

COUNTY REZONING INFORMATION PACKET

REZONING FEE SCHEDULE:

FILING FEES

Proposed change to Agricultural, R-1, R-2, R-3, R-4, R-5, CON, or Residential P.U.D.

Area less than 2 acres	\$250
Area 2.0 acres to 4.9 acres	\$500
Area 5.0 acres or more	\$750

Proposed change to any CO-1, CO-2, C-1, C-2, C-3, C-4, M-1, M-2, M-3, AIR, F-1, W-1, W-R, and commercial or mixed-use P.U.D.

Area less than 2 acres	\$500
Area 2.0 acres to 4.9 acres	\$750
Area 5.0 acres or more	\$1,000

AMENDMENTS AND/OR CONTINUANCES

HALF OF (ORIGINAL) FILING FEE FOR EACH AMENDMENT AND/OR CONTINUANCE

PROCEDURE FOR FILING PETITION FOR REZONING

Step 1. At the Area Plan Commission office (Room 312):

- A. Determine what zoning you need for the intended activity.
- B. Receive packet containing forms, directions, meeting schedule/filing deadlines, petition, ordinance, sample site plan/instructions, sample letter and sample affidavit.
- C. The Area Plan Commission has granted the authority to the APC Executive Director to waive the filing fee for proposed downzonings of existing, non-conforming residential uses in industrial or commercial districts to an R-1 or R-2 district. The criteria to be considered in granting a filing fee waiver is the extent to which the fee presents an undue financial hardship for the petitioner. Any petitioner proposing to downzone a legal non-conforming residence and desiring to request a filing fee waiver shall schedule a pre-application conference with the APC Executive Director. At that time, the petitioner can provide evidence that paying the filing fee for the downzoning would result in a financial hardship. In the event the Area Plan Commission filing fee is waived, the petitioner is still responsible for fees associated with meeting statutory requirements for notice, publication, and recording.

- Step 2. A. Fill out one copy of the provided forms (petition and ordinance). For the sake of simplicity and uniformity, all petitions, plus the affidavit of notice, must be completed on the forms provided by the Area Plan Commission office. Draw a site plan on 8 ½" x 11" or 8 ½" x 14" paper, showing all existing and/or proposed conditions on the property which is the subject of your petition. See attached sample site plan and instruction sheet to be sure that all the items listed are included on your site plan. (OPTIONAL: if you plan to file an ordinance which includes a use and development commitment, ask staff for a copy of the "Section 4" ordinance and a sample use and development commitment form. It is suggested you discuss the proposed use and development commitment with staff prior to filing.)
- B. Bring completed petition, ordinance (including use and development commitment, if applicable), and site plan to the Area Plan Commission (APC) office so that the staff can check for the required information. Staff will prepare a location map for you and check the site plan.

