

Johnson County Planning Department

Protest Petitions

Regardless of whether a Zoning Board recommends approval or disapproval of the application for a Rezoning, Conditional Use Permit, including Preliminary Development Plans for Planned Zoning Districts, or "fails to recommend," if a protest petition is filed as provided for herein, the resolution adopting such Rezoning, Conditional Use Permit, or Preliminary Development Plan shall not be passed except by a favorable vote of at least 4/5 of all of the members of the Board of County Commissioners. A protest petition must be filed in the office of the Johnson County Clerk within 14 days after the date of the conclusion of the public hearing held pursuant to the publication notice. As such, in the event a public hearing held pursuant to publication notice is continued by a Zoning Board to a future date, the 14 day period will not begin to run until the conclusion of the continued hearing. However, should the Board return an application to a Zoning Board for reconsideration, a protest petition will not be accepted nor will it be valid if filed with the Department of Records and Tax Administration Clerk following the reconsideration by the Zoning Board.

To be valid, the protest petition shall be, among other things, duly signed and acknowledged by the owners of 20% or more of any real property subject to the Rezoning, Conditional Use Permit, or Preliminary Development Plans for Planned Zoning Districts, or by the owners of 20% or more of the total area, except public streets and ways, located within 1,000 feet of the boundaries of the property subject to the Rezoning, Conditional Use Permit, or Preliminary Development Plan.

Protest Petitions must be signed and acknowledged by each and every owner(s) of property protesting a given action. The word "owner(s)" for purposes of protest petitions shall include all those individuals that may have ownership in the subject real property or property within 1,000 feet as provided in Section 2, (F)(2) of this Article. If the property is owned by joint tenancy, all such owners must sign the petition by their own hand to be valid, unless the petition itself clearly indicates that one tenant has the legal authority to sign for and on behalf of the other. In the event a corporation, partnership or other organization meets the requirements to protest an action and desires to sign a petition, the following must appear on the petition for such an organization to be counted with the petition:

- a. The proper name in which title to their property is held; and
- b. The address of their property; and
- c. The name of the individual signing on behalf of the corporation, partnership or other organization; and
- d. Some indication of capacity or authorization of the individuals to sign on behalf of the corporation, partnership or organization.

Finally, the signature of each owner(s) signing the petition must be properly notarized.

