AN ACT concerning zoning and subdivision regulations; 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.

Sec. 2. 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 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 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 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. 3. 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
Sec. 4. 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. 5. 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. 6. K.S.A. 12-715b, 12-749, 12-750 and 12-754 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.