WARRICK COUNTY AREA PLAN – REZONING INSTRUCTIONS

One (1) original and four (4) copies of petition must be submitted.

1. The petition must contain the legal description of the exact area, lot or tract to be rezoned with reference to the proper Section, Quarter Section, Township and Range. The description must be a platable single boundary description containing **NO** exceptions or references to other recorded deeds.

Attached to and as a part of the petition, submit the following:

1. ORDINANCE – Original and four (4) copies. If space is inadequate on ordinance form provided, applicant shall retype Ordinance in its entirety. A cashiers check made payable to Warrick Publishing to cover the cost of advertising the ordinance if approved, must be furnished at the time the Notice to adjacent property owners of a public hearing is returned to the applicant/owner. Dollar amount to be furnished by the staff.

2. Maps – Original and seven (7) copies drawn at a suitable scale with the following information.

   (a.) Area, lot or tract to be rezoned and dimensions of same, with the drawing corresponding to the legal description of the property described on the petition and it being referenced to the proper Section, Quarter Section, Township and Range.

   (b.) Location and use of buildings located on surrounding area and its present zoning within 500 feet of the outside boundary of area to be rezoned.

   (c.) Locate all driveways for said areas in the above paragraph (b).

   (d.) Size and location of buildings and parking and/or loading areas now present or to be built on area to be rezoned. This map may be on a separate drawing.

   (e.) Locate adjacent properties to the area to be rezoned by listing the owners in their appropriate location from the records in the Auditors Office, Warrick County, located in the Judicial Center.

   (f.) Delineate any Special Flood Hazard Areas from FEMA Flood Plain maps available in the Area Plan Commission Office.

3. Notice – Complete Notice of Rezoning Petition being filed other than the time, date and place of public hearing which will be filled in by the Plan Commission staff at the time the petition is filed. Applicant is responsible to then send by Certified Mail with return receipt a copy of the notice to all adjacent property owners of the area to be rezoned. All return receipt must then be turned in to the Plan Commission Office prior to the meeting. Applicant will be required to post subject property of proposed rezoning. The Area Plan Commission Office will furnish the sign. Names and addresses of abutting property owners must be obtained by looking up the <u>official owner of record</u> at the **Auditor's office** (The Auditor's Office has the most current property owner information. **DO NOT LOOK UP OVER THE INTERNET)**. For clarification, abutting property is defined as *Record title owners whose property is contiguous to the subject property, including any property that would touch at any point the subject property, ignoring all rights of way, including all rights of way owned in fee, easements and alleys, including property owned by a governmental body for the primary purpose of a road way. However, record title owners of property separated from the subject property by a freeway or expressway are not considered "abutting property owners".* By ordinance, these notices MUST be postmarked no less than twenty one (21) days before the Area Plan Commission meeting at which the application will be heard. Please bring any irregularities or problems to the attention of APC staff prior to mailing said notice(s).

FACTORS CONSIDERED IN RELATIONSHIP TO REZONING PETITION

1. Does the proposed rezoning conform to the Master Development Plan for Warrick County.
2. Is it in harmony with the existing surrounding uses and use trends?
3. How will the heaviest use permitted in the proposed zone effect the neighborhood?
4. Are public facilities (e.g. schools, recreation, etc.) and utilities (e.g. sewer and water) adequate for proposed use type.
5. Can traffic be handled so that it will not be unfavorably effected (e.g. creation of hazards, parking problems) through zoning.
6. Is there a lack of adequate provisions in zoning ordinance and map for proposed use type in the general area?
7. Is there an economic need for proposed use in the general area?
8. Is the land suitable for proposed rezoning?
9. Since the State Law (Acts of 1957 Chapter 138 as amended) states that any rezoning constitutes amendment of the Master Plan, the burden of proof should be on the applicant in showing that:
   (a.) The proposed rezoning is to the benefit of the community.

(b.) The rezoning is necessary to allow economic use of this property.
(c.) It is **NOT** a case of spot zoning.

