

TITLE 34

Property

CHAPTER 34-36.1

Condominium Law

ARTICLE 34-36.1-2.01

Creation, Alteration, and Termination of Condominiums

SECTION 34-36.1-2.01

§ 34-36.1-2.01 Creation of condominium. – (a) A condominium may be created pursuant to this chapter only by recording a declaration in the municipal land evidence records. The declaration must be recorded in every municipality in which any portion of the condominium is located, and must be indexed in the grantee's index in the name of the condominium and the association and in the grantor's index in the name of each person executing the declaration.

(b) A declaration or an amendment to a declaration adding units to a condominium, may not be recorded unless all structural components and mechanical systems of the building containing or comprising any units thereby created are substantially completed in accordance with the plans of that building, as evidenced by a certificate of completion executed by an independent registered engineer or architect which shall be recorded in the local land evidence records. No provision of this chapter shall be construed as prohibiting the recording of a declaration or amendment to a declaration which creates a condominium containing land only units or adds land only units to an existing condominium.

(c) A declaration or an amendment to a declaration creating land only units shall set forth restrictions on the development of such land only units which address at a minimum the following items:

- (1) Floor area square footage,
- (2) Lot coverage,
- (3) Height,
- (4) Set backs from unit boundaries,
- (5) Use, and
- (6) Architectural and design standards.