

# REZONING APPLICATION PACKAGE



Shelby County Plan Commission  
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Planning Director

# REZONING APPLICATION PROCEDURES

## **GENERAL PROCEDURE**

The procedures related to public hearings contained in this Petition Packet are provided for convenience purposes only. Adopted procedures can be found in the most recent Shelby County Plan Commission Bylaws and Rules of Procedure.

### **1. SUBMITTAL OF REQUIRED MATERIALS**

1. Application
2. Filing Fee
3. Affidavit and consent of property owner (if the property owner is someone other than the applicant)
4. A copy of the deed for the property involved
5. Findings of Fact sheet with completed responses.
6. Site Plan (see site plan example of following pages)
7. Written statement indicating the purpose for the zoning amendment

### **2. SITE VISIT**

The Planning Director will conduct a property inspection at least one week prior to the hearing. The applicant does not have to be present for the inspection unless requested by the Planning Director.

### **3. PUBLIC HEARING NOTIFICATION PROCEDURE**

- a. **Notice:** The Planning Director will prepare *legal notice* and *notice to interested parties* of the petition within three business days of submittal of the application. The applicant may request to receive the notice by email or may obtain the notice at the plan commission office during regular business hours.
- b. **Legal Notice:** The Planning Director will post the legal advertisement in the newspaper.
- c. **Notice to Interested Parties:** The applicant is responsible for distributing written notice of the petition to all owners of property within 660 feet of the boundaries of the subject property. The Plan Planning Director will provide the applicant with the mailing addresses of all property owners required to receive notice. The applicant is responsible for providing the notice mailed to each property owner, envelopes, and postage.
- d. **Notification Certification:** The addressed and stamped envelopes to be provided to each property owner and the signed and notarized Affidavit of Notice list (the Plan Commission office can act as a notary) shall be provided to the Planning Director at least 10 days prior to the hearing (not including the date of the hearing).
- e. **On-Site Public Notice Sign:** The applicant is responsible for posting a public notice sign(s) on the subject property at least ten (10) days prior to the public hearing (not including the date of the hearing). The Planning Director will provide the applicant with a public notice sign for each street frontage along the subject property. The sign(s) shall be visible from the public roadway and shall remain posted until resolution of the petition. The applicant must return the sign(s) to the Planning Director upon resolution of the petition.

### **4. PUBLIC HEARING BEFORE THE PLAN COMMISSION**

The Plan Commission will review the application in a public hearing and make a recommendation to the County Commissioners on the application. The applicant must be present at the public hearing to present the request and to address any questions. The Plan Commission's recommendation will be certified to the Commissioners within 10 days of the decision.

### **5. COUNTY COMMISSIONER MEETING**

The County Commissioners shall vote on the proposed rezoning within 90 days of its certification by the Plan Commission. If the County Commissioners take no action within the 90-day period, then the recommendation of the Plan Commission stands as the final decision on the rezoning.

# REZONING APPLICATION

Shelby County Plan Commission  
25 West Polk Street, Room 201  
Shelbyville, IN 46176  
P: 317.392.6338 F: 317.421.8365

<b>For Office Use Only</b> Case #: _____ Hearing Date: _____
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## 1. Applicant/Property Owner:

### Applicant:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

\*please indicate preferred method of contact

### Owner:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

## 2. Applicant's Attorney/Contact Person and Project Engineer (if any):

### Attorney/Contact Person:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

\*please indicate preferred method of contact

### Project Engineer:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

## 3. Project Information:

General Location of Property (and address if applicable): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Area (in acres): \_\_\_\_\_

Current Use: \_\_\_\_\_  
Current Zoning: \_\_\_\_\_  
Proposed Use: \_\_\_\_\_  
Proposed Zoning: \_\_\_\_\_

## 4. Attachments:

- |  |   |
|--|---|
| <input type="checkbox"/> Affidavit & Consent of Property Owner (if applicable) | <input type="checkbox"/> Findings of Fact |
| <input type="checkbox"/> Copy of Deed  | <input type="checkbox"/> Application Fee  |
| <input type="checkbox"/> Statement of Intent                                   | <input type="checkbox"/> Site Plan        |

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

State of Indiana )  
County of Shelby ) SS:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public - Signed / Printed

