

# Chapter 13A-31 - CONDOMINIUM DEVELOPMENT

**13A-31-01 Purpose and Applicability ..... 1**

**13A-31-02 Application and Review Process ..... 1**

A. Development Review

B. Application

C. Preliminary Review

D. Planning Commission Review

**13A-31-03 Validity of Preliminary Plat Review ..... 3**

**13A-31-04 Final Plat Review and Approval ..... 3**

**13A-31-05 Validity of Final Plat Approval ..... 4**

**13A-31-06 Changes to Unrecorded Final Plat ..... 4**

**13A-31-07 Convertible Space - Administrative Approval..... 4**

**13A-31-08 Minimum Standards Required ..... 4**

**13A-31-09 Condominium Conversion Standards for Existing Occupied Buildings ..... 5**

**13A-31-10 Application and Review Process for Condominium Conversions ..... 5**

A. Compliance with All Requirements for Condominium Development

B. Additional Requirements

C. Final Approval

# Chapter 13A-31 - CONDOMINIUM DEVELOPMENT

## 13A-31-01 Purpose and Applicability

The purpose of this Chapter is to establish standards and procedures for review of all condominium development within the City. Such provisions shall supplement zoning, site development, subdivision, health, building or other ordinances which may be applicable to the project, and shall apply to the approval of projects involving new construction, as well as projects involving the conversion of existing structures.

## 13A-31-02 Application and Review Process

- A. **Development Review.** To help expedite review of a development proposal, prior to submitting an application for a condominium project, persons interested in undertaking development may meet informally with a member(s) of the Community Development Department to become acquainted with the substantive and procedural requirements of this Code.

Staff may request the applicant to attend a development review meeting. At the meeting, the various departments will initially assess the development proposal and information submitted and make suggestions to the prospective developer with respect to the proposal's compliance with the provisions of the appropriate regulations of this Code, the International Building Code and any other applicable ordinances, codes, or standards and provide information concerning the City's review requirements and procedures.

Staff members may request that additional studies or information, e.g., geotechnical studies, traffic impact analyses, market feasibility analyses, or water needs analyses, be submitted together with the application for a condominium project.

- B. **Application.** The owner or developer who desires to build a new residential condominium project or office/commercial/warehouse condominium project shall first submit to the City an application which shall include, but not be limited to the following and shall include as many copies as the City determines to be sufficient for its staff and the Planning Commission to evaluate the project:

1. **General Development Application Form**
2. **Condominium Plat.** A condominium plat accurately drawn to scale in conformance with the provisions of State law, prepared by a land surveyor registered in the State of Utah. The scale of said condominium plat shall be no smaller than one inch equals 50 feet.
3. **Site Plan.** A site plan prepared to the same scale as the condominium plat designating the location of buildings, the intended use of the common areas, and the location and extent of storage, recreational facilities, parking, driveways, pedestrian ways, and information showing floor plans and elevations together with all information required by this Code for site plan review.
4. **Subdivision Requirements.** All documents and information required by this Code for subdivision review.

5. **Names and Addresses.** Names and addresses on mailing labels of property owners within 300 feet of the proposed project obtained from the Salt Lake County Recorder's Office.
6. **Property Plat.** A property plat from the Salt Lake County Recorder's Office showing the area to be developed.
7. **Fees.** Fees according to the fee schedule as adopted by the City Council.

**C. Preliminary Review**

1. Upon submittal of an application and supporting information and attendance at a development review meeting, if necessary, the condominium plat shall be forwarded to the reviewing departments and agencies to be reviewed preliminarily to determine if the plat, together with all supporting information, is complete and complies with all the requirements of this Code and other applicable City and agency standards including site plan review, subdivision review and use requirements.
2. If the departmental and agency reviews determine that all required, necessary and requested information has not been submitted or that some of the specifics of the plat or information do not comply with the requirements of this Code, the applicant shall be notified in writing and/or on the plat of any deficiencies, comments, corrections, and requirements (including additional information and/or studies) to be addressed. The revised plat and all required, necessary, and requested supporting information must be resubmitted after the appropriate additions and corrections are made in order to complete the application.
3. Upon resubmittal, the condominium plat will again be forwarded to the reviewing departments and agencies, and to the Planning Commission. The applicant shall be required to resubmit the plat and supporting documents to the City until all departments and agencies determine it is complete and complies with the requirements of this Code and other applicable City and agency standards.

- D. Planning Commission Review.** When the condominium plat has been determined by the Director to be complete and in compliance with all requirements, the plat, together with all supporting information, will be forwarded to the Planning Commission for review. If required by other provisions of this Code or state law, the Planning Commission shall review it at a public hearing with appropriate notice preceding the review.

