

## LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for the Work Session of 5:30 P.M., Wednesday, March 15, 2022  
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048  
[www.leavenworthcounty.gov](http://www.leavenworthcounty.gov)

1. **Call to Order**
2. **Roll Call**
3. **Planning Commissioner Training Work Session: History of Planning & Zoning**

Next meeting date:

Wednesday, April 12, 2022 5:30 PM – Regularly Scheduled Meeting

### **For More Information**

If you have any questions or need to make special arrangements for a meeting,  
please call or stop by the Planning and Zoning Department.

Contact Stephanie Sloop – 913-684-0465

# HISTORY OF PLANNING & ZONING IN THE UNITED STATES

PLANNING COMMISSIONER TRAINING

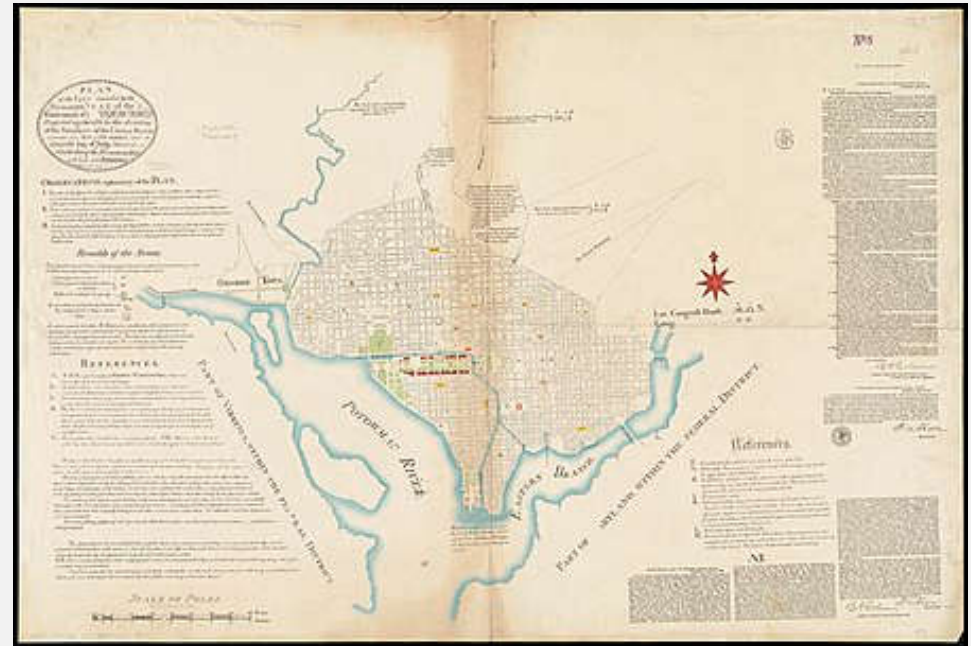
# PRE-1900

- Oglethorpe's Plan for Savannah, GA
  - Beginning in 1730, James Edward Oglethorpe, Georgia Colony Trustee, began designing the layout for Savannah, GA.
  - Oglethorpe created a grid system of streets and public squares. The layout was two-fold: provide easy defense from the Spanish and create open space for its residents
  - Oglethorpe's plans also included spacing between towns, the layout of towns and their surrounding counties in order to sustain the needed agrarian economy for a new colony



## PRE-1900

- L'Enfant Plan – Washington DC
  - Developed in 1791 by Major Pierre Charles L'Enfant for George Washington
  - The plan oversaw the planning and development of the territory that became Washington DC
  - While originally limited to finding suitable sites for the federal city and its public buildings, L'Enfant created a plan that included not only building sites but road layout and designs for the proposed public buildings.



