



Preliminary Condominium New Conversion

OFFICE USE ONLY	
Petition No.	
Date Received:	
Reviewed By:	

SALT LAKE CITY PLANNING

Proposed Planned Development Name:

Proposed Number of Units:

Subject property address:

Applicant name:

Applicant Phone:

Applicant Address:

Applicant e-mail address:

Cell/Fax:

Applicant's interest in subject property:

Property owner(s) name:

Phone:

Property owner e-mail address:

Cell/Fax:

If subdivision, provide subdivision engineer:

Phone:

Zoning:

Total Acreage:

County Tax ID ("Sidwell #") for all properties involved:

Please include with the application:

1. The names and addresses of all property owners located within four-hundred fifty feet (450') of the subject parcel(s). The name, address, and Sidwell number of each property owner must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
2. If the condominium proposal is a conversion, please include a property report responsive to Section 18.32.050 of the Salt Lake City Code. Also provide the names and addresses of tenants of the building, and proof that they have been notified of the owner's intent to convert the building into condominiums.
3. Two (2) copies of proposed bylaws governing the long term maintenance of building.
4. Ten (10) copies of a preliminary survey plat drawn to scale at a minimum of 1:20. The plat must be accurately drawn by a registered Utah land surveyor or professional engineer. (See reverse side for plat map inclusions.)
5. A current Sidwell Map (with aerial photography and ownership lines) showing the entire area of the proposed condominium.

Filing fee of \$442.96 plus \$33.22 per unit is required at time of application.

Notice: Additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information submitted as part of the application may be copied and made public including professional architectural or engineering drawings which will be made available to decision makers, public and any interested party.

If you have any questions regarding the requirements of this petition, please contact a member of the Salt Lake City Buzz Center (535-7700) prior to submitting the petition.

File the complete application at:

SLC Buzz Center
451 South State Street, Room 215,
Salt Lake City, UT 84114

County tax parcel ("Sidwell") maps and names of property owners are available at:

Salt Lake County Recorder
2001 South State Street, Room N 1600
Salt Lake City, UT 84190-1051

Signature of Property Owner _____ Date _____
Or authorized agent

THE CONDOMINIUM PROCESS

WHAT IS A CONDOMINIUM

A condominium is a type of ownership in a building where an individual owns the interior air space and an undivided interest in the rest of the building. Typically, condominium projects are multi-family structures with several apartments, but could have as few as two units. A record of survey map establishes the individual ownership boundaries, and identifies property owned in "common". This common area, for instance the building, the mechanical systems and such, is owned and maintained by all owners of the project. The owners cooperate to maintain the common area through an Owner's Association with bylaws recorded to establish the rules.

CONDOMINIUM APPLICATION

There are two types of condominium approvals; one is for new construction and the other is for conversions of existing apartment buildings. Each require many of the same items to facilitate the review but there are some unique requirements as well. An application for new condominium review and approval must have:

1. Six copies of a record of survey map, showing the legal boundary description, the interior floor plans, and the common and limited common areas.
2. Two copies of proposed bylaws governing long-term maintenance of the building.
3. The names and addresses of all property owners within 300 feet, exclusive of streets.
4. A current Sidwell map, available at the County Recorder's Office.
5. A review fee of \$300 plus \$10 per unit.

For an application to convert an existing apartment to condominium ownership, the applicant must also include:

1. A property report, detailing the condition of the building and anything that has less than five years remaining useful life.
2. Names and addresses of tenants of the building, and proof that they have been notified of the owner's intent to convert the building to condominiums.

CONDOMINIUM REVIEW PROCESS

A preliminary record of survey map is circulated to various City departments for their review and comment. The departments will consider the request, inspect the property, and identify any issues or conditions of their approval in a written response to the project planner. The project planner compiles the department comments into a staff analysis and schedules a public hearing in front of an administrative hearing officer. Notices are mailed to all property owners within 300 feet exclusive of streets and tenants of the building if the application is for conversion. The applicant will receive a copy of the staff analysis and department comments. The hearing officer may approve the application with conditions or may refer the application to the Planning Commission for its consideration. Any interested person may present their comments or concerns to the administrative hearing officer and may ask that the application be forwarded to the Planning Commission for a more extensive hearing.

