

RESOLUTION 2017- 57

A resolution of the Leavenworth County Kansas Board of County Commission, to amend the following articles of the 2006 Zoning and Subdivision Regulations:

Article 85 – Lot and Tract Splits

A lot or tract split shall only be granted for tracts or parcels that meet the requirements of the Zoning and Subdivision Regulations, Sanitary Code, and other applicable regulations, and will not create a non-compliant (substandard) tract or parcel. The following exceptions shall be allowed:

1. Parcels containing structures closer than 105' from the centerline of the road that were built prior to September 27, 1971 shall be eligible for a lot or tract split provided the following criteria are met:
 - a. The structure shall be a minimum of 10' from the proposed, future, right-of-way dedication as determined by the County Engineer.
 - b. In the event the structure is destroyed more than 50%, reconstruction shall be subject to current Zoning & Subdivision Regulations, Sanitary Code and any other applicable regulations.
2. Parcels containing accessory structures closer than 15' from the side and/or rear property line that were built prior to September 27, 1971 shall be eligible for a lot or tract split provided the structure will meet all other current applicable Zoning and Subdivision Regulations, Sanitary Code and other applicable regulations upon completion of the lot or tract split.
3. Parcels containing dwelling units closer than 15' from the side property line and/or closer than 40' from the rear property line that were built prior to September 27, 1971 shall be eligible for a lot or tract split provided the structure will meet all other current applicable Zoning and Subdivision Regulations, Sanitary Code and other applicable regulations upon completion of the lot or tract split.

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the amendment of the Leavenworth County Zoning and Subdivision Regulations the 13th day of September, 2017; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the amendment be approved, as set forth; and

WHEREAS, the Board of County Commission considered, in session on 28th day of September, 2017, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 28th day of September, 20167 and incorporated herein by reference;

That the amendments listed herein be approved:

Adopted this 28th day of September, 2017
Board of County Commission
Leavenworth, County, Kansas



Doug Smith, Chairman



ATTEST

Janet Klasinski

Clyde D. Graeber

Clyde D. Graeber, Member

Robert W. Holland

Robert W. Holland, Member