

## HOUSE BILL No. 2642

By Representative Carmichael

2-8

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1 AN ACT concerning planning and zoning; amending K.S.A. 2015 Supp.  
2 12-752 and repealing the existing section.

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

5 Section 1. K.S.A. 2015 Supp. 12-752 is hereby amended to read as  
6 follows: 12-752. (a) The owner or owners of any land located within an  
7 area governed by regulations subdividing the same into lots and blocks or  
8 tracts or parcels, for the purpose of laying out any subdivisions, suburban  
9 lots, building lots, tracts or parcels or any owner of any land establishing  
10 any street, alley, park or other property intended for public use or for the  
11 use of purchasers or owners of lots, tracts or parcels of land fronting  
12 thereon or adjacent thereto, shall have a plat drawn as may be required by  
13 the subdivision regulations. Such plat shall accurately describe the  
14 subdivision, lots, tracts or parcels of land giving the location and  
15 dimensions thereof and the location and dimensions of all streets, alleys,  
16 parks or other properties intended to be dedicated to public use or for the  
17 use of purchasers or owners of lots, tracts or parcels of land fronting  
18 thereon or adjacent thereto. All plats shall be verified by the owner or  
19 owners thereof. All such plats shall be submitted to the planning  
20 commission or to the joint committee for subdivision regulation.

21 (b) The planning commission or the joint committee shall determine  
22 if the plat conforms to the provisions of the subdivision regulations. If  
23 such determination is not made within 60 days after the first meeting of  
24 such commission or committee following the date of the submission of the  
25 plat to the secretary thereof, such plat shall be deemed to have been  
26 approved and a certificate shall be issued by the secretary of the planning  
27 commission or joint committee upon demand. If the planning commission  
28 or joint committee finds that the plat does not conform to the requirements  
29 of the subdivision regulations, the planning commission or joint committee  
30 shall notify the owner or owners of such fact. Such notice shall be in  
31 writing and shall specify in detail the reasons the plat does not conform to  
32 the requirements of the subdivision regulations. If the plat conforms to the  
33 requirements of such regulations, there shall be endorsed thereon the fact  
34 that the plat has been submitted to and approved by the planning  
35 commission or joint committee.

36 (c) The governing body shall accept or refuse the dedication of land

1 for public purposes within 30 days after the first meeting of the governing  
2 body following the date of the submission of the plat to the clerk thereof.  
3 The governing body may defer action for an additional 30 days for the  
4 purpose of allowing for modifications to comply with the requirements  
5 established by the governing body. No additional filing fees shall be  
6 assessed during that period. If the governing body defers or refuses such  
7 dedication, it shall notify the owner or owners of the land and the planning  
8 commission or joint committee of such fact. Such notice shall be in writing  
9 and if the deferral or refusal of the dedication of land is based upon  
10 noncompliance with the requirements established by the governing body,  
11 the notice shall specify in detail the nature of such noncompliance.

12 (d) The governing body may establish a scale of reasonable fees to be  
13 paid to the secretary of the planning commission or joint committee by the  
14 applicant for approval for each plat filed with the planning commission or  
15 joint committee.

16 (e) No building or zoning permit shall be issued for the use or  
17 construction of any structure upon any lot, tract or parcel of land located  
18 within the area governed by the subdivision regulations that has been  
19 subdivided, resubdivided or replatted after the date of the adoption of such  
20 regulations by the governing body or governing bodies but which has not  
21 been approved in the manner provided by this act.

22 (f) Any regulations adopted by a governing body with reference to  
23 subdividing lots shall provide for the issuance of building permits on  
24 platted lots divided into not more than two tracts without having to replat  
25 such lots. Such regulations also may authorize and establish conditions for  
26 the issuance of building permits on lots divided into three or more tracts  
27 without having to replat such lots. Such regulations shall provide that lots  
28 zoned for industrial purposes may be divided into two or more tracts  
29 without replatting such lot. Such regulations shall contain a procedure for  
30 issuance of building or zoning permits on divided lots which shall take  
31 into account the need for adequate street rights-of-way, easements,  
32 improvement of public facilities, and zoning regulations if in existence.

33 (g) The regulations shall provide for a procedure which specifies a  
34 time limit within which action shall be taken, and shall further provide,  
35 where applicable, for the final decision on the issuance of such building  
36 permit to be made by the governing body, except as may be provided by  
37 law.

38 (h) The register of deeds shall not file any plat until such plat shall  
39 bear the endorsement hereinbefore provided and the land dedicated for  
40 public purposes has been accepted by the governing body.

41 (i) *Any proposed replat of lots which includes a request for vacation*  
42 *of a street or streets shall be submitted to the planning commission for*  
43 *recommendation. The city planning commission shall give public notice of*

1 *the same by a publication in the official city newspaper. Such notice shall*  
2 *be published at least one time at least 20 days prior to the date of the*  
3 *hearing. Such notice shall state that a request has been filed seeking a*  
4 *replat of specific lots and the vacation of a certain street or streets,*  
5 *describing the property fully. The notice shall set the date, time and place*  
6 *of hearing on the request, and that at such time and place all persons*  
7 *interested can appear and be heard on the issue. In addition to the*  
8 *publication notice, written notice of the replat and vacation shall be*  
9 *mailed to all owners of record of real property within at least 200 feet of*  
10 *the area proposed to be replatted. The planning commission shall hear the*  
11 *testimony and other items presented. The planning commission shall make*  
12 *a recommendation regarding the vacation and submit such*  
13 *recommendation to the governing body in the same manner as provided by*  
14 *K.S.A. 12-752, and amendments thereto, for the submission and approval*  
15 *of recommendations regarding plats. If the governing body determines that*  
16 *notice has been given as required in this section, and that no private rights*  
17 *will be injured or endangered by the vacation, and that the public will*  
18 *suffer no loss or inconvenience thereby, and that the request ought to be*  
19 *granted, the governing body shall order that the vacation be made. Any*  
20 *order approving a vacation of plats, streets, alleys, easements or a public*  
21 *reservation shall provide for the reservation to the city and the owners of*  
22 *any lesser property rights for public utilities, rights-of-ways and*  
23 *easements for public service facilities originally held in such plat, street,*  
24 *alley, easement or public reservation then in existence and use.*

25       Sec. 2. K.S.A. 2015 Supp. 12-752 is hereby repealed.

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