After the project has received preliminary approval and complied with any conditions, a final plat is prepared and recorded. The units are identified with a sidwell number and may now be sold.

**SALT LAKE CITY ENGINEERING DIVISION
SUBDIVISION PLAT CHECKLIST**

The items which are **checked and/or underlined** must be corrected before the City Surveyor accepts or approves the plat. A line drawn through any statement means it is not applicable.

SHEET FORMAT

- _____ Preliminary approval - submit paper copies of plat sheet(s).
Final approval - submit mylar plat sheet(s).
- _____ Sheet size 24" x 36".
- _____ Preferred capital letters in 0.1 inch in height (minimum 0.08 inch).
- _____ Title of plat at least 0.4 inches high at the top of sheet with the location by ¼
Section, Township, Range, Base and Meridian.
- _____ Standard City Engineer's title block.
- _____ Vicinity map.
- _____ Surveyor's certificate, professional stamp, and signature.
- _____ Name, address and phone number of firm preparing the plat.
- _____ North arrow points to the top or left of the plat sheet and in same direction in
vicinity map. All labels, names and descriptions properly oriented with the North
arrow.
- _____ Affidavits, jurats.

PLAT DRAWING DETAILS

- _____ Plat scale, minimum 1" = 100'.
- _____ Bearings and distances for boundary lines and lot lines.
- _____ Bearings and distances for right-of-ways and easements.
- _____ Lot size, number, blocks (if any), alleys, street name and number.
- _____ Street curve data, center-lines and/or monument lines.
- _____ Land to be dedicated to public use (green belts, common areas).
- _____ Boundary description.

SURVEY DATA

- _____ All monuments found, set, re-set, replaced or removed, stated at each point, or in legend. Monument caps set by surveyor must be stamped with L.S. number of surveyor and/or company name, designation and date.
 - _____ Draw picture of brass caps showing marked and stamped data for any existing monuments and the monuments to be set.
 - _____ Show type of boundary markers and lot markers used, minimum type, No. 5 (5/8 " dia.) rebar and cap stamped with the surveyors L.S. number and/or company name.
 - _____ Cross reference all documents on plat used to locate monuments, monument lines and lines of record.
 - _____ Basis of bearing. Include sufficient data for retracing.
 - _____ Measured (M) or measured and adjusted (M&A) horizontal ground distances shown.
 - _____ Verification of boundary line locations. The City Surveyor will not accept or approve any plat which does not show areas of confusion, if present.
 - _____ Statement of accuracy, Minimum linear closure of 1:15,000.
 - _____ Date of survey.
 - _____ Survey tie to Section corner, 1/4 corner, land corner of recorded subdivision, etc.
 - _____ All measured bearings and distances, with labels, separately noted from those of record.
 - _____ Description data agrees with drawing data.
 - _____ Description closes mathematically within limits.
 - _____ Surveyed intersections of new streets (to be dedicated) and existing streets and 1/4 section lines that intersect. At least two (2) found and/or re-established monuments must be shown on existing streets and/or section lines.
 - _____ Whenever elevations are shown on the plat an acceptable benchmark and datum will also need to be noted.
 - _____ Applicable tax serial number (parcel I D number) – Utah State Code Section 17-21-20.
- NOTE: When subdivision boundary corners have been set, notify SLC Surveyor's office for field check. PHONE: 535-7973

CONDOMINIUM DECLARATION AND BY-LAWS CHECKLIST

UTAH STATE CODE

- _____1. Description of the land or interest in real property included within the project.
- _____2. Description of any buildings, which states the number of stories and basements, the number of units, the principle materials of which the building is or is to be constructed, and a description of all improvements contained or to be contained in the project.
- _____3. The unit number of each unit, the square footage of each unit, and any other description or information necessary to properly identify each unit.
- _____4. Description of the common areas and facilities of the project.
- _____5. Description of any limited common areas and facilities and statement as to which unit the use of the limited common areas and facilities is reserved.
- _____6. Statements indicating the percentage or fraction of undivided interest in the common areas and facilities appurtenant to each unit, including voting.
- _____7. Statements regarding the name of the person to receive service of process on behalf of the property, together with the residence or the place of business of that person, which must be within the state of Utah.
- _____8. Description of the method by which the declaration may be amended.
- _____9. Statements of intention that the Utah Condominium Act applies to the property.
- _____10. Declaration, by-laws, and record of survey map must be duly executed and acknowledged by all of the owners and any lessees of the land.

