



Department of Planning + Urban Design

Unified Government of Wyandotte County and Kansas City, Kansas

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Protest Petition Guidelines

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 Change of Zone or a Special Use Permit filed with the Unified Government of Wyandotte County/Kansas City, Kansas. **This document is only a guide, it does not constitute legal advice.**

If you have any questions or need assistance, reach out to the Department of Planning + Urban Design at (913) 573-5750 or planninginfo@wycokck.org.

Statutory Requirements

1. K.S.A 12-757(f) provides as follows:

(1) Except as provided in subsection (g), whether or not the planning commission approves or disapproves a zoning amendment, if a protest petition against such amendment is filed in the office of the Unified Government Clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of any real property are required to be notified by this act of the proposed rezoning of a specific property, excluding streets and public ways and property excluded pursuant to paragraph (2) of this subsection, the ordinance or resolution adopting such amendment shall not be passed except by at least a $\frac{3}{4}$ vote of all members of the governing body.

(2) For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the owner of a specific property subject to the rezoning or the owner of the specific rezoning does not oppose in writing such rezoning, such property shall also be excluded when calculating the “total real property within the area required to be notified” as that phrase is used in paragraph (1) of this subsection.

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. Additionally, it is recommended that the protesting parties attempt to submit their protest petition well before the deadlines so that if there are any errors they can be corrected. Unified Government staff will make every effort but cannot guarantee that review will be completed prior to the deadline for submission.

Protest Petition Signature Requirements:

1. The application number and 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 zoning amendment is sought or be the owners of real property within the statutory area of notification for the application.
3. Signers of the protest petition must print and sign their full name as it exactly appears on the deed to the property as recorded in the Office of the Register of Deeds.
(Example: “Mary Smith” will be deemed invalid if the deed reads as “Mrs. John Smith” on the deed.)
4. A protest petition may consist of one or more sheets entitled “Protest Petition”. The signatures on each such sheet must be acknowledged. The individual who acknowledges the signatures must have witnessed all of the signatures affixed to that sheet. One person may acknowledge one or more such sheets provided the person that witnessed all of the signatures on each sheet they are acknowledging. Use of the Protest Petition form provided by the Unified Government is encouraged but not required so long as the petition complies with all legal requirements.
5. All owners of a particular parcel of property 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 to the Unified Government Clerk upon submission of the petition.
6. If you are signing as a...
 - a. *Joint tenant or co-tenant.* If a 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; you may not sign for each other.

(Example: There should be no signatures such as “Mr. & Mrs. Bill Smith” or “Bill and Mary Smith”, unless that is the way it appears on the deed of the property, in which case both owners must sign to be deemed valid.)
 - b. *Corporation, partnership, or other organization.* If you are part of a corporation, partnership, or other organization that meets the requirements to protest, and desire to sign a petition, the following must appear on the petition for such an organization to be counted with the petition: (1) The proper name in which the title to their property is held; (2) The address of the property that is within the area of notice; (3) The name of the individual signing on behalf of the corporation, partnership, or other organization; and, (4) Some indication of capacity or authorization of the individuals to sign on behalf of the corporation, partnership or

organization (i.e. company title).

If a parcel is owned specifically 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 petition.

- c. *Attorney-in-fact*. If one person signs as attorney-in-fact for another person, a copy of the power-of-attorney must be provided to the Unified Government Clerk's Office upon submission of the petition.

How to Submit the Protest Petition:

1. Protest petitions properly signed by the owners of record and acknowledged must be filed with the Unified Government Clerk's Office on the 3rd Floor of the Municipal Office Building (City Hall) at 701 North 7th Street, Suite 323, Kansas City, Kansas 66101, no later than 14 days after the Planning Commission has concluded its public hearing for the subject case. The day following the Planning Commission hearing concludes shall be counted as the first day.

(Example: If Planning Commission concludes on September 8th, then September 9th is the first day and September 22nd is the last day of the required 14-day protest petition period.)

