

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MINIMUM RESIDENTIAL LOT RESTRICTIONS IN
5 ZONING; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

8
9 NEW SECTION. Section 1. Minimum lot size restrictions. (1) Except as provided in subsection (3),
10 a board of county commissioners may not establish a minimum residential lot size greater than half an acre for
11 lots that will contain a septic system and a community water system.

12 (2) Except as provided in subsection (3), a board of county commissioners may not establish a
13 minimum lot size greater than 1.5 acres for lots that will contain a well and a septic system.

14 (3) A board of county commissioners may establish larger minimum residential lot sizes than those
15 provided for in subsections (1) or (2) if the board of county commissioners demonstrates there is evidence that
16 water quality will be impaired or if there is consent of a landowner. Consent for a larger residential lot size may
17 not be compelled as an exaction.

18 (4) Nothing in this section precludes:

19 (a) a person submitting a subdivision application from requesting lot sizes greater than those
20 permitted in this section; or

21 (b) a local government from approving a subdivision or plat containing lot sizes greater than those
22 permitted in this section.

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24 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
25 integral part of Title 76, chapter 2, part 2, and the provisions of Title 76, chapter 2, part 2, apply to [section 1].

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27 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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1 NEW SECTION. **Section 4. Applicability.** [This act] applies to all county zoning plans. Residential
2 lots zoned prior to [the effective date of this act] and not in conformity with [section 1] must be rezoned within 6
3 months on request of a landowner.

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