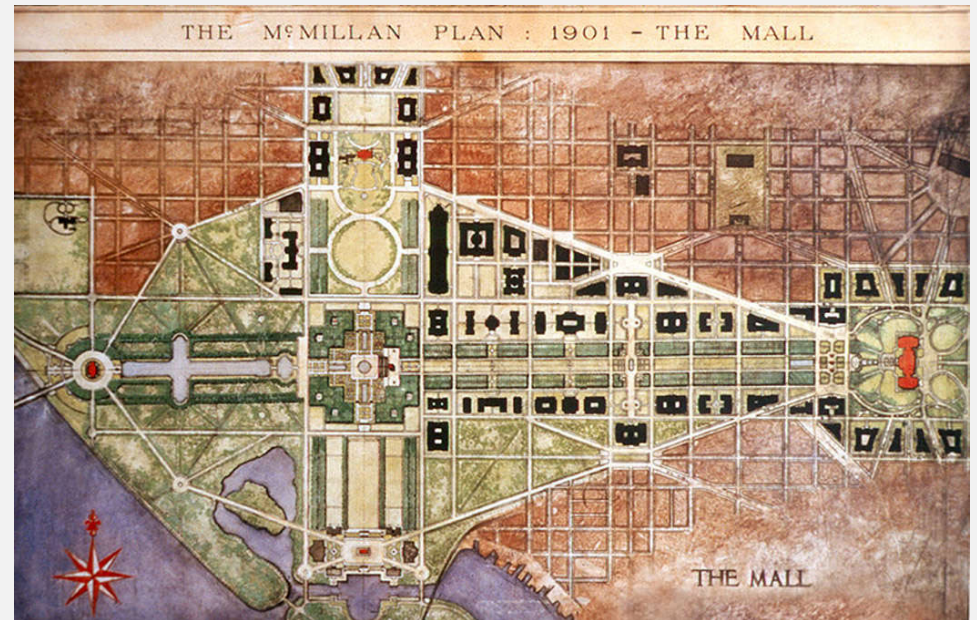
1901

- NY Tenement House Law
  - Tenement buildings were any building that housed three or more families
  - Most tenement housing had been existing structures that were divided into multiple apartments, many without access to windows, ventilation and sanitation
  - New York City enacted a law that required new buildings to improve light and air quality by requiring external facing windows in each room, an open courtyard, improved ventilation, indoor toilets and better fire safety.



# 1902

- McMillan Plan – Washington DC
  - The Senate Park Commission created the McMillan Plan to update the L'Enfant plan for Washington DC
  - The Plan was a comprehensive planning document that redesigned the National Mall and determined the locations of the Lincoln Memorial, Ulysses S Grant Memorial, Union Station and US Dept. of Agriculture.
  - This plan is still the basis for most of Washington DC's planning today.
- “First” City Planning Commission
  - A bill was presented to the State of Ohio to create a “Board of City Planning for Ohio Cities”
  - The City of Cleveland was the first city to create a board of members who provided guidance on broad planning improvements