2. Only signatures of owners of property within 200 feet of the property subject to the zoning amendment 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 subject to the zoning amendment but is outside of the city limits or across a county line shall also be considered in this determination. If the area outside of the city limits or across a county line is unincorporated, the distance to be counted increases to 1000 feet.
3. After the protest petition is filed with the Unified Government, the Department of Planning + Urban Design and Unified Government Legal Counsel will review the petition for conformance with the requirements of State law and Unified Government code. Once a protest petition is submitted, it becomes an open record under the Kansas Open Records Act and the applicant or other interested parties of the zoning amendment may request a copy and raise challenges to the validity of the petition. Any persons wishing to challenge a determination of the validity of a protest petition must file such appeal with the Board of Zoning Appeals as provided for by State law and Unified Government code.
4. If there is evidence leading a reviewing Unified Government staff member to believe any signature is not genuine, such signature may be considered invalid.
5. Even though the application may be eventually remanded back to the City Planning Commission at a later date by the Board of Commissioners, unless significant changes have been made to the application after the remand that dramatically change the nature and characteristics of the application, the protest petition can only be filed during the 14 days after the date of the conclusion of the City Planning Commission's original public hearing.

Understanding the Protest Petition Properties and Notice Area

It is important to remember that the validity of the petition is not determined by the number of signatures that a petition receives, but by the amount of land that those signators own within the area required to be notified. As previously stated, State law requires that the petition contain signatures from “owners of record of more than 20% or more of any real property proposed to be rezoned by the owners of record of 20% or more of the total real property”. Please note public owned land and public rights-of-way are not counted towards the 20% calculation.

Petitioners may request a list of contacts for the property owners within 200 feet from the Department of Planning + Urban Design of all properties which received notice of the public hearing before the City Planning Commission. **This list may assist the protesting parties in the process, but it is important to remember the Unified Government cannot guarantee the accuracy of the list and the protesting parties should not rely solely on the list for their petition. The most accurate, up-to-date, information regarding ownership of land can be found at the Wyandotte County Register of Deeds.**

It is also important to remember that not all properties within the notice area will count equally towards the statutory minimum threshold. Properties that are wholly contained within the notice area will count more than properties that are only partially within the notice area.

Protesting parties may generate a map that roughly approximates the notice area boundaries using the Unified Government DotMaps mapping software. This may be accomplished by taking the steps outlined on Exhibit 1 labeled “creating a buffer map”.

**The Unified Government does not guarantee the accuracy of any user-generated maps and protesting parties should not solely rely on the maps when making any determinations about the sufficiency of their petitions.*



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Protest Petition

Prior to filing this Protest Petition, please refer to the attached Protest Petition Guidelines and ensure all of the required procedures have been followed. **If you have any questions or need assistance, reach out to the Department of Planning + Urban Design at (913) 573-5750 or planninginfo@wycokck.org.**

Contact Information of person submitting the protest.

The Protest Petition process frequently requires dialogue between Unified Government Staff and the protest petition representative. To properly facilitate this dialogue, please provide the following contact information.

Name: _____ Street Address: _____

Telephone: _____ Email: _____

Protest Petition

Protest Petition against Change of Zone or Special Use Permit Petition Case Number you wish to protest: _____

We, the undersigned owners of property, do hereby protest the above referenced application at the following address: _____

We, the undersigned record owners of property, realize that this petition of protest must be submitted to the Office of the Unified Government Clerk within 14 days from the hearing date where the final recommendation of the City Planning Commission regarding this application was passed.

Further, we realize that this Petition is in opposition to the application and our signatures cannot be removed after filing, unless certain lawful actions are taken to remove the Protest Petition. This Petition may be pursuant to the laws of Kansas, K.S.A. 12-757; and of the Unified Government of Wyandotte County/Kansas City, Kansas 27-210(a)(8) and shall be subject to the rules contained therein.

