

HOW TO PROTEST A REZONING OR SPECIAL USE PERMIT

If you own real property located within the notice area of a proposed rezoning or special use permit (within 1000 ft. if in the unincorporated area of the county, 200 ft. if in an incorporated city) you may submit a protest petition in opposition of the proposed rezoning or special use permit. A sample form for a protest petition follows. K.S.A. 12-757, specifically subsection (f), provides the statutory requirements for the submission of a valid protest petition.

The protest petition must be filed with the County Clerk within fourteen (14) days after conclusion of the public hearing conducted by the planning commission regarding the proposed rezoning or special use permit. This fourteen day (14) time for filing requirement applies regardless of whether the planning commission vote on the rezoning or special use permit has taken place.

The following are general guidelines to follow in preparing and submitting a protest petition. These guidelines are provided for informational purposes only.

You may wish to consult with legal counsel in preparing and submitting a protest petition.

I. For a protest petition to be valid, it must meet the following requirements:

- A. It must be duly signed and acknowledged by the owners of 20% or more of any real property, excluding public streets and ways, within 1000 feet of the land for which the rezoning or special use permit has been proposed.
- B. It must be filed with the County Clerk within 14 days following the Planning Commission public hearing.

II. Facts about the petition:

- C. The "owner" for the purpose of a protest petition is defined as the owner of record (recorded for purposes of taxation) on the date of publication of the legal notice of the Planning Commission public hearing.
- D. Each and every owner of a single piece of property must sign the protest petition, but all are considered as a single owner in determining the sufficiency of the petition.
- E. An authorized representative of a corporation may sign, but must provide legal documentation of his/her right to sign for the corporation.
- F. The protest petition should state what is being protested, its general location, and the reasons for the protest.
- G. Each and every signature must be acknowledged. An acceptable form for acknowledgment of signatures and form for the petition is attached.

PROTEST PETITION

We, the undersigned, in accordance with KSA 12-757, being the owners of record of the property enumerated below, protest the proposed _____ on the property described as _____

In Leavenworth County, commonly known as _____

For the following reasons:

SIGNATURE

ADDRESS

DATE

STATE OF KANSAS)

)

COUNTY OF LEAVENWORTH)

_____, of lawful age, being first duly sworn, upon his/her oath states that she/he was the bearer of the above and forgoing protest, and that she/he witnessed the above signatures.

Subscribed and sworn before me the _____ day of _____, 20_____

Notary Public

My Commission Expires _____

