

CITY OF SHELBYVILLE



ZONING MAP AMENDMENT (“REZONING”)

APPLICATION PACKET

Shelbyville Planning & Building Department
Plan Commission
44 W. Washington Street
Shelbyville, IN 46176
317-392-5102
www.cityofshelbyvillein.com

Quick Check List

- Completed Application (notarized) – 11 copies
- Completed Finding of Facts sheet – 11 copies
- Site plans and other supporting materials – 11 copies & one (1) digital copy
- Letter of Intent – 11 copies
- Notarized Affidavit & Consent of Property Owner (if the petitioner doesn't own the property)
- Property Deed with Legal Description of land being rezoned
- Filing Fee – check made payable to the City of Shelbyville
- Completed Post Office Form 3877
- Attend Meeting

DEADLINE DATE: _____

MEETING DATE: _____

REZONING APPLICATION PROCEDURES

ORIGINATION OF PROPOSALS

Proposals for Zoning Map Amendments (“rezoning”) may be initiated by either the Plan Commission, the Common Council, or through an application signed by property owners of at least 50% of the land involved.

1. **City Initiated:** The Plan Commission shall prepare the application for zoning map amendments if either the Commission or the Common Council has initiated the application. The Plan Commission Director shall serve as the representative of the applicant for such proposal.
2. **Property Owner Initiated:** Any property owner requesting a zoning map amendment shall be the applicant and assume responsibility for preparing application materials.

REZONING DECISION CRITERIA

In reviewing the rezoning application, the Plan Commission, and Common Council shall pay reasonable regard to the following:

1. **Comprehensive Plan:** The City of Shelbyville Comprehensive Plan and any other applicable, adopted planning studies, and reports;
2. **Current Conditions:** The current conditions and character or current structures and uses in each district;
3. **Desired Use:** The most desirable use for which the land in each district is adapted;
4. **Property Values:** The conservation of property values throughout Shelbyville’s planning jurisdiction; and
5. **Responsible Growth:** Responsible growth and development practices.

GENERAL PROCEDURE

The general procedure for rezoning a property is as follows:

1. **Application:** The applicant submits an application and required supplemental materials to the Zoning Administrator and pays the fee as indicated by the Planning and Building fee schedule available on the City of Shelbyville website or in the Plan Commission office. **Please make checks payable to the City of Shelbyville
2. **Common Council First Hearing:** The Common Council will review the rezoning application and supporting information. The council will then forward the application to the Plan Commission for review and recommendation.
3. **Public Notice:** Public notice for the Plan Commission hearing must be provided as directed by Chapter 9.13 of the Unified Development Ordinance.
4. **Plan Commission Hearing:** The Plan Commission will review the application in a public hearing and make a recommendation to the Common Council on the application. This hearing will occur no more than 60 days following the receipt of the application for rezoning. The Plan Commission’s recommendation will be certified to the Council within ten (10) days of the decision.
5. **Common Council Second Reading:** The Common Council shall vote on the proposed rezoning within 90 days of its certification by the Plan Commission. If the Common Council takes no action within the 90-day period, then the recommendation of the Plan Commission stands as the final decision on the rezoning.

SUPPORTING MATERIALS

The following supporting materials must be submitted with an application for rezoning:

1. **Site Plan:** A site plan drawn to scale showing, at a minimum, all existing and proposed structures, setbacks, easements, right-of-ways, and any other features relevant to the application.
2. **Vicinity Map:** A vicinity map showing the use and zoning of all properties within 600 feet of the property subject to the rezoning application.
3. **Letter of Intent:** A letter of intent to the Plan Commission stating the reasons for the rezoning, including a detailed description of any proposed development for which the rezoning is sought. The letter should include any written commitments being made by the applicant.
4. **Deed:** It is required that a deed to the property be included.

