

## Subdivision Requirements In the City of Tempe

What an owner must do in order to comply with the Subdivision Chapter of the Tempe City Code is, to a great extent, dictated by how the piece of land being divided is legally described. If the piece of land is a lot, tract, or parcel of a previously recorded subdivision (for example, "Lot 27 of Block 3, Victory Tract, according to Book 31 of Maps, Page 6, Maricopa County Recorder"), then any division of that lot, or a "boundary adjustment" of that lot, triggers a replat of that portion of the previously recorded subdivision. A boundary adjustment is defined as any change in the dimensions of a lot in a previously recorded subdivision. Examples include corner cut-offs, right of way dedications, or selling a portion of the lot to an adjacent owner. The end result is that any change in the dimensions of a lot in a previously recorded subdivision must be replatted in the City of Tempe. This replatting process is typically only to the City Council. Easement dedications, because they grant a use and not ownership of a portion of land, are not considered "boundary adjustments."

The situation is more complicated if the piece of land is not legally described as a lot, tract or parcel of a previously recorded subdivision. Any parcel described in this manner which is divided into more than three parts requires subdivision platting. This requirement is not only called for in the City of Tempe Subdivision Code, but also by State law. If the piece of land is divided into three parts or less it may fall under the Land Splits Section of the City of Tempe Subdivision Code. The City of Tempe Subdivision Code defines land splits as "the division of improved or unimproved land whose area is two and one-half (2-1/2) acres or less into two (2) or three (3) tracts or parcels of land for the purpose of sale or lease or as defined in ARS 9-463." Any first time plat or preliminary plat must be processed to the City of Tempe Planning Commission prior to going to the City Council.

Though the City of Tempe encourages it, land splits do not require subdivision platting. Land splits do require that the document that creates any such division of land have the approval of the Development Services Director, or his designee, endorsed upon it. The key word here is "document". The "document" at a minimum could be a legal description and an exhibit thereof. However, the exhibit would have to have most, if not all, the same items on it that a replat would have. It would be up to the owner which "document" would be endorsed: a plat or a legal description with exhibit. After the document is recorded, a copy must be returned to the City of Tempe Development Services Department. The Development Services Director may require a site plan showing the development potential of the parcel. In this case, the "document" could be the site plan itself. Pieces of land not previously subdivided, greater than two and one-half (2-1/2) acres, and which are being divided into less than four parcels, are unregulated by the City of Tempe.

Here are the answers to some frequently asked questions concerning the subdivision requirements of the City of Tempe:

- 1. Does subdividing for lease or financing (as opposed to a sale) make a difference in terms of having to prepare a subdivision plat?**

No. The same rules apply as above.

**2. I want to sell off a parcel this year, and then one next year and so on. Can I avoid platting with this scenario?**

No. State law and municipal ordinance defines a subdivision as “improved or unimproved land or lands divided for the purpose of financing sale or lease, *whether immediate or future.*” Practically speaking, if you plan to develop a large parcel of land in Tempe, the City will allow you to sell off parcels up to three parcels. The next subdivision will trigger the platting process. Example: you own a 10 acre parcel of land which is not described by a previously recorded plat. You do not have to plat if you divide this piece into three parts. If you sell one piece to a restaurant developer one year, and another piece to a car wash two years later, you have so far avoided having to plat since you have divided your original parcel into three parcels. If you decide to sell off one additional piece at a later date, you will be required to plat the remainder.

**3. Do I have to replat if I want to combine whole lots?**

No. Since the combination would result in no change to the previously recorded lot dimensions, approval of the combination of the lots is by the completion of a "Covenant and Agreement to Hold Property as One Parcel." This document, known as a lot tie agreement, is provided by the Building Safety Division of the City of Tempe. Combining any number of whole lots in a previously recorded subdivision does not require platting.

**4. What is the process to get a subdivision plat approved?**

Please refer to the Planning and Zoning Division of the City of Tempe at (480) 350-8331 as to the exact process.

In general, processing for a preliminary plat takes 60-75 days. Processing for a final plat takes 45-60 days. Processing for an amendment to a previously approved final plat takes 15-45 days. Processing of a land split takes 21-30 days. If variances or use permits are required, process may take 30 days longer.

**5. How much will all this cost?**

The actual preparation of the plat is a matter between you and the registered land surveyor doing the work. For City fees, please refer to the City of Tempe fee schedule available at the Development Services Department.

**6. What else do I need to know?**

Just being able to subdivide your land without platting does not necessarily mean that you can develop it the way you envision. Zoning ordinances, building setback requirements, and different types of uses effect what can be developed. Check with the City of Tempe Development Services Department on these aspects of development.

In addition, the City may require a preliminary plat submittal prior to final plat preparation. In some cases, the preliminary and final plat may be the same document, or the preliminary plat requirement is waived. Please check with Development Services concerning the requirement to prepare a preliminary plat.

**Useful Numbers:**

City of Tempe Development Services  
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