

HOUSE BILL No. 2701

By Committee on Commerce, Labor and Economic Development

Requested by Mark Tomb on behalf of Kansas Realtors

2-4

1 AN ACT concerning housing; relating to zoning regulations; permitting
2 nonuniform zoning regulations within a zoning district with respect to
3 classes or kinds of buildings or land uses; amending K.S.A. 12-756 and
4 repealing the existing section.

5

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

7 Section 1. K.S.A. 12-756 is hereby amended to read as follows: 12-
8 756. (a) Before any city or county establishes any zone or district or
9 regulates or restricts the use of buildings or land ~~therein~~ *within any such*
10 *zone or district*, the governing body shall require the planning commission
11 to recommend the nature and number of zones or districts ~~which it that the~~
12 *planning commission* deems necessary ~~and~~, the boundaries of ~~the same~~
13 *such zones or districts* and appropriate regulations or restrictions to be
14 enforced therein. Except as provided in the zoning regulations, ~~all~~ such
15 regulations ~~shall need not~~ be uniform for each class or kind of building or
16 land uses throughout each district, ~~but the~~ *and such* regulations in one
17 district may differ from those in other districts, and special uses may be
18 designated within each district with conditions attached.

19 (b) Upon the development of proposed zoning regulations, the
20 planning commission shall hold a public hearing ~~thereon on such~~
21 *regulations*. Notice of such public hearing shall be published at least once
22 in the official city newspaper in the case of a city or in the official county
23 newspaper in the case of a county *and on the city, county or joint city and*
24 *county website, if the city or county has a website or joint website*, at least
25 20 days prior to the date of the hearing. In the case of a joint zoning board,
26 notice of such hearing shall be published in the official city and official
27 county newspapers *and, to maximize publication to the extent websites are*
28 *available, on the city and county website, the city or county website or a*
29 *joint website of the city and county*. Such notice shall fix the time and
30 place for such hearing and shall describe such proposal in general terms.
31 The hearing may be adjourned from time to time, and at the conclusion of
32 ~~the same~~ *such hearing*, the planning commission shall prepare ~~its~~ *such*
33 *planning commission's recommendations and, by an affirmative vote of a*
34 *majority of the entire membership of the commission, adopt* ~~the same~~ *such*
35 *recommendations* in the form of proposed zoning regulations and ~~shall~~

1 submit ~~the same such proposed zoning regulations~~, together with the
2 written summary of ~~the such hearing thereon~~, to the governing body. The
3 governing body ~~either~~ may: (1) ~~Approve Adopt~~ such recommendations ~~by~~
4 ~~the adoption of the same by ordinance in a city or resolution in a county;~~
5 (2) ~~override the planning commission's such recommendations by a 2/3~~
6 majority vote of the membership of the governing body; or (3) ~~may return~~
7 ~~the same such recommendations~~ to the planning commission for further
8 consideration, together with a statement specifying the basis for the
9 governing body's failure to approve or disapprove. If the governing body
10 returns the planning commission's recommendations, the planning
11 commission, after considering ~~the same such recommendations~~, may
12 resubmit ~~its such planning commission's~~ original recommendations, giving
13 the reasons therefor, or submit new and amended recommendations. Upon
14 the receipt of such recommendations, the governing body, by a simple
15 majority ~~thereof~~ vote, may adopt or ~~may~~ revise or amend and adopt such
16 recommendations by the respective ordinance or resolution, or the
17 governing body need take no further action ~~thereon with respect to such~~
18 ~~recommendations~~. If the planning commission fails to deliver ~~its such~~
19 ~~planning commission's~~ recommendations to the governing body following
20 the planning commission's next regular meeting after receipt of the
21 governing body's report, the governing body shall consider such course of
22 inaction on the part of the planning commission as a resubmission of the
23 original recommendations and proceed accordingly. The proposed zoning
24 regulations and any amendments thereto shall become effective upon
25 publication of the respective adopting ordinance or resolution.

26 (e) ~~The provisions of this section shall become effective on and after~~
27 ~~January 1, 1992.~~

28 Sec. 2. K.S.A. 12-756 is hereby repealed.

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