SALT LAKE CITY CONDOMINIUM ORDINANCE

- _____ 1. Statement that the Homeowner's Association may regulate, limit or prohibit rentals of condominium units.
- _____ 2. Statement that the Homeowners Association may require the rental of condominium units to be conducted through the Homeowner's Association or a designated management company, and may require that all lease agreements be reviewed and approved by the Homeowner's Association or the management company, that any tenants be screened by the Homeowner's Association or the management company prior to renting the condominium, and that the approval of the Homeowner's Association or the management company shall not be unreasonably withheld.
- _____ 3. Statement that prior to renting any condominium unit, the condominium owner and tenant shall execute a written lease agreement which shall include the following provisions:
 - a. Tenants shall agree to comply with all of the terms and conditions of the condominium declaration and by-laws.
 - b. Tenants shall agree not to allow or commit any nuisance, waste, unlawful or illegal act on the premises.
 - c. Owner and tenant shall acknowledge that the Homeowner's Association is an intended third-party beneficiary of the lease agreement, that the Homeowner's Association shall have the right to enforce compliance with the condominium declaration and by-laws and to abate any nuisance, waste, unlawful or illegal activity on the premises; and that the Homeowner's Association shall be entitled to exercise all of the owner's rights and remedies under the lease agreement to do so.
- _____ 4. Statement requiring that prior to a tenant's occupancy of a condominium unit, the condominium owner must provide the Homeowner's Association with the name, address and telephone number of the tenant and a copy of the written lease agreement.
- _____ 5. Statement that the Homeowner's Association shall have the right and the obligation to enforce compliance with the condominium declaration and by-laws against any owner and/or occupant of any condominium unit, and shall have all rights and remedies available under state or local laws, in addition to its rights and remedies as a third-party beneficiary under any lease agreement, to enforce such compliance.

Chapter 21A.56 CONDOMINIUM APPROVAL PROCEDURE

Sections:

21A.56.010 Purpose of Provisions

21A.56.020 Definitions

21A.56.030 Applicability of Provisions

21A.56.040 Proposed Project Application Fees

21A.56.050 New Construction Process

21A.56.060 Condominium Conversion Process

21A.56.070 Appeal of Administrative Decisions

21A.56.080 Appeal of Planning Commission Decisions

21A.56.090 Annual Report to the Planning Commission

21A.56.010 Purpose of Provisions:

This chapter establishes procedures for the review and approval of condominium projects to ensure they comply with applicable Salt Lake City ordinances and state laws.

21A.56.020 Definitions:

For the purposes of this chapter:

"Building official" means the director of the division of building services and licensing or such person as the director shall designate.

"Common areas and facilities" means the property and improvements of the condominium project conforming to the definition set forth in title 57-8-7, Utah Code Annotated, 1975, as amended or its successor.

"Condominium", "condominium project", or "condominium unit" means property or portions thereof conforming to the definition set forth in title 57-8-3, Utah Code Annotated, 1975, as amended or its successor.

"Condominium ownership act of 1975" means the provisions of chapter 8 of title 57 of Utah Code Annotated, as amended in 1975.

"Conversion" means a proposed change in the type of ownership of a parcel or parcels of land together with the existing attached structure from single ownership of said parcel, such as an apartment house, into that defined as a condominium project involving separate ownership of individual units combined with joint collective ownership of common areas.

"Planning official" means the director of the planning division or such person as the director may designate.

"Plat" means "record of survey map" as defined in title 57-8-13, Utah Code Annotated, 1975, as amended or its successor.

