

## 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.

### 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 (3) 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

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**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  
BOARD OF COMMISSIONERS  
WARRICK COUNTY, INDIANA

ATTEST:

\_\_\_\_\_  
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 )  
 ) SS  
COUNTY OF WARRICK )

DATE: \_\_\_\_\_

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)