

Sections:**3-101 Objective****3-102 Authorization for Approval of Lot Splits and Boundary Shifts****3-103 Application Procedure****3-104 Approval Guidelines****3-105 Industrial Lot Splits****3-106 Agricultural Lot Splits**

3-101 Objectives: The objectives of this Article are to create a procedure for the division of existing platted lots to be divided into not more than two (2) lots without having to be replatted by complying with the formal platting requirements described in Article 2 of these regulations, and to provide a procedure for a boundary shift between two adjoining properties. Such lot split or boundary shift shall be subject to the guidelines established in Section 3-104 and any further divisions of the lot or lots so established shall be platted in compliance with the requirements of Article 2 of these regulations. Additionally, procedures are hereby established to provide for unlimited splits of industrial lots.

3-102 Authorization for Approval of Lot Splits or Boundary Shifts: The Zoning Administrator is hereby authorized to approve or disapprove a lot split or boundary shift in accordance with the provisions of this Article. Appeals from a decision made by the Zoning Administrator may be made to the governing body for a final determination.

3-103 Application Procedure: The application for a lot split or boundary shift shall be made by the owner of the land to the Zoning Administrator on forms provided and shall be accompanied by the following information:

1. Three (3) copies of a drawing to a scale of not less than 1" = 100' showing the lot(s) involved, the precise location of any structures thereon, and the location and dimensions of the original and proposed lots. Said drawing shall be a certificate of survey from a licensed land surveyor to determine the exact location of the structures and the precise dimensions of the lots.
2. The legal description(s) for the proposed lot(s).
3. The location of existing parking and curb cuts, if any. In the case of a non-residential lot split, required off-street parking shall be shown.
4. The amount of square footage contained in each new lot being created showing compliance with the requirements of the Zoning Regulations for lot area in which the zoning district the lots are located.
5. All existing easements and, if any, access control. If the easements or access control were granted by separate instrument, the recording information shall be indicated.
6. All platted building setbacks.
7. The location of existing municipal water mains, water meters, sanitary sewer laterals, gas mains, gas meters, and storm sewer lines which serve the property subject to the lot split.
8. The location of electric, telephone and other utility services to the property subject to the lot split.
9. A 3-inch by 5-inch blank space for the approval stamp of the Zoning Administrator.

3-104 Approval Guidelines: No lot split or boundary shift shall be approved if one or more of the following applies:

1. A new street or extension of an existing street, or a vacation of streets, alleys, setback lines, access controls or easements is required or proposed.
2. There is less street right-of-way than required by these regulations, unless dedication of additional right-of-way can be made by separate instrument.
3. Any easement requirements have not been satisfied.
4. Such split will result in a landlocked lot.
5. Such split will result in a lot(s) without direct access to and/or less than the required frontage on a street as specified in the Dickinson County Zoning Regulations.
6. A substandard sized lot will be created according to these regulations or the Dickinson County Zoning Regulations. This includes both the created lot and the parent lot. This shall not apply to lots created under the provisions of section 3-106 herein.

The Zoning Administrator shall, in writing, either approve, with or without conditions, or disapprove the lot split within fifteen (15) working days of the application.

The Zoning Administrator may make such additional requirements as deemed necessary to carry out the intent and purpose of these regulations. Such requirements may include, but not be limited to, installation of public facilities, dedication of right-of-way and/or easements, or submission of covenants for the protection of other landowners in the original subdivision or the parent property.

3-105 Industrial Lot Splits: The unlimited division of a platted lot used for industrial purposes only shall be permitted; provided, the resulting lots are used for industrial purposes in accordance with the Dickinson County Zoning Regulations. The documents required in Section 3-103 above shall be submitted.

3-106 Agricultural Lot Splits: The creation of one (1) additional lot in the unincorporated portion of Dickinson County on properties zoned and used as either "AG-80" or "AG-40" shall be permitted without requiring either a rezoning or a plat, including those divisions of agricultural lands because of mortgage or lending requirements; provided:

1. The provisions of section 3-103 are complied with completely.
2. The approval guidelines specified in section 3-104 are complied with to the extent they are applicable to an agricultural lot split.
3. The minimum size lot created by a lot split shall be three (3) acres. All lots created shall maintain the minimum lot frontage on a public road as required under the provisions of the Dickinson County Zoning Regulations applicable to the size of lot created by the split. Further, neither lot shall have a lot depth to lot width ratio greater than 4:1.

4. A recordable covenant between the owner and the County for the entire original tract, executed by the owner and/or owners and the County, restricting further division of the original tract without full platting of the remainder of the original tract, and rezoning to the appropriate zoning district. The covenant shall include the requirements that rezoning and platting shall be in conformance with the then applicable Zoning and Subdivision Regulations of Dickinson County, Kansas, and shall be binding on all heirs and assigns of both lots. Said covenant shall be recorded with the Register of Deeds of Dickinson County as a condition of the approval of the agricultural lot split and no construction authorization shall be issued until such time as the covenant has been recorded.