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# MEMORANDUM

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**DATE:** February 16, 2006

**TO:** Zoning Administration Division  
DSD Zoning Review Section

**FROM:** Walter Tellez  
Zoning Administrator

**SUBJECT:** LUC 4.1.2, Lot Splits vs. Subdivisions  
Land Use Code: Zoning Administrator Determination

A subdivision is defined as the division of a parcel into 4 or more lots, or, if there is a new street, 2 or more lots, or if platted, more than 2 lots. If the parcel is less than two and one-half acres but does not require a new street and is not previously platted, it is not a "subdivision" as regulated by the LUC. It is still subject to regulation in a broader sense as a lot split and because the City does not have to approve the creation of a lot that would not comply with City regulations, e.g. insufficient minimum lot size for the zoning or separating all the flood prone areas into a separate parcel where nothing could be built.

s:zoning administration/za determination/LUC 4.1.2a.doc



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# MEMORANDUM

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**DATE:** May 4, 2005

**TO:** Zoning Administration Division  
DSD Zoning Review Section

**FROM:** Walter Tellez  
Zoning Administrator

**SUBJECT:** LUC 4.1.9, Condo Conversion Requirements  
Land Use Code: Zoning Administrator Determination

State law prohibits the imposition of requirements to condo conversions that would not be applied but for the change in ownership. Generally changes in ownership alone do not effect nonconforming status. Zoning does not have a sufficient basis to justify requiring code compliance where there is only the change in ownership or lots, but no other significant physical or site changes.

s:zoning administration/za determination/LUC 4.1.9.doc



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# MEMORANDUM

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**DATE:** February 22, 2005

**TO:** Zoning Administration Division  
DSD Zoning Review Section

**FROM:** Walter Tellez  
Zoning Administrator

**SUBJECT:** LUC 5.3.3 Board of Adjustment Appeal, Westview Subdivision  
retention/detention basin  
Land Use Code: Zoning Administrator Determination

The Zoning Administrator's determination that a retention/detention basin is not a structure therefore does not have setback requirements was appealed by a neighbor to the Board of Adjustment but the appeal was not filed within the 30 day appeal period. The City Attorney's office concurred with the Zoning Administrator that the appeal could not apply to the Westview case because the appeal period had passed. The BofA could hear the case as an appeal of a general zoning issue but the findings would only apply to future plats. There is no legal requirement that the BofA has to hear a general interpretation question, the BofA hearing the case was based on legal precedent.

s:zoning administration/za determination/LUC 5.3.3.doc



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# MEMORANDUM

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**DATE:** November 20, 2003

**TO:** Zoning Administration Division  
DSD Zoning Review Section

**FROM:** Walter Tellez  
Zoning Administrator

**SUBJECT:** LUC 4.1.2 PUD, Tucson Terrace Townhomes  
Land Use Code: Zoning Administrator Determination

Old approved PUD's are no longer valid but if all LUC requirements can be met within the present plat, replatting is not necessary. If all LUC requirements can not be met than the PUD would need to be replatted.

s:zoning administration/za determination/LUC 4.1.2.doc



August 2, 2002

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CITY OF  
TUCSON  
Zoning  
Administration -  
Development  
Services  
Department

Wayne R. Rutschman  
Special Projects Manager  
P.O. Drawer 397  
Rillito, Arizona 85654

Subject: Camp Lowell Corporate Center Project – Loading Zones, etc.  
Land Use Code (LUC) Information

Dear Mr. Rutschman:

Thank you for your letters, dated June 13, 2002 and July 5, 2002, regarding the above project. Applicable project numbers are Rezoning Case No. C9-95-27 and DSD Processing No. S02-027 (Development Plan/Tentative Plat). The Corporate Center site is a 33 lot commercial subdivision with common area. A total of twelve (12) buildings are proposed to be built within the subdivision. Several of the buildings are designed to straddle or cross over as many as four interior lots. Offstreet parking for all the buildings will be provided by single joint use parking area with spaces located throughout the site. Despite the multiple building multiple lot layout, the Corporate Center is designed to function the same as a single site development. Of specific concern to you is how the LUC loading space, lot area coverage, floor area ratio (FAR) and building setback requirements will be applied to this project.

The Zoning Administration and the City Attorney's Office have concluded their review of your letter and the LUC regulations applicable to the project. For the purposes of applying the LUC development criteria in question (i.e. loading space, floor area ratio, minimum lot sizes and lot coverage, building setbacks, etc.), the Zoning Administrator has determined the Corporate Center Project, as designed, to be the same as if it were a single project single site development. This zoning interpretation requires all lots within the project be bound to comply with the approved development plan through a recorded covenant approval by the City of Tucson and notes on the plat that serve to unify the development as a single site.

Please note, however, the internal setbacks for the project are subject to Fire Code regulations. Also note that a copy of this letter must be attached to the project site

Zoning Administration (DSD), 2<sup>nd</sup> Floor, 201 North Stone Avenue •  
P.O. BOX 27210 • TUCSON, AZ 85726-7210  
PHONE (520) 791-4541, 791-4571 • FAX (520) 791-4340

5.3 2 = Rezoning  
5.3 8 = Development permit  
179

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Camp Lowell Corp. Ctr. Project

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August 2, 2002

plan when submitted to the Development Services Department, 201 North Stone for the zoning compliance review process. If you should have any further questions concerning this zoning matter, please contact Wayne Bogdan or myself at 791-4541.

Sincerely,



Walter Tellez  
Zoning Administrator

s:zoning/2002/camplowellcorpctr.doc

c: Ernie Duarte, Development Services Department  
Dave Mann, Development Services Department  
Michael McCrory, City Attorney's Office



# MEMORANDUM

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**DATE:** December 21, 2001

**TO:** Zoning Administration Division  
DSD Zoning Review Section

**FROM:** Walter Tellez  
Zoning Administrator

**SUBJECT:** LUC 4.1.6.2, Setbacks on Final Plats  
Land Use Code: Zoning Administrator Determination

If a setback on the final plat is to document a code or rezoning condition, than it needs to be replatted if the owner wants to change the setback. If the setback is included for some other reason that only involves private parties, then it can be referred to the Zoning Administrator who will determine whether or not the City will enforce the setback in development review. If the City determines that it will not enforce it, the owner remains subject to any claims that may arise for private parties based on their reliance on the plat and may have to record a statement assuming all liability.

s:zoning administration/za determination/LUC 4.1.6.2.doc