

CITY OF OVERLAND PARK
INTRACITY COMMUNICATION
LAW DEPARTMENT

March 13, 2008

TO: Bill Ebel, Director of Planning and Development Services

RE: Initiation of amendments to UDO pursuant to commitments made on September 10, 2007 and on March 7, 2008.

In Resolution No. 3619, which the City adopted on September 10, 2007, the City committed to passage of two ordinances in substantially the form of them dated September 6, 2007. They are Ordinance No. ZRR-2691 and ZRR-2692. A copy of each of those ordinances, bearing a "DRAFT: 9/6/07" header, is enclosed. The City reiterated its commitment in this regard in SECTION 12 of Resolution No. 3660 adopted on March 7, 2008.

The City passed annexation Ordinance No. A-2719, which became effective today upon its publication today in an official City newspaper.

In order to follow-through upon its commitment regarding the two ordinances referenced above, please initiate amendments to the City's zoning regulations (Title 18 of the Overland Park municipal code) that are reflected in the two draft ordinances and publish as quickly as possible notice of a public hearing before the City's Planning Commission on the amendments and otherwise ensure that the Planning Commission holds a public hearing on them. Sometimes such applications for an amendment are called a "text change application."

Should you have any questions, please call me or Bart Budetti.

Thanks.



Robert J. Watson
City Attorney

RJW/rjw

Enclosures

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9/6/2007

ORDINANCE NO. ZRR-2692

AN ORDINANCE RELATING TO THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF OVERLAND PARK, KANSAS; CONCERNING PLATTING REQUIREMENTS; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTION 18.460.011.

SECTION 1. Overland Park Municipal Code Section 18.460.011 is hereby amended to read as follows:

18.460.011 Platting required.

- A. All land shall be platted prior to the subdivision of land; the issuance of a building permit for the construction of a building or building addition; or the development of a recreation facility including but not limited to development of a golf course, golf practice range or athletic fields; provided, however, that platting shall not be required where:
1. The land being subdivided is zoned A, Agricultural District or A-J Agricultural District (under the 1982 Oxford Township regulations) or RUR, Rural District (under the ~~March 28, 2002~~, Johnson County, Kansas, Zoning and Subdivision Regulations), and the resulting parcels are all at least 5 acres in size;
 2. The building or building addition being proposed for construction is located on land zoned A, Agricultural District, or A-J, Agricultural District (under the 1982 Oxford Township regulations) or RUR, Rural District (under the ~~March 28, 2002~~, Johnson County, Kansas, Zoning and Subdivision Regulations);
 3. The building being proposed for construction is a detached accessory building that is clearly subordinate and incidental to the main use of the property;
 4. The building addition being proposed for construction is an addition to an existing, single-family residential structure and will not change the primary use of the property; or
 5. The building addition being proposed for construction is deemed by the Director of Planning and Development Services, or his or her designee, to be a minor addition to the existing structure that will not substantially change the character, extent or intensity of the existing development. In the event the platting exemption is denied by the Director of Planning and Development Services, the decision may be appealed to the Governing Body. In no event shall a building addition be deemed a minor addition if the added floor area exceeds ten (10) percent of the gross floor area of the original building;
- B. A recreation facility shall be required to be platted whether or not accessory buildings, such as a clubhouse, concession and restroom facility or maintenance

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facility, are being constructed in conjunction therewith. Provided, however, that the City and the developer may enter into a development agreement providing that a recreation facility being constructed as part of a larger planned development may be platted incrementally as surrounding areas of the development are platted. The preliminary plat shall contain the entire recreation facility and shall be accompanied by a general statement of the proposed phasing plan for final platting of the recreation facility.

- C. Where a development zoned RP-OE, Planned Open Space Estate Residential District, has a net density of one unit or less per 5 acres, the open space portion of that development shall not be required to receive final plat approval.

SECTION 2. Existing Overland Park Municipal Code Section 18.460.011 is hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after its publication in *The Overland Park Sun*, an official City newspaper.

PASSED by the City Council this ___ day of _____, 2007.

APPROVED by the Mayor this ___ day of _____, 2007.

Carl Gerlach, Mayor

ATTEST

Marian Cook
City Clerk

APPROVED AS TO FORM:

J. Bart Budetti
Senior Assistant City Attorney