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
Section 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 Section 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
(Procedures for Subdivisions Created by Rent or Lease).

Where division of land takes place in a condominium development, the
subdivision shall be reviewed under the procedures contained in Chapter III.

B. Townhouse Developments

All townhouse developments are subject to the procedures contained in Chapter
III of these regulations.

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 twenty-five (25 ft.) feet from
the site boundary adjoining the right-of-way of a road or highway, and fifteen (15 ft.) 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 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.