

CHAPTER 2.07

LOT SPLITS

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2.07.005 PURPOSE. This Chapter allows property owners in rural areas as defined in Chapter 1.03 a process to divide their property a limited number of times without being subject to all the requirements of a subdivision contained in Chapters 2.05 and 2.06.

2.07.010 LOT SPLITS ALLOWED. Lot Splits are allowed when the proposed subdivision is in compliance with the standards contained herein.

2.07.015 SUBMISSION OF APPLICATION. Property owners or their duly authorized agent shall make application for a Lot Split on forms approved by the Zoning Administrator. No Lot Split application may be processed without the submission of the application, all the supporting materials required by this Chapter, and the processing fee. Incomplete applications shall not be processed under any circumstance. The time frame for when an application shall be submitted in order to be heard at a Development Review Committee meeting shall be set by policy of the Zoning Administrator.

2.07.020 FORM AND CONTENT OF REQUIRED DOCUMENTS. The following materials shall be submitted with any application for a Lot Split. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the Zoning Administrator.

A. Lot Split Plat. An electronic copy in a pdf file format of each sheet of the Lot Split Plat. A Lot Split Plat prepared by a Land Surveyor registered in the State of Utah that contains the boundaries, dimensions, existing and proposed public rights-of-way accessing the property or reserved rights-of-way for future subdivision of the property, legal descriptions of the original parcel and the new parcels. A summary tabulation table shall also be included on the Lot Split Plat that includes the following information: total acreage for the proposed subdivision, number of lots, and dwelling units per acre. Lot Splits are required to comply with requirements of a Final Plat contained in 2.04.020. Lots having existing residential or commercial structures shall be included in a Lot Split Plat.

B. Construction Drawings. An electronic copy in a pdf file format of each sheet of the Construction Drawings. Construction drawings showing existing ground and/or asphalt elevations, planned grades and elevations of required subdivision improvements contained in this Title, the location of all public utilities in accordance with Section 3.01.015 of Title III. Improvements shown on the construction drawings shall be in accordance with the approved Lot Split Plat. All Construction drawings shall be designed by a Professional Engineer, licensed in the State of Utah and qualified to perform such work. All construction drawings shall have the design Engineer State license seal stamped and signed on all submitted sheets.

C. Utility Plan. An electronic copy in a pdf file format of each sheet of the Utility Plan. A plan indicating the existing and proposed locations of all utilities near or that will service the lots. Documents evidencing consent from other utility providers stating that they will provide service to the subdivision.

D. Engineer's Estimate. Engineer's estimates of all the required subdivision improvements associated with the Final Plat and construction drawings.

E. Title Report. A title report prepared by a title company licensed to practice in the State of Utah, which shows that the owner/applicant owns or represents the owner(s) of all of the property contained within the Final Plat.

F. Soils Report. A soil report prepared and stamped by a licensed Geotechnical Engineer may be required based on topography, hazards or sensitive land areas. (See Section 2.06.040 of this Title for what is to be included in the Geotechnical report).

G. Any other documents the City may reasonably require ensuring compliance with the terms and purposes of City Ordinances.

H. Fee. Payment of the applicable fee as set by Resolution of the City Council.

2.07.025 PUBLIC NOTICE.

A. Lot Splits - Public Meeting. Twenty-four (24) hour notice of public meeting posted in at least three (3) public places or the City website and Utah public notice website. No public hearing is required.

B. Notice to Applicant. Pursuant to Utah Code Annotated 10-9a-202 the Zoning Administrator shall: notify the Applicant of the date, time, and place of each public hearing or public meeting to consider their Final Plat application; provide to each Applicant a copy of each staff report, if a report is prepared, regarding their Final Plat application at least three (3) business days before the public hearing or public meeting; and notify the Applicant of any final action on their Lot Split application.

2.07.030 REVIEW AND APPROVAL STANDARDS. Upon submission of the aforementioned materials, the Zoning Administrator will review the application for completeness, accuracy, and for preliminary compliance with the criteria for approval. The Zoning Administrator shall not place applications for Lot Splits that clearly do not meet the criteria for approval on the Development Review Committees Agenda.

A. Development Review Committee Approval. The DRC is the designated Land Use Authority (LUA) for Preliminary Plat applications. Neither a member of the Planning Commission, Mayor, or City Councilmember shall be involved in the review or approval of a Preliminary Plat. The DRC shall review all applications for the purpose of determining compliance with all applicable City Ordinances. The approval of a Lot Split Final Plat application shall be an Administrative Decision.

1. Lot Split Final Plat review will be completed by the DRC within 20 business days after the Zoning Administrator has determined that the applicant has submitted a complete application.

2. There shall be no more than four review cycles as part of the Lot Split Final Plat review process.

a. A review cycle is not considered complete until the applicant has adequately addressed all of the redlines identified by the DRC.

b. The DRC may only add new redlines after the first review cycle in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law.

c. Applicants must respond to the required changes, and if they disagree with the required changes, must submit their issues in writing to the City.

B. If the proposed development complies with all applicable criteria identified in this Chapter, and the submission is complete in all respects, the Development Review Committee shall take action. The Development Review Committee may approve, approve with conditions, disapprove based upon findings of facts or table the application and request further information to resolve any issues or questions before approval.