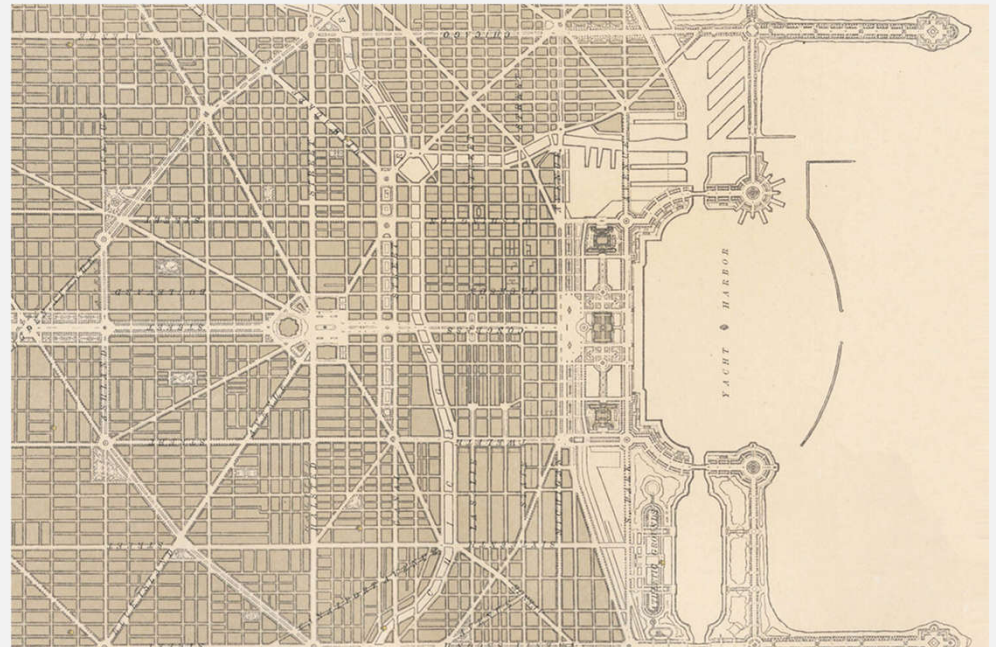


1907

- First Official City Planning Commission
  - Hartford, CT became the first city in the United States with an official and permanent City Planning Commission
  - Prior to 1907, Planning Commissions/Committees were temporary groups who provided guidance on development comprehensive plans
  - Planning Commissions became permanent city or town commissions that reviewed land use developments and on-going policies

1909

- First College Course in City Planning
  - Harvard College held its first college course called “The Principles of City Planning”
- First National Conference on City Planning
  - The conference was held in Washington DC and led to the establishment of the American Planning Institute of 1917
- Burnham’s *Plan of Chicago*
  - First Comprehensive Metropolitan Plan in the United States
  - The plan took three years to research city growth and infrastructure needs and provided guidance on how the city should develop through physical improvements, like infrastructure, park systems and transportation.





## 1913 & 1914

- Early Prototypes of Zoning
  - Legislatures in New York, Minnesota, Wisconsin and Illinois allowed some cities to create residential zoning districts which prohibited some commercial and industrial uses.
- *Carrying Out the City Plan*
  - Was the first text outlining the legal framework for city planning.
- Harland Bartholomew became the first full-time public sector city planner in the United States. (Newark, New Jersey)
  - Prior to being hired by the City of Newark, Bartholomew had been employed by a consultant to develop a comprehensive plan for the city

1916

- 1916 Zoning Resolution
  - Was developed for New York City in response to the overdevelopment and congestion of the city
  - The resolution divided the City into zones based on their primary activity and created building heights and setbacks for each zone

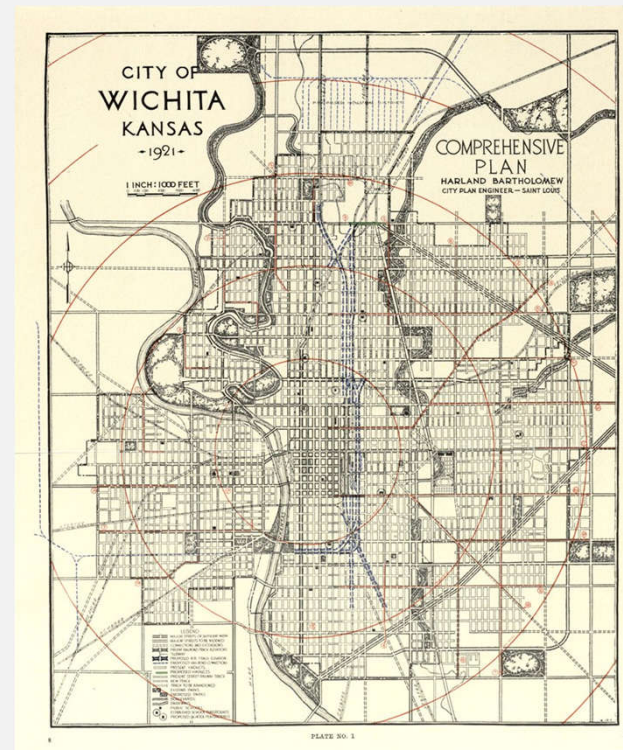


# 1922

- Local History: JC Nichols began building the County Club Plaza which is considered the first car-oriented shopping center – it included gas stations and free parking
- Standard State Zoning Enabling Act
  - The US Department of Commerce issued this draft as a model law to help states create zoning restrictions within their jurisdictions
  - The draft contained language defining a zoning commission and calling for zoning regulations
- Creation of Regulatory Taking
  - The US Supreme Court ruled that government regulations on the uses of property can diminish its value which is considered a **Regulatory Taking**. *Pennsylvania Coal Company v. Mahon*