** The Warrick County Area Plan Commission meets the second Monday night of each month at 6:00 P.M. in the Commissioners Meeting Room, Third Floor, Courthouse, Boonville, In. All applications must be received no later than (4) weeks prior to any meeting. If rezoning property to Agriculture, CON, R-1, R-A, R-1B, R-1C, R-1D, R-2, R-2A, R-2B, R-3, R-O, or R-MH, a filing fee **$200** for acreage under 2 acres; **$350** for acreage over 2 acres and under 5 acres; **$500** for five acres or more must be paid at the time of filing. If rezoning to a PUD, C-1, C-2, C-3, C-4, W-R, W-I, M-1, M-2 or M-3, a filing fee of **$250** for acreage under 2 acres; **$500** for acreage over 2 acres and under 5 acres; **$750** for five acres or more must be paid at the time of filing. There shall be no refund of filing fee.

Receipt No. _____

PETITION

FOR CHANGE OF THE ZONING ORDINANCE MAPS

PC- R-_____

Petitioner: _____ Address: _____

Email Address:_____ _____

Owner of Record: _____ Address: _____

Email Address: _____ _____

Lessee: _____ Address: _____

Email Address: _____ _____

1. Petition is hereby made for the change of "Zoning Maps" of the City or Town of _____ ( ). County of Warrick ( ), (Check One), State of Indiana, under the authority vested in the Warrick County Area Plan Commission by Chapter 138, Article V, Section 51 and of the 1957 Act of the General Assembly, as amended, State of Indiana.

2. Premises affected are situated on the _____side of _____, a distance of _____ feet _____ (S. W. N. E.) of the corner formed by the intersection formed by_____ and _____.

Subdivision or Legal Description:

3. Located in Zone District Designated as: (Circle one or show one.)

   City or Town: F.P., CON., A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-O, C-1, C-2, C-3, C-4, W-R, M-1, M-2, PUD.

   County: F.P., CON., A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-2A, R-2B, R-3, R-O, R-MH, C-1, C-2 C-3, C-4, W-R, W-1, M-1, M-2, M-3, PUD.

4. Requested change to: (Circle one or Show one.)

   City or Town: F.P., CON, A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-O, C-1, C-2, C-3, C-4, W-R, M-1, M-2, PUD.

   County: F.P., CON., A., R.S., R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-2A, R-2B, R-3, R-O, R-MH, C-1, C-2, C-3, C-4, W-R, W-1 M-1, M-2, M-3, PUD.

5. Existing Land Use: _____
   (a.) Conforming: _____
   (b.) Pre-Existing ~ Non-Conforming: _____
   (c.) Conditional Use: _____

6. Proposed Land Use: _____

Certificate: - Owner hereby certifies that he/she owns 50% or more of the land above described.

Date: _____

Petitioner: _____
_____
Owner: _____
Represented By: _____
Phone: _____

*** NOTICE OF PUBLIC HEARING ***

Date: _____ PC-R- _____

Applicant: _____ Owner of Record: _____

Address: _____ Address _____
_____ _____

Re: Petition for: _____
_____
_____
_____
_____
_____
_____
_____

Dear: _____;

This letter will serve notice to you of scheduled hearing/s of a petition for _____ which has been filed with the Warrick County Area Plan Commission.

PREMISES AFFECTED: Property located on the _____ side of _____ Approximately _____ feet – miles _____ of the intersection formed by _____ and _____. _____Twp. Lot No. _____ In _____ Subdivision (if applicable).

AREA PLAN COMMISSION hearing to be held in the Commissioners Meeting Room, Third Floor, Courthouse, Boonville, Indiana. Hearing to be held at 6:00 P.M. on Monday, _____.

