

**ARTICLE 29.
LOT SPLIT PROVISIONS**

Section 1. OBJECTIVE:

The objective of this Article is to provide for the division of an unplatted tract or platted lot of record as of March 1, 1982, that has not been divided since March 1, 1982, into not more than two (2) lots or tracts without having to comply with the platting requirements described in Articles 4 and 25 through 31 of these regulations.

Such lot splits shall be subject to the guidelines established in Sections 4 and 5 herein and any further divisions of the lot or tract shall be platted in compliance with the requirements of Articles 4, and 25 through 31 of these regulations.

Section 2. AUTHORIZATION FOR APPROVAL OF LOT SPLITS:

After providing at least 5-days written notice of each lot split application to the members of the Zoning Board for the area in which the property in question is located, the Zoning Administrator is hereby authorized to approve or disapprove lot split applications in accordance with the provisions of this Article. Appeals of a decision made by the Zoning Administrator may be made to the Board of Zoning Appeals.

Section 3. APPLICATION PROCEDURES AND REQUIREMENTS:

The application shall be submitted to the Planning Office and shall be accompanied by the following information:

- A. Two (2) copies of a drawing to scale of the lots involved showing the precise location of any structures thereon, the location and dimensions of easements, rights-of-way and entrances and the location and dimensions of the split. A survey may be required as determined by the Zoning Administrator to indicate the exact location of the structures.
- B. Where the lots are not served by a central sanitary sewer system, verification that new construction on the lots could comply with the then applicable County Environmental Sanitary Code and standards for on-site wastewater disposal as necessary to meet provision 4 (H) below shall be provided as required hereinafter.

Section 4. APPROVAL STANDARDS:

A lot split shall not be approved if one or more of the following conditions apply to the property involved in the proposed lot split:

- A. A new street is needed or proposed, or an existing street needs to be widened or extended.
- B. The Lot Split would result in lots that would not comply with the subdivision design criteria in Article 30 of these regulations with the exception, however, lots may still be considered for approval if such lots comply with the requirements of Section 5 (A) or (B) of this Article.
- C. If there is less street right-of-way than required for subdivisions by Article 30 of these regulations, the Lot Split shall not be approved unless such dedication is made by separate instrument and recorded with the Register of Deeds prior to Lot Split approval. If such right-of-way dedication

occurs, the applicant shall provide the legal description of the land being dedicated; such description shall be prepared by a registered surveyor or engineer licensed in the State of Kansas.

- D. All easement requirements in these regulations have not been satisfied or existing easements would have to be modified to affect the proposed lot split.
- E. The lot split would result in a lot that would not comply with the requirements of the zoning district in which the lot would be located.
- F. Such lot split would result in a lot, which due to location of flood plain, bodies of water, excessive slope, or other natural constraints, would not contain adequate buildable area for its intended use or, if central sanitary sewers are not available, the required area necessary for an on-site wastewater disposal system, including septic system lateral fields, holding tank(s) or other wastewater disposal systems, as required by County codes and regulations.
- G. Such lot split would result in a lot which is not provided with minimum infrastructure required by Article 31 of these regulations or the continuation of public facilities upon or adjacent to the property. Such features include, but are not limited to, roads, sewers, water lines, drainage improvements, parks and public open space.
- H. Such lot split would result in a lot that is unsuited for installation of an on-site wastewater disposal system where a central sanitary sewer system is not available. The adequacy of the site or the availability of sanitary sewers must be demonstrated by evidence submitted by the applicant. The feasibility of an on-site wastewater disposal system for new construction on either lot shall be determined by a soils profile analysis performed according to the applicable County Environmental Sanitary Code standards. When the soils profile analysis data indicates that either lot has soils with severe limitations for on-site wastewater disposal systems, the feasibility of and design for the on-site wastewater disposal system shall be verified in writing by a registered professional engineer licensed in the State of Kansas or soils testing laboratory and shall be based on a soils profile analysis.
- I. If the lot split involves a previously platted lot, such lot split would not be the first division of the platted lot nor would be accomplished by more than a single, straight, dividing line. Any other divisions to create an additional building lot from a platted lot shall be accomplished by replatting.
- J. The proposed access from the road(s) serving the resulting lots does not comply with the requirements for such access contained in the then-applicable Street Standards, including any sight distance restrictions.
- K. The proposed access from the road(s) serving the resulting lots is contrary to any access restriction recorded in the Office of the Register of Deeds of Johnson County, Kansas, including any plat restriction, easement, or restrictive covenant.
- L. The Minimum Street Frontage Requirements for Lot Splits of Section 5 of this Article are not met.

Section 5. MINIMUM STREET FRONTAGE REQUIREMENTS FOR LOT SPLITS:

- A. Both lots resulting from a Lot Split shall have at least the following Minimum Street Frontage Required Per Driveway in the Rural, Residential or Planned Residential Districts:

Minimum Street Frontage
Required per Driveway in the
Rural, Residential or Planned Residential
Districts ¹

Street Category	Districts ¹
1. Type III, Parkways	1,000 feet
2. Type II, Major Arterial Streets	660 feet
3. Type I, Minor Arterial Streets	400 feet ²
4. Collector Streets	150 feet
5. Local Streets	35 feet

¹ Driveways onto Parkways or Arterial Streets shall be at least 600 feet from the centerline of any intersecting Parkway or Arterial Street. Corner lots with less than 600 feet of frontage are restricted to access along the lesser-designated route if there is a lesser-designated route. (For example, along a Local Street instead of along a Collector Street or along a Collector Street instead of along an Arterial Street).

² See Subsection B immediately below.

- B. On Minor Arterial Streets in the Rural District only, shared driveways are options for lot split situations that do not meet the street frontage requirements. However, the minimum street frontage for each such lot shall be three hundred (300) feet.
 - C. Business driveways shall comply with the requirements of Article 30, Section 2 (B)(1).
 - D. If the Lot Split Application provides for shared driveway to be constructed and shared to provide access to the road(s) serving the resulting lots, or at least one of the resulting lots and an adjoining lot, then:
 - 1. a shared driveway agreement, and access control easement, satisfactory in form to the County shall be filed of record contemporaneously with the deed creating the lot split; or
 - 2. access control along the abutting road(s) shall be provided by deed restriction or other appropriate document satisfactory to the County to ensure that a distance at least equal to:
 - a. the Minimum Street Frontage Required Per Driveway in the Rural, Residential, or Planned Residential Districts standards above in this Section; or,
 - b. for driveways to planned retail business or planned employment center sites, the Street Frontage Required per Business Driveway as set forth in Article 30, Section 2 (B)(1);
- exists along such road(s) adjacent to the resulting lots and real property contiguous to such lots. Any deed restriction or other document shall be signed by both the owner of the lot to be divided and by the contiguous property owner(s) whose access to the contiguous property is to be restricted.

Section 6. DISPOSITION OF APPLICATIONS:

The Zoning Administrator shall, in writing, either approve, with or without conditions, or disapprove the lot split within fifteen (15) days after determination that the application is complete. The Zoning Administrator shall determine whether or not an application is complete and shall not determine that an application is complete until all application requirements have been met by the applicant and until the Zoning Administrator has been provided with a copy of any recorded right-of-way dedication

required to meet Approval in Section 4 (C) above. If no action is taken on the complete application within said fifteen (15) day period, then the application will be deemed approved. The Zoning Administrator, or his or her designee, shall note on the Lot Split application the date the application was determined to be complete, and written notice of that determination shall be sent to the applicant.