- Step 3. Take completed ordinance to the Evansville Courier Company legal desk to determine the amount that you will be charged at the time of publication. (DO NOT PAY THEM.) This fee - in the form of a certified or cashier's check - is held in the County Auditor's office pending the approval of your petition. It is refunded if petition is denied or withdrawn.
- Step 4. Names and addresses of abutting property owners must be obtained by looking up the tax codes and official owner of record at the Assessor's office, and then taking tax codes to the Treasurer's Office for the mailing address. For clarification, abutting property is defined as any property which would touch at any point the owner's property included in whole or in part in the ordinance for rezoning, including across streets, alleys, and easements, etc. Therefore, owners across streets, alleys, easements, must also be notified. (Occasionally, the names of the owners of record in the Assessor's office do not correspond with the names on the Treasurer's records; if this situation occurs, Send notices to both parties. Please bring any irregularities or problems to the attention of APC staff.) Additionally, you must check with the APC Staff to determine if the subject property lies within or contiguous to a Registered Neighborhood Association. (This is noted on the rezoning petition and added to your list of abutting property owners to which you will mail notice of the hearing.)
- Step 5. Make 12 copies each of the rezoning petition, location map, ordinance (including use and Development commitment, if applicable), and site plan. Staple them together in this order. Bring these packets to the Area Plan Commission office along with one copy of your list of abutting property owners; this list should include tax code, name, and mailing address of each abutting property owners. Pay the filing fee to Area Plan Commission, and receive your Plan Commission docket number and a sign to be posted on the property. The APC staff will confirm the meeting times and locations for the public hearing; the date your petition will be heard is determined by the filing deadline schedule which is included as part of your rezoning packet of information. PLEASE NOTE: THE ORDINANCE PAGE MUST BE COPIED ON 8 ½" x 14" PAPER AS PROVIDED IN THE PACKET, WITH SPACE AT THE BOTTOM AND SPACE AT THE TOP OF THE PAGE LEFT BLANK; IF YOUR LEGAL DESCRIPTION DOES NOT FIT WITHIN THE SPACE PROVIDED, YOU WILL NEED TO ATTACH A SEPARATE PAGE (OR PAGES) TO THE DOCUMENT.
- Step 6. Deliver to the County Auditor's office:
- A. 12 completed packets
 - B. Certified or cashier's checks for:
 - 1. The cost of publication - made out to the Evansville Courier Company.
 - 2. The recording fee of \$11.00 for the first page of ordinance plus \$2.00 for each additional page, made out to the County Recorder.
- If all information is correct, you will be placed on the County Commission agenda for first reading. It will not be necessary for you to appear at this meeting. The County Auditor will assign your REZONING docket number for County Commissioner hearings, and will file stamp each copy. County Auditor will send you back to the Area Plan Commission office with six file-stamped copies of your petition to complete your filing of your rezoning petition and enable the Area Plan Commission to proceed with your rezoning.

BEFORE YOU ATTEND THE AREA PLAN COMMISSION MEETING COMPLETE THE FOLLOWING STEPS:

- Step 7. AFTER FILING, but at least 12 days before the APC meeting, a notice must be mailed by the Petitioner by CERTIFIED MAIL, RETURN RECEIPT REQUESTED (see attached sample letter/instruction) to each of the owners whose property is abutting the owner's property included in whole or in part in the petition for rezoning. (Refer to Step 4 above for information regarding abutting property owners.) By ordinance, these notices MUST be postmarked no less than 12 days before the Area Plan Commission meeting at which the petition will be heard.
- Step 8. POST the rezoning sign on the property, in a place visible to the public, at least 12 days before the Area Plan Commission meeting.

Step 9. Submit a notarized affidavit (use the attached form), along with one copy of the notice which you mailed, and the green return receipts (and explanation for any un-returned receipts) to the Area Plan Commission Office by noon the Tuesday before the Area Plan Commission meeting. It is suggested that you have your copy of the certified letter receipt filled out completely and stamped by the Post Office at the time that you mail the notice. In the event that the green copy is not returned to you prior to the meeting, bring your receipt and/or the returned letter itself to the Plan Commission office as proof that the letter was sent by you. **THIS IS IMPORTANT!** If the above requirements are not met, the rezoning application will be postponed until the next regularly scheduled meeting, and you must complete (or repeat) the notification process for that meeting and pay an additional (continuance) fee equal to one-half the original filing fee.

Step 10. You, or someone representing you, will be required to attend the Area Plan Commission meeting and the County Commissioners meeting at which your petition will be heard. If your petition is approved at the County Commission meeting, the Auditor will then publish the ordinance in the newspaper and record it with the County Recorder's office. At that point, the rezoning is effective.

Step 11. **(OPTIONAL)**: If a use or development commitment is filed **after** the time of filing the petition to amend zoning maps, applicant must file an amended petition, repeating steps (3), (4), and (5) above, with the use or development commitment as the 5th document, inserted in each packet immediately following the ordinance. An adjustment check must be filed with the County Auditor for the increased recording and/or publication fees, and the amendment fee must be paid to the Area Plan Commission office. You must repeat Step (7) above, again notifying (at least) 12 days before the APC meeting by **CERTIFIED MAIL, RETURN RECEIPT REQUESTED** each of the owners whose property is abutting the owner's property.

