

HOW TO PROTEST A REZONING OR CONDITIONAL USE PERMIT IN UNINCORPORATED DOUGLAS COUNTY

If you own property which lies within 1,000 feet of a proposed rezoning or conditional use permit (CUP) located in unincorporated Douglas County and you oppose the rezoning or CUP, you may file a protest petition in opposition to it.

If the petition is found to be valid, approval of the rezoning requires a $\frac{3}{4}$ vote of all of the members of the Board of County Commissioners (because there are three members of the Board, this means unanimous approval, rather than a simple majority).

- A. For a protest petition against a rezoning (or CUP) to be valid it must meet the following requirements:
 - 1. It must be signed by the owner or owners of 20% or more of the real property within the area required to be notified of the rezoning (or CUP), excluding streets and public ways, (generally meaning property within 1,000 feet of the land for which the rezoning (or CUP) has been proposed).
 - 2. It must be filed with the County Clerk before 5:00 p.m. on or before the 14th day after the date of the conclusion of the Planning Commission public hearing. The day following the Planning Commission shall be counted as the first day. If the 14th 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.

- B. Facts about the petition:
 - 1. The "owner" for the purpose of a protest petition is defined as the owner of record (according to County ownership records) on the date of publication of the legal notice for the Planning Commission public hearing. The "owner" of property being purchased on contract is the contract seller.
 - 2. 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.
 - 3. An authorized representative of a corporation or other legal entity may sign, but may be required to provide a legal documentation of his or her right to sign for the corporation or other legal entity.
 - 4. The protest petition should state what is being protested and the real estate's general location.

If you have questions regarding the protest petition, please feel free to contact the Lawrence-Douglas County Planning Office, first floor of City Hall, 6 E. 6th Street, P. O. Box 708, Lawrence, Kansas 66044-0708. Phone: (785) 832-3159. Fax: (785) 832-3160.

