

**A BASIS FOR REVISION TO THE KANSAS PLANNING  
AND ZONING ENABLING STATUTES**

by

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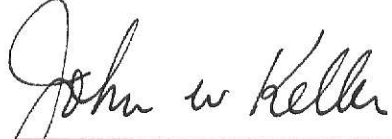
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## INTRODUCTION

This paper is about the Kansas Planning Enabling Statutes. It is the feeling of the author that these statutes need to be revised. The primary aim of this study will be to prove that this need exists, by demonstrating the problems inherent in the present law. These problems have been identified by local planning professionals knowledgeable in this field, as well as by national figures in planning and law.

A second aim of the paper will be to provide the reader with both a historical background of, and a look at, current enabling law. Enabling legislation will be traced back to its beginnings in Kansas. On the national level, the origins of the standard planning and zoning enabling acts will be examined, along with new approaches to land use law instituted by various states.

A major part of the paper will be devoted to the analysis of a questionnaire given to three planners, who are currently working in Kansas, and are recognized within their profession as proficient in the area of enabling law. They were asked a series of open-ended questions that were formulated on the basis of research into the American Law Institute's Model Planning Enabling Code, and into the Kansas Planning and Zoning Enabling Statutes. The information gathered from all of these sources will be used to suggest possible strategies to follow in modifying the present Kansas statutes.

**CHAPTER ONE**  
**THE NEED FOR REVISION**

The Kansas Planning Enabling Statutes give local governments the authority to regulate land use, and provide guidelines for the administration of such regulations. With this authority, local governments can plan, zone, subdivide, and form Planned Unit Developments (PUDs). Typically, zoning and subdivision regulations are the first to be adopted; later, as the area develops, PUD regulations may follow.

PROBLEMS IDENTIFIED IN LEGISLATIVE HEARINGS

Because the enabling laws provide the framework on which all local land use regulations are based, it is important that they be as clear, concise, and up-to-date as possible. Yet planning officials involved in Kansas legislative hearings have identified the following problem areas in the statutes.<sup>1</sup>

1) Planning commissions usually do not fully utilize the comprehensive plan. Often the plan is ignored, and in some cases may even come to be seen as a hindrance, rather than as a useful planning tool.<sup>2</sup>

In the Kansas enabling laws, the planning commission is the agency authorized to create the comprehensive plan, as well as to adopt it as "the official plan of the city."<sup>3</sup> The governing body is barely involved; it is only required to "consider" the proposed plan, and to submit its