

6-101. General Intent and Purpose. In order to provide a less time consuming and costly procedure for the division of existing platted lots, resulting in the creation of additional building sites, the Planning Commission hereby delegates to the Director of Planning or his appointed agent, authority for approving or disapproving lot splits in accordance with the following regulations. Lot splits are to be distinguished from boundary shifts referenced in Section 3-105(C) and Article 11. Lots zoned residential, office, or commercial may be split to create a maximum of four (4) lots; industrially zoned lots may have unlimited lot splits subject to the approval of guidelines listed below. A lot split is required before a building permit can be issued for any property that is the remainder of an original lot from which other portions have been split or replatted.

6-102. Application Procedure. Requests for lot split approval shall be made by the owner of the land to the Wichita-Sedgwick County Metropolitan Area Planning Department. The request for approval shall consist of the following:

- (A) A completed lot split application form.
- (B) The appropriate filing fee (see 3-301 of these regulations).
- (C) Five (5) copies of a survey shall be submitted as prepared by a land surveyor registered with the State of Kansas. The survey shall depict or provide the following:
 - (1) The location of existing structures, on-site sewage disposal facilities and water wells, parking and curb cuts, if any, on the lot; in the case of non-residential lot splits, required off-street parking shall be shown;
 - (2) The precise nature, location and dimensions of the proposed split;
 - (3) The legal description(s) for the proposed split;
 - (4) The amount of square footage contained in each portion of the original lot;
 - (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) All platted easements, building setbacks, access control or public rights-of-way that have been previously vacated. The Vacation Ordinance number or recording information for the Vacation Order shall be referenced;
 - (8) A 3-inch by 5-inch blank space for the approval stamp and Planning Commission seal.

To facilitate the microfilming of the lot split, the drawing or survey shall be drawn on either letter or legal size paper.

- (D) Two (2) copies of a drawing that indicates the location of existing municipal water mains, water meters and sanitary sewer laterals that serve the lot split site.

6-103. Approval Guidelines. Approval or disapproval of lot splits shall be made based on the following guidelines:

- (A) A lot split shall not be approved if:
 - (1) A new street or extension of an existing street, or a vacation of streets, alleys, setback lines, access control or easements is required or proposed.
 - (2) There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
 - (3) All easement requirements have not been satisfied.
 - (4) Such split will result in a landlocked tract. (Access easements are an appropriate means to provide access to lots without public road frontage).
 - (5) A substandard size building site will be created or an existing structure will not observe the yard or parking or other requirements of the City or County zoning regulations.
 - (6) A lot grading plan has not been approved by City or County Engineering for a lot zoned multi-family, office, commercial or industrial.
 - (7) The parcels resulting from the lot split do not meet the Department of Environmental Services/Sedgwick County Code Enforcement, as applicable, requirements for minimum size or setbacks for on-site sewage systems and water wells. The Department of Environmental Services/Sedgwick County Code Enforcement, as applicable, has not approved the plan for on-site sewage disposal and/or water supply if the lot split site is not served with sanitary sewer and/or municipal water.
- (B) Review of lot splits by the Subdivision Committee and Utility Advisory Committee may be required for lot splits that result in significant increases in service requirements (e.g., utilities, schools, traffic controls, etc.), interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.) or propose private easements for access and/or utilities. Such determination shall be made by the Director of Planning or his designated agent. If a review by the Committee is necessary, forty (40) additional copies of the lot split drawing or survey shall be provided by the applicant along with information regarding the location of existing utilities.

(C) The Director of Planning may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and governing body policy. Requirements may include, but shall not be limited to, installation of public facilities, dedication of right-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.

(D) The Director of Planning or his designated agent shall, in writing, either approve with or without conditions or disapprove the lot split within thirty (30) days of application, except where review by the Subdivision Committee and Utility Advisory Committee is required. If approved, he shall sign and furnish a certificate of approval to be affixed to the lot split survey. He shall forward a certified copy of the lot split to the Register of Deeds for recording. He shall also forward a certified copy to the official designated to issue building or occupancy permits. A copy shall be kept in the office of the Planning Department, and a copy shall be furnished to the applicant.

6-104. Reconfiguration of Reserves. Stormwater management facilities, typically platted as reserves, may need to be vacated and re-established elsewhere within the Subdivision to comply with the applicable Wichita or Sedgwick County stormwater management and pollution prevention regulations. In lieu of a replat, an unlimited number of lot splits shall be permitted for the reconfiguration of a reserve. A vacation case shall be required for any other applicable vacation activity in conjunction with the lot split. **(Amended by Ordinance No. 48-180 and Resolution No. 103-2012)**