



REZONING APPLICATION PROCEDURES

For

The UNINCORPORATED AREA OF
JOHNSON COUNTY, KANSAS

**DEADLINE: All application materials shall be submitted at least 45 days
before a scheduled public hearing.**

[See Zoning Board Public Hearing Schedule](#)

**A PRE-APPLICATION CONFERENCE WITH THE DEVELOPMENT REVIEW
COMMITTEE IS REQUIRED PRIOR TO SUBMITTAL OF ANY APPLICATION**
[Development Review Process Guidebook and Application Questionnaire](#)

REZONING PROCEDURES

APPLICANT RESPONSIBILITIES: Omission of any of the following items may delay the review and processing of the application.

- A. A complete application form (Attachment A)
- B. Legal Description and common street address of the property.
- C. Payment of filing fee. (See Attachment B) Make check payable to Johnson County Planning Department.
- D. Letter of Authorization if not the legal owner of the property (Attachment C)
- E. A list of the owners of all properties within 1,000 feet of the subject property certified by a licensed abstractor, title company, or similarly qualified person.
- F. Ownership List and Legal Description Certification form (Attachment D)
- G. Post a sign (supplied by the Planning Department) at least twenty (20) days before the public hearing. Complete Certification of Notification of Sign Posting form (Attachment E)
- H. Applicant or applicant's representative **MUST** attend the Zoning Board Hearing.
- I. In the case of a Planned District rezoning, a Preliminary Development Plan is required. (See Preliminary and Final Development Plan Procedures).

FOR ADDITIONAL INFORMATION PLEASE REFER TO THE JOHNSON COUNTY ZONING AND SUBDIVISION REGULATIONS WHICH INCLUDES THE FOLLOWING ARTICLES APPLICABLE TO REZONING APPLICATIONS:

1. Preliminary Plat Analysis Reports (Data requirements for soils, slopes, infrastructure, etc.) (Attachment F).
2. Article 4 – Application Procedures.
3. Article 11 – Planned Zoning District General Requirements.
4. Article 15 – Development Plan Procedures.
5. Article 17 – Supplementary Height, Area, and Bulk Regulations.
6. Article 31 – Minimum Infrastructure Requirements.

DEADLINE: All application materials **MUST** be submitted at least 45 days before a scheduled hearing date.

PLANNING DEPARTMENT PROCEDURES

Public Hearing: The Planning Department will schedule a hearing before the appropriate Zoning Board, which is responsible for hearing the Rezoning request.

Posting of Sign: The Planning Department will supply the applicant with a sign to be posted on the property 20 days prior to the date of public hearing.

Newspaper Publication: The Planning Department will publish the Legal Notice of Public Hearing 20 days prior to the date of public hearing.

Letter of Notification: The Planning Department will mail notices of the public hearing, by certified mail, to all property owners within 1,000 feet (list provided by applicant) of the subject property at least 10 days prior to the Public Hearing. **(The applicant shall pay the certified mailing cost.)**

Protest Period: After the Zoning Board has made a recommendation to the Board of County Commissioners (BOCC), a 14-day protest period begins which allows owners of nearby properties the opportunity to file with the County Clerk a petition protesting the application.

Board of County Commissioners (BOCC): After the protest period has concluded, the application will be brought before the BOCC for final action. If the BOCC disagrees with the recommendation of the Zoning Board, the application must be returned at least once to the Zoning Board for reconsideration before the BOCC takes final action.



REZONING APPLICATION

Office Use Only

Application No. _____
 Township _____ Zoning Board _____
 ZB Hearing Date _____
 Date Received _____ Date Filing Fee Paid _____

APPLICANT/AGENT INFORMATION

OWNER INFORMATION

NAME _____
 ADDRESS _____
 CITY/ST/ZIP _____

 PHONE _____
 EMAIL _____
 CONTACT PERSON _____

NAME _____
 ADDRESS _____
 CITY/ST/ZIP _____

 PHONE _____
 EMAIL _____
 CONTACT PERSON _____

PROPOSED USE INFORMATION

Proposed Zoning District _____
 Proposed Land Use _____

 Reason for Requesting Rezoning _____

PROPERTY INFORMATION

Legal Description _____
 Address of Property _____
 Site Size _____ Property Real Estate Number _____
 Present Zoning District _____
 Present Land Use _____
 Present Improvements or structures _____

I, the undersigned am the **(owner)**, **(duly authorized agent)**, **(Circle One)** of the aforementioned property situated in the unincorporated portion of Johnson County, Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature _____ Date _____