21A.56.030 Applicability of Provisions:

The procedures and requirements of this chapter apply to the processing and approval of condominium record of survey maps for condominium projects. Such provisions shall supplement zoning, site development, health, building or other ordinances which may be applicable to the condominium project, and shall apply to the approval of projects involving new construction, as well as projects involving the conversion of existing structures. In addition, projects which involve dedication of real property to the ownership and use of the public shall also be considered subdivisions and require compliance with applicable provisions of [title 20](#) of this code.

21A.56.040 Proposed Project Application Fees:

A. Information Required: The owner or developer of a proposed condominium project desiring approval shall file both a preliminary application and a final application with the Salt Lake City planning division on forms prescribed by the city together with:

1. Six (6) copies of the proposed map, accurately drawn to scale, as required by title 57-8-13, Utah Code Annotated, 1975, as amended or its successor, which shall be made by a registered Utah land surveyor. Such map shall set forth: a) the angular and linear data along the exterior boundaries of the property; b) the linear measurement and location, with reference to the exterior boundaries, of the building or buildings; c) the diagrammatic floor plans of the buildings, including identifying number or symbol; d) the elevations of the finished or unfinished interior surfaces of the floors and ceilings and the linear measurements of the finished or unfinished interior surfaces of the perimeter walls, and the lateral extensions of every unit; e) a distinguishing number or symbol for every physical unit identified on the record of survey map; f) the limited common and common areas and intended use/uses.
2. Two (2) copies of the proposed condominium bylaws and declarations, including itemizing those facilities which will be commonly owned and maintained by the owners, and the plan for providing long term funding, as required by city ordinance. The declaration shall also contain the following:
 - a. A statement that the homeowners' association may regulate, limit, or prohibit rentals of condominium units;
 - b. A statement that the homeowners' association may require the rental of condominium units to be conducted through the homeowners' association or a designated management company, and may require that all lease agreements be reviewed and approved by the homeowners' association or the management company, that any tenants be screened and approved by the homeowners' association or the management company prior to renting the condominium, and that the approval of the homeowners' association or the management company shall not be unreasonably withheld;
 - c. A statement that prior to renting any condominium unit, the condominium owner and the tenant shall execute a written lease agreement which shall include the following provisions:
 - i. The tenant shall agree to comply with all of the terms and conditions of the condominium declaration and bylaws;

ii. The tenant shall agree not to allow or commit any nuisance, waste, unlawful or illegal act upon the premises; and

iii. The owner and the tenant shall acknowledge that the homeowners' association is an intended third party beneficiary of the lease agreement, that the homeowners' association shall have the right to enforce compliance with the condominium declaration and bylaws and to abate any nuisance, waste, unlawful or illegal activity upon the premises; and that the homeowners' association shall be entitled to exercise all of the owner's rights and remedies under the lease agreement to do so;

d. A statement requiring that prior to a tenant's occupancy of a condominium unit, the condominium owner must provide to the homeowners' association the name, address and telephone number of the tenant and a copy of the written lease agreement;

e. A statement that the homeowners' association shall have the right and the obligation to enforce compliance with the condominium declaration and bylaws against any owner and/or occupant of any condominium unit, and shall have all rights and remedies available under state or local law, in addition to its rights and remedies as a third party beneficiary under any lease agreement, to enforce such compliance.

3. A printed list on gummed mailing labels of owners of all real property within three hundred feet (300'), excluding streets, of the proposed condominium. Where conversion of an existing building is proposed, the mailing list shall include current tenants of the building.

4. Where conversion of an existing building is proposed, a property report must be prepared consistent with the requirements of section [18.32.050](#) of this code (adopted building code appendix nonconforming building conversion), and submitted as part of the application, together with a plan for proposed improvements, renovations or repairs to existing structures/facility.

5. Where conversion of an existing residential building is proposed, proof of notice to occupants shall be required before final approval. The notice shall include the estimated purchase price of the units, and information regarding proposed improvements. The notice shall describe any financing packages or economic incentives being offered to tenants to assist in unit purchase. The notice shall also include a date occupants must vacate or purchase, said date shall be no earlier than ninety (90) days after service of the notice. Relocation information for the tenants, specifying available housing relocation resource agencies, and a plan of any services to be voluntarily provided by the owner/developer, shall be included in the notice.

