family dwelling.

17 (b) An accessory dwelling unit may be attached, detached, or internal to the single-family dwelling  
18 on a lot or parcel.

19 (c) ~~If the accessory dwelling unit is detached from or attached to the single family dwelling, it may  
20 not be more than 75% of the gross floor area of the single family dwelling or 1,000 square feet, whichever is  
21 less.~~

22 (2) A county may not:

23 (a) ~~require that a lot or parcel have additional parking to accommodate an accessory dwelling unit  
24 or require fees in lieu of additional parking;~~

25 (b) ~~(a)~~ require that an accessory dwelling unit match the exterior design, roof pitch, or finishing  
26 materials of the single-family dwelling;

27 (c) ~~(b)~~ require that the single-family dwelling or the accessory dwelling unit be occupied by the owner;

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

- 2025

69th Legislature 2025

Drafter: Toni Henneman,

SB0532.002.002

1        ~~(d)(c)~~ require a familial, marital, or employment relationship between the occupants of the single-  
2 family dwelling and the occupants of the accessory dwelling unit;

3        ~~(e)(d)~~ assess impact fees on the construction of an accessory dwelling unit;

4        ~~(f)(e)~~ require improvements to public streets as a condition of permitting an accessory dwelling unit,  
5 except as necessary to reconstruct or repair a public street that is disturbed as a result of the construction of  
6 the accessory dwelling unit;

7        ~~(g)(f)~~ set maximum building heights, minimum setback requirements, minimum lot sizes, maximum  
8 lot coverages, or minimum building frontages for accessory dwelling units that are more restrictive than those  
9 for the single-family dwelling on the lot;

10       ~~(h)(g)~~ impose more onerous development standards on an accessory dwelling unit beyond those set  
11 forth in this section; or

12       ~~(i)(h)~~ require a restrictive covenant concerning an accessory dwelling unit on a parcel zoned for  
13 residential use by a single-family dwelling. This subsection ~~(2)(i)(2)(h)~~ may not be construed to prohibit  
14 restrictive covenants concerning accessory dwelling units entered into between private parties, but the county  
15 may not condition a permit, license, or use of an accessory dwelling unit on the adoption or implementation of a  
16 restrictive covenant entered into between private parties.

17       (3) Nothing in this section prohibits a county from regulating short-term rentals as defined in 15-68-  
18 101.

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

22       (5) A county that has not adopted or amended regulations pursuant to this section by [the effective  
23 date of this act] shall review and permit accessory dwelling units in accordance with the requirements of this  
24 section until regulations are adopted or amended. Regulations in effect on or after [the effective date of this  
25 act], that apply to accessory dwelling units and do not comply with this section are void.

26       (6) The provisions of this section do not supersede applicable building codes, fire codes, or public  
27 health and safety regulations adopted pursuant to Title 50, chapter 2.

5 (8) Nothing in this section prohibits a county from adopting regulations that are more permissive  
6 than the accessory dwelling unit provisions provided in this section.

7 (9) For the purposes of this section:

8 (a) "accessory dwelling unit" means a self-contained living unit on the same parcel as a single-  
9 family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and  
10 complies with or is otherwise exempt from any applicable building code, fire code, and public health and safety  
11 regulations adopted pursuant to Title 50, chapter 2.

12 (b) "by right" means the ability to be approved without requiring:

13 (i) a public hearing;

14 (ii) a variance, conditional use permit, special permit, or special exception; or

15 (iii) other discretionary zoning action other than a determination that a site plan confo

16 applicable zoning regulations;

17 (c) "county" means a county that exercises zoning powers under this part;

18 (d) "S

19 dwelling unit; and  
20 (e) "single-family dwelling" means a building with one or more rooms designed for residential living  
21 purposes by one household that is detached from any other dwelling unit.

23 **Section 2.** Section 76-4-130, MCA, is amended to read:

24       **"76-4-130. Deviation from certificate of subdivision approval -- expedited review.** (1) Except as  
25       provided in subsection (2), a person may not construct or use a facility that deviates from the certificate of  
26       subdivision approval until the reviewing authority has approved the deviation.

27 (2) (a) A person may deviate from the certificate of subdivision approval without approval by the