1923

- Local History: *Ware v. City of Wichita*
  - Kansas Supreme Court found that Wichita's zoning regulations are constitutional as a valid exercise of police powers



1925

- First Comprehensive Plan approved and adopted into law – Cincinnati, OH
  - Included plans for schools and play yards, garbage and refuse disposal, ways to finance improvements and other municipal issues
- First State-Level Land Use Plan – New York
  - Focused on transportation corridors, settlement areas and preserving rural land

1926

- *Euclid v. Ambler Realty*
  - US Supreme Court ruled that the village of Euclid did not infringe on the rights of Ambler Realty by establishing its zoning ordinance.
  - This ruling broadly affirmed the constitutionality of zoning and led to the growth of zoning ordinances throughout the United States

1927

- A Standard City Planning Enabling Act
  - Another model law to help state and local jurisdictions organize city and regional planning commissions, making city and regional plans and controlling the layout of new subdivisions
  - Many state statutes are still broadly based on this template

1994

- *Dolan v. City of Tigard*
  - US Supreme Court landmark case on zoning and infringement on property rights
  - Determination that a government's conditions on property expansion amount to an uncompensated taking of property if they are not roughly proportional to a legitimate government interest

*(See also Nolan v. California Coastal Commission)*



## ZONING IN KANSAS

- The legal authority for cities and counties to adopt zoning regulations is found in K.S.A. 12-741 – Kansas’s Zoning Enabling Act
- Furthermore, the components of what can be in local zoning ordinances are outlined in K.S.A. 12-753(a)
- Etc.

1978

- *Golden v. City of Overland Park*
  - Kansas Supreme Court identified six “Golden” factors that courts should consider when determining the reasonableness of a zoning decision. They are:
    1. The character of the neighborhood
    2. The zoning uses of nearby properties
    3. Suitability of the property for the uses to which it is restricted
    4. The extent to which the change will detrimentally affect nearby property
    5. The length of time the property has been vacant as zoned
    6. The gain to the public health, safety and welfare made possible by the loss in value of the plaintiff’s property compared to the hardship imposed on the plaintiff if his request were denied

1980

- *Combined Investment Company v. Board of Butler County Commissioners*
  - KS Supreme Court further clarified the Golden decision by concluding that:
    - The local zoning authority, and not the court, has the right to prescribe, change or refuse to change zoning
    - The district court's power is limited to determining (a) the lawfulness of the action taken, and (b) the reasonableness of such action
    - There is a presumption that the zoning authority acted reasonably
    - The landowner has the burden of proving unreasonableness by a preponderance of the evidence

## 1980 CONT.

- *Combined Investment Company v. Board of Butler County Commissioners*
  - KS Supreme Court further clarified the Golden decision by concluding that:
    - A court may not substitute its judgement for that of the administrative body and should not declare the action unreasonable unless clearly compelled to do so by the evidence.
    - Action is unreasonable when it is so arbitrary that it can be said it was taken without regard to the benefit or harm involved to the community at large, including all interested parties, and was so wide
    - Whether action is reasonable or not is a question of law, to be determined upon the basis of the facts that were presented to the zoning authority
    - An appellate court must make the same review of the zoning authority's action, as did the district court

1989

- *Landau v. City of Overland Park*
  - KS Supreme Court concluded that “Our standard of review is reasonableness. In our view, cities and counties in Kansas are entitled to determine how they are to be zoned or rezoned....No court should substitute its judgement for the judgement of the elected governing body merely on the basis of a differing opinion as to what is a better policy in a specific zoning situation”
  - However, the court has determined that local zoning decisions need to have sufficient findings of fact in accordance with the “Golden” factors, otherwise it may return the case back to the governing body for further findings and conclusions.