Residing in \_\_\_\_\_ County My Commission expires \_\_\_\_\_

**AFFIDAVIT & CONSENT OF PROPERTY OWNER**  
**APPLICATION TO THE SHELBY COUNTY PLAN COMMISSION**

STATE OF INDIANA )  
COUNTY OF SHELBY ) SS:

I, \_\_\_\_\_, AFTER BEING DULY SWORN, DEPOSE AND SAY THE FOLLOWING:  
(Name of property owner)

- 1. That I am the owner of real estate located at \_\_\_\_\_;  
(Address of affected property)
- 2. That I have read and examined the Application made to the Shelby County Plan Commission by:  
\_\_\_\_\_  
(Name of applicant)
- 3. That I have no objections to, and consent to the request(s) described in the Application made to the Shelby County Plan Commission.

\_\_\_\_\_  
Owner's Name (Please Print)

\_\_\_\_\_  
Owner's Signature

State of Indiana )  
County of Shelby ) SS:

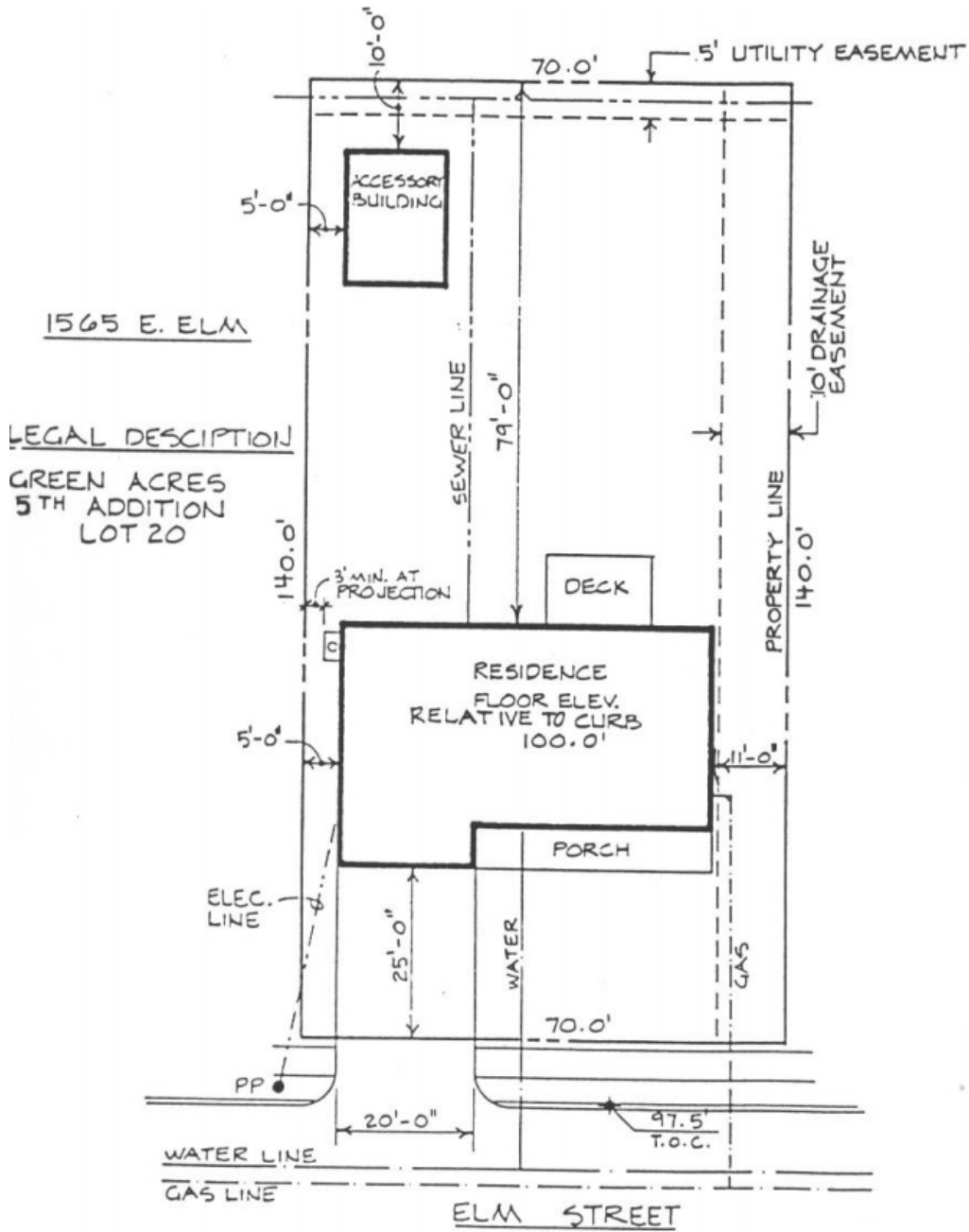
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public / \_\_\_\_\_  
Printed

