

(Published in the Miami County Republic on August 5, 2009)

**ORDINANCE NO. 2994**

**AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE (LDO) RELATED TO CONDOMINIUMS**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PAOLA, KANSAS:**

**Section 1.** The Paola Land Development Ordinance is hereby amended to include Division 10.500 Condominiums as follows:

**DIVISION 10.500 CONDOMINIUMS**

**SECTION 10.510 CONDOMINIUMS PERMITTED**

Condominiums may be permitted within the zone that underlies the area of the project, and shall be subject to all conditions and restrictions required within the zone for the use provided the use for which the project is being used is permitted in the zone.

**SECTION 10.520 APPROVAL PROCESS AND DOCUMENTATION**

The procedure leading to approval of a condominium project shall be the same as set forth in Section 21.620. The following documents shall be prepared and submitted by the developer for each condominium project:

1. Articles of incorporation
2. Corporation by-laws
3. Declaration of covenants, conditions, restrictions and management policies/declaration of condominium management agreement
4. Open space easements
5. Record of survey map/final subdivision plat (when applicable)

Where, in the opinion of the Zoning Officer, a particular document as required under this Section is inapplicable for the particular condominium project proposed, the City may waive the requirement for submitting the document.

It shall be unlawful to record any survey map or declaration of a condominium project in the office of the County Recorder, unless the same shall bear thereon final approval of the City Council as required by the terms of this Ordinance.

Any owner, or agent of any owner, of land or units located within a purported condominium project, who transfers or sells any land, structure, or condominium unit in a purported condominium project, before obtaining final approval from the City Council shall be guilty of a misdemeanor for each lot, parcel of land, structure or condominium unit so transferred or sold.

**SECTION 10.530 LAYOUT AND IMPROVEMENT**

Each proposed condominium project shall conform to the following minimum standards:

*Residential Projects*

1. All Off-Street Parking shall be regulated pursuant to this Ordinance.

2. Provision of an area containing not less than twenty (20) percent of the total area of the project shall be set aside as common open space for the use and enjoyment of the residents. The area shall be landscaped in accordance with City standards. The location and design shall be such that the area is easily accessible to all residents. Land used for parking, driveways, vehicle storage and similar uses may not be included in meeting this requirement.

#### **SECTION 10.540 UTILITY AND FACILITY REQUIREMENTS**

All units shall be separately metered for water, gas, electricity, and sewer, unless the covenants, conditions and restrictions provide for the Association to pay the costs of services. Each unit shall be provided with readily accessible individual shut-off valves.

**Section 2.** That Section 23.300 Definitions of the Paola Land Development Ordinance is amended to include the following:

#### **SECTION 23.300 DEFINITIONS**

**Condominium.** The ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.

**Condominium Project.** A plan or project whereby two or more units, together with an undivided interest in the common area or facility, are separately offered or proposed to be offered for sale. This definition shall apply to existing or proposed apartments, attached single family housing, commercial or industrial buildings, or structures. Condominium project shall also mean the property when the context so requires.

**Section 3.** That all ordinances or parts of ordinances in conflict herewith are repealed.

**Section 4.** This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

**PASSED BY** the Council this 28<sup>th</sup> day of July, 2009.

**APPROVED BY** the Mayor this 28<sup>th</sup> day of July, 2009.

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Artie Stuteville, Mayor

ATTEST: (seal)

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Daniel G. Droste, City Clerk