

CHAPTER 12-37 CONDOMINIUM ORDINANCE

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12-37-101. Purpose.

This Chapter is intended to allow flexibility and diversification in the use of land in the following zones of Woods Cross City; R-2, R-4, CRT, SFRT, C-1, C-2, C2-A, C-3, S-1, I-1, and AP. Condominium developments are allowed as a conditional use in each of these zones. Condominium developments are prohibited in any zone not listed herein. Condominium developments and the use of condominium units and space shall be limited to, and shall comply with, the permitted or conditional uses and other regulations of the applicable zone. Nothing in this Chapter shall be interpreted to state or imply that a condominium project, unit, association of unit owners or management committee is exempt from compliance with the City's zoning ordinance, building codes or similar development regulations. No condominium plat or any record of survey declaration or other material as required for recordation under this Chapter or the Utah Condominium Ownership Act as set forth in Title 57, Chapter 8, Utah Code Annotated, shall be recorded in the office of the Davis County Recorder until all aspects of the condominium project have been approved by Woods Cross City.

12-37-102. Definitions.

The definitions set forth at Section 57-8-3, *Utah Code Annotated*, (1953) as amended, are hereby adopted and incorporated herein by reference.

12-37-103. Compliance with Subdivision Ordinance.

All condominium developments Woods Cross City shall be developed and comply with the requirements of Title 11, the Woods Cross City Subdivision Ordinance, regarding the submission of plats, and the installation of public improvements and security/bonds for those improvements.

12-37-104. Planning Commission/City Council Review.

The approval process for condominium developments within Woods Cross City shall follow the requirements of Chapter 12-23 Site Plan Review. In addition to the requirements of Chapter 12-23, the Planning Commission and City Council shall consider the following as part of the site plan review process:

- (a) The geographic layout of the condominium project and the effect thereof on public health, safety and welfare.

(b) The facilities for utility lines, roads and parking areas in the development.

(c) The percentage of the project which will be devoted to common or recreational use and whether or not those areas are usable and contiguous, or otherwise configured in a safe and efficient manner.

(d) The contents of the declaration with respect to the standards of the development concerning maintenance, upkeep and operation of any roads, utility facilities, recreational areas, landscape areas and open space included in the project.

12-37-105. Preliminary Plat Review.

In addition to the requirements imposed by Title 11 of the City Code the preliminary plat shall:

(a) Observe all requirements in chapter 12-24 (Off-Street Parking and Loading, Woods Cross City Zoning Ordinance) and all parking facilities shall be clearly shown on the plat.

(b) If the development is to be constructed in phases, define clearly the construction dates and portions of the development to be constructed in the various phases of the project.

(c) Include an initial draft of the declaration.

12-37-106. Final Plat Review

At any time after approval of the preliminary plat by the Planning Commission, but no later than one year thereafter, of a proposed final plat shall be submitted to the Community Development Department. The submittal shall consist of an electronic file in PDF format and one (1) 11" x 17" paper copy of the final plat. Upon the review and approval by the Planning Commission, the final plat will be forwarded to the City Council for final action. If the final plat is rejected by any of the foregoing officers or agencies of the City, it shall be returned to the developer with a written statement of the reasons for rejection.

12-37-107. Final Plat Requirements.

The final plat shall comply in all respects with the requirements of Title 11, and, in addition shall:

(a) Show the size of each unit in square feet and where applicable, the address of each unit in the condominium project.

(b) Contain all other applicable details and items as required by Title 57, Chapter 8, Utah Code Annotated, as amended.

12-37-108. Recording.

When approved by all required officers and agencies, the Final Plat shall be filed for record in the Office of the Davis County Recorder by the Director.

12-37-109. Declaration.

Prior to the conveyance of any unit in a condominium project, a declaration shall be recorded which declaration shall comply in all respects with the provisions of Title 57, Chapter 8a, Utah Code Annotated as amended.

12-37-110. Bylaws.

The administration and operation of properties within a condominium project shall be subject to bylaws which may be either embodied in the declaration or in a separate instrument, a copy of which shall be attached to and recorded with the declaration. The contents of the bylaws and/or declaration shall comply with Utah Code Annotated Title 57, Chapter 8 and Chapter 8a, as amended, and by other state laws, rules and regulations governing condominium development, ownership and management.