We, the undersigned, are the owners of real property located within the statutory area of notification related to the area for which a zoning amendment is sought, whereby, our signatures shall hereafter be verified as true and correct signatures in order for this Protest Petition to be valid.

Protest Petition Acknowledgement

Affidavit, Property Owner Consent Form

State of _____)
) SS:
County of _____)

Comes now _____.
(Protest Petition Representative)

being first duly sworn, under oath, depose and state that the signatures and legal description and/or addresses thereon are genuine, that I personally know all of the signers of this sheet of the Protest Petition to be the persons whose names are signed to the Petition, that I personally witnessed their signature, and that to the best of my knowledge the signers of the Protest Petition are the record owners of land located within the statutory area for this application.

Further affiant saith not.

Affiant

Subscribed in my presence and sworn before me on this _____, day of _____,
20____, in the County of _____, State of _____.

My commission expires _____ of _____, 20____.

Notary Public: _____

Stamp:

Petition Number:

Please note that all signatures, print, descriptions and contact information must be legible.

Signature of Owner(s) of Record (All owners of property must sign)	Printed Name of Property Owner(s) (Must match exactly as written on the deed)	Property Description (Address and/or lot and block number)	E-mail and Phone # of Property Owner	Date

Petition Number:

Please note that all signatures, print, descriptions and contact information must be legible.

Signature of Owner(s) of Record (All owners of property must sign)	Printed Name of Property Owner(s) (Must match exactly as written on the deed)	Property Description (Address and/or lot and block number)	E-mail and Phone # of Property Owner	Date

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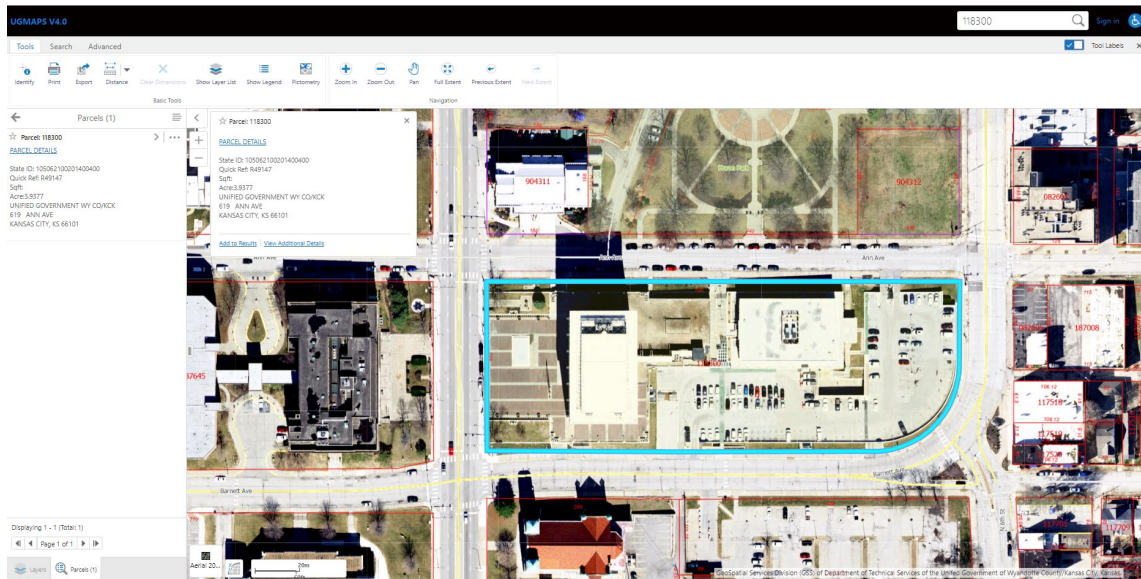
Creating a buffer map in UG Maps


Step 1: Go to the DOTMaps Website: <https://www.wycokck.org/Departments/Maps-and-GIS/DotMaps>

