

CHAPTER 9-4 DESIGN STANDARD

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9-4-101. MINIMUM STANDARDS REQUIRED.

To achieve the purposes and objectives of this Title, all proposals for a new condominium development shall be made pursuant to the provisions of this Chapter. Where the provisions of this Chapter cannot reasonably be complied with in the case of condominium conversions due to the design and location of existing structures and/or roads, the Planning Commission may waive some, or all, of these provisions. The standards and criteria contained herein are intended to provide assurances that the geographical layout of the project is accomplished in a manner which is attractive and is not detrimental to the functioning of the project or surrounding areas; and that the contents of the declaration assure proper operation, construction, maintenance and upkeep of all utilities, facilities, recreation areas, roads and parking areas within the development. In addition to the requirements specified in this Chapter, condominiums shall comply with all applicable requirements of the Design and Development Plan Ordinance, Chapter 7-14 of the West Valley City Municipal Code.

(Ord. No. 97-09 Amended 03/13/1997)

9-4-102. PARKING REQUIREMENTS.

(1) Each unit in a condominium development, irrespective of size, shall conform to the parking provisions contained in the West Valley City Zoning Ordinance.

(2) In addition to any other parking requirements, at least one space per four dwelling units for recreational vehicles and boat storage shall be provided. These spaces may be owned in common or by the Homeowners Association. If conditions within a condominium conversion preclude compliance with this requirement, a provision shall be placed in the bylaws or declaration precluding the parking of recreational vehicles and boats within the condominium development, and such preclusion shall be strictly enforced by the management.

(3) The required front and side yards which face upon a public street shall not be used for vehicular parking, but shall be landscaped with lawn and appropriate plants and shrubs as indicated on the approved final development plans.

9-4-103. UTILITY REQUIREMENTS.

(1) Each condominium unit within a development shall be separately metered for gas, electricity and water, unless the declarations provide for the Homeowners Association to pay the cost of services and prorate those costs to unit owners on an equitable basis. Such declaration must disclose to the unit owners that non-payment of utility bills by the Association may result in loss of utility service.

(2) Each unit shall be provided with readily-accessible individual shutoff valves, safety devices or switches for water, gas and electrical services.

9-4-104. MECHANICAL AND HEATING REQUIREMENTS.

(1) Each condominium unit shall be equipped with its own heating system, except where a central water or steam system is present.

(2) Each condominium unit shall be provided with its own means of controlling temperature in that unit when the building utilizes a central heating plant. All mechanical work and repairs shall be completed under a permit and shall comply with all applicable building, health and fire codes.

9-4-105. GEOGRAPHICAL LAYOUT REQUIREMENTS.

(1) The area proposed for a condominium development shall be in one ownership during development to provide for full supervision and control of said development, and to insure conformance with these provisions and all conditions imposed upon the preliminary and final development plans.

(2) Condominium development shall have an area greater than five acres. However, the Planning Commission may consider development proposals less than five acres, but not less than one acre, if the development is guided by a total design plan in which three or more of the following development standards are applied or varied to allow flexibility and creativity in site design, building design, and location.

- (a) Development. The Planning Commission may require arrangements of structures, open spaces, landscaping, buffering, and access within the development as necessary. The Commission may require specific setbacks, a lower residential density, a height limitation, and/or a similar type of land use as adjoining land. These criteria shall be used by the Commission to assure that adjacent properties will not be adversely affected by the development and that the development will be compatible with the land use in the surrounding area.
- (b) Construction Materials. Quality exterior materials including brick, stone, stucco, or other materials of similar high quality, durability, and low maintenance may be provided, as accepted by the Planning Commission.
- (c) Interior Amenities. Quality interior provisions, including amenities such as a fireplace, vaulted ceilings, and in-unit washer/dryer hookups.
- (d) Fencing. Exterior fencing shall include architecturally designed brick or block fences, wrought iron fences, structural wood fences, vinyl fences, or a combination of these materials.

