
ARTICLE IV. SUBDIVISIONS

DIVISION 1. GENERALLY

SECTIONS:

4.1.1	PURPOSE
4.1.2	DEFINITIONS
4.1.3	APPLICABILITY
4.1.4	GENERAL PROVISIONS
4.1.5	PREAPPLICATION CONFERENCE
4.1.6	PLATTING PROCEDURES
4.1.7	EXPIRATION DATES
4.1.8	SUBDIVISION DESIGN STANDARDS

4.1.1 **PURPOSE.** The purpose of these regulations is to:

- Assure that all subdivisions are in conformance with the City's regulations regarding land development.
- Assure a coordinated vehicular and pedestrian circulation system.
- Establish minimum design standards for subdivisions.
- Assure that all lots are provided with infrastructure improvements.
- Provide an expedient and consistent review process.
- Obtain accurate survey and permanent public record of the boundaries of lots created by the division of lands.
- Promote the conveyance of land by reference to an accurate legal description by means of a recorded plat.
- Provide a convenient method of describing and conveying public right-of-way.

4.1.2 **DEFINITIONS.** In addition to the following definitions, definitions applicable to this Article are found in Article VI of this Chapter.

Land Split. The division of improved or unimproved land which is not defined as a subdivision, whose area is two and one-half acres or less in size, into two (2) tracts or parcels if previously platted or three (3) tracts or parcels of land or less if not previously platted of land for the purposes of sale or lease. (Ord. No. 9967, §4, 7/1/04)

Minor Subdivision. A subdivision that complies with the criteria established for minor subdivisions in Article IV, Division 2, of this Chapter.

Subdivision. Improved or unimproved land or lands divided for the purpose of financing, sales, or lease, whether immediate or future, into four (4) or more lots, tracts, or parcels of land, or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts, or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse, or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

4.1.3 APPLICABILITY. This Division applies to all proposed subdivision of land as defined in this Chapter. All proposed subdivisions, with the exception of minor subdivisions, shall be drawn, designed, and processed in accordance with this Division and any other applicable requirements in the Tucson Code and Development Standards. Minor subdivisions shall be in conformance with the requirements in Article IV, Division 2, of this Chapter.

4.1.3.1 Exceptions. The following are excepted from the requirements of Division 1 and Division 2 of this Article.

- A. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
- B. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
- C. The leasing of apartments, offices, stores, or similar space within a building or trailer park, nor mineral, oil, or gas leases.
- D. Land divisions that occurred twenty (20) or more years prior to the current date or prior to the date of annexation if annexed within the twenty (20) year period.
- E. Land divisions for defining cemetery plots or columbarium units.

(Ord. No. 9374, §1, 4/10/00; Ord. No. 9967, §4, 7/1/04)

4.1.4 GENERAL PROVISIONS. The Development Services Department (DSD) shall coordinate the formal technical review of all tentative and final plats to ensure the plats are prepared in accordance with all applicable codes, ordinances, and Development Standards. DSD shall prepare and implement detailed procedures and standards for subdivision document preparation, design, submittal, and review to carry out the intent of this Article. Rules, procedures, and standards shall be established as Development Standards pursuant to the City Manager's directive regarding the establishment of Development Standards. The following requirements apply to all subdivisions. (Ord. No. 9392, §1, 5/22/00)

