

HOUSE BILL No. 2840

By Committee on Governmental Organizations and Elections

2-7

9 AN ACT concerning cities and counties; relating to planning and zoning;
10 amending K.S.A. 12-752 and repealing the existing section.

11

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

13 Section 1. K.S.A. 12-752 is hereby amended to read as follows: 12-
14 752. (a) The owner or owners of any land located within an area governed
15 by regulations subdividing the same into lots and blocks or tracts or par-
16 cels, for the purpose of laying out any subdivisions, suburban lots, building
17 lots, tracts or parcels or any owner of any land establishing any street,
18 alley, park or other property intended for public use or for the use of
19 purchasers or owners of lots, tracts or parcels of land fronting thereon or
20 adjacent thereto, shall have a plat drawn as may be required by the sub-
21 division regulations. Such plat shall accurately describe the subdivision,
22 lots, tracts or parcels of land giving the location and dimensions thereof
23 and the location and dimensions of all streets, alleys, parks or other prop-
24 erties intended to be dedicated to public use or for the use of purchasers
25 or owners of lots, tracts or parcels of land fronting thereon or adjacent
26 thereto. All plats shall be verified by the owner or owners thereof. All
27 such plats shall be submitted to the planning commission or to the joint
28 committee for subdivision regulation. *Nothing in this section shall prevent*
29 *the establishment of public-use private easements for utilities, ingress and*
30 *egress, open space or other purposes for the benefit of purchasers or own-*
31 *ers of lots, tracts or parcels of land fronting thereon or adjacent thereto*
32 *which are not dedicated to the public.*

33 (b) The planning commission or the joint committee shall determine
34 if the plat conforms to the provisions of the subdivision regulations. If
35 such determination is not made within 60 days after the first meeting of
36 such commission or committee following the date of the submission of
37 the plat to the secretary thereof, such plat shall be deemed to have been
38 approved and a certificate shall be issued by the secretary of the planning
39 commission or joint committee upon demand. If the planning commission
40 or joint committee finds that the plat does not conform to the require-
41 ments of the subdivision regulations, the planning commission or joint
42 committee shall notify the owner or owners of such fact. *If there are*
43 *alternative ways to conform to the requirements of the subdivision regu-*

1 *lations, the landowner shall not be limited in the manner of compliance.*
2 If the plat conforms to the requirements of such regulations, there shall
3 be endorsed thereon the fact that the plat has been submitted to and
4 approved by the planning commission or joint committee.

5 (c) The governing body shall accept or refuse the dedication of land
6 for public purposes within 30 days after the first meeting of the governing
7 body following the date of the submission of the plat to the clerk thereof.
8 The governing body may defer action for an additional 30 days for the
9 purpose of allowing for modifications to comply with the requirements
10 established by the governing body. No additional filing fees shall be as-
11 sessed during that period. If the governing body defers or refuses such
12 dedication, it shall advise the planning commission or joint committee of
13 the reasons ~~therefor~~ *for such deferral or denial. The requirements for the*
14 *acceptance of land dedicated for public purposes shall not limit or exceed*
15 *any compliance alternatives which are allowed in the subdivision regu-*
16 *lation, modify the approval of the planning commission or joint commit-*
17 *tee, or be contrary to generally accepted planning practice or policy.*

18 (d) The governing body may establish a scale of reasonable fees to
19 be paid to the secretary of the planning commission or joint committee
20 by the applicant for approval for each plat filed with the planning com-
21 mission or joint committee.

22 (e) No building or zoning permit shall be issued for the use or con-
23 struction of any structure upon any lot, tract or parcel of land located
24 within the area governed by the subdivision regulations that has been
25 subdivided, resubdivided or replatted after the date of the adoption of
26 such regulations by the governing body or governing bodies but which
27 has not been approved in the manner provided by this act.

28 (f) Any regulations adopted by a governing body with reference to
29 subdividing lots shall provide for the issuance of building permits on plat-
30 ted lots divided into not more than two tracts without having to replat
31 such lots. Such regulations also may authorize and establish conditions
32 for the issuance of building permits on lots divided into three or more
33 tracts without having to replat such lots. Such regulations shall provide
34 that lots zoned for industrial purposes may be divided into two or more
35 tracts without replatting such lot. Such regulations shall contain a pro-
36 cedure for issuance of building or zoning permits on divided lots which
37 shall take into account the need for adequate street rights-of-way, ease-
38 ments, improvement of public facilities, and zoning regulations if in
39 existence.

40 (g) The regulations shall provide for a procedure which specifies a
41 time limit within which action shall be taken, and shall further provide,
42 where applicable, for the final decision on the issuance of such building
43 permit to be made by the governing body, except as may be provided by

1 law.

2 (h) The register of deeds shall not file any plat until such plat shall
3 bear the endorsement hereinbefore provided and the land dedicated for
4 public purposes has been accepted by the governing body. *Any plat ap-*
5 *proved by a planning commission or joint committee providing public-*
6 *use private utility and access easements in lieu of public dedications may*
7 *be recorded.*

8 Sec. 2. K.S.A. 12-752 is hereby repealed.

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