ATTACHMENT A

FEE SCHEDULE

Rezoning		
Rural or Residential Districts	\$300	0-5 acres
\$350		5.1-10 acres
\$400		10.1-20 acres
\$450		>20 acres
Planned Retail Business Districts	\$300	0-5 acres
\$350		5.1-10 acres
\$400		10.1-20 acres
\$450		>20 acres
Planned Employment Center Districts	\$600	0-5 acres
\$750		5.1-15 acres
\$900		15.1-25 acres
\$1,050		25.1-50 acres
\$1,200		>50 acres
Conditional Use Permit		\$375 or \$75*
<p>*The seventy-five-dollar (\$75.00) fee applies to:</p> <ul style="list-style-type: none"> ✓ Keeping animals on less than 10 acres in accordance with the Zoning and Subdivision Regulations ✓ Preschools and Day-Care Centers in a residence or accessory building to a residence ✓ Accessory buildings or structures larger than or in greater quantities than permitted by Article 18 of the Zoning and Subdivision Regulations ✓ Kennels 		
Accessory Dwelling Unit Permit (Public Hearing Required)		\$375
Special Permit (Public Facilities/Utilities)		\$375
Development Plan (Site Plans)		
Preliminary	\$300 + \$7.50 per lot	
Final		\$300
Plat		
Preliminary	\$300 + \$7.50 per lot	
Final		\$300
Board of Zoning Appeals		
Variance		\$150
Appeal		\$100
Airport Plan Review		\$50
Sign Permit		\$75
Tract/Lot Split or Lot Line Adjustment		\$150
Grading Plan		\$225
Flood Plain Development Permit		\$75
Administrative Plan Review (Includes Accessory Dwelling Unit Certificate)		\$150
Nonconforming Use, Lot, or Structure Review		\$100



OWNER AUTHORIZATION

I/WE _____, hereby referred to as the "Undersigned", being of lawful age, do hereby on this ____ day of _____, 20__, make the following statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

See Exhibit A attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize _____ (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Johnson County, Kansas, _____ (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Johnson County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly our of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.

4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand below.

Owner _____

Owner _____

STATE OF KANSAS
COUNTY OF JOHNSON

The foregoing instrument was acknowledge before me on this _____ day of _____, 20__,
By _____.

My Commission Expires:

Notary Public _____

ATTACHMENT C



List of Owners of Record within 1,000 feet And Legal Description Certification

As described in the Applicant Responsibilities section of this Application Procedures packet, applicants are responsible for submitting the names and mailing addresses of all the owners of real property within 1,000 ft. of the property on which the application is being made. The list shall be prepared by a licensed abstractor, title company, or similarly qualified person including the Johnson County Department of Records and Tax Administration (RTA). Properties with multiple ownerships (e.g., et al) shall include all owner names and addresses. The list will not be accepted if prepared from real estate, county clerk or other sources.

IF THE LIST IS PREPARED BY A LICENSED ABTRACTOR, TITLE COMPANY OR SIMILARLY QUALIFIED PERSON, OTHER THAN THE RTA, attached to the list shall be a cover letter that certifies that the list is consistent with the RTA records. The cover letter shall also certify that the legal description of the property owned (or under authorization) by the applicant/agent/owner is the property for which the 1,000 ft. list is prepared, per RTA records, and FURTHER that the legal description has been checked and is accurate with respect to the property for which the application is proposed.

IF THE LIST IS PREPARED BY THE RTA, the applicant will be required to submit 1) a Land Records Request Form and Certification (see attached), and 2) sign an Acknowledgment of Receipt of 1,000 Ft. List form, before receiving the list from RTA and before the list will be accepted or used by the Johnson County Planning, Development, and Codes Department.

The applicant is responsible for any costs associated with preparation of the 1,000 ft. ownership list.

Any questions about these procedures should be directed to the Johnson County Planning, Development and Codes Department, telephone 913-715-2201 or fax 715-2222.

THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read, understand and have provided the above information to the licensed abstractor, Title Company, or other similarly qualified person preparing my 1,000-foot radius ownership list.

Signature

Date

Printed Name

ATTACHMENT D



LAND RECORDS REQUEST FORM AND CERTIFICATION

I, the undersigned, hereby request the following land records:

- A list of all the owners of any real property, except public streets and ways, located within 200 feet of the boundaries of the subject property described below.
- A list of all the owners of any real property, except public streets and ways, located within 1000 feet of the boundaries of the subject property described below.