Sincerely,

_____
Applicant and/or Owner

WARRICK COUNTY COMMISSIONERS ORDINANCE # _____

PLAN COMMISSIONER DOCKET # _____

AN ORDINANCE TO AMEND THE WARRICK COUNTY, INDIANA COMPREHENSIVE ZONING ORDINANCE BY REZONING CERTAIN REAL ESTATE IN WARRICK COUNTY, INDIANA

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA:

Section 1. That the Warrick County, Indiana Comprehensive Zoning Ordinance and the Warrick County Zoning District Maps dated February 1, 2005, and made a part of said Ordinance, be and the same are hereby amended as follows:

That the boundaries of the _____, as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

which real estate is now zoned and classified as part of the _____ District, as shown on the aforesaid Warrick County Zoning District Maps, so that said above described real estate shall be and the same is hereby rezoned and reclassified from said _____ District to said _____ District.

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Warrick, State of Indiana.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is attached hereto and incorporated herein and no improvement location permits shall be issued until the petitioner records said use and development commitment in the office of the Recorder of Warrick County, Indiana.

_____
President

_____
Member

_____
Member

ATTEST:

BOARD OF COMMISSIONERS
WARRICK COUNTY, INDIANA

_____
County Auditor

_____
Date Approved

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

_____ _____
Signature Printed Name

This document prepared by _____.

NOTICE TO ADJOINING PROPERTY OWNERS AFFIDAVIT

STATE OF INDIANA) DATE: _____
) SS
COUNTY OF WARRICK) REZONING: _____

I, _____, hereby affirm under the penalties of perjury that I have mailed letters containing required information about this _____ petition at (address)_____, to the following property owners on (date)_____. I hereby certify that to the best of my knowledge, the following (or attached) is a complete and accurate list of all abutting property owners whose properties touch at any point the owner's property, included in whole or in part in the petition for _____ stated above. I obtained said list by looking up the Real Estate Transfer Cards of the abutting property owners on the records in the office of the Auditor and their most recent mailing addresses as listed on records in the office of the Auditor of Warrick County on (Date) _____.

Letters were sent to:

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

NAME: _____ ADDRESS: _____

The letters were sent CERTIFIED MAIL, RETURN RECEIPT SERVICE. The green receipts are attached.

_____
Affiant's signature (Petitioner's, Attorney, or Representative)

Subscribed and sworn to before me, a Notary Public in and for said County and State this _____ Day of _____, 20____.

_____
(Notary Public)

My Commission Expires: _____

Residence of Notary: _____ County, Indiana.

NOTE: THIS AFFIDAVIT **MUST BE FILED** IN THE OFFICE OF **THE AREA PLAN COMMISSION** BY **NOON** OF THE **THURSDAY** BEFORE **THE AREA PLAN COMMISSION MEETING.**

REZONING PLOT PLAN MUST:

1.) Be drawn to scale, as 1’ = 50’, that puts everything in proportion. Drawing must correspond to the legal description of the property described on the petition and it being referenced to the proper Section, Quarter Section, Township and Range.
2.) Show size and location of buildings and parking and/or loading areas now present or to be built on area to be rezoned.
3.) Delineate any Special Flood Hazard Areas from FEMA Flood Plain maps available in the Area Plan Commission Office

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, _____ Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as _____, which real estate is more particularly described as follows, to wit:

WHEREAS, as the real estate is currently classified as a _____ Zoning district under the Warrick County Zoning Code and is so indicated on the zoning maps maintained by the staff of the Warrick County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district _____; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following uses:

2. Use of the Real Estate shall be limited to the following development requirements:

3. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Warrick County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this _____day of _____, 20_____ by _____for the purpose set forth herein.

_____
Signature

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

Before me, the undersigned, a Notary Public and for said County and State, personally appeared the within named _____ who acknowledged the execution of the foregoing Use and Development commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this _____day of _____, 20_____.

NOTARY PUBLIC

_____
Signature

_____
Printed Name

A resident of _____ County, Indiana.

My commission expires: _____

This instrument prepared by: _____
(Name)

_____
(Address)

_____
(phone)