- (e) Parking. Covered parking and/or garages may be required for all units.
- (f) Pedestrian and Bicycle Paths. Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, non-residential, and recreational facilities in or adjacent to the development.
- (g) Privacy. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, landscaping, and sound reducing construction techniques shall be used for the enhancement of property and the privacy of its occupants.
- (h) Security. The development may be designed to support security services, taking into account public safety recommendations from the West Valley City Police Department.
 - (i) Landscaping. The development site may be landscaped and should be composed of natural landscaping elements, including lawn, shrubs, ground covers, and a combination of evergreen and deciduous trees.
 - (j) Home Owner's Association. The development may be approved subject to the submission and approval of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the common open space and subject facilities.
 - (k) Recreational Amenities. Each development may provide recreation or site amenities, including, but not limited to, clubhouse, pool, tennis courts, sport courts, playgrounds, play fields, and nature areas.
- (3) The final development plan shall be prepared by a design team composed of an architect, a landscape architect, and an engineer or land surveyor, all licensed to practice in the State of Utah.
 - (4) Residential density as measured by dwelling units per acre within a condominium development may exceed that permitted by the underlying zone up to a maximum of 20 percent, provided that the density does not exceed the maximum recommended in the West Valley City Master Plan. The Planning Commission and the City Council both must find, however, that any increase in density will be compensated by increased amenities and improved design which, in its opinion, are proportional to the density increase which it authorizes.
 - (5) Dedication and improvement of streets shall be made in accordance with the Major Street Plan of the City and further as may be determined by the City Council upon the recommendation of the Planning Commission for special circumstances where it is necessary to serve the vehicular and pedestrian needs of the proposed development and of the City. Said streets shall be constructed to standards set forth for various classes of streets by the City and shall be dedicated to the City as public streets. In instances of severe topography, security requirements or other special circumstances which make dedication or development to City standards impractical or undesirable, the City Council, upon recommendation of the Planning Commission, may allow development of streets to special standards specifically approved as part of the final development plan. Maintenance and repair of non-dedicated streets shall be the perpetual responsibility of the Owners Association, it being understood that this responsibility shall not be borne by the City or any other governmental agency or body.
 - (6) With the following exceptions, dwellings and permitted structures may be located as approved in the final development plans. Locations and arrangements of buildings on the lot should be accomplished in a manner that will best utilize the lot area and create an attractive living environment. The following exceptions shall be considered as minimum requirements as they apply:
 - (a) Garages with entrances facing directly on public streets, whether in a front or side yard, shall be setback at least 20 feet from such streets.
 - (b) Setbacks shall be maintained along the peripheral property lines of the planned development which shall be equal to that required by the zone on the property immediately adjacent thereto. Buildings located on the periphery of the development shall be limited to a maximum height of two stories.
 - (c) In those instances where a proposed condominium development will front upon one or more existing streets, the setback from the street shall be equal to that required by the most restrictive zoning on property immediately adjacent along the same street frontage.
 - (7) Open space and recreation requirements: Each project shall meet the following standards for open space and recreational areas:
 - (a) Open space shall be provided and shall not be less than 50 percent of the site area in residential condominiums which contain multiple unit structures having three or more units per structure. Residential condominiums which consist of structures containing two or less units shall provide not less than 40 percent open space. The required open space shall be land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required setbacks. Said open space shall be devoted to landscaping, preservation of natural features, patios and recreational areas and facilities. Reduction may be made to this percentage of required open space by the Planning Commission and upon a showing that the open space in the site area will provide amenities; which will substantially meet the needs of future residents.
 - (b) Common open space shall comprise at least 50 percent of the required open space and shall be so designed for uses including, but not limited to, recreational, park or environmental amenity for common enjoyment and use by all residents.
 - (c) Open space in commercial and industrial condominiums shall be not less than 15 percent of the total site. Reduction may be made to this percentage of required open space by the Planning Commission if it can be demonstrated that proposed plan will still achieve the objectives of this Title if the reduction is allowed.
 - (d) Preservation, maintenance, and ownership of required open space within the development shall be accomplished by granting to City a permanent open space easement on or over the said private open spaces to guarantee that the open spaces remain perpetually in recreational use with ownership and maintenance being the responsibility of the owner or an Owner's Association established with articles of incorporation and bylaws which are satisfactory to City.
 - (8) Rental of Condominium Unit: The developer, or owner of property on which the condominium development is located, shall not lease more than 20 percent (20%) of individual units. Legal instruments setting forth this requirement shall be reviewed and approved by the City Attorney prior to development approval.

(Ord. No. 97-09 Amended 03/13/1997)

9-4-106. CONSTRUCTION LIMITATIONS.

- (1) Upon approval of a condominium development, construction shall proceed only in accordance with the plans and specifications approved by the Planning Commission and in conformity with any conditions attached by the Commission to its approval.
- (2) Amendments to approved plans and specifications for a condominium development shall be approved by the Planning Commission and

shown on the approved plans.

(3) The Building Inspector or any other City department shall not issue any permit for any proposed building, structure, activity or use within the project unless such building, structure, activity or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.