AN ACT concerning aircraft and airfields; relating to county airports; zoning; amending K.S.A. 3-307e and 3-701 and repealing the existing sections.

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

Section 1. K.S.A. 3-701 is hereby amended to read as follows: 3-701.

(1) "Airport" means any area of land or water designed and set aside for the landing and taking-off of aircraft and utilized or to be utilized in the interest of the public for such purposes, and also means any military airfield.

(2) "Airport hazard" means any structure or tree or use of land which physically obstructs or materially reduces the airspace ordinarily and customarily required for the normal flight of aircraft in landing or taking-off at any airport or is otherwise hazardous to presents a clear and present danger within such airspace to the normal landing or taking-off of aircraft.

(3) "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this the airport zoning act.

(4) "Political subdivision" means those now or hereafter authorized by the laws of this state to acquire, operate, maintain or regulate an airport or airports, acting singly or jointly, and also means those within or partly within fifty thousand (50,000) 50,000 feet of a military airfield control tower.

(5) "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

(6) "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

(7) "Tree" means any object of natural growth.

Sec. 2. K.S.A. 3-307e is hereby amended to read as follows: 3-307e. (a) The airport commission shall act as an airport zoning commission for the county and as such shall make recommendations and serve in the same capacity as an airport zoning commission provided for in subsection (2) of
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K.S.A. 3-705, and amendments thereto.—Said The commission shall make such recommendations concerning type and boundary of zones and regulations to be adopted for public airports and all property within one-mile thereof. The board of county commissioners shall act on such recommendations and may zone such public airports and the surrounding areas within one-mile thereof, except where such areas have already been zoned by city action. In such cases, city zoned areas shall keep exclusive city zoning control, except that any changes in existing city zoning must have the approval of the board of county commissioners as provided in subsection (b). All airport zoning regulations adopted as provided for herein shall be administered by the airport commission, as directed by the board of county commissioners. The board of county commissioners shall exercise directly all the zoning authority granted by this the airport zoning act in the event an airport commission is not appointed or functioning.

(b) Not more than 60 days after the board of county commissioners receives notice of the proposed changes to existing city zoning, the board of county commissioners shall conduct an administrative hearing to determine if the proposed changes to existing city zoning would create an airport hazard, as defined by K.S.A. 3-701, and amendments thereto, and shall approve the proposed changes upon a finding that such proposed changes do not create an airport hazard, as defined by K.S.A. 3-701, and amendments thereto. If such proposed changes are determined by the board of county commissioners to create an airport hazard, as defined by K.S.A. 3-701, and amendments thereto, the board of county commissioners shall identify with specificity the items or elements of the proposed changes to existing city zoning determined to create the airport hazard and may condition final approval of such proposed changes upon removal of the identified airport hazard.

(c) Nothing in this section shall be construed to grant the board of county commissioners authority to reject proposed changes in current city zoning within one mile of an airport that would not create an actual or potential airport hazard, as defined by K.S.A. 3-701, and amendments thereto.

(d) The provisions of article 7 of chapter 3 of the Kansas Statutes Annotated, and amendments thereto, shall, insofar as the same can be made applicable, govern judicial review and enforcement and remedies for airport zoning regulations adopted pursuant hereto.

Sec. 3. K.S.A. 3-307e and 3-701 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.