IF ALL OF THE ABOVE STEPS ARE NOT COMPLETED AS DETAILED IN THESE INSTRUCTIONS, YOUR PETITION CANNOT BE HEARD AT THE REGULARLY SCHEDULED MEETING.

NOTE: If the petition is withdrawn, or denied by the County Commissioners, no one may re-apply for one year for rezoning of the parcel described in the rezoning petition. Your checks for cost of publication and recording of the ordinance may be picked up at the Auditor's office.

IF YOU HAVE ANY FURTHER QUESTIONS, PLEASE FEEL FREE TO CONTACT EITHER THE AREA PLAN COMMISSION OFFICE (435-5226) OR THE COUNTY COMMISSIONER'S OFFICE (435-5486).

DUTY TO DISCLOSE The Area Plan Commission and the County Commission may rely on the truth of all representations in the petition. If any condition exists or arises or if any event occurs after filing the petition which makes any representation false, inaccurate, misleading or incomplete, and such fact is known by the petitioner, his attorney or other representative, if any (collectively, the "petitioner"), it is the responsibility of the petitioner to disclose such fact promptly to the Area Plan Commission and the County Commission at or before the public hearing by the respective agency on the petition. Failure to make such disclosure may result in denial of or delay in acting on the petition.

VERIFIED PETITION FOR REZONING

_____ -PC _____ ORDINANCE NO. VC- _____

PETITIONER _____ PHONE _____

ADDRESS _____ ZIP CODE _____

OWNER OF RECORD _____ PHONE _____

ADDRESS _____ ZIP CODE _____

1. Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Vanderburgh County Code of Ordances.

2. Premises affected are on the _____ side of _____ a distance of _____ feet (N.S.E.W.) of the corner formed by the intersection of _____ and _____.
Registered Neighborhood Association (if applicable) _____

LEGAL DESCRIPTION:

SUBDIVISION _____ BLOCK _____ LOT NO. _____
(where applicable - if not in a subdivision, insert legal here or attach to ordinance)

3. The commonly known address is _____

4. The real estate is located in the Zone District designated as _____

5. The requested change is to (Zone District) _____

6. Present existing land use is _____

7. The proposed land use is _____

8. Utilities provided: (check all that apply)
City Water _____ Electric _____ Gas _____ Storm Sewer _____
Sewer: Private _____ Public _____ Septic _____

9. All attachments are adopted by reference.

10. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE _____ PETITIONER _____
(when signed) PRINTED NAME: _____

DATE _____ OWNER OF RECORD _____
(when signed) PRINTED NAME: _____

REPRESENTATIVE FOR PETITIONER NAME _____
(Optional) ADDRESS/ZIP _____
PHONE _____

ORDINANCE NO. VC-_____

TAX CODE(S) _____

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN VANDERBURGH COUNTY, STATE OF INDIANA, MORE COMMONLY KNOWN AS _____

(Here insert common address)

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, AS FOLLOWS, TO WIT:

Section 1: That the Vanderburgh County, Indiana, Code of Ordinances, and more particularly known as the Vanderburgh County Code, Title 17, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in Vanderburgh County, State of Indiana:

by changing the zoning classification of the above-described real estate from _____ to _____, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the County Commissioners of Vanderburgh County, State of Indiana, and its publication as required by law, which publication is now ordered.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on _____ at Instrument No.: _____. No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

APPROVED THIS _____ DAY OF _____, 20_____, BY THE COUNTY COMMISSIONERS OF VANDERBURGH COUNTY, STATE OF INDIANA.