The Planning Commission shall review the plat, including all supporting information, to determine if all appropriate impacts have been addressed and to receive public input, when required, concerning impacts and mitigation and to review compliance with all requirements of this Code. The Planning Commission may require additional studies/analyses to enable it to determine what impacts should be addressed and may establish additional requirements to address those anticipated impacts.

**13A-31-03 Validity of Preliminary Plat Review**

- A. The preliminary plat review is valid for two years. The Director may grant a two-year extension of the preliminary plat provided the plat still complies with all current applicable ordinances. No person or entity obtains a vested right to develop the property by reason of obtaining preliminary plat review.
- B. If a final plat which covers only a portion of the preliminary plat is recorded within the two year time limit or extension thereof, the validity of the unrecorded portion of the preliminary plat may be extended by the Director for one year from the date of recording that final plat.
- C. If the developer desires to change the grade or location of streets within the condominium project, or desires to increase the number of units in the project, or substantially alters the original condominium concept or design as determined by the Director, a revised preliminary plat must be submitted to the Planning Commission for review.
- D. The Director may, in his discretion, approve changes to the preliminary plat to decrease the number of units in the condominium project, to make minor boundary changes, or to make other minor changes without requiring that the revised preliminary plat be reviewed by the Planning Commission.

**13A-31-04 Final Plat Review and Approval**

- A. After review by the departments, agencies, and the Planning Commission, the applicant shall submit to the Community Development Department a final condominium plat and a declaration of condominium together with all supporting documents which comply with all statutes, ordinances, requirements, corrections, additions, etc. required by the departments, agencies, and the Planning Commission. Planning Commission may at its discretion delegate final plat review and approval to the Director.

The Community Development Department, along with the other reviewing departments and agencies, shall review the condominium plat and supporting information to determine compliance with all requirements, corrections, additions, etc. The owner(s) of land included on the plat, including but not limited to additional land, convertible land, withdrawable land, convertible space, and contractible land shall acknowledge the plat before an officer authorized by law to take the acknowledgment of conveyances of real estate and shall obtain the approval of the following agencies and officers, entered in writing on the plat by the designated officers and agencies:

- 1. The owner or operator of the underground and utility facilities.
  - 2. The City Engineer, Planning Commission, other departments as applicable, and City Attorneys Office.
  - 3. The Mayor for final approval which signature shall be attested to by the City Recorder.
- B. The developer shall pay all applicable development fees according to fee schedule as adopted by the City Council prior to the City releasing the mylar to be recorded.

- C. The developer shall be responsible for plat recordation with the Salt Lake County Recorder's Office. In addition, the following shall be returned to the City prior to the issuance of any building permits:
1. One mylar copy of the recorded condominium plat (full size 24" x 36")
  2. Four copies of the recorded condominium plat (full size 24" x 36")
  3. One 11" x 17" copy of the recorded condominium plat.
  4. One copy of the recorded Declaration of Condominium.
  5. Evidence of recordation.

### **13A-31-05 Validity of Final Plat Approval**

The final plat shall expire and be void one year after approval by the Mayor unless the plat has been recorded. The Director may grant one year increment extensions for the recordation of the final plat provided the final plat still complies with the current applicable ordinances.

### **13A-31-06 Changes to Unrecorded Final Plat**

The Director may, in his discretion, approve minor changes to approved final plats before the plat is recorded. The types of minor changes contemplated by this section would include legal description mistakes, minor boundary changes, and items that should have been included on the original final plats. Major changes to unrecorded approved final plats shall be reviewed by the Planning Commission for approval if the Director determines the changes to be substantially different from the original approval. Changes to recorded final plats shall be in accordance with State law and any policies or procedures adopted by the City.

### **13A-31-07 Convertible Space - Administrative Approval**

The Director may approve the conversion of space within an existing structure if the space was labeled on the recorded condominium plat as "convertible space" and it is proposed to be converted into one or more units or common areas and facilities. The developer shall submit an amended or supplemental condominium plat and declaration of condominium and all other documents required by the Utah Condominium Ownership Act. The Director must determine that the proposal is in compliance with all previously established requirements, conditions, limitations and regulations and is in compliance with all provisions of this Code.

### **13A-31-08 Minimum Standards Required**

The following are the minimum standards for a condominium project:

- A. All condominium units within a development shall be separately metered for gas and electricity.
- B. Each unit shall be provided with readily accessible individual shutoff valves or switches for water, gas, and electrical services.
- C. Each condominium unit shall be equipped with its own heating system.