PUBLIC HEARING NOTIFICATION

The City of Shelbyville is responsible for placing the Notice of Public Hearing in the local newspaper. The legal advertisement must run at least 10 days prior to the hearing (not including the date of the hearing). The applicant is responsible for:

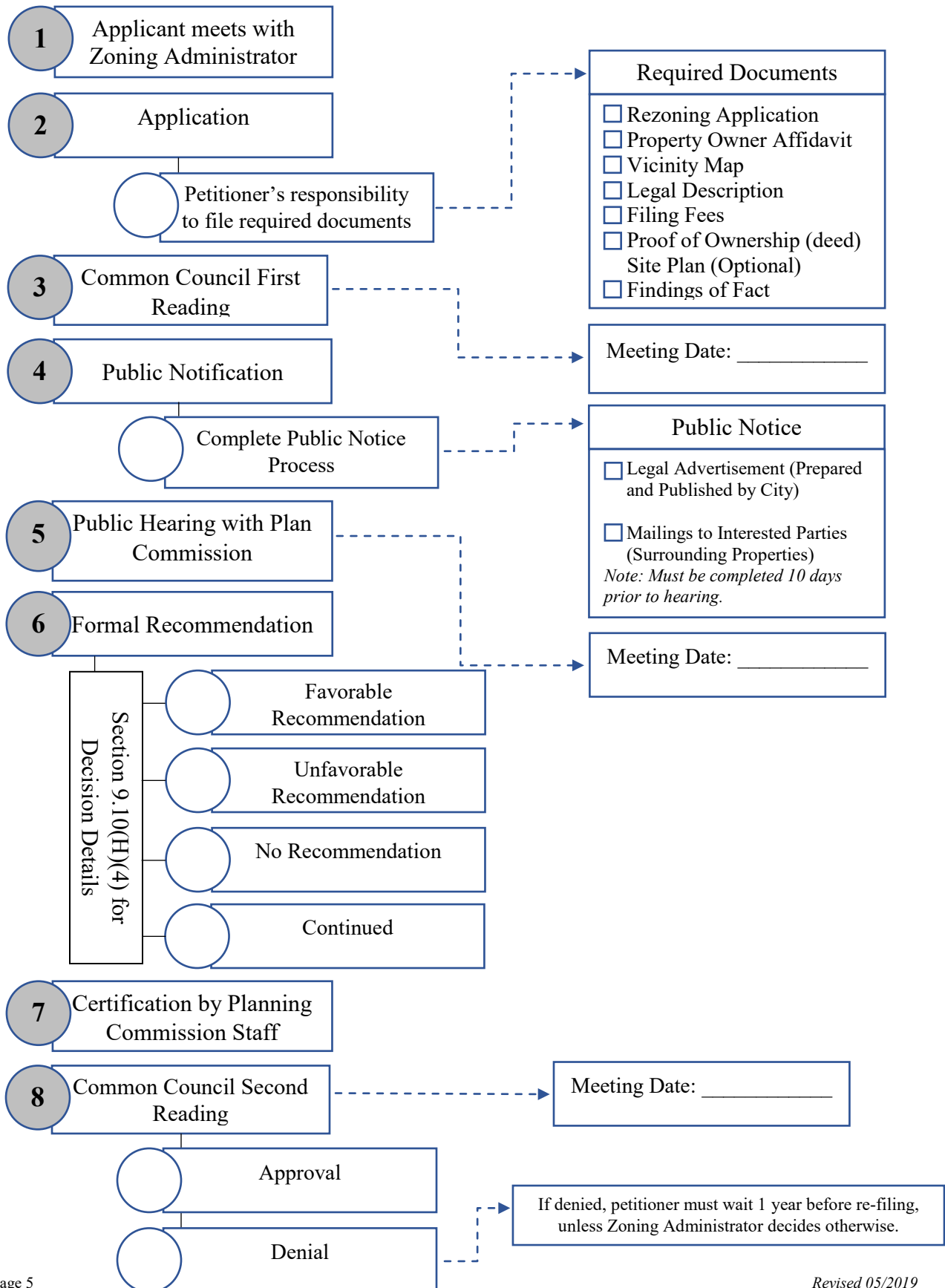
1. **Notice to Interested Parties:** The applicant is responsible for preparing and distributing written notice of the petition (including the same information found in the Legal Notice) to all property owners within 2 ownerships of the boundaries of the subject property. Names and addresses of those property owners will be provided by the Plan Commission staff. The notices must be sent at least once, at least 10 days prior to the hearing. Notice may be distributed through either a certificate of mailing

(requiring USPS Form #665), certified mail, or hand delivery (requiring signatures on form provided by Plan Commission Office).