-
- 4.1.4.1 Improvements and Financial Assurances. A subdivider shall construct all required subdivision improvements at no expense to the City. Required improvements include items such as streets, sidewalks, storm drainage, flood control, sewer, electric and water utilities, communication cables, natural gas service, the placement of survey monuments, and other public improvements and infrastructure determined necessary as a result of the development of the subdivision. The subdivider must complete the required improvements prior to the recordation of the final plat, or the subdivider may post financial assurances as detailed in Development Standard 1-04.0 to guarantee the completion of the required improvements. Assurances may be in the form of performance bonds, third party trusts, cash escrow funds, or other security acceptable to the City.
- 4.1.4.2 Survey Monuments Required. The subdivider shall place survey monuments of appropriate type and design delineating the external boundary of the parcel being subdivided, public streets, and all public street intersections within or adjacent to the subdivision, installed in accordance with established practices of the City.
- A. External boundary survey monuments for the parcel being subdivided must be installed prior to recordation of the final plat.
- B. All other monuments are to be installed prior to the recordation of the final plat, unless the subdivider has posted financial assurances with the City to assure the installation of the monuments after recordation.
- 4.1.4.3 Permits for Model Homes. Upon approval of the tentative plat, up to five (5) single-family model homes may be authorized for construction prior to recordation of the final plat, provided: (Ord. No. 9392, §1, 5/22/00)
- A. Sale or occupancy of the individual unit as a residence does not occur until after recordation of the final plat and the City's release of financial assurances for improvements, and
- B. The location of each unit is based on the lot configuration approved for the tentative plat at one (1) unit per proposed lot.
- 4.1.4.4 Land Clearing and Grading. Land clearing or grading may begin after grading plans are approved, provided the plans are prepared in compliance with an approved tentative plat and such tentative plat is in conformance with the underlying zoning.
- 4.1.4.5 Plat Abandonment. A recorded plat that is proposed for abandonment or vacation of lot lines must be replatted following the procedures set forth in this Article.
- 4.1.5 PREAPPLICATION CONFERENCE.** Prior to filing a subdivision application, the subdivider is encouraged to meet in a preapplication conference with City staff responsible for subdivision review. The preapplication conference requires no fees and is available as an informal review opportunity for the applicant. Comments provided as part of the preapplication conference do not constitute approval by the City of any construction drawings, land transactions, or private development matters. The conference is designed to accomplish the following.
- Assist the subdivider in analyzing the proposed development and plan for sound integration of the subdivision within the community; and
 - Provide guidance to the applicant regarding City regulations.
- 4.1.6 PLATTING PROCEDURES.**
- 4.1.6.1 Tentative Plats. A tentative plat must be prepared, processed, and approved in accordance with Sec. 23A-33 and applicable Development Standards. (Ord. No. 9392, §1, 5/22/00; Ord. No.9967, §4, 7/1/04)

-
- A. *Tentative Plat Approval.* The zoning of the property must permit the proposed use, and any change in zoning must have been adopted prior to the approval of the tentative plat. (Ord. No. 9392, §1, 5/22/00)
 - B. *Grading Plan.* Grading plans may be submitted for review prior to approval of the tentative plat in accordance with criteria listed in Development Standard 2-03.0 but cannot be approved until after the tentative plat has been approved.
 - C. *Significance of Tentative Plat Approval.* Approval of the tentative plat constitutes authorization for the subdivider to proceed with the preparation of the final plat. (Ord. No. 9392, §1, 5/22/00)
 - 1. Once a tentative plat is approved, the basic conditions under which approval of the tentative plat is granted will not be changed without concurrence of both the reviewing departments and agencies and subdivider prior to the expiration date of the tentative plat. (Ord. No. 9392, §1, 5/22/00)
 - 2. Approval of a tentative plat does not assure final acceptance of streets for dedication.

4.1.6.2 Final Plats. Final plats shall be prepared, processed, approved, and recorded in accordance with requirements of this Division, Sec. 23A-33, and applicable Development Standards. (Ord. No. 9967, §4, 7/1/04)

4.1.6.3 Land Survey Exception. A subdivision may be recorded by a land survey if it meets the criteria for a minor subdivision established in Division 2 of this Article and assurances are provided for the construction of any required infrastructure that are acceptable to the DSD Director. (Ord. No. 9967, §4, 7/1/04)

(Ord. No. 8808, §1, 1/27/97; Ord. No. 9392, §1, 5/22/00)

4.1.7 EXPIRATION DATES. Expiration dates for all platting applications are as follows.

4.1.7.1 Maximum Review Period. The subdivider has one (1) year from the date of application to obtain approval of a tentative plat which complies with requirements in effect at the time of application. If at the end of the one (1) year period the tentative plat does not comply with those requirements, the tentative plat must be revised and resubmitted in compliance with regulations in effect at the time of resubmittal. This resubmittal initiates a new one (1) year review period.

4.1.7.2 Tentative Plat Approval Period. Approval of a tentative plat is valid for a period of one (1) year after the date of approval. (Ord. No. 9392, §1, 5/22/00)

- A. The expiration date for the approval of a tentative plat being platted and recorded in phases is subject to the same one (1) year period. Each phase shall be evaluated as per Sec. 4.1.7.4.
- B. Changes in the *Tucson Code* which relate to requirements of platting that occur between the time the tentative plat is accepted for review and the expiration of the time period allotted to gain approval shall not apply to the application under review unless specifically stated in the adopting ordinance.

