

ORDINANCE NO. 24 - _____

**AN ORDINANCE AMENDING THE LOT SPLIT PROVISIONS OF
LEWISTON CITY CODE § 11-2-2.**

WHEREAS, Lewiston City Code § 11-2-2 currently allows the division of a single parcel of real property into two separate lots known as a “lot split”;

WHEREAS, Lewiston City Code § 11-2-2 currently requires certain improvements to be installed as a condition of approval of a lot split; and

WHEREAS, the Lewiston City Council has determined that amending Lewiston City Code § 11-2-2 to make certain clarifications regarding the extent of some of those improvements is necessary, is in the best interests of the citizens of the City, and furthers the purposes of LUDMA;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISTON, UTAH, as follows:

1. Lewiston City Code § 11-2-2 is amended and completely restated to read as shown on Exhibit 1 attached hereto.
2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as a whole, or any other part thereof.
3. This Ordinance shall become effective upon posting in the manner required by law.

ADOPTED AND PASSED, by the LEWISTON CITY COUNCIL this _____ day of _____, 2024.

LEWISTON CITY, a municipal
Corporation

ATTEST:

City Recorder

By: _____
Mayor

Posting Date: _____

Exhibit 1

11-2-2: LOT-SPLIT SUBDIVISION:

A. A lot split subdivision is the subdivision of a single parcel of real property into two (2) separate lots. Lot split subdivisions may be approved in accordance with this section and, except as otherwise provided in this section, are exempt from the subdivision plat and other requirements of title 11, Subdivision Regulations.

B. The Planning Commission shall be the land use authority to decide lot split subdivision applications. The applicant for a lot split subdivision must be the record owner of the property proposed to be subdivided or a duly authorized agent for the record owner as evidenced in writing signed by the record owner.

C. A lot split may be approved by the Planning Commission if the following conditions are met:

1. The property being subdivided is not traversed by the mapped lines of a proposed street as shown in the City's General Plan;
2. The City's culinary water authority and sanitary sewer authority have approved the subdivision;
3. The property being subdivided has been zoned; and
4. The subdivision conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.

D. As a condition of approval of an application for a lot split, the Planning Commission may require the installation of the following infrastructure:

1. Culinary water and sewer lines connecting to both the parent parcel and the parcel which was subdivided; Culinary water and sewer lines will also be extended to the end of both parent and new parcel, so that any future parcel down the line will not require work on the line on a parcel owned by someone else;
2. Power lines with connection to the existing power supply;
3. Curbing, gutters, and other stormwater drainage systems appropriate for the property;
4. Sidewalks and park strips on portions of the parent parcel and the parcel which was subdivided from the parent parcel that abut any street; and
5. If the primary access road for either the parent or new parcel is an unpaved or unimproved road, then the access road must be constructed and improved to meet the City's design and technical standards for a City street including, without limitation, paving and storm water drainage controls. Additionally, the road must be constructed to the ends

of the parent and new parcel according to the City's general plan to facilitate connection to existing or future streets on adjacent parcels.

5. Any other infrastructure deemed necessary by the Planning Commission to address the impact of the development of either the parent parcel or the parcel which was subdivided from the parent parcel.

E. Lot split subdivision applications shall be approved through the following process:

1. The applicant shall file a complete lot split subdivision application with the City Recorder and pay any application fee established by the City.

2. The officer appointed by the City Council for the purposes of this section (the "Administrator") shall perform an initial review of the application to verify the application is complete and any applicable fee has been paid. If not, the Administrator shall notify the applicant of the deficiency. The City Recorder shall be the Administrator for the purposes of this section when there is not another officer appointed by the City Council.

3. Upon the Administrator's verification the application is complete and any applicable fee has been paid, the Administrator shall send a copy of the application to the City's culinary water authority and sanitary sewer authority and request written approval of the application from them. The Administrator may also send copies of the application to the City Attorney or City Engineer if, in the Administrator's discretion, professional review would be helpful in the accurate processing of the application.

4. If the City's culinary water authority or sanitary sewer authority denies approval of the application, then the Administrator shall provide notice to the applicant of the denial and the application shall be returned to the applicant without further action by the City.

5. If the City's culinary water authority and sanitary sewer authority approves the application, then the Administrator shall place the application on the agenda for the next available meeting of the Planning Commission. The City Administrator may also provide a staff report to the Planning Commission regarding any matters identified by the culinary water authority, sanitary sewer authority, City Attorney, or City Engineer.

6. At a duly noticed public meeting of the Planning Commission, the Planning Commission shall approve or deny the application for a lot split subdivision based on the requirements set forth in this section.

7. If the Planning Commission approves the lot split subdivision, it shall provide a written Certificate of Approval to the applicant in a form approved by the City Attorney. The applicant shall record in the Cache County Recorder's Office the Certificate of Approval as an attachment to the instrument effectuating the lot split subdivision. The Certificate of Approval shall act as a restrictive covenant against title on both lots arising out of the lot splits and thereby provide notice of the restrictions set forth in paragraph F. below.

F. Real property that has been subdivided as a lot split subdivision under this section, both the parent parcel and the parcel which was subdivided from the parent parcel, may not be further subdivided pursuant to a lot split subdivision. Any further subdivision of any

property that has been subdivided pursuant to a lot split subdivision must be completed in accordance with chapter 3 of title 11 of the Lewiston City Code and all property that was part of the lot split subdivision must be included in, and being made part of, the subdivision. (Ord. 13-01, 4-16-2013; amd. Ord. 19-02, 11-19-2019; Ord. 20-03, 5-19-2020)