B. Filing Fees: To assist the city in defraying costs incurred in review of the project, fees shall be submitted with each application in the following amounts:

Preliminary:

1. Three hundred dollars (\$300.00) per project plan; plus
2. Ten dollars (\$10.00) per unit.

Final:

1. Two hundred dollars (\$200.00) per project plan; plus
2. Ten dollars (\$10.00) per unit.

C. **Determination of Complete Application:** The application for either preliminary or final condominium approval shall not be considered complete until all required fees are paid to the city by the applicant and the planning staff has reviewed the material and determined that the material is adequate and correctly details the condominium request. If the application is found to be incomplete, the staff will inform the applicant of the necessary additional information.

21A.56.050 New Construction Process:

A. **Zoning Administrator Duties and Responsibility:** The zoning administrator shall perform a zoning compliance review and report the findings to the building official and the planning official. The review shall document the site plan compliance under the zoning ordinance.

B. **Building Official Duties and Responsibility:** The building official shall obtain the zoning compliance review from the zoning administrator. The building official shall review plans for new construction to determine if such plans conform with applicable building codes.

C. **Planning Official Duties and Responsibility:** The planning official shall review the application, the zoning compliance review and related documents to determine compliance with requirements of Utah condominium ownership act of 1975 and applicable provisions of this part.

D. Preliminary Approval Procedures:

1. **Public Hearing Required:** No condominium project shall be approved without a public hearing. The planning official shall schedule the time for, and hold an administrative public hearing to consider the condominium application. Notice shall be mailed to all property owners, as specified in subsection 21A.56.040A3 of this chapter at least fourteen (14) days in advance. The notice shall inform the notified party of the date and time of the public hearing.

2. **Planning Official Action:** The planning official, or designee, may grant preliminary approval, with or without conditions, or may deny the proposal at the administrative hearing.

3. **Building Official Action:** No building permit for a proposed condominium project shall be issued without preliminary approval from the planning official. The building official, or designee, may approve the plans and issue applicable permits for construction. The issuance of building permits shall serve as evidence of preliminary condominium approval.

E. **Final Approval Procedures:** No condominium shall have final approval, or shall said units be sold, until the plat has been recorded with the Salt Lake County recorder.

1. **Planning Official Approval:** Upon receipt of the final record of survey map, the planning official shall examine the plat to determine whether the plat conforms with the preliminary plat and all conditions of approval. The planning official shall approve and sign the plat.

2. **Building Official Approval:** The building official shall conduct a final inspection of the building and shall approve and sign the plat.

3. City Attorney Approval: The city attorney shall advise the mayor as to the form of the final plat and other recordable documents. The city attorney shall certify that any lands dedicated to the public are dedicated in fee simple and that the applicant is the owner of record. The city attorney shall approve and sign the plat.

4. Mayor Approval: The mayor shall examine the plat to determine conformity with the requirements of the ordinances of the city and may approve the record of survey map. No final plat shall have any force or effect until it has been approved by the mayor and recorded with the Salt Lake County recorder.

21A.56.060 Condominium Conversion Process:

A. Building Official Duties and Responsibility:

1. Property Report Required: In the case of a proposed conversion to condominium of an existing building, the building official shall review the property report prepared in response to section [18.32.050](#) of this code governing building conversions, and any plans for renovation and improvement to determine compliance with applicable codes or ordinances. The building official may require revision and resubmission of the property report if a determination is made that required information is missing.

2. Inspection Required: The building official shall require inspection of the property. Any items identified, either through the inspection or in the property report, as needing repair or replacement within five (5) years, shall be included on the list of required improvements.

3. Disclosure: The building official shall identify any building conditions to be disclosed on the record of survey map.

B. Planning Official Duties and Responsibility:

1. Coordination of Review: The planning official shall review the application material submitted for accuracy and completeness and transmit the submittal to pertinent departments for review and comment.

2. Consistent with State Law: The planning official shall review the application and related documents to determine compliance with requirements of the Utah condominium ownership act of 1975 and applicable provisions of this part.