2.07.035 APPROVAL STANDARDS. The Development Review Committee shall approve Lot Splits if the proposed application meets all of the following criteria for approval. Failure to meet all of the criteria will require the request to be processed according to the preliminary plat and final plat process.

A. Lot of Record. The subject parcel for division shall be an existing lot of record as of June 21, 2016, and not recorded as a previous subdivision plat.

B. Density. That the entire acreage which is comprised of a subdivision has a density no greater than one (1) dwelling unit per four (4) acres with a maximum of five (5) dwellings per original parcel.

C. Public Access. All lots shall have access to a public street.

D. Lot Size. The division of the property shall not create lots that are less than the lot size within the zoning district that the property is situated in.

2.07.040 REQUIRED IMPROVEMENTS. The following improvements are mandatory in all Lot Splits and shall be installed by the developer in accordance with Title III General Public Works Construction Standards and Specifications. Additional requirements and standards pertaining to the required improvements include but are not limited to this section and other sections of this Title and Title I as may be noted by section references below.

A. Fire Protection. Any lot that is created by a Lot Split shall be within the International Fire Code required distance to a fire hydrant.

B. Sewer Collection. Any lot that is created must be a distance greater than three hundred (300) feet from the nearest sewer collection system or as determined by the Development Review Committee for unusual circumstances.

C. Water Connection. Any lot that is created shall connect to Tremonton City culinary water system.

D. Recorded Notices. The applicant is willing to sign a notice(s) to be written on the plat and also recorded as a separate document in the Box Elder County Recorder's Office that runs with the land that addresses such issues as the required future connection to the sanitary sewer collection system and treatment plant which includes the future payment of connection and impact fees paid at the time of connection. Such notice shall be approved by the Tremonton City Attorney.

E. Future Rights-of-Ways. The Land Use Authority may require the reservation of future rights-of-ways to provide access for future development. Such reservation of future rights-of-ways shall be shown on the Plat and shall typically be the full width of all street rights-of-way; provided, however, that in cases where a proposed street in the subdivision abuts undeveloped property where no street currently exists and the property is not owned by the applicant the Development Review Committee (DRC) may waive the full width reservation requirement and allow the reservation of a lesser width if DRC finds that such is necessary to promote the health, safety, and welfare of the public. In no case, however, shall the lesser width allowed be less than half of the full right-of-way plus twelve (12) feet.

1. The Development Review Committee shall require the dedication of future right-of-ways where shown as part of Tremonton City Transportation Master Plan or near a future transportation corridor as determined by the Development Review Committee.

F. Fee-in-Lieu of Constructing Improvements. When the Developer cannot make public improvements, the applicant shall pay a fee-in-lieu of constructing the following public improvement which may include but is not limited to half width of full road improvements which include but are not limited to curb, sidewalk, storm drainage, and asphalt. The fee-in-lieu payment shall be the current cost of constructing the improvement as estimated by the City Engineer. The fee-in-lieu payment shall be formalized in an agreement between the City and developer, and the payment shall be made before the recordation of the subdivision or permit being issued. The City shall follow the requirements of all applicable statutory (Utah Code 10-9a-508) and case law in arriving at a just and equitable distribution of the costs of the improvements. Written findings shall be made by the City showing the reasons and justification for the allocation of the costs. The fee-in-lieu payment shall be used towards the costs of installing the improvements and absolve the applicant from making the improvement in the future or paying the future cost of the improvement associated with the improvements that they paid a fee -in-lieu of making the improvements.

2.07.045 ENTITLEMENTS. Entitlements of Lot Split approval allows the Developer to enter into a Development Agreement with the City, and have the Lot Spilt Plat recorded with the Box Elder County Recorder. In accordance with 2.01.025 any Lot Split Plat approved which is in conflict with this Title shall be null and void.

2.07.050 DEVELOPMENT AGREEMENT OF OWNER/DEVELOPER. The Developer shall enter into a development agreement as outlined in 2.04.045.

2.07.055 VALIDITY OF LOT SPLIT PLAT APPROVAL. The Lot Split Plat approval shall expire and be void one (1) year after approval by the DRC, unless the plat has been recorded.

2.07.060 APPEALS.

A. Lot Split Final Plats. Any person aggrieved by the decision of any part of the Lot Split process may appeal in accordance with Chapter 1.04 of Title I.

B. The Appeal Authority and the deadline for filing an appeal of a Final Plat or amending a Lot Split are as follows:

1. First Appeal. A person has ten (10) days to appeal the decision of the Development Review Committee to the Planning Commission.

2. Second Appeal. A person has thirty (30) days to appeal the decision of the Planning Commission to District Court. (See Utah Code 10-9a-801)

C. The Appeal Authority and deadline for filing an appeal of a Lot Split Final Plat associated with pavement widths in excess of 32 feet on a residential road, public improvement or engineering standards shall be as follows:

1. Appeal. A person has ten (10) days to appeal the decision of the DRC associated with pavement widths in excess of 32 feet on a residential road, public improvement or engineering standards to a panel of qualified experts pursuant to Engineering Appeal Panel as described in UCA 10-9a-508(5).

2.07.065 AMBIGUITY IN PROCESS. Any ambiguity in the Lot Split Process shall be resolved by following the processes and standards contained in Chapter 2.04 Final Plats, Chapter 2.05 Subdivision Improvements, and Chapter 2.06 Subdivision Regulations and Standards.

ORD 19-11
ORD 20-05
ORD 21-06
ORD 24-01