Session of 2025

HOUSE BILL No. 2025

By Committee on Federal and State Affairs

Requested by Representative Corbet

1-16

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

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

Section 1. 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 $^{1}/_{2}$ 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~~ *that* 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) 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. 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. 2. K.S.A. 12-715b, 12-715c, 12-715d and 12-749 are hereby repealed.

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