

SENATE BILL NO. 349

INTRODUCED BY S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING MINIMUM RESIDENTIAL LOT RESTRICTIONS IN ZONING; 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. Minimum lot size restrictions. (1) Except as provided in subsection (3), a board of county commissioners may not establish a minimum residential lot size greater than half an acre for lots that will contain a septic system and a community water system.

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

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

(4) Nothing in this section precludes:

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

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

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

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

