

County Zoning Amendments
"Part 1 - Capital Changes"

#6 – Condominium and Townhome Exemption Development (C-TED) Definition

The proposal is to create a new definition of Condominium and Townhome Exemption Development in Section 1.05, Missoula County Zoning Regulations, as shown below.

Proposed new definition of Condominium and Townhome Exemption Development

17. Condominium and Townhome Exemption Development (C-TED) – A development containing one or more units that are owned subject to an arrangement under which persons own their own units, and in the case of a townhome hold separate title to the land beneath their units, but under which they may jointly own the common area and facilities in accordance with MCA 70-23-102(5) and (14) and 76-3-203.

If this Capital Change is approved, we recommend revising Section 6.08 Missoula Development Park to allow for C-TED developments

6.08 B. General Provisions

2. This section is subject to the following parts of Missoula County Zoning Regulations, Resolution 76-113, as amended:

- b. Sections 2.03 and 3.06 O.

County Zoning Amendments
"Part 1 - Capital Changes"

#6 - Condominium and Townhome Exemption Developments (C-TED's)

The proposal is to create a new section in Chapter 3, Section 3.06, addressing
Condominium and Townhome Exemption Developments

O. Condominium and Townhome Exemption Development (C-TED)

1. Intent

Condominium and Townhome Exemption Development is intended to encourage affordable fee simple single unit, two-unit, and multi-unit residential, commercial, or industrial development without subdivision review in accordance with to MCA, §76-3-203 and Missoula County Zoning Regulations.

2. Condominium Conversion to Townhomes

Conversion of condominium projects constructed prior to (*date of adoption*) are not subject to the provisions of C-TED regulations unless dwelling units are added.

3. General Standards

a. C-TED's must be constructed on land previously subdivided in compliance with the Montana Subdivision and Platting Act, Title 76, Chapter 3, Parts 5 & 6, MCA.

b. C-TED's are subject to the space and bulk requirement of the zoning district in which they are located.

c. C-TED developments must be constructed to County road standards,

d. The maximum number of dwelling units allowed within a C-TED is computed by dividing the net area of the site by the subject zoning district's minimum lot area. Net site area is calculated by subtracting all of the following from the site's gross land area:

i. Special flood hazard areas;

ii. Jurisdictional (Army Corps of Engineers) wetlands and waterways;

iii. Riparian resource areas;

iv. Land with slope greater than 25%. (Note that 3.06 J. 2. may also adjust density on hillside land, if applicable.)

b-e. Residential C-TED

i. Minimum setbacks for residential Condominium and Townhome Exemption Development (C-TED) dwellings are measured to the nearest property line or public circulation system such as a street, roadway,

sidewalk, or trail in the case of primary front or secondary front yard setbacks, whichever is closer.

- ii. Rear and side setbacks are measured to the nearest dwelling or parcel line, whichever is closer.
- iii. When measuring the separation between adjacent dwelling units within the same development, multiply the minimum setback number by two.

4. Submittal Requirements

When applying for a Condominium and Townhome Exemption Developments (C-TED's), pursuant to MCA, §70-23-301, Contents of Declaration, the application shall include the following:

- a. a description of the land, whether leased or in fee simple, on which the building is located or is to be located;
- b. the name by which the property will be known and a general description of the building, including the number of stories and basements, the number of units, and the principal materials of which it is constructed;
- c. the unit designation, location, approximate area of each unit, and any other data necessary for proper identification;
- d. a map showing the areas of special flood hazard areas, jurisdictional (Army Corps of Engineers) wetlands and waterway, riparian areas, and slopes over 25% to calculate net density allowance;
- d.e. _____ a description of the general common elements and the percentage of the interest of each unit owner in the common elements;
- e.f. a description of the limited common elements, if any, stating to which units their use is reserved and in what percentage;
- f.g. a statement of the use for which the building and each of the units is intended;
- g.h. _____ an application for Special Exception, when applicable

5. Permitted Use

- a. A development of five or fewer dwelling units in districts that only allow detached single-family or two-family dwellings
- b. A development of nine or fewer dwelling units in districts that allow multiple-family dwellings
- c. A development of commercial, ~~or~~ industrial, or public/quasi-public buildings or units

6. Special Exception

- a. A development of six or more dwelling units in districts that only allow detached single-family or two-family dwellings

- b. A development of ten or more dwelling units in districts that allow multiple-family dwellings