

CITY OF MULVANE, KANSAS

INSTRUCTIONS FOR FILING PROTEST PETITIONS FOR ZONING CASES

The attached protest petition form may be used to submit legal protests to the Governing Body on changes in zoning district classifications and/or special use cases. Such petitions may be submitted regardless of whether or not the Mulvane City Planning Commission recommends approval or disapproval of the zoning case. (See Section 11-103 of the City Zoning Regulations.) According to K.S.A. 12-757, if a protest against such a change is:

" . . . filed in the office of the city 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 proposed to be rezoned or by the owners of record of 20% or more of the total area required to be notified by this act of the proposed rezoning of a specific property, excluding streets and public ways, the ordinance . . . adopting such amendment shall not be passed except by at least a 3/4 vote of all of the members of the governing body."

Note that owners of property both inside and outside the City limits are permitted to join in the protest petition process if they are within the required notification area.

In completing this form:

1. Enter in Section I of the petition the case number of the property against which the protest is made. This information can be found on the notice which you received on this matter from the Planning Commission.
2. Except for joint owners, use a separate form for each property owner(s) making a protest.

Example below is for a husband and wife jointly owning one lot:

	<u>Property Owned</u>		
	<u>Subdivision</u>	<u>Block(s)</u>	<u>Lot(s)</u>
a. _____ Signature	Glenwood	3	5
_____ John A. Smith Typed or Printed Name			
b. _____ Signature	Glenwood	3	5
_____ Mary E. Smith Typed or Printed Name			

3. Enter in Section 2 of the petition:
 - a. Your full name as it appears on documents showing landownership of property and spouse's also if he/she is a joint owner.
 - b. The full legal description by subdivision, block and lot (or by metes and bounds description) of your property.
4. All signatures must be acknowledged by a notary public.
5. Protest petitions must be submitted to the City Clerk at City Hall within 14 days after the date of the conclusion of the Planning Commission's public hearing and recommendation if they are to be considered as a legal requirement making necessary a three-fourths vote by the Governing Body to enact a proposed change in zoning or approve a special use. Days are counted as calendar days.
6. Protest petitions cannot be withdrawn once they have been filed with the City Clerk.
7. The percentage of land in the protest area calculated from valid protest petitions will be presented to the Governing Body by the City Clerk when a particular change in zone is considered as well as for special uses when specifically referred to in the petition.