- D. The water provider shall determine the appropriate number of meters.
- E. Water service shall be coordinated with respective water improvement districts.
- F. Sewer service shall be coordinated with respective sewer improvement districts.
- G. If the condominium project contains private streets, paths, or roadways, provisions shall be made for public utility easements over the entire private street, path, or roadway network. The City may also require public utility easements over other portions of the project to accommodate fire hydrants, water meters, street furniture, storm drainage, sanitary sewers, water and gas mains, electrical lines, irrigation systems, and similar public improvements and utilities. The City shall also require access routes necessary to assure that fire fighting equipment can reach and operate efficiently in all areas of the project.
- H. Each owner and the Association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the common area.
- I. All other requirements for the use(s) within the project e.g. mixed use, PUD, commercial, office etc.

#### **13A-31-09 Condominium Conversion Standards for Existing Occupied Buildings**

An unregulated condominium conversion of existing occupied buildings may have deleterious effects upon an occupant prior to a conversion since the seller and the buyer may not fully appreciate or understand the implications of condominium living and ownership. The specific purposes of this section are:

- A. To establish the requirements for approval for a conversion of existing occupied multifamily rental housing to residential condominiums and existing occupied commercial office buildings to commercial use condominiums.
- B. To establish building safety criteria for condominium conversion projects by requiring conformance to the City's building codes and other development standards.
- C. To ensure that condominium developments have adequate living space, open space, parking, and recreation areas.
- D. To establish the standards and criteria for the geographical layout of a condominium project.

#### **13A-31-10 Application and Review Process for Condominium Conversions**

- A. **Compliance with All Requirements for Condominium Development.** Proposals for the conversion of existing occupied residential or commercial projects shall comply with all requirements for the development of new residential or commercial condominium projects set forth above.

**B. Additional Requirements.** In addition to the application, review, and approval requirements for new condominium projects, the following information will be required for a condominium conversion.

1. **Property Report and Plan.** A property report containing the information specified in this section shall be submitted as part of the application, together with a plan for all proposed improvements and repairs. Such plan and report shall be prepared and certified by a civil engineer or a general engineering contractor licensed by the State of Utah. The owner or developer shall submit a Report of Property Condition which is intended to ensure that the standards of the declaration of condominium appropriately address existing and future conditions relating to maintenance and operation. The property report shall contain the following information:
  - a. The age of the building or buildings.
  - b. Condition of structural elements including roof, foundation, mechanical system, electrical system, plumbing system, and boiler or furnace.
  - c. Size of water service line from the meter to the individual unit.
  - d. Size of sewer lateral and sewer line(s) from each unit.
  - e. Capacity of electrical service for each unit (amps).
  - f. Condition of paving material on private streets.
  - g. Condition of paving or surfacing material on driveways, parking areas, sidewalks, curbs, etc.
  - h. Condition of paint and/or exterior surfaces of all buildings and structures.
  - i. All known conditions constituting deficiencies.
  - j. All known conditions which may require repair or replacement within the next succeeding five year period.
  - k. The report shall also contain a statement of disclosure containing all information pertinent to any failure of the building to meet the requirements of the then current building code, fire code, and applicable standards.
  - l. Fire restriction components and fire suppression systems.
2. **Report of Building Official.** At the time of submission of an application for the conversion of any existing occupied building(s), the appropriate fire authority shall make an inspection of the proposed condominium project to determine compliance with the life safety provisions of the current applicable building and fire codes, which shall be used to implement the provisions of this subsection.

Prior to Planning Commission preliminary review of a condominium project involving a conversion of existing occupied buildings, the appropriate fire authority shall submit a Property Inspection report to the Director specifying any deficiencies of life safety standards of the current building and fire codes, which are found to exist in the project. This report shall be submitted to the Planning Commission as an element of the Property Report and Plan.

- C. **Final Approval.** All proposals for the conversion of existing occupied residential or commercial projects into residential or commercial condominium projects shall comply with all requirements set forth above for the final review of a new condominium development project. In addition, the following information and inspections are required prior to final review for a condominium conversion.
1. Proof that all utility bills are current at the time of conversion.
  2. Prior to any final approval for the conversion of an apartment building or a commercial building to a condominium project, the building must conform to current building and fire codes.
  3. Prior to final approval, the developer shall request and the Chief Building Official shall cause final inspections of all buildings and structures and work therein to be made to determine conformance with the International Building Code, the International Fire Code and other applicable codes and ordinances.
  4. Payment of fees according to fee schedule as adopted by the City Council.