

X. CONDOMINIUMS AND TOWNHOUSES

A. Condominium Development

All condominium developments are subdivisions subject to the terms of the Montana Subdivision and Platting Act (MSPA), except those exempted by 76-3-203, MCA as described in paragraphs 1 and 2, below. In order to be eligible for the exemption, the condominiums must be constructed on land subdivided in compliance with the MSPA.

1. The approval of the original subdivision of land expressly contemplated the construction of the condominiums, and any applicable park dedication requirements in 76-3-621, MCA, are complied with; or
2. The condominium proposal is in conformance with applicable local zoning regulations where local zoning regulations are in effect.

Where no division of land is created by a condominium development, the subdivision shall be reviewed under the procedures contained in Chapter VI (Subdivisions Created by Rent, Lease, or other Conveyance).

Where division of land takes place in a condominium development, the subdivision shall be reviewed under the procedures contained in Chapters III (major subdivision) or IV (minor subdivision) of these regulations, whichever is applicable.

B. Townhouse Developments

All townhouse developments are subject to the procedures contained in Chapters III or IV of these regulations, whichever is applicable.

C. Standards

1. Condominium and townhouse developments shall comply with those standards contained in Chapter XI (Design Improvement Standards), as determined by planning staff and required by the governing body.
2. Condominium and townhouse developments shall meet or exceed the minimum standards of the Montana Department of Environmental Quality and Lewis and Clark County.

3. All buildings and structures in a condominium or townhouse development shall be located at least 25 feet from the site boundary adjoining the right-of-way of a road or highway, and 15 feet from the other boundaries of the development site.
4. Condominium developments shall comply with all applicable provisions of the Unit Ownership Act—Condominiums, Title 70, Chapter 23, MCA, as amended.

D. Final Plans

In condominium developments where no land is subdivided, in lieu of filing of a final plat, the subdivider or developer shall submit to the planning staff three (3) copies of a final plan conforming to the requirements for preliminary plat contained in Appendix B of these regulations. The plan shall be reviewed to assure that it conforms to the approved preliminary plat and the conditions of approval. The approved final plan shall be maintained in the planning department. Where land is subdivided, final plat procedures shall apply.

E. Improvements

All required improvements shall be completed in place or an improvements guarantee provided, in accordance with Chapter III or Chapter IV of these regulations. This must occur prior to the approval of the final plat or site plan by the governing body, and prior to the construction of any dwelling units.