

SENATE BILL No. 287

By Senator Lyon (By Request)

10-20

AN ACT concerning cities and counties; relating to zoning; amending K.S.A. 12-742 and 12-758 and repealing the existing sections.

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

Section 1. K.S.A. 12-742 is hereby amended to read as follows: 12-742. ~~(a)~~ When used in ~~this act~~ 12-742 *et seq.*, and amendments thereto:

~~(1)~~ (a) "Base flood" means a flood having a 1% chance of being equaled or exceeded in any one year;

~~(2)~~ (b) "Floodway fringe" means those portions of a flood plain outside of the boundaries of a regulatory floodway and within stream reaches where such a floodway has been established;

~~(3)~~ (c) "Flood plain" means land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of 1%;

~~(4)~~ (d) "Governing body" means the governing body of a city in the case of cities and the board of county commissioners in the case of counties;

~~(5)~~ (e) "Manufactured home" means a structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. § 5403;

~~(6)~~ (f) "Planning commission" means a city, county, regional or metropolitan planning commission;

~~(7)~~ (g) "Residential-design manufactured home" means a manufactured home on permanent foundation which has (A) minimum dimensions of 22 body feet in width, (B) a pitched roof and (C) siding and roofing materials which are customarily used on site-built homes;

~~(8)~~ (h) "Subdivision" means the division of a lot, tract or parcel of land into two or more parts for the purpose, whether immediate or future, of sale or building development, including resubdivision;

~~(9)~~ (i) "Subdivision regulations" mean the lawfully adopted subdivision ordinances of a city and the lawfully adopted subdivision resolutions of a county;

~~(10)~~ (j) "Zoning" means the regulation or restriction of the location and uses of buildings and uses of land;

~~(11)~~ (k) "Zoning regulations" mean the lawfully adopted zoning or-

1 finances of a city and the lawfully adopted zoning resolutions of a county.

2 ~~(b) The provisions of this section shall become effective on and after~~
3 ~~January 1, 1992.~~

4 (l) "Agricultural land" means land suitable for farming and includes
5 roads, water, watercourses and private ways located upon or within the
6 boundaries of such agricultural land and buildings and structures and
7 machinery or equipment when attached to such agricultural land.

8 (m) "Farming" means the cultivation of land for the production of
9 agricultural crops, the raising of poultry, the production of eggs, milk,
10 fruit or other horticultural crops, grazing or the production of livestock.

11 "Farming" does not mean the boarding or keeping of more than three
12 horses not owned by the owner of the agricultural land unless such person
13 is a veterinarian and is boarding or keeping such horses for the purpose
14 of providing medical care.

15 Sec. 2. K.S.A. 12-758 is hereby amended to read as follows: 12-758.

16 (a) Except as otherwise provided by this section and K.S.A. 12-770 and
17 12-771, and amendments thereto, regulations adopted under authority of
18 this act shall not apply to the existing use of any building or land, but shall
19 apply to any alteration of a building to provide for a change in use or a
20 change in the use of any building or land after the effective date of any
21 regulations adopted under this act. If a building is damaged by more than
22 50% of its fair market value such building shall not be restored if the use
23 of such building is not in conformance with the regulations adopted under
24 this act.

25 (b) Except for flood plain regulations in areas designated as a flood
26 plain, regulations adopted by a city pursuant to K.S.A. 12-715b, and
27 amendments thereto, or a county pursuant to this act shall not apply to
28 the use of *agricultural* land ~~for agricultural purposes~~, nor for the erection
29 or maintenance of buildings thereon for such purposes so long as such
30 land and buildings are used for agricultural purposes and not otherwise.

31 New Sec. 3. The governing body of any city or county which has
32 adopted zoning regulations under the provisions of K.S.A. 12-742 *et seq.*,
33 and amendments thereto, shall adopt zoning regulations which prohibit,
34 within 1,000 feet of the boundary lines of adjacent land which is used for
35 residential purposes, the location of a building, structure or facility used
36 as a horse stable or arena or rodeo arena or for the boarding or keeping
37 of horses.

38 Sec. 4. K.S.A. 12-742 and 12-758 are hereby repealed.

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

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