AN ACT concerning zoning and subdivision regulations; requiring an
election in certain instances; amending K.S.A. 12-715b, 12-749, 12-
750 and 12-754 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. The initiating governing body of any city or county
that proposes to enter into an interlocal cooperation agreement with a city
or county regarding a city establishing extraterritorial zoning or
subdivision regulations shall hold a public hearing on such proposed
agreement. Notice of the public hearing shall be published by the initiating
governing body at least once in the official county newspaper. The notice
shall fix the time and place for the hearing and describe the proposal in
general terms. Written notice of the proposed interlocal cooperation
agreement shall be mailed by the initiating governing body at least 20 days
prior to the hearing to all owners of record in the area where the proposed
extraterritorial zoning or subdivision regulations will be applied.

New Sec. 2. Within 10 days following the passage of an ordinance by
a city adopting extraterritorial zoning under the provisions of K.S.A. 12-
715b or 12-754, and amendments thereto, or an ordinance adopting
extraterritorial subdivision regulations under K.S.A. 12-749 and 12-750,
and amendments thereto, the city clerk shall certify to the county election
officer a legal description and a map of the area outside the corporate
limits of the city proposed to be regulated by extraterritorial zoning or
subdivision regulations and the addresses of all qualified electors as
defined in K.S.A. 12-519, and amendments thereto, located therein. The
county election officer shall conduct a mail ballot election under the
provisions of K.S.A. 25-431 et. seq., and amendments thereto, within 60
days of such certification. If a majority of qualified electors vote against
coverage by extraterritorial zoning or subdivision regulations, the
ordinance adopting such extraterritorial zoning or subdivision regulations
shall not become effective.

Sec. 3. K.S.A. 12-715b is hereby amended to read as follows: 12-
715b. Cities are hereby authorized to adopt zoning regulations affecting all
or any designated portion of the land located outside the city but within
three miles thereof under the following conditions. Except for flood plain
regulations in areas designated as a flood plain, nothing in this act shall be
construed as authorizing any city to adopt regulations applying to or affecting any land in excess of three acres under one ownership which that is used only for agricultural purposes:

(a) The city has established a planning commission under the provisions of K.S.A. 12-702 12-744, and amendments thereto, which that provides for the appointment of two commission members who reside outside the city but within the area subject to the zoning regulations of the city, or the city has established a joint, metropolitan or regional planning commission in cooperation with the county in which such city is located pursuant to the provisions of K.S.A. 12-718, and amendments thereto.

(b) The land outside the city which that is subject to the zoning regulations of the city has been included within a comprehensive plan recommended by either of such planning commissions and has been approved by the city governing body or the board of county commissioners.

(c) The county has specifically excluded the land from county zoning regulations or the county does not have in effect zoning regulations for such area adopted in conformity with the statutes prescribing procedure for the adoption of county zoning regulations.

(d) The city has notified the board of county commissioners in writing 60 days before initiating zoning regulations by ordinance for such area of its intention to adopt such regulations by ordinance.

(e) The governing body of any city that proposes to establish extraterritorial zoning shall hold a public hearing on such proposal. Notice of the public hearing shall be published at least once in the official county newspaper, fix the time and place for such hearing and describe the proposal. Written notice of the proposed extension of zoning regulations shall be mailed at least 20 days prior to the hearing to all owners of record in the area where the proposed extraterritorial zoning will be applied.

Sec. 4. K.S.A. 12-749 is hereby amended to read as follows: 12-749.
(a) Following adoption of a comprehensive plan, a city planning commission may adopt and amend regulations governing the subdivision of land. A city planning commission shall apply subdivision regulations to all land located within the city and may apply such regulations to land outside of but within three miles of the nearest point of the city limits provided such land is within the same county in which the city is located and does not extend more than $\frac{1}{2}$ the distance between such city and another city which has adopted regulations under this section. A county planning commission may establish subdivision regulations for all or for parts of the unincorporated areas of the county.

(b) Subdivision regulations may include, but not be limited to, provisions for: (1) Efficient and orderly location of streets; (2) reduction of
vehicular congestion; (3) reservation or dedication of land for open spaces; (4) off-site and on-site public improvements; (5) recreational facilities which may include, but are not limited to, the dedication of land area for park purposes; (6) flood protection; (7) building lines; (8) compatibility of design; (9) stormwater runoff, including consideration of historic and anticipated 100-year rain and snowfall precipitation records and patterns; and (10) any other services, facilities and improvements deemed appropriate.

(c) Subdivision regulations may provide for administrative changes to land elevations designated on a plat. Such regulations may provide for plat approval conditional upon conformance with the comprehensive plan. Such regulations may provide for the payment of a fee in lieu of dedication of land. Such regulations may provide that in lieu of the completion of any work or improvements prior to the final approval of the plat, the governing body may accept a corporate surety bond, cashier's check, escrow account, letter of credit or other like security in an amount to be fixed by the governing body and conditioned upon the actual completion of such work or improvements within a specified period, in accordance with such regulations, and the governing body may enforce such bond by all equitable remedies.

