

2. **UNIFIED DEVELOPMENT ORDINANCE AMENDMENT - Amendments to Sections 18.100.120, 18.100.130, 18.100.140, 18.100.150, 18.100.160, 18.100.170, 18.100.180, 18.100.190, 18.100.200, 18.100.210, 18.100.220, 18.100.230 and 18.150.020 relating to compliance changes due to annexation**

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1. **APPLICANT:** The City of Overland Park is the applicant for this request.
2. **REQUESTED ACTION:** The applicant is requesting approval of amendments to Sections 18.100.120, 18.100.130, 18.100.140, 18.100.150, 18.100.160, 18.100.170, 18.100.180, 18.100.190, 18.100.200, 18.100.210, 18.100.220, 18.100.230 and 18.150.020 relating to compliance changes due to annexation.
3. **ANALYSIS:** The city adopted Resolution No. 3619 on September 10, 2007. That resolution commits the city to passage of Ordinance Nos. ZRR-2691 and ZRR-2692 in substantially the form of the draft of them dated September 6, 2007, a copy of each of which is included in this agenda packet. The city's commitment to passage of them was an important part of the city's presentation to the Johnson County Board of County Commissioners ("BOCC") in seeking approval of our proposed annexation.

Our obligation to pass the ordinances was conditioned upon approval by the BOCC of the city's petition to annex approximately 15 square miles filed last August. On February 21, 2008, the BOCC authorized the city to annex a portion of the land proposed to be annexed (approximately 8.5 square miles), and the city did annex that portion of the land effective on March 13, 2008. It is the Law Department's opinion that the commitment to passage of the two ordinances is binding upon the city even though the ultimate annexation was of less land than what was originally sought.

Resolution No. 3619 also qualified the city's obligation to continue those two ordinances in effect in the same form as originally adopted by including two provisos:

1. That if the BOCC hereafter amends the Johnson County Zoning and Subdivision Regulations, the city may consider adopting its own amendments to the affected regulations; and
2. That such ordinances are subject to review and re-evaluation involving a public hearing before the city's Planning Commission and Governing Body 10 years following the date of passage of the ordinances, and to possible modification or elimination at that time.

Later, the 10-year time frame was changed to 15 years.

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This ordinance incorporates into the city's UDO the edition of the Johnson County Zoning and Subdivision and Regulations dated January 25, 2007, with certain exceptions set out in the ordinance. Passage of the ordinance will enable violations of the county's zoning regulations occurring in the newly annexed area to be prosecuted in the Overland Park Municipal Court. A similar ordinance was passed in 2002 following that years annexation of 4.7 square miles

4. STAFF RECOMMENDATION: The staff recommends approval of amendments to Sections 18.100.120, 18.100.130, 18.100.140, 18.100.150, 18.100.160, 18.100.170, 18.100.180, 18.100.190, 18.100.200, 18.100.210, 18.100.220, 18.100.230 and 18.150.020, as proposed.