

## **PROTEST PETITION GUIDELINES**

(Provided by the Unified Government of Wyandotte County/Kansas City, Kansas)

These guidelines are designed to assist those who wish to exercise their right to file a Protest Petition in opposition to the granting of a rezoning or a special use permit by the Unified Government of Wyandotte County/Kansas City, Kansas. (Note: Throughout these guidelines, references to rezonings are also applicable to special use permits.) This document is only a guide. There may be other issues which are not addressed herein. You should consult with your attorney in regard to the completion and filing of your specified Protest Petition.

### **QUICK ADVICE**

1. Protest petitions properly signed and acknowledged must be filed with the Clerk's Office on the 3<sup>rd</sup> Floor of City Hall at 701 North 7<sup>th</sup> Street, no later than 14 days after the Planning Commission has concluded its public hearing. The day following the Planning Commission hearing shall be counted as the first day. (Example: If the Planning Commission met on September 8<sup>th</sup>, then September 9<sup>th</sup> is the first day and September 22<sup>nd</sup> is the last day.)
2. Owners of at least 20% of the land area within 200 feet of the property to be rezoned, excluding public streets and rights-of-way, must properly sign and acknowledge the protest petition for it to constitute a valid protest. If a valid protest is filed, at least nine of the eleven members of the Unified Board of Commissioners must vote to approve in order for the rezoning application to be approved. Without a valid protest petition, the affirmative votes of just six members of the Governing Body are needed to approve the rezoning application.

3. Only signatures of owners of property within 200 feet of the property to be rezoned will be counted when determining if the 20% minimum requirement has been met. Signatures from owners of property that is located within 200 feet of the property to be rezoned, but is outside of the city limits or across a county line, shall also be considered in this determination. If the area outside the city limits or across a county line is unincorporated, the distance to be counted increases to 1000 feet.
4. Meeting the necessary requirements takes considerable time, so even though there are 14 days after the Planning Commission meeting to file, you should start the process as soon as possible.
5. In the particular case of applications initiated by the Planning Commission or the Governing Body and not the landowner(s), special rules apply. Please contact the Planning and Zoning Division at 913-573-5750 for these rules.

#### **REQUIREMENTS OF PROTEST PETITION**

1. The rezoning number and the address or legal description of the property must be clearly identified.
2. Signers of the protest petition must be the owners of the real property for which a rezoning is sought or be owners of real property within the statutory area of notification for this rezoning application. Owners of real property that is beyond the City limits but within the statutory area of notification for this rezoning application shall be eligible to sign the petition.
3. Signers of the protest petition must sign their full names as they appear on the deed to the property recorded in the Office of the Register of Deeds. If Mary

Smith signs as “Mrs. John Smith,” her signature will not be counted. If the County records indicate that Mary Smith owns the property but she has remarried and changed her name to Mary Jones, she should sign the petition “Mary Jones/formerly Mary Smith.”

4. All owners of a particular parcel of property must sign in order to place the property into protest. If the parcel is owned in joint tenancy or tenancy in common, both joint tenants or all tenants in common must sign in order to place the property into protest. If there has been a death, divorce, or other event, which is not recorded with the Register of Deeds, documentation will need to be supplied.
5. Joint tenants or co-tenants may not sign for each other. For this reason, there should be no signatures such as Mr. & Mrs. Bill Smith or Bill & Mary Smith.
6. If one person signs as attorney-in-fact for another person, a copy of the power-of-attorney must be provided.
7. If a parcel is owned by a partnership, all of the partners must sign in order for the parcel to be placed into protest. Furthermore, the proper name in which the property is held and the address of the property must be shown on the face of the petition.
8. If a parcel is owned by a corporation, only the signature of the President of the corporation can bind the corporation. Any officer, other than the corporate President, given legal authority to bind the corporation may sign the petition provided that he/she furnishes the Unified Government with proper documentation of his/her authority (articles of incorporation, by-laws, or power-

of-attorney or other document establishing the authority of that person to act on behalf of the corporation). Furthermore, the proper name in which the property is held and the address of the property must be shown on the face of the petition.

9. A protest petition may consist of one or more sheets entitled “Protest Petition.” The signatures on each such sheet must be verified. The individual who verifies each such sheet must have witnessed all of the signatures affixed to that sheet and must have his or her verifying signature notarized. If several such sheets are filed, a separate verification and notarization must be affixed to each sheet. One person may verify one or more such sheets provided that person is one of the signers of one of the sheets constituting the petition, is an owner of property within the statutory area of notification for which a rezoning plan is sought, and witnessed all of the signatures on each sheet he/she is verifying. All signatures should be on the “Protest Petition” form provided by the Unified Government. Use of an attached blank sheet for additional signatures is strongly discouraged and may result in the petition being rejected.
10. If there is evidence leading a reviewing Unified Government staff member to believe any signature is not genuine, such signature may be considered improper and insufficient.
11. The protest petition must be filed within 14 days after the date of the conclusion of the Planning Commission public hearing regarding the rezoning application at issue. Even though the rezoning application may be returned to the Planning Commission at a later date, the protest petition can only be filed during the 14

days after the date of the conclusion of the Planning Commission's **original** public hearing.

12. The protest petition must be filed with the Unified Government Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas, on the 3<sup>rd</sup> Floor of City Hall at 701 North 7<sup>th</sup> Street, Kansas City, Kansas, 66101, before 5:00 p.m. on or before the 14<sup>th</sup> day after the date of the conclusion of the public hearing before the City Planning Commission. The day following the Planning Commission hearing shall be counted as the first day. If the 14<sup>th</sup> day falls on a weekend or holiday, the petition must be filed before 5:00 p.m. on the first business day following that weekend or holiday. (Example: If the Planning Commission concluded its hearing on September 8<sup>th</sup>, then September 9<sup>th</sup> is the first day and September 22<sup>nd</sup> is the last day.)

After the protest petition is filed with the Unified Government, various departments of the Unified Government will review the legality of the petition. If you have any questions about the protest petition procedure, or its completion, please contact the Urban Planning and Land Use Department at (913) 573-5750 or contact a private attorney.



Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by \_\_\_\_\_, who is personally known to me to be the  
same person whose name is subscribed to in the foregoing instrument.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

**PROTEST PETITION**

Protest Petition Against Rezoning or Special Use Permit No. \_\_\_\_\_

We, the undersigned property owners, do hereby protest the above referenced application at the following address: \_\_\_\_\_.

We, the undersigned, realize that this petition of protest must be submitted to the Office of the Unified Government Clerk within fourteen (14) days from the date of the conclusion of the Planning Commission public hearing regarding this rezoning application. Further, we realize that this Petition is in opposition to the rezoning application and our signatures cannot be removed after filing unless certain lawful actions are taken to remove the Protest Petition. This Petition may be filed pursuant to the laws of Kansas, K.S.A. 12-757; and of the Unified Government of Wyandotte County/Kansas City, Kansas Sec 27-1049(d) and shall be subject to the rules contained therein.

We, the undersigned, are owners of real property located within the statutory area of notification related to the area for which a rezoning is sought, whereby, our signatures shall hereafter be verified by one of the signers of the Protest Petition as true and correct signatures in order for this Protest Petition to be valid. The statutory area of notification includes the real property located within two hundred (200) feet of the boundaries of the area for which a rezoning is sought; or, if the area is adjacent to unincorporated property, the incorporated real property located within two hundred (200) feet of the boundaries of the area for which a rezoning is sought **and** the unincorporated property within one thousand (1,000) feet of the boundaries of the area for which a rezoning is sought.



