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**Date: February 6, 2024**  
**To: Chairwoman Sen. Carolyn McGinn and the Senate Committee on Local Government**  
**From: City of Overland Park**  
**Re: SB 346 – Opposition**

Thank you for allowing the City of Overland Park to submit testimony in opposition to Senate Bill 346 (“SB 346”), restricting who can propose rezoning amendments to city and county zoning regulations.

SB 346 would restrict who could request zoning changes to the property owner only, preventing cities and counties from rezoning property.

Specifically, this bill would eliminate cities’ ability to use rezoning as a tool to target specific regulations to specific geographic areas, when such regulations are pertinent to only those specific areas. Examples of effects this bill would have on cities would include, inhibiting a city’s ability to initiate overlay districts, or create a form based district (i.e., Overland Park currently has a Downtown Form Based District).

Additionally, zoning regulations are written to implement a city’s comprehensive plan. When comprehensive plans are updated through the years to better address the market and citizen desires, zoning regulations are subsequently updated and may result in changes to zoning districts. This bill would again take away a city’s ability to use zoning as a tool to implement its comprehensive plan.

Further, state statutes already contain strong safeguards to address potential misuse of zoning, such as public notice, public hearings, protest petitions and appeals. While most rezonings are property-owner initiated, city-initiated rezonings, while rarely utilized, are an important tool for cities to have, and any such exercise would be required to follow the statutory processes currently in place which afford property owners fair due process.

The City of Overland Park opposes further limits to home rule authority and we support the full control and authority over those matters which are granted to municipalities by the Kansas Constitution as approved by voters in 1960. The City supports Constitutional home rule authority of Kansas cities, which provides, in part, “...cities are hereby empowered to determine their own local affairs and government...” Thus, self-governance, and local control, is the rule established by our state’s constitution.

Thank you for allowing the City to submit testimony in opposition to **SB 346**. We respectfully request that the Committee not advance this legislation to the full Senate.