

## **VI. LAND SUBDIVISIONS CREATED BY RENT OR LEASE AND CONDOMINIUMS**

### **VI-A. General**

A subdivision created by rent of lease, including a mobile or manufactured home or recreational vehicle park, is any tract of land divided by renting or leasing portions thereof. It is owned, however, as one parcel under single ownership (which can include a number of persons owning property in common). Subdivisions created by rent or lease and condominiums are exempt from the survey requirements of these Regulations, but must be submitted for review and be approved by the Commission before possession of any portion thereof may be conveyed in any manner.

#### **VI-A-1. Recreational Camping Vehicles -- Definition**

Developments which are subject to subdivision review because they will provide two or more spaces for recreational camping vehicles will be reviewed under section **VI-E Recreational Vehicle Park Standards**, below. For purposes of these regulations the term “recreational camping vehicle” means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle. The term includes but is not limited to travel trailers, camping trailers, truck campers, and motor homes.

#### **VI-A-2. Mobile Homes – Definition**

Developments which are subject to subdivision review because they will provide two or more spaces for mobile homes will be reviewed under section **VI-D Mobile Home Park Standards**, below. For purposes of these regulations the term “mobile home” means a detached residential dwelling unit, which may consist of two or more sections, fabricated at a factory and designed to be towed on its own chassis to a building site for occupation as a dwelling with or without a permanent foundation. The term includes, but is not limited to, “trailer homes,” “house trailers, and “manufactured homes” whether or not the unit has been constructed after July 1, 1976, in conformance with Federal Manufactured Home Construction and Safety Standards. The term does not include “modular” or “factory-built buildings” that are fabricated at a factory in accordance with the Uniform Building Code Standards applicable to site-built homes, and are transported to the site for final assembly on a permanent foundation.

#### **VI-A-3. Land Subdivisions Created by Rent or Lease**

- a. Land subdivision created by rent or lease will be reviewed under the procedures described in Section III, Major Subdivisions, or Section IV, Minor Subdivisions, as may be appropriate, except that the subdivider shall submit an unsurveyed final plan drawn to scale, rather than a final plat.

- b. Land subdivisions created by rent or lease are subject to the applicable design and improvement standards contained in Section V, Design and Improvement Standards.

## **VI-B. Procedures for Review**

### **VI-B-1. Definition**

A subdivision created by rent or lease, including a mobile home or recreational vehicle park, is any tract of land divided by renting or leasing portions thereof. It is owned, however, as one parcel under single ownership (which can include a number of persons owning property in common).

### **VI-B-2. Review and Approval**

Subdivisions which will provide multiple spaces for recreational camping vehicles or mobile homes and subdivisions created for rent or lease are exempt from the surveying and filing requirements of the MSPA. These subdivisions must be submitted for review and approved by the Commission before portions of the subdivision may be rented or leased. The subdivider shall submit a completed application form and a plan of the proposed development. The procedure used to review subdivisions for rent or lease will depend on the number of spaces within the proposed subdivision. Proposed subdivisions containing six or more spaces must be reviewed pursuant to Section III of these regulations. Proposed subdivisions containing five or fewer spaces must be reviewed pursuant to Section IV of these regulations. The subdivider shall submit to the Commission the preliminary plans, profiles, tentative grades, and specifications for proposed improvements. The plan must show the lot layout and the proposed location of the mobile home, recreational vehicle, or other unit on the lot.

### **VI-B-3. Improvements**

The subdivider shall install all required improvements before renting or leasing any portion of the subdivision. The Planning Office will inspect all required improvements in order to assure conformance with the approved construction plans and specifications.

### **VI-B-4. Final Plan Review**

In lieu of filing a final plat, the subdivider shall submit a plan conforming to the requirements for preliminary plats contained in Appendix A. The subdivider shall submit the plan to the Planning Office. The plan will be reviewed to assure that it conforms to the approved preliminary plan. The approved plan shall be maintained in the Planning Office project file.

#### **VI-B-5. DPHHS License**

If a subdivision that will provide multiple spaces for recreational camping vehicles or mobile homes is also a “trailer court,” “work camp,” “youth camp,” or “campground” as those terms are defined in section 50-52-102, MCA, the Commission will not grant final approval of the subdivision until the subdivider obtains a license for the facility from the Montana Department of Public Health and Human Services under Title 50, Chapter 52, MCA.

#### **VI-C. Design Standards for Subdivision Spaces Created by Rent or Lease**

##### **VI-C-1. Design Standards**

Subdivisions created by rent or lease must comply with the provisions of Section V, Design and Improvements Standards.

##### **VI-C-2. Additional Provisions**

The Commission may require provision for:

- a. storage facilities on the lot or in compounds located within a reasonable distance;
- b. a central area for storage or parking of boats, trailers, or other recreational vehicles;
- c. landscaping or fencing to serve as a buffer between the development and adjacent properties;
- d. an off-street area for mail delivery; and
- e. street lighting.

#### **VI-D. Mobile Home Park Standards**

##### **VI-D-1. Mobile Home Spaces**

- a. Mobile home spaces must be arranged to permit the safe and practical placement and removal of mobile homes.
- b. All mobile homes must be located at least twenty five (25) feet from any property boundary line abutting upon a public street or highway right-of-way and at least twenty (20) feet from other boundary lines of the park.
- c. The mobile home pad must be located at least fifteen (15) feet from the street that serves it.

