

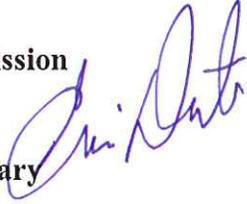


# PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

**DATE:** July 16, 2014

**TO:** Planning Commission

**FROM:** Ernie Duarte  
Executive Secretary 

**SUBJECT:** Unified Development Code Text Amendment: Condominium Plat  
Corrections – Public Hearing

## Issue

This item is scheduled for a public hearing.

Staff recently learned that its condominium subdivision standards are inconsistent with Arizona Revised Statutes. The proposed amendment corrects this inconsistency.

The proposed amendments are to the condominium application, review, and recordation regulations and the definition of “subdivision” in the UDC (Sections 8.4.2.C and 11.4.20, respectively). Consistent with State Statute, a subdivision plat for a residential or non-residential condominium or similar project would only be required when it includes four or more parcels. Additionally, condominium plats would no longer have to show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided. See Attachment A for details.

The proposed text amendment would have a significant affect on the establishment of condominiums of less than four parcels in that they would no longer require a review and approval from the City.

The proposed text amendments will not significantly change the processing of condominium final plats, i.e. they will still require review by City staff for compliance with all applicable requirements and approval by the Mayor and Council. However, the proposed revisions will result in a process that is more streamlined for property owners wanting to create condominiums because the amount of information required on the plat will be reduced considerably.

No issues were raised on this item June 4, 2014 Planning Commission study session.

**Recommendation** – Staff recommends that the Planning Commission forward this item to the Mayor and Council with a recommendation to adopt.

## Attachment

A – Proposed Text Amendments to the Unified Development Code

ATTACHMENT A

SECTION 1: The Tucson Code, Chapter 23B, Unified Development Code, Article 8, is amended to read as follows:

ARTICLE 8, LAND DIVISION, LAND SPLIT, AND SUBDIVISION STANDARDS  
SECTION 4, SUBDIVISIONS

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8.4.2. RESIDENTIAL AND NON-RESIDENTIAL CONDOMINIUM AND CONDOMINIUM  
CONVERSION PLAT

A. Purpose

The purpose of this section is to establish procedures and requirements for proposed condominium projects and the conversion of existing structure(s) into condominiums as allowed by A.R.S. Title 33, Chapter 9.

B. Applicability

A proposed condominium projects or condominium conversion that meets the definition of a subdivision, as defined in Section 11.4.420, shall be submitted to the PDS for review and decision as provided below.

C. Application, Review, Decision, and Recordation

1. Under the Arizona ~~Condominium Act~~ Revised Statutes, A.R.S. ~~§33-12192-463.02(A)~~, a subdivision plat is a required when a condominium or similar project contains four or more parcels ~~part of the condominium declaration. In conjunction with the creation of a condominium, a subdivision plat must be approved prior to the recordation of a condominium declaration as specified in A.R.S. §33-1211.~~
2. A tentative and final plat is required; however, the approved site plan for the existing structure/development may serve as the tentative plat if approved by the Director.
3. Tentative plats of a proposed condominium are prepared, reviewed, and considered for approval in accordance with Section 8.4.4, *Tentative Plat*.
4. Final plats of the proposed condominium or condominium conversion ~~n~~ are prepared, reviewed, and considered for approval in accordance with Section 8.4.5, *Final Plat*.
5. A final plat may be submitted concurrent with the tentative plat in accordance with Section 3.2.3.B, *Sequential or Concurrent Review Procedure*.
6. After approval by the Mayor and Council, the final condominium or condominium conversion plat must be recorded with the Office of the Pima County Recorder.

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SECTION 2: The Tucson Code, Chapter 23B, Unified Development Code, Article 11, is amended to read as follows:

**ARTICLE 11, DEFINITIONS AND RULES OF CONSTRUCTION  
SECTION 4, OTHER TERMS DEFINED**

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**11.4.4 DEFINITIONS – C**

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**Condominium**

Condominium has the same meaning as "condominium" as defined in A.R.S. §33-1202(10), that is real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. For the purposes of UDC application, a condominium is the same as a multiple-family structure, office structure, or commercial structure, except platting is required in accordance with the requirements of the UDC.

**Condominium Conversion**

Condominium conversion is the subdividing of land and existing structures as a condominium, regardless of the present or prior use of such land or structure, and regardless of whether substantial improvements have been made to such structures.

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**11.4.20 DEFINITIONS – S**

**Subdivider**

A person or other legal entity that files an application and initiates proceedings for the subdivision of land in accordance with the provisions of this Article or any other local applicable ordinance or state statute, except that an individual serving as agent for such a person or other legal entity is not a subdivider. When applicable, the developer may be required to assume responsibility of the subdivider.

**Subdivision**

Any division of land, improved or unimproved, for the purpose of financing, sales, or lease, whether immediate or future, in one of four ways:

- ~~A. Any property whose boundaries are not fixed by a recorded plat which is divided into four or more lots, tracts, or parcels of land;~~
- ~~A. Any property whose boundaries are fixed by a recorded plat, which is divided into three or more lots, tracts, or parcels of land;~~
- ~~B. Any property whose boundaries are not fixed by a recorded plat which is divided into four or more lots, tracts, or parcels of land;~~
- ~~B. C. Any property that requires the development of a new street, which is divided into two or more lots, tracts, or parcels of land; or,~~
- C. Any property whose boundaries are fixed by a recorded plat, which is divided into more than two parts;

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- D. Any condominium, cooperative, community apartment, townhouse, or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

**Subdivision Improvements**

Subdivision Improvements include all assurable infrastructure for the specific subdivision, common areas, and buildings and other infrastructure needed for the individual lots created by the plat. Subdivision improvements also include the recording of full legal entitlements necessary for the functioning of the subdivision such as easements, dedications or other binding legal documents. Buildings on newly platted lots are generally not considered part of the assurable subdivision improvements, unless determined by special conditions of the project.

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