Residing in \_\_\_\_\_ County My Commission expires \_\_\_\_\_

# SITE PLAN EXAMPLE

At minimum, the site plan should include all existing & proposed buildings on the subject property and all existing & proposed features of the property related to the request. The plan does not necessarily need to be drawn to scale, however the plan should indicate the dimensions of the property, dimensions of all buildings & property features, and the distance for all buildings and property features from the property line. The applicant may hand-draw the site plan or print out an online aerial map, however the Planning Director has the discretion to require a site plan drawn by a professional engineer dependent upon the complexity of the request.



**APPLICATION FOR REZONING**  
**FINDINGS OF FACT**

The applicant (or their representative) must fill out the findings of fact on the following pages. The Plan Commission may review the applicant's findings of fact to assist with their decision-making process. Please see below for general guidance related to completing the findings of fact.

Applicant: \_\_\_\_\_

Case #: \_\_\_\_\_

Location: \_\_\_\_\_

1. The request **is** consistent with the Shelby County Comprehensive Plan because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2. The request **is** consistent with the current conditions and the character of structures and uses in each district because:

\_\_\_\_\_  
\_\_\_\_\_

3. The request **is** consistent with the most desirable use for which the land in each district is adapted because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. The request **is** consistent with the conservation of property values throughout the jurisdiction because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

5. The request **is** consistent with responsible growth and development because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**General Guidance – Rezoning (not to be considered legal advice):**

**Finding 1:** How is the proposed new zoning designation consistent with the future land use of the property identified in the Comprehensive Plan? If you do not know the future land use of the property, please ask the Planning Director.

**Finding 2:** How is the proposed use, and/or other possible future uses permitted in the proposed zoning district, similar to surrounding structures and uses of land?

**Finding 3:** Why is the proposed use, and/or other possible future uses permitted in the proposed zoning district, the most desirable use for the land?

**Finding 4:** Explain why the proposed use, and/or other possible future uses permitted in the proposed zoning district, would not negatively impact property values.

**Finding 5:** Why is the change in zoning designation consistent with responsible growth and development?

**AFFIDAVIT OF NOTICE TO INTERESTED PARTIES  
PUBLIC HEARING OF THE SHELBY COUNTY PLAN COMMISSION**

STATE OF INDIANA )  
COUNTY OF SHELBY ) SS:

I, \_\_\_\_\_, DO HEREBY CERTIFY THAT NOTICE TO INTERESTED  
(Name of person mailing letters)  
PARTIES OF THE PUBLIC HEARING BY THE SHELBY COUNTY PLAN COMMISSION, to consider the application  
of: \_\_\_\_\_.  
(Name of person on application)

Requesting: \_\_\_\_\_  
\_\_\_\_\_

For Property Located at: \_\_\_\_\_

Was sent to the following owners and addresses as listed in the Plat Books of the Shelby County Auditor's Office (attach additional sheets if necessary):

<u>OWNERS</u>	<u>ADDRESS</u>
_____	_____, _____
_____	_____, _____
_____	_____, _____
_____	_____, _____
_____	_____, _____
_____	_____, _____
_____	_____, _____
_____	_____, _____

And that said notices were sent on or before the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, being at least ten (10) days prior to the date of the Public Hearing.

I further certify that the required public notice sign(s) was posted in a place visible from the public roadway on the subject property on or before the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, being at least ten (10) days prior to the date of the Public Hearing and will remain on the property until resolution of the petition.

\_\_\_\_\_  
(Name of person mailing the letters and placing sign)

State of Indiana )  
County of Shelby ) SS:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_/\_\_\_\_\_  
Notary Public Printed

Residing in \_\_\_\_\_ County My Commission expires \_\_\_\_\_