Description of Subject Property: _____

By signing below I hereby certify I shall not (i) use; or (ii) sell, give or otherwise make available to another person; any list of names or addresses contained in or derived from this request, for the purpose of (a) selling or offering for sale; or (b) allowing another person to sell or offer for sale; any property or service to any person listed, or to any person who resides at any address listed. Further, I have read and understand this Land Records Request Form And Certification, which is voluntarily entered into, and which is and shall be binding upon me.

ACKNOWLEDGMENT AND RELEASE

I, the undersigned, of lawful age, do hereby acknowledge that the information provided in response to the above designated request is obtained from the public records. The Johnson County Department of Records and Tax Administration therefore does not warrant or guarantee the accuracy of the public records researched, nor the information collected and provided therefrom. Furthermore, in consideration of receiving the above designated information/records, the undersigned does hereby release, waive, discharge and hold harmless the Board of County Commissioners of Johnson County, Kansas, and its departments, officers, employees and agents, from any and all actions, suits, liabilities, claims or demands whatsoever, arising out of or in connection with the use of the above designated records. I have read and understand this acknowledgment and release, which is voluntarily entered into, and which is and shall be binding upon me, my spouse (if any), and my heirs, successors, assigns and legal representatives.

Printed Name

Signature

Address

Phone Number

Date



SIGN POSTING PROCEDURES AND CERTIFICATION

Each applicant is required to post one or more notification sign(s) on the property. The applicant is responsible for obtaining the sign(s) from the Johnson County Planning Department and for posting and maintaining the sign(s) as prescribed below:

1. The sign(s) shall be placed on the property at least twenty (20) days before the scheduled public hearing date;
2. If the Township Zoning Board or Board of Zoning Appeals public hearing is continued, delayed, or postponed, the sign(s) shall be replaced or amended to accurately describe the new date, place, and time for the public hearing;
3. If the property has more than one (1) abutting street, a sign shall be placed facing all streets;
4. If the property under consideration does not have any abutting street, consult with the Planning Department staff regarding the appropriate location for the sign(s);
5. The sign(s) shall be firmly affixed on the property in a place visible from the adjoining streets;
 - a. The bottom of the sign(s) shall be a minimum of two (2) feet above the ground;
 - b. The sign(s) shall be placed within five (5) feet of the public right-of-way; and
 - c. The sign(s) shall be positioned to have no visual obstructions and to be readily seen by passersby;
6. The status of the sign(s) should be checked frequently and fallen or destroyed sign(s) shall be immediately replaced; new sign(s) are available from the Planning Department if needed; and
7. The sign(s) shall be posted and maintained throughout the approval process and then removed by the applicant within ten (10) days after final action on the application by the Board of County Commissioners.

Prior to the public hearing, the applicant is required to certify that the sign(s) have been posted and maintained as required. Applicants are encouraged, but not required, to submit photographs showing the posted sign(s) as viewed from the abutting street(s). Failure to comply with these requirements may cause the public hearing to be continued to a later date.

THE FOLLOWING CERTIFICATION IS TO BE COMPLETED AND SUBMITTED TO THE PLANNING DEPARTMENT PRIOR TO THE OPENING OF THE PUBLIC HEARING.

I, _____ (printed name) hereby state that I have received a copy of the Sign Posting Procedures and that the required sign(s) have been posted and maintained as prescribed in the Sign Posting Procedures.

Signature

Date

Application No. _____

ATTACHMENT E

PRELIMINARY PLAT ANALYSIS REPORT PRELIMINARY DEVELOPMENT PLAN ANALYSIS REPORT REQUIREMENTS:

The following general guidelines for the Preliminary Plat Analysis Reports to be considered during review of Preliminary Plat applications are hereby established to assure that land subdivision proposals are evaluated with due regard to the potential impacts resulting from the subdivision of land. The Preliminary Plat Analysis Report shall provide a brief summary of the existing conditions and contemplated improvements relative to the proposed subdivision. Information necessary for the preparation of and the Preliminary Plat Analysis Reports with respect to items A through J in this Section shall be gathered, prepared and provided in writing by qualified persons whose services shall be obtained and secured by the applicant. Preliminary Plat Analysis Reports shall be reviewed by professional staff of the County, and the staff shall indicate by use of sketches, maps and written narrative whether the Preliminary Plat Analysis Report appears to be sufficient with respect to the following information:

