

**SENATE BILL No. 37**

By Committee on Federal and State Affairs

1-16

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

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

34 (c) Subdivision regulations may provide for administrative changes to  
35 land elevations designated on a plat. Such regulations may provide for plat  
36 approval conditional upon conformance with the comprehensive plan.

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

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

1 resolution.

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

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