

## Testimony of Rex Sharp in Favor of SB 346

The largest investment most people make is in their family home. They buy or build a house in the neighborhood zoned to fit their family's needs—single family, two family (duplex), or multi-family.

Re-zoning, changing from one use to another, is difficult and should be. The landowner should initiate it with notice to his neighbors for them to have an opportunity to be heard and protest if necessary. A single family use can't be easily changed to a multi-family zone, or vice versa.

Single family residential zones with one dwelling per lot have made up a large majority of the award winning, small suburban city of Prairie Village for generations. The City Council of Prairie Village, however, without the consent or permission of any of the landowners, claimed it could change, city-wide, single family residential zones with one dwelling per lot to double family residential with two dwellings per lot zoning by a majority vote of the Council. The City Council claimed this was not rezoning which is not defined in K.S.A. 12-757. Over 3700 PV residents signed initiative petitions to prevent that, but the City Council playing party politics instead of representing their constituents, pressed on, sued the residents to prevent an initiative petition from being voted on, and have spent over \$100,000 trying to prevent its citizens from voting (as the outcome of an election would be clear). By running the citizens out of money, stalling the vote, and using the courts for delay, the City Council pushes on. K.S.A. 12-757 was never intended to allow a City Council to usurp property rights of people and their neighbors' due process rights by changing zones and just claiming it was not rezoning. The definition of words apparently is a new battle ground, so rezoning needs to be clarified to prevent runaway City Councils and clogging the courts.

Without it, a City Council could eliminate single family zones or multi-family zones without landowner consent and change entire neighborhoods or cities by a majority vote of the Council. That is unfair, probably unconstitutional, and never been done in Kansas before.

This is not about local government control. City government never had authority to re-zone someone else's property. If the City wants to exercise eminent domain to buy property and then rezone its own property, it can still do that. And it retains the ability to legislate the size of buildings within each zone—up or down zoning. But it cannot usurp the rights of landowners.

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