

ARTICLE 9. PROCEDURE FOR APPROVAL OF LOT SPLITS

100 Application Procedure. The Planning Commission is hereby authorized to approve or disapprove lot splits. An application with the required fee for a lot split approval shall be submitted to the Subdivision Administrator by the owner of the land at least 20 days prior to the next regular meeting of the Planning Commission. (See Section 3-109 for Fees.) Four copies of a drawing to scale of the lots involved if there are no structures on the lot shall accompany the application or four copies of a survey if there are structures on the lot showing the precise location of structures thereon. Each drawing or survey shall show the location, dimensions and legal description of the proposed split; the square footage contained in each portion of the original lot; all existing easements including public reservations such as building setback lines or access control and a certificate of approval as worded in Section 9-101C. (See Section 2-102 for definition of LOT SPLIT.)

Written notices shall be distributed by the Administrator to all owners of land adjacent to the property proposed to be split including such owners across the street or other public way. The application for a lot split must be accompanied by a list of the names and addresses of all persons to receive notices. Such owners shall have 10 days from the date of mailing the notification to inform the Administrator of any protest or concerns they may have on the lot split. The 10 day waiting period may be waived upon presentation of a written statement of no objection from those to be notified.

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

A. A lot split shall **not** be approved unless all of the following requirements have or can be satisfied:

1. A new street or alley or extension of an existing street or alley is required or proposed.
2. A vacation of streets, alleys, setback lines, access control or easements is required and has not been satisfied.
3. Such action will result in significant increases in service requirements, e.g., utilities, drainage, sidewalks, traffic control, streets, etc. or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
4. 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.
5. All easement requirements have not been satisfied.
6. Such split will result in a lot without direct access from its frontage to an opened public street. (See Section 6-106 for Access.)
7. A substandard sized lot will be created or an existing structure will not be able to meet all yard requirements according to applicable zoning regulations or sanitary code.

- 8. The lot is subject to periodic flooding which cannot be feasibly corrected in order to properly develop the lot.
 - 9. The lot has been previously split without replatting.
- B. The Planning Commission may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and applicable Governing Body policy. Requirements may include, but not be limited to, the installation of public facilities, water supply and sewage disposal and/or the dedication of right of way and easements.
- C. The Planning Commission shall, in writing, either approve with or without conditions or disapprove the lot split within 45 days of application. If approved, and after all conditions have been met, the Chairperson of the Planning Commission shall sign the following certificate of approval as required on the lot split drawing or survey. Acknowledgement of the certificate may be made by a notary public or by the County Clerk, Register of Deeds, Mayor or Clerk. (See K.S.A. 58-2211, as amended.)

CERTIFICATE OF LOT SPLIT APPROVAL

STATE OF KANSAS)
) ss
CITY OF BURLINGTON)

I hereby certify that this lot split has been examined by the Burlington City Planning Commission and found to comply with the Subdivision Regulations of the City of Burlington, Kansas, and is, therefore, approved for recording.

Date Signed: _____, 20__.

_____, Chairperson
 (Print Name)

STATE OF KANSAS)
) ss
COUNTY OF COFFEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by
(Name of Person)_____.

(SEAL)

_____, Notary Public
(Print Name)

My appointment expires: _____.

A copy thereof shall be filed by the Subdivision Administrator with the applicable official charged with issuing building and/or zoning permits and two copies shall be furnished to the applicant, one of which the applicant shall file with the County Register of Deeds.

- 102 Exception for Industrial Plats.** According to K.S.A. 12-752(f), a lot which is zoned for industrial purposes and for which a plat has been officially recorded may be further divided into two or more tracts without further replatting such a lot; provided, that none of the conditions under Section 9-101A is found to exist or has not otherwise been satisfied.