67th Legislature SB 349.1

| 1  | SENATE BILL NO. 349  |
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| 2  | INTRODUCED BY S. FITZPATRICK   |
| 3  |  |
| 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."  |
| 6  |  |
| 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.   |
| 23 |  |
| 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]. |
| 26 |  |
| 27 | NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.                               |
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1 <u>NEW SECTION.</u> **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.

4 - END -

