

## Johnson County Planning Department

### **Lot Splits**

A guide for administrative divisions of property in unincorporated Johnson County, Kansas.

This document is for informational use only and should not be substituted in lieu of the *Johnson County Zoning and Subdivision Regulations*.

### **What is a Lot Split?**

A “Lot Split” is the division of a lot or a tract of land into no more than two portions. It is a one-time administrative procedure requiring the approval of the Zoning Administrator and notification of the appropriate Zoning Board.

Visit the Johnson County, Kansas Web Site: [www.jocogov.org](http://www.jocogov.org)

### **Purpose**

Under certain conditions, a Lot Split can occur on an unplatted tract of land or on a platted lot. In the case of an unplatted tract of land, a split may be allowed if the tract has not been divided since March 1, 1982.

Requirements and procedures for Lot Splits must comply with the Johnson County Zoning and Subdivision Regulations (Regulations). Land divisions resulting in more than two lots must be platted and comply with subdivision platting requirements.

### **Application Requirements**

To apply for a Lot Split, the applicant must submit the following items to the Johnson County Department of Planning, Development, and Codes:

1. Completed application form.
2. Payment of a \$150.00 review fee.
3. Drawings, to scale, of the lot or tract involved (2 copies). This drawing should show any structures, the location of rights-of-way or easements, and the location and dimensions of the split.

Application forms, detailed instructions, and other related information should be obtained from the Planning Department.

### **Process**

After a minimum 5-day period for comment from the appropriate Zoning Board (ZB), the Zoning Administrator or his designate is authorized to approve or deny the Lot Split application. The Zoning Administrator's decision will be rendered 15 days after an application is filed.

### **Conditions for Approval**

Article 29 of the Regulations contains the detailed standards for approval of a Lot Split. A Lot Split shall not be approved if one or more of the following summarized conditions apply to the property involved in the proposed Lot Split:

- A. A new street is needed or proposed, or an existing street needs to be widened or extended.
- B. The Lot Split would result in lots that would not comply with the subdivision design criteria in Article 30 of these regulations with the exception, however, lots may still be considered for approval if such lots comply with the requirements of Section 5 (A) or (B) of Article 29.
- C. If there is less street right-of-way than required for subdivisions by Article 30 of these regulations, the Lot Split shall not be approved unless such dedication is made by separate instrument and recorded with the Register of Deeds prior to Lot Split approval. If such right-of-way dedication occurs, the applicant shall provide the legal description of the land being dedicated; such description shall be prepared by a registered surveyor or engineer licensed in the State of Kansas.
- D. All easement requirements in these regulations have not been satisfied or existing easements would have to be modified to effect the proposed Lot Split.
- E. The Lot Split would result in a lot that would not comply with the requirements of the zoning district in which the lot would be located.
- F. Such Lot Split would result in a lot, which due to location of flood plain, bodies of water, excessive slope, or other natural constraints, would not contain adequate buildable area for its intended use or, if central sanitary sewers are not available, the required area necessary for an on-site wastewater disposal system, including septic system lateral fields, holding tank(s) or other wastewater disposal systems, as required by County codes and regulations.
- G. Such Lot Split would result in a lot which is not provided with minimum infrastructure required by Article 31 of the regulations or the continuation of public facilities upon or adjacent to the property. Such features include, but are not limited to, roads, sewers, water lines, drainage improvements, parks and public open space.
- H. Such Lot Split would result in a lot that is unsuited for installation of an on-site wastewater disposal system where a central sanitary sewer system is not available. The adequacy of the site or the availability of sanitary sewers must be demonstrated by evidence submitted by the applicant. The feasibility of an on-site wastewater disposal system for new construction on either lot shall be determined by a soils profile analysis performed according to the applicable County Environmental Sanitary Code standards. When the soils profile analysis data indicates that either lot has soils with severe limitations for on-site wastewater disposal systems, the feasibility of and design for the on-site wastewater disposal system shall be verified in writing by a registered

professional engineer licensed in the State of Kansas or by a soils testing laboratory and shall be based on a soils profile analysis.

- I. If the Lot Split involves a previously platted lot, such Lot Split would not be the first division of the platted lot nor would be accomplished by more than a single, straight, dividing line. Any other divisions to create an additional building lot from a platted lot shall be accomplished by replatting.
- J. The proposed access from the road(s) serving the resulting lots does not comply with the requirements for such access contained in the then-applicable Street Standards, including any sight distance restrictions.
- K. The proposed access from the road(s) serving the resulting lots is contrary to any access restriction recorded in the Department of Records and Tax Administration of Johnson County, Kansas, including any plat restriction, easement, or restrictive covenant.
- L. The Minimum Street Frontage Requirements for Lot Splits of Section 5 of Article 29 are not met.

### **Warning**

Land divisions that do not meet the Regulations for a Lot Split are not eligible for a building permit. For this reason, it is essential to verify:

- 1. The zoning of the parcel of land to determine whether the proposed lot sizes are legal; and
- 2. Whether or not a previous land division has occurred that would make the parcel ineligible for an administrative Lot Split.

### **Other Options for Dividing Land**

If the applicant's property is ineligible for an administrative Lot Split, other means for dividing land exist.

- 1. Depending upon the minimum lot area required, as established by the County zoning district, a parcel of land may require rezoning before a division of land can be approved.

For example: The division of a 10-acre parcel in a Rural Zoning District (RUR) into two 5-acre lots would violate the 10-acre minimum lot size requirement in the RUR District. Rezoning to a zoning district that allows smaller lots would be required.

- 2. Property that is unplatted and that has been divided once after March 1, 1982 is not eligible for an administrative Lot Split. Any future division of such property would require subdivision/plat approval before a building permit could be issued.
- 3. Property that has been platted since March 1, 1982, and that has exercised its one-time Lot Split option cannot be administratively split again. A replat is necessary to accomplish the split.

### **For More Information**

*Questions should be directed to:*

Johnson County Web Page: [www.jocogov.org](http://www.jocogov.org)  
Johnson County Department of Planning, Development, and Codes Web Page:  
<http://planning.jocogov.org>

*Or to the Johnson County, Kansas:*  
Department of Planning, Development, and Codes  
County Administration Building  
111 S. Cherry Street, Suite 3500  
Olathe, Kansas 66061  
913-715-2201  
913-715-2222 FAX