

Chapter 17.79 CONDOMINIUM DEVELOPMENTS

17.79.010 Definition, approval required.

As used in this chapter, the term “condominium” shall be defined to be a real property development in which individual units in a multi-unit residential, commercial, or business complex are conveyed to a buyer, together with an undivided interest in common areas. No person shall sell or offer for sale any property purporting to be a condominium unless all approvals required by this chapter and the Moab Municipal Code have been obtained. (Ord. 06-10 (part), 2006)

17.79.020 New condominium developments.

New condominium developments shall be subject to all zoning and building code requirements generally applicable to new residential, commercial, or business development under the city code. An application for condominium development shall be processed under the applicable development review procedure except that a condominium shall not be subject to subdivision review procedures unless the development includes: a) common areas dedicated to public use; or b) condominium units that are not wholly contained within existing or proposed buildings. (Ord. 06-10 (part), 2006)

17.79.030 Condominium conversions.

Existing structures shall not be converted to condominium ownership without first receiving review and recommendation of the city planning staff. The planning commission shall review all staff recommendations and approve, deny, or approve subject to conditions all condominium conversion applications. (Ord. 06-10 (part), 2006)

17.79.040 Required compliance with existing codes.

All structures subject to condominium conversion shall be brought into compliance with all building and zoning requirements prior to condominium plat approval, except that the planning commission shall have discretionary authority to grant special exceptions to compliance with zoning code requirements where the applicant demonstrates that: a) site constraints prevent full compliance; and b) public health and safety is not jeopardized; and c) and appropriate mitigation measures are provided by the applicant. (Ord. 06-10 (part), 2006)

17.79.050 Notice requirement for tenants in buildings to be converted.

Before proceeding with the conversion of any apartment or other long-term rental unit in a project, the owner shall notify all existing tenants in such project, in writing, of the owners' intent to convert, and the proposed date thereof. Such notice shall provide, at a minimum, a sixty day review and relocation period, wherein no conversion may be approved by the city until such period has expired. Any tenant may waive any required notice period; provided that such waiver be executed in writing after the date of the notice; provided that all existing tenants waive the required notice period, an owner may proceed with a conversion before the expiration of the sixty-day period. Nothing in this chapter shall prevent an owner from preparing materials and submitting an application for conversion, as required by the city. Nothing in this chapter obligates an owner to proceed with a conversion after notice has been given. All condominium conversion applications shall provide a written report outlining the status of each existing unit as vacant or occupied and copies of all required notices. (Ord. 06-10 (part), 2006)

17.79.060 Plat and declaration approval.

All condominium developments shall include a condominium plat and condominium declaration

complying with the provisions of the Utah Condominium Ownership Act. The proposed plat and declaration shall be submitted with the application for staff review prior to any applicable decision by the body having land use authority. The final plat for all condominium conversions shall include a signature block for the planning commission, city planner, city engineer, and city attorney which must be executed prior to recording. Except where the applicant posts a performance guarantee under Section 16.20.060 (subdivisions) or Section 17.66.180(C) (planned unit developments), the condominium plat and declaration shall not be recorded until all approvals required under by city code have been obtained and all required improvements have been completed. (Ord. 06-10 (part), 2006)

17.79.070 Additions and amendments.

No additional units may be developed in an existing condominium project without prior city approval. Such additions shall require condominium plat amendments and shall be processed under the applicable development review procedure. (Ord. 06-10 (part), 2006)

17.79.080 Appeals.

Any person adversely affected by a decision with respect to a condominium development may appeal pursuant to the procedures specified for the type of application. In the case of condominium conversions reviewed under this chapter, the appeal body shall be the board of adjustment. Appeals of condominium conversions shall be filed with the city recorder no later than thirty days from the planning commission decision. (Ord. 06-10 (part), 2006)