3. Previous Conditions: The planning official shall review applicable conditions on the use or building imposed by ordinances, variances, conditional uses.

4. Site Improvements: The planning official shall review the proposed building and site plans and shall have the authority to require additional improvements to be made to the existing site. This review shall include an analysis of the parking, including internal circulation issues, such as surfacing and control curbs. The analysis shall also include the number of existing parking stalls, noting any deviation from current standards. Based upon this information, the planning official may require construction of additional parking stalls on the site, or may require reasonable alternative parking solutions as outlined in section [21A.44.030](#), "Alternative Parking Requirements", of this title. The total number of parking stalls available to the owners of the project shall be disclosed on the condominium plat.

5. **Staff Report:** The planning official shall direct city staff in the preparation of a written report, describing the recommended improvements to the building, the site and the surrounding public way. The report will summarize the above referenced review detailing any noted deficiencies.

C. Preliminary Approval Procedures:

1. **Public Hearing Required:** No condominium conversion project shall be approved without a public hearing. The planning official shall schedule the time for an administrative public hearing to consider the condominium conversion application. Notice shall be mailed to all property owners and current tenants of the building, and to the chair of the appropriate community council, as specified in subsection [21A.56.040A3](#) of this chapter at least fourteen (14) days in advance of the scheduled hearing. The notice shall inform the notified party of the date and time of the public hearing.

2. **Building Official Action.** The building official shall identify any improvements, repairs or replacements which must be made to bring the structure into compliance with applicable building codes. The building official may recommend denial until existing code violations identified are corrected, or may recommend preliminary approval, subject to violations being corrected prior to final approval.

3. **Planning Official Action.** The planning official shall consider the public benefits of condominium ownership to the community and balance those benefits against the loss of rental housing. The planning official, or designee, may grant preliminary approval, with or without conditions, or may deny the proposal at the administrative hearing.

4. **Planning Commission Consideration.** The planning official may, because of project complexity or public concern, determine that a public hearing before the planning commission is required. The planning commission shall schedule and hold a public hearing in accordance with standards and procedures set forth in Part II, [Chapter 21A.10](#) of this title. Following the public hearing, the planning commission shall grant preliminary approval, with or without conditions, or deny the application.

D. **Final Approval Procedures.** No condominium shall have final approval until the record of survey map has been recorded with the Salt Lake County recorder.

1. **Planning Official Approval.** Upon receipt of the final record of survey map, and final application and fees, the planning official shall examine the plat to determine whether the plat conforms with the preliminary plat and all conditions of approval. The planning official shall approve and sign the plat.

2. **Building Official Approval.** The building official shall conduct a final inspection on the structure to determine completion of any planned or required repairs and improvements. The building official may recommend final approval subject to completion of required work, provided the applicant files a performance bond in an amount equal to the estimated cost to correct conditions of approval. The building official shall approve and sign the plat.

3. **City Attorney Approval.** The city attorney shall advise the mayor as to the form of the final plat and other recordable documents. The city attorney shall certify that any lands dedicated to the public are dedicated in fee simple and that the applicant is the owner of record. The city attorney shall approve and sign the plat.

4. Mayor Approval. The mayor shall examine the plat to determine conformity with the requirements of the ordinances of the city and may approve the record of survey map. No final plat shall have any force or effect until it has been approved and signed by the mayor and recorded with the Salt Lake County recorder.

21A.56.070 Appeal of Administrative Decisions:

Any person adversely affected by the administrative decision of the planning official may, within ten (10) days after such decision, file an appeal to the planning commission. The appeal shall specify any alleged error made by the planning official. The planning commission shall schedule a public hearing for consideration of the merits of the appeal at its earliest convenience.

21A.56.080 Appeal of Planning Commission Decisions:

Any person adversely affected by the decision of the planning commission may, within thirty (30) days after such decision, file an appeal to the land use appeals board.

21A.56.090 Annual Report to the Planning Commission:

At the end of each fiscal year, the planning division shall provide a report to the planning commission identifying the number of condominium conversions, including the number of units involved, which have occurred during the prior year.

INSERT WORK FLOW