-
- 4.1.7.3 Final Plat Approval Period. A final plat must be approved and recorded within one (1) year of the tentative plat approval date.
- 4.1.7.4 Tentative Plat Approval Extension. A subdivider may request an extension of the tentative plat approval period. The extension may be granted based on the following: (Ord. No. 9392, §1, 5/22/00)
- A. Up to a one (1) year time extension to the one (1) year tentative plat approval period, provided there have been no changes in City regulations applicable to the proposed subdivision since the approval of the tentative plat; or
 - B. Up to one (1) year periods of extension for each phase of a tentative plat being platted and recorded in phases, provided there have been no changes in City regulations applicable to the proposed subdivision since the approval of the tentative plat phase under consideration.
- 4.1.7.5 Resubmittal After Expiration of Approval. A proposed subdivision or a phase of a proposed subdivision for which the tentative plat approval period has expired shall be reconsidered as follows.
- A. If the tentative plat, using the same design concept previously approved, is resubmitted within three (3) months of the date of expiration of the approval, the resubmittal shall be considered a new application for review purposes; however, new application fees will not be required.
 - B. If the tentative plat is designed differently from the design previously approved or is resubmitted more than three (3) months after the date of expiration of approval, the resubmittal shall be considered a new application, and appropriate application fees will be required.
- 4.1.8 SUBDIVISION DESIGN STANDARDS.** The following standards are in addition to those established by other sections of the Tucson Code and any applicable Development Standards.
- 4.1.8.1 Streets. Streets shall be designed in accordance with Sec. [3.2.1.3](#).
- A. Whenever a tract to be subdivided embraces any part of a street designated in the adopted MS&R Plan, the street shall be platted in conformance with the Plan.
 - B. Certain proposed streets, as designated by the City Engineer or designee, shall be extended to the subdivision boundary to provide future connection with adjoining unplatted land. (Ord. No. 9392, §1, 5/22/00)
 - C. Street layout shall provide for the continuation or discontinuation of such streets as the City Engineer or designee may designate. (Ord. No. 9392, §1, 5/22/00)
- 4.1.8.2 Access. All subdivisions must provide a minimum of one (1) legal, all-weather access connection to all lots. If the all-weather access connection is located outside the subdivision boundary, then the applicant must include assurances for financial participation in the improvement.
- A. All subdivisions developed in phases must be designed to provide legal access of sufficient size for vehicular and pedestrian access to all phases of the development.
 - B. Any proposed subdivision being divided from a larger piece of property must assure legal access of sufficient size to provide vehicular and pedestrian access to that portion of the property not included in the proposed subdivision.

-
- 4.1.8.3 Alleys. Alleys are public ways used primarily for the placement of utilities and refuse collection. Alleys are required in new subdivisions only for the purposes of completing existing alley systems or providing turning radii for vehicles within existing alley systems that abut the proposed subdivision.
- A. When alleys are required or are provided by the subdivider, they shall be not less than sixteen (16) feet wide where there is residential development or residential zoning on both sides of the alley and not less than twenty (20) feet wide where there is nonresidential development or nonresidential zoning on at least one (1) side.
- B. Alley intersections and sharp changes in alignment shall be avoided, but if necessary, corners will be designed with a radius spandrel in accordance with City Engineering standards to permit safe vehicular movement. Spandrels of lesser dimensions may be approved by the City Engineer or designee where determined that safe circulation and public services will not be impeded. (Ord. No. 9392, §1, 5/22/00)
- C. The use of alleys for vehicular maneuvering or loading is prohibited, unless specifically permitted by another section of this Chapter.
- 4.1.8.4 Easements Required. Easements shall be provided for utilities, vehicular and pedestrian access, drainage, and other purposes as required by the appropriate utility agency or City department.
- 4.1.8.5 Lots. All lots shall comply with Sec. [3.2.1.4](#).
- 4.1.8.6 Parks, Recreational Facilities, Fire Stations, and School Sites. Where, in accordance with an adopted plan, it is determined that there are inadequate parks and recreational facilities, fire stations, or school sites, the Mayor and Council may require that land area within the subdivision be reserved for one (1) or more of those uses. Such requirement shall be in accordance with state subdivision statutes regulating reservation of parks, recreational facilities, fire stations, and school sites.
- 4.1.8.7 Hydrology. All subdivisions shall comply with the City's floodplain regulations; Development Standard 10-01.0, Stormwater Detention/Retention Manual; and Development Standard 10-02.0, Manual for Drainage Design and Floodplain Management, as applicable.
- 4.1.8.8 Phased Subdivisions. All subdivisions platted in phases must indicate compliance with all City regulations and standards independently in each phase. (Ord. No. 9138, §1, 10/5/98)
- 4.1.9 CONDOMINIUM, COOPERATIVE, COMMUNITY APARTMENT, TOWNHOUSE, MOBILE HOME PARK SUBDIVISION CONVERSIONS.**
- 4.1.9.1 Final Plat Approval. Any subdivider proposing to convert an existing apartment house or mobile home park to a condominium, cooperative, community apartment, townhouse, or mobile home park subdivision by filing a subdivision plat shall have satisfied the following requirements prior to approval of a final plat by the Mayor and Council.
- A. *Notice of Intent to Convert*. The subdivider shall submit an affidavit stating that the subdivider has provided or will provide written notice of the subdivider's intent to convert to all tenants of units to be converted, beginning not less than one hundred twenty (120) days prior to the date on which the first unit is offered for sale, and will continue to provide such notice to prospective tenants until all units have been sold.
- B. *Exclusive Right to Purchase*. The subdivider shall submit an affidavit stating that the subdivider will provide existing tenants an exclusive right to purchase the unit the tenant leases at a price which is not more than the price at which the subdivider intends to offer the unit to the general public for a period of not less than sixty (60) days from the date a tenant's unit is offered for sale.

