



Article Five LOT SPLITS

Section 5.01 General

- A. General. The intent of this section is to provide for the issuance of building permits for lots divided into not more than two (2) tracts without having to replat or resubdivide said lot, providing that the resulting lots shall not again be divided without resubdividing. The Planning Commission may approve or disapprove lot splits in accordance with these regulations.

- B. Application Procedure. Requests for lot split approval shall be made by the owner of the land to the Planning and Zoning Department. A scale drawing of the lots involved if there are no structures thereon, or if structures are located on any part of the lot being split, a certified survey, signed and sealed by a registered land surveyor, of the lot(s) and the location of the structure(s) thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application. Copies shall be submitted in accordance with the City’s Application and Review Schedule.

- C. Approval Guidelines. Approval or disapproval of lot splits shall be made based upon the following standards:
 - 1. No lot split shall be approved if:
 - a. A new street or alley is needed or proposed.
 - b. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
 - c. If such action will result in significant increase in service requirements; i.e. utilities, schools, traffic control, streets, etc.; or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
 - d. 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.
 - e. All easement requirements have not been satisfied.
 - f. If such split will result in a tract without direct access to a street.
 - g. A substandard-sized lot or parcel will be created.
 - h. If the lot has been previously split in accordance with these regulations.



2. The Planning and Zoning Department and City Engineer may require such additional requirements as deemed necessary to carry out the intent and purpose of the existing land development regulations and City policy.
- D. Action. The Planning and Zoning Staff and City Engineer shall, in writing either approve, with or without conditions, or disapprove the lot split within thirty (30) days of application. If approved, and after all conditions have been met, a certificate of approval shall be signed and furnished to the applicant. Such certificate of approval shall be affixed to the lot split survey. The applicant shall file a certified copy of the lot split and approval with the Johnson County Register of Deeds, and the official designated to issue building or occupancy permits.
- E. Appeal. If disapproved by the Planning and Zoning Department and City Engineer, applicants can appeal the decision to the Planning Commission.
- F. Filing Fee and Costs.
1. A filing fee and deposit shall be charged and collected from the applicant in an amount as established by the Governing Body by ordinance.
 2. The costs of recording documents, publications, writs, planning consultant fees, and engineering costs are payable in addition to filing fees.