- A. The general characteristics of the land including the maximum and minimum slopes, vegetation, soil types, any major streams, any areas subject to flooding and the total acreage of the property.
- B. The names and descriptions of streets that will provide access to and within the development, including the roadway surface characteristics, width, the general size and condition of any culverts and bridges, and the general ability of said roadways to carry current and anticipated traffic in a safe and efficient manner. The names of any new street indicated on the Preliminary Plat shall be assigned by the County Public Works staff.
- C. The proposed source of a potable water supply including estimated fire flow capacities and the method of serving the subdivision, and the adequacy of static and residual pressures and general character of the proposed distribution system for the subdivision.
- D. The proposed access to sanitary sewers, if applicable, with a sketch of connecting main alignments, ability of an available treatment plant to handle the wastewater, and a petition for formation of a sewer district, if applicable. Evidence that the subdivision has been discussed with officials of the Unified Wastewater Districts shall be included, as well as their response as to the appropriateness of the proposed project.
- E. In cases where sanitary sewers are not available, the results of at least one (1) percolation test per five (5) acres in the proposed subdivision shall be provided except for lots larger than five (5) acres. Percolation tests conducted with regard to this subsection shall be conducted by a person licensed to conduct such tests as provided in applicable County regulations and shall be conducted in the manner provided in those regulations. The engineer shall provide a formal written opinion as to the capability of the site for on-site wastewater disposal to serve the residents of the proposed subdivision.

Whenever the time of percolation from such tests is within ten percent (10%) of the maximum time of percolation allowed, a soils profile analysis shall be prepared by a qualified soil science technician and a report on the findings of that analysis along with of the technician's written opinion as to the capability of the site for on-site wastewater disposal to serve the residents of the proposed subdivision shall be submitted.

- F. The availability of natural gas to serve the proposed subdivision.

- G. A general summary of the type of street improvements that are contemplated for streets inside the subdivision and any peripheral streets or roads, including any major culverts or bridges.
- H. A general statement describing the amount of earth moving that is contemplated, by stages if applicable, and what degree of erosion control will be needed and the proposed methods of control.
- I. The proposed stages of development of the subdivision.
- J. The proposed concepts for surface water management including discussion of any stormwater detention facilities in accordance with the then applicable Storm Drainage Standards adopted by the County and as shown on the preliminary plat.

RELATIONSHIP OF PRELIMINARY DEVELOPMENT PLAN APPROVAL TO FINAL DEVELOPMENT PLAN SUBMITTAL REQUIREMENT:

The applicant shall file a Final Development Plan application along with the required documents for at least the first phase of the development within one (1) year after approval of the Preliminary Development Plan by the Board. Failure to do so shall cause the approval of the Preliminary Development Plan to become null and void, unless a time extension limited to twelve (12) months, is applied for by the applicant and granted by the Board. When a zoning change was approved based on the Preliminary Development Plan and the plan has expired, the case shall be reviewed by the Zoning Board and an action to have the planned zoning changed to the previous zoning classification or some other zoning classification may be initiated by following the procedures provided in Article 4 of these regulations. Final Development Plans substantially complying with the approved Preliminary Development Plan, as provided in Section 8 of this Article, must be submitted to the Planning Office at least fourteen (14) days prior to the Zoning Board meeting at which the Final Development Plan application is requested to be considered. Development Plans submitted as Final Development Plans but which do not substantially comply with the approved Preliminary Development Plan pursuant to the requirements set forth in Section 8 of this Article shall be deemed to be and shall be treated as a new or a revised Preliminary Development Plan which must be submitted at least thirty (30) days prior to the Zoning Board meeting at which the application is requested to be considered.

FINAL DEVELOPMENT PLAN APPLICATION REQUIREMENTS:

The Final Development Plan shall consist of a site plan and supporting documents which conform to all requirements and conditions placed on approval of the Preliminary Development Plan by the Board. At the request of the Zoning Administrator, the applicant may be required to submit details of portions of the Final Development Plan at a scale greater than 1" = 100'. The Final Development Plan shall contain the items listed below and all items required in Section 3, Items A through N of this Article, in final form.

- A. Location, number, and direction of illumination and intensity of all exterior lighting fixtures.
- B. Location, quantity and specifications of landscape materials.
- C. Drawings indicating the location, dimensions, materials and design of all signs.
- D. Construction plans for storm water retention and detention facilities, streets, vicinity streets (public or private), storm drainage, and any other facilities to be dedicated to the public in accordance with the approved Preliminary Development Plan and the then applicable County standards.

ATTACHMENT F