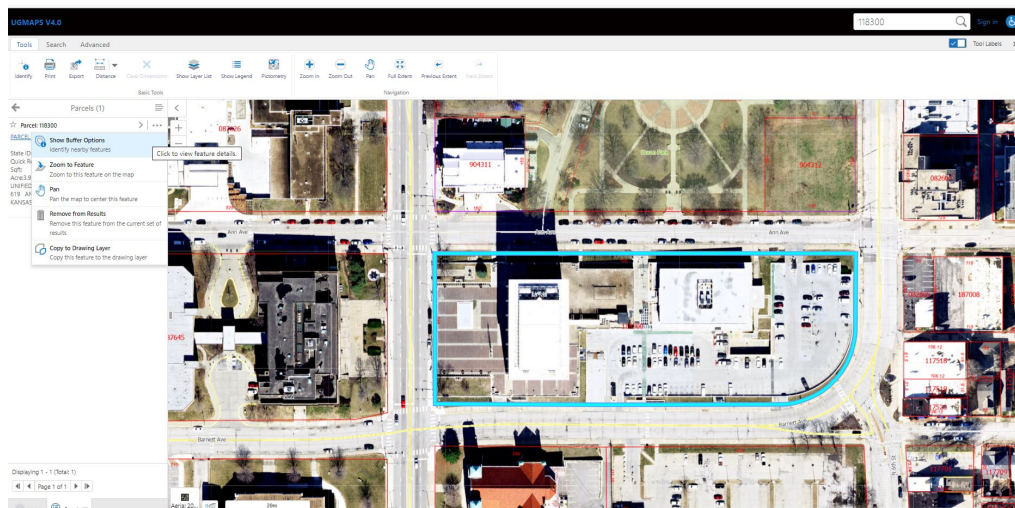
Step 2: Type address or parcel number in the Search box on the upper right-hand side of the page and click on the magnifying glass or hit “Enter” on the keyboard.

Step 3: Click on address on the left-hand side of the screen under “WYCO Streets”.

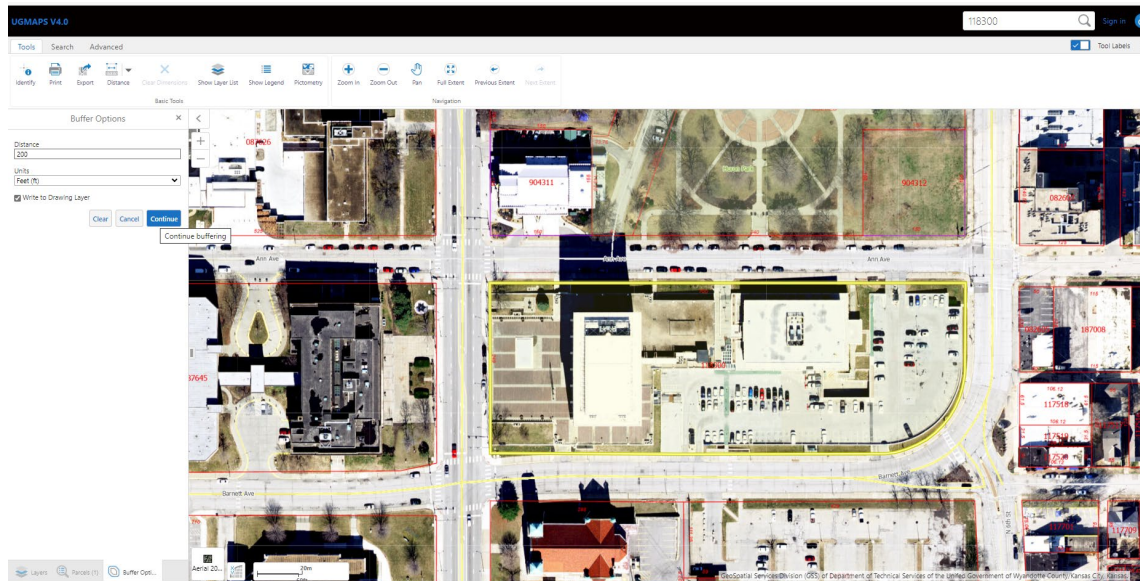
Step 4: Click on the parcel that has the pin.



