

ARTICLE X

LOT SPLIT PROCEDURE

SECTION 1. AUTHORITY FOR APPROVAL: The intent of this Article is to provide for the issuance of building permits on lots divided into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided without re-platting. The Planning Commission may approve or disapprove lot splits in accordance with the following regulations.

SECTION 2. APPLICATION:

1. Applications for lot split approval shall be made by the owner of the land to the Zoning Administrator. Four (4) copies of 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, four (4) copies of a survey of the lot(s) and the location of the structures thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application. The application shall be accompanied by a list of the names and addresses of all persons who own property within 200 feet of the property proposed to be split if such property is within the city boundary. For properties adjoining or outside the city boundary, names and addresses shall be provided for all owners within 1,000 feet in the unincorporated area. Written notices shall be given by the applicant to all such owners. Such owners shall have ten (10) days from the date of notification to notify the Zoning Administrator of any protests they may have concerning the lot split. The ten-day waiting period may be waived upon submission in writing of statements from those to be notified that they have no objection to the proposed lot split.
2. No lot split shall be approved if:
 - a. A new street or alley or other public improvement is needed or proposed.
 - b. A vacation of streets, alleys, setback lines, access control, or easements is required or proposed.
 - c. Such action will result in significant increases in service requirements (e.g., utilities, schools, traffic control, streets, etc.); or will interfere with maintaining existing service levels (e.g., additional curb cuts, re-paving, etc.).
 - d. There is less street right-of-way than required by these Regulations or the Comprehensive Plan.
 - e. All easement requirements have not been satisfied.
 - f. Such split will result in a tract without direct access to a street (i.e., property must abut a street and meet minimum lot width requirements).
 - g. A substandard-sized lot or parcel will be created.

- h. The lot has been previously split in accordance with these regulations.

SECTION 3. LOT SPLIT APPROVAL:

- 1. The Planning Commission shall, within thirty (30) days of an application, in writing, approve, disapprove, or continue for cause those applications which in the opinion of the Planning Commission do not meet the requirements of these regulations.

When the lot split application has been approved, and after all conditions have been met, the Chairman and Secretary of the Planning Commission shall sign the following certificate of approval, as required, for the lot split drawing or survey:

CERTIFICATE OF LOT SPLIT APPROVAL

STATE OF KANSAS)
) ss
COUNTY OF OSBORNE)

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

Date Signed: _____

Planning Commission Chairman

Planning Commission Secretary

- 2. A copy of the lot split approval shall be filed by the Administrator with the applicable official designated to issue building and/or zoning permits and two (2) copies shall be furnished to the applicant, one of which the applicant shall file with the County Register of Deeds.

SECTION 4. EXEMPTION FOR INDUSTRIAL PLATS: 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 re-platting or splitting such a lot; provided, that none of the conditions under SECTION 2 (2) is found to exist.