

Article 11: Lot Splits

Sections:

- 11-1 Objective
- 11-2 Approval of Lot Splits; Application Procedure
- 11-3 Approval Guidelines
- 11-4 Staff Review and Action
- 11-5 Filing Fee
- 11-6 Appeals

SECTION 11-1 OBJECTIVE

11-101. The objective of this Article is to provide for the division of a tract of land or lot into not more than two buildable lots which meet the minimum size and area requirements for the zoning district in which said lots are located without having to comply with the platting requirements described in Article 6 of these Regulations. The new lots cannot, thereafter, be further subdivided without replatting. The Zoning Administrator may approve or disapprove lot splits in accordance with the requirements of this Article.

11-102. A property owner shall apply for a lot split prior to the construction or placement of a non-abutting, non-accessory building or other structure on a lot already containing a building or other structure if the new lot, building or structure (a) has a different owner than the rest of the lot or (b) the new building or other structure may create increases in service requirements or interfere with maintaining existing services levels, such as those described in Section 11-301(a)(3).

11-103. No building permit shall be issued for any structure to be located on a lot produced by a lot split until (a) the lot split has been approved by the Zoning Administrator in accordance with the requirements of this Article, or (b) upon which a lot split has been denied under Section 11-301(a) without thereafter complying with Article 6 of these Regulations.

SECTION 11-2 APPROVAL OF LOT SPLITS; APPLICATION PROCEDURE

11-201. ~~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 request 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 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. The application shall provide a legal description for the original lot and legal descriptions for each of the lots produced by the proposed lot split, and such legal description shall be certified by a registered land surveyor and monuments placed.

SECTION 11-3 APPROVAL GUIDELINES

11-301. The division of lots pursuant to this Article shall comply with applicable zoning laws, these Subdivision Regulations, and all other applicable regulations.

- a. No lot split shall be approved if any of the following applies:
1. A new street or alley is needed or proposed.
 2. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
 3. If 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, repaving, etc.
 4. If 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. If all easement requirements have not been satisfied.
 6. If such splits will result in a tract without direct access to a public street.

Commented [JW1]: This paragraph was edited to match practice. There is no need for multiple copies but a scale drawing is not acceptable for a lot split application. A survey must always be provided for approval.

7. If a substandard sized lot or parcel will be created, unless a variance for the lot or parcel has been approved by the Board of Zoning Appeals.
 8. If the lot has been previously split in accordance with these regulations.
- b. The Zoning Administrator may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and policy. Requirements may include, but not be limited to, installation of public improvements and dedication of rights-of-way and easements.

SECTION 11-4 STAFF REVIEW AND ACTION

11-401. The Zoning Administrator 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, the Zoning Administrator shall sign and furnish a certificate of approval to be affixed to the lot split survey. ~~and a certified copy thereof shall be filed with the Cowley County Register of Deeds, the official designated to issue building or occupancy permits, and a copy shall be furnished to the applicant.~~

Commented [JW2]: Edited to match practice. Currently fees are being waived for lot split applications due to compliance issues. Since no fee is being charged the responsibility of filing the certificate with the Register of Deeds falls on the applicant.

SECTION 11-5 FILING FEE

11-501.

- a. The filing fee for lot split shall be in an amount as established by ordinance of the Governing Body.
- b. Cost of recording documents, publications, writs, and engineering costs are payable in addition to filing fees. These costs will be billed to the applicant.

SECTION 11-6 APPEALS

11-601. Appeals of any determinations by the Zoning Administrator made pursuant to the provisions of this Article may be made by any aggrieved party to the Board of Zoning Appeals.