- d. The size of the mobile home pad must be suitable for the general market to be served and must fit the dimensions of mobile homes anticipated.
- e. A mobile home pad may not occupy more than one-third (1/3) of the area of its space. The total area occupied by a mobile home and its roofed accessory buildings and structures may not exceed two-thirds (2/3) of the area of a space.
- f. The mobile home pad shall be improved to provide adequate support for the placement and tie-down of the mobile home.
- g. No mobile home or its attached structures, such as awnings and carports, may be located within 20 feet of any other mobile home or its attached structures.
- h. No detached structure, such as a storage shed, may be located within five feet of any mobile home or its attached structures.
- i. A minimum of two off-street parking spaces must be provided on or adjacent to each mobile home space. Parking spaces shall be nine feet by twenty feet (9' X 20') in size. The driveway must be located to allow for convenient access to the mobile home, and be a minimum of twelve (12) feet wide.
- j. One guest parking space must be provided for each ten (10) mobile home spaces. Group parking may be provided.
- k. The limits of each mobile home space must be clearly marked on the ground by permanent flush stakes, markers or other suitable means. Location of space limits on the ground must be approximately the same as those shown on the approved plans. Precise engineering of space limits is not required either on the plans or on the ground.
- l. Each mobile home must be skirted within thirty (30) calendar days after it is moved to a space within the mobile home park. The skirting must be of a fire-resistant material similar to that of the mobile home exterior.
- m. Minimum space area for each mobile home shall be 6,000 square feet.

#### **VI-D-2. Streets**

Streets within a mobile home park must meet the design standards specified in Section V-A-10 Streets and Roads. Streets must be designed to allow safe placement and removal of mobile homes.

- a. Streets must be designed to provide safe access to private or public roads.

- b. Roads within the mobile home park must be designed to provide safe traffic circulation and parking.
- c. One-way roads must be at least 15 feet wide; two-way roads must be at least 24 feet wide. If parking is to be allowed on the road add 8 feet to the total required width for each lane of parking allowed.

### **VI-D-3. Electrical Systems**

Electrical systems must be designed and installed in accordance with the applicable codes adopted by the authority having jurisdiction. Where the state or other political subdivision does not assume jurisdiction, such installations must be designed and constructed in accordance with the applicable state electrical standards.

### **VI-D-4. Gas Systems**

- a. Gas equipment and installations must be designed and constructed in accordance with the applicable codes adopted by the authority having jurisdiction. Where the state or other political subdivision does not assume jurisdiction, such installation must be designed and constructed in accordance with the applicable provisions of the “National Fuel Gas Code” (NFPA Pamphlet 54-1981) and the “Standard for the Storage and Handling of Liquefied Petroleum Gases” (NFPA Pamphlet 58-1981).
- b. A readily accessible and identified shutoff valve controlling the flow of gas to the entire gas piping system must be installed near to the point of connection of the liquefied petroleum gas container.
- c. Each mobile home lot must have an accessible, listed gas shutoff installed. This valve must not be located under a mobile home. Whenever the mobile home lot gas outlet is not in use, the shutoff valve must be plugged to prevent accidental discharge.

### **VI-E. Recreational Vehicle Park Standards**

#### **VI-E-1. Recreational Vehicle Spaces**

- a. Spaces in recreational vehicle parks must be arranged to allow for the safe movement of traffic and access to spaces.
- b. Roads within recreational vehicle parks must be designed to provide safe traffic circulation and parking. One-way roads must be at least 15 feet wide; two-way roads must be at least 24 feet wide. If parking is to be allowed on the road add 8 feet to the total required width for each lane of parking allowed.

- c. Recreational vehicles must be separated from each other and from other structures by at least 15 feet. Any accessory structures such as attached awnings must, for purposes of this separation requirement, be considered part of the recreational vehicle.
- d. No recreational vehicle space may be located less than 25 feet from any private or public street or highway right-of-way.
- e. Minimum space area for each recreational vehicle shall be 1,500 square feet.

#### **VI-E-2. Density**

The density of a recreational vehicle park must not exceed 25 recreational vehicle spaces per acre of gross site area.

#### **VI-F. Condominiums**

##### **VI-F-1. Procedures**

Unless exempted by section 76-3-203, MCA, all condominium developments are subdivisions subject to the terms of the MSPA as follows:

##### **VI-F-2. Review Where Land Will Not be Divided**

If no division of land will be created by a condominium subdivision, the subdivision must be reviewed under the procedures contained in Chapter VI, Subdivisions Created by Rent or Lease, with the following exception: final approval will not be given until the subdivider has either installed all required improvements, or has entered into a subdivision improvements agreement pursuant to Section III-C-4 Public Improvements Agreement; Guaranty.

##### **VI-F-3. Condominium Subdivisions Involving Land Divisions**

If a proposed condominium development will involve a division of land, the subdivision must be reviewed under the procedures contained in Section III.

##### **VI-F-4. Design Standards**

Condominium developments must comply with applicable standards contained in Section V, Design and Improvement Standards.

##### **VI-F-5. Unit Ownership Act**

Condominium developments must comply with all provisions of the Unit Ownership Act, Sections 70-23-102 through 70-23-703, MCA.

**VI-F-6. Cluster Development General Requirements**

A minimum of 30% of the total area within the subdivision shall remain undeveloped in a cluster development. Land protected as open space on a long term basis must be identified on the final plat and must include a copy of or a recording reference to the irrevocable covenant prohibiting further subdivision or development of the open space lots or parcels. (MCA §76-3-509)