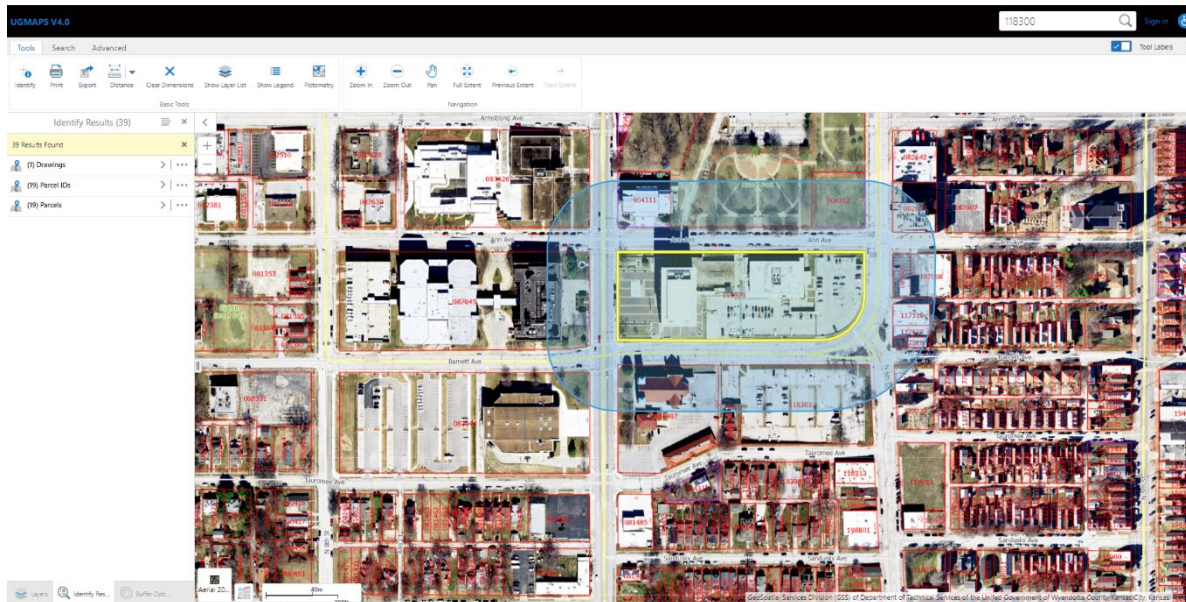
Step 4: Click on  this and select “Show Buffer Options”.



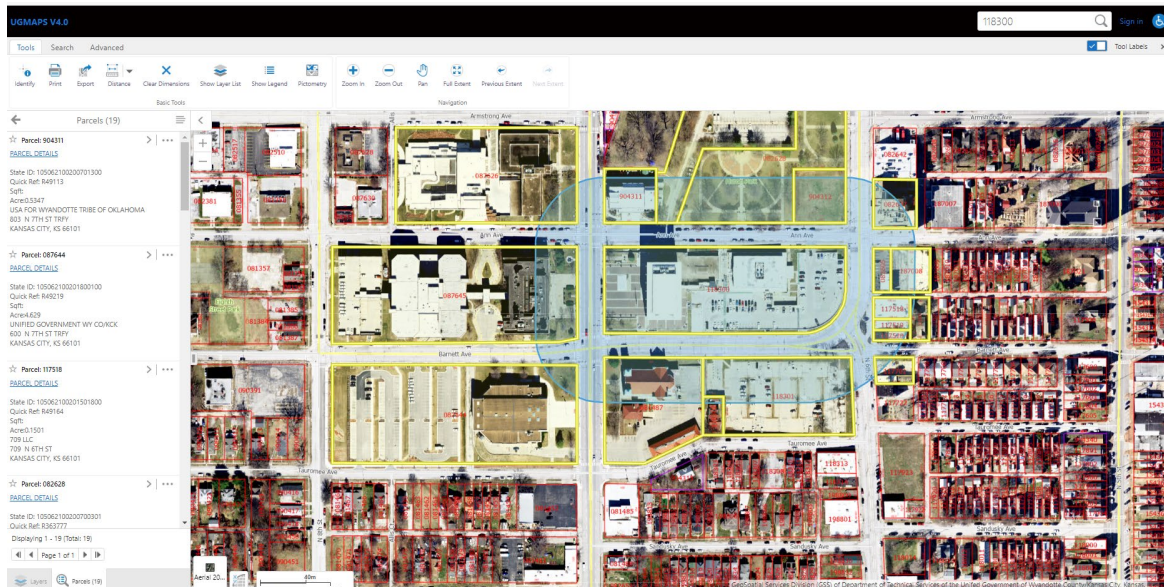
Step 5: In the “Distance” box, type in 200 (for 200-foot radius) and click “Continue”.



