

SUBDIVISION REGULATIONS
of the
CITY OF BURLINGTON, KANSAS

ARTICLE 1. TITLE, PURPOSE, AUTHORITY, JURISDICTION, APPLICABILITY AND EXEMPTIONS

100 **Title.** These regulations shall be known and may be cited as the "Subdivision Regulations of the City of Burlington, Kansas", and shall hereinafter be referred to as "these regulations."

101 **Purpose.** Responsible land subdivision is the initial step in the process of orderly community development. Once land has been divided into streets, lots and blocks and publicly recorded, the correction of defects is difficult and costly. These regulations are designed and intended to serve the following purposes:

- A. To provide for the harmonious development of the City of Burlington and for a portion of the surrounding unincorporated area of Coffey County;
- B. To provide for (1) desirable lot layouts, (2) efficient and orderly location of streets and roadways and the extent and manner in which they shall be improved, and (3) storm water drainage;
- C. To provide for adequate water supply, sewage disposal, various utility services and other improvements to protect public health, safety and general welfare;
- D. To provide for and secure to the proper governmental agencies the actual construction of all such necessary on-site and off-site public improvements including the reservation or dedication of land for park and recreational purposes;
- E. To provide protection from periodic flooding conditions;
- F. To reserve or dedicate land for open space to preserve natural areas for watercourses, drainage ways, wetlands, woodland, rugged topography, wildlife habitat, and for water quality and quantity, and to protect land from soil erosion;
- G. To avoid water and air pollution and the congestion of population and traffic;
- H. To facilitate safety by adequate access for fire fighting equipment and police protection;
- I. To coordinate the subdividing of land with applicable zoning regulations, various construction codes and other City and County regulations which also affect the development of the land;

- J. To establish administrative procedures necessary to assure a fair and uniform basis for a working relationship with subdividers, utility providers and various governmental agencies, all of whom are contributing to the development of the community; and
- K. To realize the goals, policies and planning proposals as contained in the adopted Comprehensive Development Plan.

102 Authority. These regulations are adopted under authority established by K.S.A., 12-741 et seq., as amended, 12-3009 to 12-3012 inclusive, 12-3301 and 12-3302.

103 Subdivision Jurisdiction. These regulations shall apply to all subdivisions of land within the corporate limits of the City of Burlington as presently exists or are hereinafter established by annexation and within the following land description which is located outside of the City; provided, that such land is within three miles of the city limits and not more than one-half the distance to another city:

That land in Burlington and Hampden Township of Coffey County, Kansas, excluding the City of Burlington which contains the following area:

Township 21 South, Range 15 East

Sections 24, 25, 32, 33, 34, 35 and 36; the E_{1/2} of Section 12; the S_{1/2} and NE_{1/4} of Section 13; the E_{1/2} and NW_{1/4} of Section 31 and that portion of Ssection 26 south of F.A.S. 10.

Township 21 South, Range 16 East

Sections 18, 19, 30, 31 and the SW_{1/4} of Section 7.

Township 22 South, Range 16 East

The W_{1/2} and NE_{1/4} of Section 6.

Township 22 South, Range 15 East

Section 1, 2, 3, 4, 5, and 10; the NE_{1/4} of Section 6; the NE_{1/4} of Section 8; the E_{1/2} and NW_{1/4} of Section 9; the W_{1/2} and NE_{1/4} of Section 11; and the NW_{1/4} of Section 12.

All such land is included in the Planning Area for the Comprehensive Development Plan which has been adopted by the Planning Commission and approved by the Governing Body.

104 **Applicability.** The owner(s) of any land within the jurisdiction of these regulations desiring to vacate rights of way, easements, other public reservations or recorded plats or to:

- A. Divide or further divide land into two or more lots or parcels; or
- B. Otherwise alter the boundaries of lots or parcels of land; or
- C. Establish land for use as streets, alleys or other property intended for public use or for the use of a purchaser or owner(s) of lots or parcels;

shall cause a plat to be made in accordance with the provisions of these regulations, unless exempted under Section 1-105.

105 **Exemptions.** Notwithstanding the requirements of Sections 1-103 and 104, these regulations shall not apply in the following instances or transactions:

- A. Whenever any lot, parcel or tract of land located within the area governed by these regulations has been legally subdivided, resubdivided or replatted and recorded prior to the effective date of these regulations.
- B. The division of land in the unincorporated area which creates no more than one additional lot or tract of land than specified in Section 1-105A, and which (1) does not involve any new streets or easements of access; (2) is not located in a floodable area as determined by Section 6-104 of these regulations; (3) is to be used for agricultural or single-family residential purposes only; (4) meets the standards set by these regulations for the disposal of sewage and for water supply including lot size; (5) conforms with any applicable zoning regulations; and (6) no part of the lot area shall be located closer than 400 feet to the city limits. Dedications to widen rights of way to meet standards established in the Comprehensive Plan may be required at such time as application is made for a building and/or zoning permit. (See Section 2-102 for definition of AGRICULTURE.)
- C. For land in the unincorporated area, the division or further division of land into lots or tracts, each of which contains 10 or more acres, and which (1) does not involve any new streets or easements of access as may be determined by the Planning Commission; (2) has land to be used for a dwelling site that is not located in an area subject to flooding as determined by Section 6-104 of these regulations; (3) is to be used for agricultural or single-family residential purposes only; (4) meets the standards set by these regulations for the disposal of sewage and for water supply; and (5) conforms with any applicable zoning regulations. Dedications to widen rights of way to meet standards established in the Comprehensive Plan may be required at such time as application is made for a building and/or zoning permit. (See Section 2-102 for definition of AGRICULTURE.)

- D. A transaction between owners of adjoining land which involves only a change in the boundary between the land owned by such persons and which does not create an additional lot or which does not result in the creation of a substandard lot by either owner according to any applicable zoning regulations or sanitary code.

- E. A conveyance or dedication of land or interest therein for use as a street, highway, road or railroad right of way, a drainage easement or public utilities subject to local, state or federal regulation, where no new street or easement of access is created.

- F. The layout of burial lots in cemeteries; however, the actual cemetery tract is not exempt.

- G. Any lot split in industrially zoned areas divided in accordance with the provisions of Section 9-102 of these regulations.

- H. Any transfer by operation of law.

Any request made in writing for a determination as to qualifications for being exempt from these regulations shall be answered by the Subdivision Administrator either in the affirmative or negative within 30 days of filing such a request containing all relevant information.