



TESTIMONY
HOUSE COMMITTEE ON COMMERCE, LABOR, AND ECONOMIC DEVELOPMENT
HOUSE BILL NO. 2343

Roy Cessna, Mayor, City of Garden City, KS
On behalf of the City of Garden City
February 11th, 2025

Opposition

Chairman Tarwater and Members of the Committee,

Thank you for the opportunity to submit written testimony on behalf of the City of Garden City in opposition to House Bill 2343, the "No-Impact Home-Based Business Fairness Act." While the City of Garden City supports business development and entrepreneurial efforts, we strongly oppose HB 2343 due to its sweeping preemption of local zoning authority and its potential to create serious disruptions in residential communities.

Preservation of Local Authority and Home Rule

House Bill 2343 fundamentally undermines municipal zoning regulations, which are essential tools for cities to balance residential quality of life with business activities. In Kansas, zoning regulations are a cornerstone of home rule ordinances, allowing municipalities to address their unique needs and priorities of their citizens. These regulations ensure that citizens have a direct voice in how their neighborhoods evolve. If zoning regulations become misaligned with community desires, the electorate has the power to elect new City officials to enact change. HB 2343 strips local decision-making authority, replacing it with a one-size-fits-all approach for the state and leaving a large majority of communities with the Kansas Legislature replacing the city's own residents as the decision-making authority.

Zoning Conflicts and Neighborhood Disruptions

The City of Garden City does not require a business license; however, we have encountered significant problems with some businesses that create incompatible zoning impacts. HB 2343 broadly defines "no-impact home-based businesses" and prohibits municipalities from imposing additional licensing or zoning restrictions, which would exacerbate the following existing issues:

- Heavy equipment operations in residential garages: Some home-based businesses involve machinery that generates significant noise, leading to noise ordinance violations and disturbances for neighbors.
- Recurring yard sales: Continuous sales operations at residential properties contribute to environmental nuisances and excessive traffic congestion, detracting from neighborhood aesthetics and safety.
- Parking and storage issues: Unregulated home businesses often store multiple vehicles on their property not in accordance with local codes, or operate from residential streets, leading to blocked driveways, increased traffic, and diminished community safety.

Roy Cessna
Mayor

Tom Nguyen
Commissioner

Bryce Landgraf
Commissioner

Manuel F. Ortiz
Commissioner

Troy R. Unruh
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We appreciate the thoughtful balance in Section 5 to provide for municipal regulations that address noise and traffic disturbances, yet we would appreciate the committee working with the Revisors to make it clearer that our zoning protections will remain capable of addressing community concerns that can obstruct quiet livability in our neighborhoods.

These issues are difficult enough to enforce under local codes and existing State due process laws. In Garden City, the violations described above make up the largest number of complaints to the City Manager's office over the last two years – even more than complaints about taxes! HB 2343 would remove the ability of cities to manage these impacts of incompatible property uses, making it more difficult to address the concerns of our residents who expect their neighborhood to look, sound, and smell like a residential neighborhood, not an industrial park.

Unintended Consequences for Public Safety and Infrastructure

Local zoning regulations serve a vital function in protecting public safety, ensuring appropriate traffic flow, and maintaining neighborhood integrity. HB 2343's provisions prohibit municipalities from enforcing basic permitting, licensing, or zoning regulations on home-based businesses, which could result in:

- Increased fire hazards and code violations in homes repurposed for business use without proper oversight.
- Excessive traffic in residential areas, creating safety hazards for pedestrians and school zones.
- Strains on municipal resources, including code enforcement, waste management, and emergency response services.

Conclusion

House Bill 2343 undermines local governance, creates regulatory blind spots, and jeopardizes neighborhood stability. Municipalities across Kansas, including Garden City, should retain the right to determine how to best balance residential living with home-based business activity. We strongly urge the Committee to reject HB 2343 and uphold the principle of local control in zoning and community planning.

Thank you for your time and consideration.

Respectfully submitted,

Roy Cessna, Mayor
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