PRESIDENT

VICE-PRESIDENT

MEMBER

THIS INSTRUMENT PREPARED BY: _____

COUNTY REZONING NOTIFICATION NOTICE

****** NOTICE OF PUBLIC HEARING ******

FOR AMENDMENT OF THE COMPREHENSIVE ZONING ORDINANCE
OF VANDERBURGH COUNTY

DATE: _____

RE: Petition for Rezoning
 Docket numbers:

Dear: _____

This letter will serve notice to you of scheduled hearings of a petition for amendment of the Comprehensive Zoning Ordinance which has been filed with the Area Plan Commission of Evansville and Vanderburgh County.

This proposed amendment is to allow a change in zoning from: _____

to: _____

on the property located at: _____

Legal description: _____

AREA PLAN COMMISSION hearing to be held in Room 301 (City Council Chambers), City-County Administration Building, Civic Center Complex, Evansville, Indiana. Hearing to be held at 4:00 p.m. on Thursday, _____.

COUNTY COMMISSION hearing to be held in Room 301 (City Council Chambers), City-County Administration Building, Civic Center Complex, Evansville, Indiana. Hearing to be held at 5:00 p.m. on Tuesday, _____.

Sincerely,

If you have any questions, please contact me at: _____

COUNTY REZONING AFFIDAVIT

STATE OF INDIANA)
)
 COUNTY OF VANDERBURGH)

SS:

Date: _____

Docket Numbers: _____

I, (PRINTED name) _____, hereby affirm under the penalties of perjury that I have mailed letters containing required information about a rezoning 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 ordinance for rezoning stated above. I obtained said list by looking up the tax codes and abutting property owners on the records and/or plat maps in the office of the Assessor and receiving a printout of the current owners of record and their most recent mailing addresses as listed on the records in the office of the Treasurer of Vanderburgh County on (Date) _____.

Letters were sent to:

Name	Address	Tax code

The letters were sent CERTIFIED MAIL, RETURN RECEIPT SERVICE. The green receipts **AND ONE SAMPLE LETTER** are attached.

 Affiant's signature (Petitioner, 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 THE TUESDAY BEFORE THE AREA PLAN COMMISSION MEETING.

USE AND DEVELOPMENT COMMITMENT

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

WHEREAS, as the real estate is currently classified as a(n) _____ Zoning district under the Vanderburgh County Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh 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:

2. 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 Evansville-Vanderburgh 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 VANDERBURGH)

Before me, the undersigned, a Notary Public in 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

A resident of _____ County, Indiana.

My commission expires:

This instrument prepared by: (Name) _____

(Address) _____

(Phone) _____

COMMERCIAL SITE PLAN Checklist

- All site drawings should be drawn to scale. (preferable engineer's scale, i.e. 1:10, 20, 30, 40, 50, 60).
- Show scale; north arrow; subdivision name, section, block and lot number(s); and street address.
- Name, address, phone number and company name (if applicable) of person certifying site plan accuracy.
- Indicate accurate lot dimensions.
- Show all street and/or alley right-of-way widths from centerline and physical center of pavement.
- Indicate existing easements and their widths.
- Show sidewalk and street pavement width and location.
- Include dimensions and location from property lines on all existing structures.
- Show dimensions and location from property lines on all proposed additions or structures.
- Indicate distances between all structures.
- Include size and location of proposed curb cuts or access drives (distance from nearest intersecting street).
- Indicate size and location of existing drives within 50 feet of the project area.
- Show parking. Include aisle widths, typical parking stall dimensions, and angle of parking proposed.
- Indicate height of all proposed structures measured from ground level to peak of roof.
- Indicate proposed and existing areas of pavement, gravel and/or green space.
- For apartments, indicate number of bedrooms per unit and number of units per building.
- Indicate square footage per floor and number of stories in the proposed structure.
- Show loading areas. Include location of overhead doors and loading patterns for size of loading vehicles expected.
- Show size and location of existing or proposed sewer lines, water lines, septic or wells.

EFFECTIVE IMMEDIATELY, no site plan will be accepted for rezonings, variances, special uses, or commercial review without the above information clearly indicated. Failure to provide adequate information may result in your petition or permit being delayed.

It is the responsibility of the property owner to supply an accurate site plan.