(d) (1) Before adopting or amending any subdivision regulations, the planning commission shall call and hold a hearing on such regulations or amendments thereto. Notice of such hearing shall be published at least once in the official city newspaper in the case of a city or in the official county newspaper in the case of a county. Such notice shall be published at least 20 days prior to the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. In the case of a joint committee on subdivision regulations, such notice shall be published in the official city and official county newspapers.

(2) If the proposed subdivision regulations involve land in any unincorporated area, a copy of such notice shall be mailed to all owners of record in the unincorporated area that will be affected by the proposed regulations by the city or county.

(3) The hearing may be adjourned from time to time and at the conclusion of the same, the planning commission shall prepare its recommendations and by an affirmative vote of a majority of the entire membership of the commission adopt the same in the form of proposed subdivision regulations and shall submit the same, together with the written summary of the hearing thereon, to the governing body. The governing body either may: (1) Approve such recommendations by ordinance in a city or resolution in a county; (2) override the planning commission's recommendations by a 2/3 majority vote; or (3) may return the same to the planning commission for further consideration, together
with a statement specifying the basis for the governing body's failure to approve or disapprove. If the governing body returns the planning commission's recommendations, the planning commission, after considering the same, may resubmit its original recommendations giving the reasons therefor or submit new and amended recommendations. Upon the receipt of such recommendations, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by the respective ordinance or resolution, or it need take no further action thereon. If the planning commission fails to deliver its recommendations to the governing body following the planning commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the planning commission as a resubmission of the original recommendations and proceed accordingly. The proposed subdivision regulations and any amendments thereto shall become effective upon publication of the respective adopting ordinance or resolution.

Sec. 5. K.S.A. 12-750 is hereby amended to read as follows: 12-750.

(a) If the governing body of a city proposes to adopt subdivision regulations affecting property lying outside of the city and governed by subdivision regulations of the county, a copy of the city's proposal shall be certified to the board of county commissioners or if at any time subsequent to the adoption of regulations governing the subdivision of land by the city planning commission, the board of county commissioners shall designate an area for such purposes which shall include lands lying within the area governed by subdivision regulations of the city, the board of county commissioners shall certify a copy of such resolution to the governing body of the city and regulations governing the subdivision of land within the area designated by the city shall be adopted and administered in the manner hereinafter provided. Within 60 days after the date of the certification of the resolution by the board of county commissioners or the governing body of the city, there shall be established by joint resolution of the board of commissioners and governing body, a joint committee for subdivision regulation which shall be composed of three members of the county planning commission to be appointed by the chairperson of the county planning commission and three members of the city planning commission to be appointed by the chairperson of the city planning commission and one member to be selected by the other six members. Such joint committee shall have such authority as provided by law for county planning and city planning commissions relating to the adoption and administration of regulations governing the subdivision of land within the area of joint regulation. Regulations adopted by the county or city and in effect at the time of the certification of such resolution by the board of county commissioners or the governing body of the city shall remain in
effect until new regulations shall have been adopted by the joint committee
or for a period not exceeding six months from and after the date of the
certification of such resolution. The provisions of this section shall not
apply to any city and county jointly cooperating in the exercise of planning
and zoning under the provisions of this act.

(b) The provisions of this section shall become effective on and after
January 1, 1992. The governing body of any city that proposes to establish
subdivision regulations shall hold a public hearing on such proposal.
Notice of the public hearing shall be published at least once in the official
county newspaper, fix the time and place for such hearing and describe the
proposal in general terms. Written notice of the proposed extension of
subdivision regulations shall be mailed at least 20 days prior to the
hearing to all owners of record in the area where the proposed
extraterritorial subdivision regulations will be applied.

Sec. 6. K.S.A. 12-754 is hereby amended to read as follows: 12-754.
(a) The zoning regulations for a county shall define the area of zoning
jurisdiction as all or any portion of the unincorporated area. The zoning
regulations for a city shall define the zoning jurisdiction as including the
area within the city limits and may also include land located outside the
city which is not currently subject to county zoning regulations and is
within three miles of the city limits, but in no case shall it include land
which is located more than $\frac{1}{2}$ the distance to another city. The governing
body of the city shall notify the board of county commissioners in writing
of the city's intention at least 60 days before adopting zoning regulations
affecting such an area outside the city limits.

Any flood plain zone or district shall include the flood plain area within
the incorporated area of the city and may include any extraterritorial
jurisdiction lying outside, but within three miles, of the nearest point on
the contiguous city limits when such jurisdiction has not otherwise been
designated a flood plain zone or district by any other governmental unit or
subdivision.

(b) The provisions of this section shall become effective on and after
January 1, 1992. The governing body of any city that proposes to establish
extraterritorial zoning shall hold a public hearing on such proposal.
Notice of the public hearing shall be published at least once in the official
county newspaper, fix the time and place for such hearing and describe the
proposal in general terms. Written notice of the proposed extraterritorial
zoning shall be mailed at least 20 days prior to the hearing to all owners
of record in the area where the proposed extraterritorial zoning will be
applied.

Sec. 7. K.S.A. 12-715b, 12-749, 12-750 and 12-754 are hereby
repealed.

Sec. 8. This act shall take effect and be in force from and after its
publication in the statute book.