2. Notification Certification: A copy of the materials provided to each property owner, the completed mailing and/or delivery forms, and a signed and notarized Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Plan Commission Director by the petitioner a minimum of 2 business days prior to the date of the public hearing.

UDO 9.10 Rezoning Variance

Process Outline





REZONING APPLICATION
 Shelbyville Planning & Building Department
 44 West Washington Street
 Shelbyville, IN 46176
 P: 317.392.5102

For Office Use Only:

Case #: PC _____ - _____

Hearing Date: _____

Fees Paid: \$ _____

Final Decision:

Approved _____ Denied _____

1.

Applicant

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

Property Owners Information (if different than Applicant)

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

2.

Applicant's Attorney/Representative

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

Project Engineer

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

Email: _____

3. Project Information:

General Location of Property (and address is applicable): _____

Current Zoning: _____ Existing Use of Property: _____

Proposed Zoning: _____ Proposed Use: _____

4. Attachments

- Affidavit and Consent of Property Owner (if applicable)
- Proof of Ownership (copy of deed, recent property card)
- Letter of Intent
- Site Plan
- Vicinity Map
- Application Fee
- Legal Description
- Findings of Fact

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

Applicant: _____ Date: _____

State of _____)
 County of _____) SS:

Subscribed and sworn to before me this _____ day of _____, _____.

_____/_____
 Notary Public / Printed

Residing in _____ County. My Commission Expires: _____



ZONING MAP AMENDMENT (“REZONING”) FINDINGS OF FACT

Petitioner’s Name: _____

Location: _____

Variance for: _____

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Development Standard Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **Comprehensive Plan:** The Comprehensive Plan and any other applicable adopted planning studies or reports.

2. **Current Conditions:** The current conditions and the character of current structures and uses in each district.

3. **Desired Use:** The most desirable use for which the land in each district is adapted.

4. **Property Values:** The conservation of property values throughout the City of Shelbyville’s planning jurisdiction.

5. **Responsible Growth:** Responsible Growth and Development.

AFFIDAVIT & CONSENT OF PROPERTY OWNER
APPLICATION TO THE SHELBYVILLE PLAN COMMISSION

STATE OF _____)
COUNTY OF _____) SS:

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

1. That I am the owner of real estate located at _____;
(Address of subject property)
2. That I have read and examined the Application made to the Shelbyville 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 Shelbyville Plan Commission.

Owner's Name (Please Print)

Owner's Signature

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public / _____
Printed

Residing in _____ County My Commission expires _____

ORDINANCE NUMBER _____

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF SHELBYVILLE, INDIANA, AND TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH TO THE EXTENT OF SUCH CONFLICT ONLY

BE IT ORDAINED by the Common Council of the City of Shelbyville, Indiana, as follows, to-wit:

Section 1. That the following tract of real estate in the City of Shelbyville, Indiana, described as follows:

[Insert Legal Description Here]

be, and the same is, hereby rezoned from a(n) _____ classification to a(n) _____ classification.

Section 2. Any ordinance of the City of Shelbyville, Indiana, which is in conflict with the terms and provisions of this ordinance is hereby repealed, to the extent of such conflict only, as to the above-described real estate only.

PASSED ON FIRST READING THIS _____ DAY OF _____ - BY A VOTE OF _____ AYES AND _____ NAYS,

Thomas D. DeBaun, Mayor

ATTEST:

Frank Zerr, City Clerk-Treasurer

PASSED ON SECOND READING THIS _____ DAY OF _____, _____ BY A VOTE OF _____ AYES AND _____ NAYS.

Thomas D. DeBaun, Mayor

ATTEST:

Frank Zerr, City Clerk-Treasurer

Presented by me to the Honorable Mayor this _____ day of _____, _____

Frank Zerr, City Clerk-Treasurer

APPROVED by me this _____ day of _____, _____

Thomas D. DeBaun, Mayor