A blue buffer will appear around the property in question

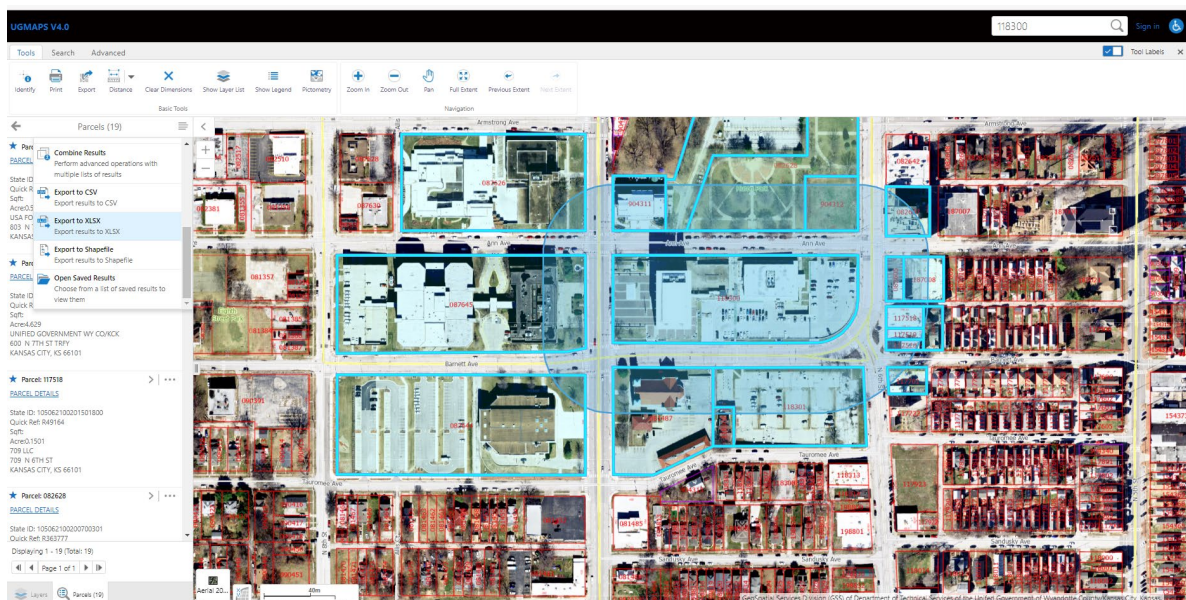


Step 6: Click on “Parcels” tab, which will highlight all of the parcels within the 200-foot buffer.



Step 7: All of the property owners and addresses within the buffer, including the property in question that was originally selected is listed on the left hand side of the screen.

Step 8: Click on the “4-lined” and the tab will open below. Click on “Export to XLSX”. Click “OK” and proceed to download the Microsoft Excel spreadsheet.



Step 9: The downloaded spreadsheet will list all of the parcel numbers that are included in the buffer, which can be cross-referenced with the Property Ownership List that lists the address/parcel numbers for properties within 200 feet.