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MEMORANDUM

To: Chairperson Bergquist
Members of the House Committee on Local Government

From: The Office of Revisor of Statutes

Date: January 29, 2025

Subject: HB 2025 – Repealing cities’ authority to apply planning and zoning regulations to the area three miles outside of the city boundary.

House Bill No. 2025 (HB 2025) would amend K.S.A. 12-749 and repeal K.S.A. 12-715b, 12-715c, and 12-715d to repeal the authority of cities to apply their planning and zoning regulations to the area that is three miles outside of the city boundary. In 1965, state law was amended to permit cities to extend the application of their planning and zoning regulations to that area outside the city boundary that was three miles from the boundary. K.S.A. 12-749 contains the general authority, while K.S.A. 12-715b, 12-715c, and 12-715d provide procedures and limitations on adoption of such regulations.

HB 2025 would strike the general authority provision in K.S.A. 12-749 and limit city planning and zoning authority strictly to land located within the city. The bill would also repeal the other three statutes as they would have no purpose if the general authority is stricken.

If enacted, HB 2025 would become effective on July 1, 2025.

12-715b. Zoning of land outside city limits; conditions and limitations; notice to county commissioners. 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, 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.

History: L. 1969, ch. 76, § 1; L. 1984, ch. 67, § 1; L. 1991, ch. 63, § 2; July 1.

12-715c. Same; procedure for adoption, amendment and enforcement of regulations. This act is supplemental to the authority granted by K.S.A. 12-707, and amendments thereto, and any city empowered by this act to adopt zoning regulations for the area outside the city shall plan, adopt, amend, enforce and review zoning regulations in conformity with the provisions of article 7 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, insofar as such provisions can be made applicable.

History: L. 1969, ch. 76, § 2; L. 1984, ch. 67, § 2; May 17.

12-715d. Same; city regulations and authority terminate upon adoption of regulations by county. This act is supplemental to the provisions of the laws of this state which authorize counties to adopt zoning regulations for all or any part of the land located within the county and outside of any incorporated city, which laws are specifically K.S.A. 19-2901 to 19-2937, inclusive, and amendments thereto. All city zoning regulations and the authority of any city to adopt zoning regulations for land located outside the city shall cease and terminate as to any tracts of land lying within such area on the date the county places in effect zoning regulations governing the same tracts of land which are in reasonable conformance with a comprehensive plan and have been adopted in conformity with the appropriate statutes set forth in this section.

History: L. 1969, ch. 76, § 3; L. 1984, ch. 67, § 3; May 17.