

HOUSE BILL No. 2150

By Representatives Corbet, Buehler, Clifford, Ellis, Fairchild, Garber, Helgerson, Hoffman, Jacobs, Mason, Neelly, Patton, Poetter Parshall, Proctor, Rahjes, Rhiley, Sanders, Seiwert, A. Smith, E. Smith, Sutton, Tarwater, Turk, Waggoner, Waymaster and K. Williams

1-24

1 AN ACT concerning planning and zoning; relating to planning and zoning
2 by a city; repealing the authority of a city to adopt planning and zoning
3 regulations for land located outside of such city; amending K.S.A. 12-
4 749 and repealing the existing section; also repealing K.S.A. 12-715b,
5 12-715c and 12-715d.
6

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

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

19 (b) Subdivision regulations may include, but not be limited to,
20 provisions for:

- 21 (1) Efficient and orderly location of streets;
- 22 (2) reduction of vehicular congestion;
- 23 (3) reservation or dedication of land for open spaces;
- 24 (4) off-site and on-site public improvements;
- 25 (5) recreational facilities ~~which~~ *that* may include, but are not limited
26 to, the dedication of land area for park purposes;
- 27 (6) flood protection;
- 28 (7) building lines;
- 29 (8) compatibility of design;
- 30 (9) stormwater runoff, including consideration of historic and
31 anticipated 100-year rain and snowfall precipitation records and patterns;
32 and
- 33 (10) any other services, facilities and improvements deemed
34 appropriate.

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

13 (d) Before adopting or amending any subdivision regulations, the
14 planning commission shall call and hold a hearing on such regulations or
15 amendments thereto. Notice of such hearing shall be published at least
16 once in the official city newspaper in the case of a city or in the official
17 county newspaper in the case of a county. Such notice shall be published at
18 least 20 days prior to the hearing. Such notice shall fix the time and place
19 for such hearing and shall describe such proposal in general terms. In the
20 case of a joint committee on subdivision regulations, such notice shall be
21 published in the official city and official county newspapers. The hearing
22 may be adjourned from time to time and at the conclusion of the same, the
23 planning commission shall prepare its recommendations and by an
24 affirmative vote of a majority of the entire membership of the commission
25 adopt the same in the form of proposed subdivision regulations and shall
26 submit the same, together with the written summary of the hearing
27 thereon, to the governing body. The governing body either may: (1)
28 Approve such recommendations by ordinance in a city or resolution in a
29 county; (2) override the planning commission's recommendations by a $\frac{2}{3}$
30 majority vote; or (3) may return the same to the planning commission for
31 further consideration, together with a statement specifying the basis for the
32 governing body's failure to approve or disapprove. If the governing body
33 returns the planning commission's recommendations, the planning
34 commission, after considering the same, may resubmit its original
35 recommendations giving the reasons therefor or submit new and amended
36 recommendations. Upon the receipt of such recommendations, the
37 governing body, by a simple majority thereof, may adopt or may revise or
38 amend and adopt such recommendations by the respective ordinance or
39 resolution, or it need take no further action thereon. If the planning
40 commission fails to deliver its recommendations to the governing body
41 following the planning commission's next regular meeting after receipt of
42 the governing body's report, the governing body shall consider such course
43 of inaction on the part of the planning commission as a resubmission of the

1 original recommendations and proceed accordingly. The proposed
2 subdivision regulations and any amendments thereto shall become
3 effective upon publication of the respective adopting ordinance or
4 resolution.

5 Sec. 2. K.S.A. 12-715b, 12-715c, 12-715d and 12-749 are hereby
6 repealed.

7 Sec. 3. This act shall take effect and be in force from and after its
8 publication in the statute book.