-
- C. *Statement of Availability of Other Rental Units.* The subdivider shall submit an affidavit that the subdivider will provide to each tenant, who has indicated to the subdivider his/her intention not to exercise his/her right to purchase, a written statement listing at least three (3) rental units unique to that tenant of comparable size and price to the unit occupied by the tenant.
- D. *Relocation Payments.* The subdivider shall submit an affidavit stating that the subdivider will provide to tenants a relocation payment of three hundred fifty dollars (\$350.00) per residential unit to be paid prior to termination of the tenant's occupancy, including written notice of the availability of such payment prior to termination, provided that:
1. The tenant has occupied his unit for at least two (2) years prior to the date on which the tenant was eligible to receive a notice of intent to convert pursuant to Sec. 4.1.9.1.A.
 2. The tenant has made a written request to the subdivider for the relocation payment.
 3. The tenant has a total annual income at or below maximum eligibility limits established by the U.S. Department of Housing and Urban Development for participation in the Section 8 Housing Assistance Payments Program or is sixty-two (62) years of age or older.
- E. *Housing Code Compliance.* The subdivider shall submit an affidavit stating that the units to be converted meet the applicable standards of the Housing Code, Tucson Code, Chapter 16.

- 4.1.9.2 Disclosure Requirements. Any subdivider who files a final plat for a condominium, cooperative, community apartment, townhouse, or mobile home park subdivision, whether for the purpose of new development or the subdivision of an existing development, shall submit a copy of a report on the physical condition of all buildings, structures, and other improvements to the property to be subdivided prior to approval of a final plat by the Mayor and Council. This report shall be provided by the subdivider to all prospective purchasers of units prior to execution of a binding contract of purchase. The report shall contain the following.
- A. A statement of the estimated fees or assessments, if any, that the purchaser of a unit will pay, on a monthly and yearly basis, for at least a two (2) year period following purchase.
 - B. A report from a licensed pest control operator on each building or structure and each unit within the building or structure.
 - C. A statement of the unit's average monthly utility costs based on the preceding twelve (12) month period, where the subdivider has access to such utility cost data.
 - D. A report describing, to the best knowledge or estimate of the subdivider, the physical condition of elements of the structure, equipment, or appliances in a unit, the repair or replacement of which will be the responsibility of the purchaser. The report shall state the approximate date on which the element, equipment, or appliance was originally constructed or installed; the approximate date on which it was subsequently replaced or will likely require replacement; and the current estimated cost of replacement. This report shall not be construed to create any warranties, express or implied.
 - E. A report containing information to be obtained from the City Fire Department describing the extent to which the buildings and structures to be converted by the plat submitted by the subdivider deviate from applicable requirements of the Building Code, Tucson Code, Chapter 6, and the Fire Prevention Code, Tucson Code, Chapter 13, in the following specified areas of fire safety.
 1. Accessibility of buildings and structures to fire-fighting equipment; and
 2. Proximity and frequency of fire hydrants.

