

Condominiums and Townhomes

Definition of Condominium: The ownership of single units with common elements located on property submitted to the provisions of 70-23-101, et seq., MCA. The term does not include a townhome or townhouse.

Definition of Townhome/Townhouse: Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities (70-23-102(14), MCA).

All condominium, townhome, or townhouse developments are subdivisions subject to the terms of the local subdivision regulations and the MSPA, except those exempted by 76-3-203, MCA, as described below.

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

All condominium or townhome developments that are not exempt from subdivision review are subject to the applicable procedures contained in the subdivision regulations --Article 23-300 (City) or Chapter 3 (County), or Article 23-600 (City) or Chapter 6 (County). The applicable subdivision procedure will be based on:

1. Whether a division of land is to be created.
2. The number of proposed units.
3. Whether the land is a first or subsequent minor subdivision.