

REZONING

Here's how...



Area Plan Commission of Tippecanoe County

Planning for:

Tippecanoe County, Lafayette, West Lafayette,
Battle Ground, Clarks Hill and Dayton

The Staff is always available to answer your questions, assist you, or provide you with forms and copies of our bylaws. Please contact them at the Area Plan Commission Office, 20 North 3rd Street, Lafayette, (765) 423-9242.

November 2001
January 2003
January 2014
January 2015
May 2015
January 2018

HOW TO FILE A REZONE REQUEST

Q. I WANT TO REZONE MY PROPERTY. WHAT IS A REZONE AND HOW DO I REQUEST ONE?

A. A rezone is a change in zoning for a specific piece of property. In Tippecanoe County, the legislative body with jurisdiction over the property involved is who will approve or deny the rezone. Before a rezone goes before the legislative body it is heard by the Area Plan Commission (APC) at a public hearing. APC's vote is a recommendation to the legislative body.

Q. WHEN AND WHERE DOES THE BOARD MEET?

A. The Area Plan Commission meets on the third Wednesday of each month. The meeting takes place at 6:00 PM in the County Office Building, 20 N. 3rd Street, Lafayette (Amended 01/01/2015)

Q. HOW DO I MAKE MY REQUEST?

A. Your request for a rezone must be filed with the Area Plan Commission Staff. They will give you all the forms you need. The forms are available on our website at www.tippecanoe.in.gov/apc under "Forms and Applications." Staff welcomes the opportunity to sit down with you to answer questions, review the forms and explain the process in more detail.

Q. IS THERE A FILING DEADLINE?

A. Yes. Your complete submission must be filed no less than 30 days before we hold our Public Hearing on your request, that is, more than 4 weeks before our next meeting.

Q. WHAT MAKES UP A COMPLETE SUBMISSION?

A. You must submit all these items before the deadline:

1. Petition: A Petition to Amend Zoning Ordinance signed by all owners and notarized, with the metes and bounds legal description of your property or its lot number and subdivision name if it is a platted lot;
2. Notarized Consent: If you do not own the property, or if you are buying on contract, a notarized letter of consent is needed from all the owners authorizing the request;
3. A completed and signed Notice of Public Hearing Release Form;
4. A completed Notice of Public Hearing form with either the metes and bounds legal description, or its lot number and subdivision name if it is a platted lot, or a shortened legal using the section/ township/ range, the city or town name and the total area of the property. (Amended 1/19/00);
5. Interested Parties List: a list, including the Executive director of the Area Plan Commission, of all people who own property either adjacent to or across a street, alley or railroad right-of-way from the rezone site. You can get names, addresses and state tax ID numbers of these properties from the GIS website at www.tippecanoe.in.gov. The address for the Executive Director is listed as the first entry in the Interested Parties List. You must send a Notice to Interested Parties to the Area Plan Director. (Amendment 1/19/00).
6. A copy of the completed Notice to Interested Parties form; you should make as many copies as necessary to send to all the persons on your list, but you will also need to submit one (so staff can verify the date and time is correct) to make up a complete filing (Amended 11/28/01);
7. Ordinance: A typed original and 16 copies of the proposed ordinance to rezone your property. Sample ordinances for all jurisdictions are included with this packet; fillable forms can be found on our website. The full legal description (not the shortened version) is required as part of the ordinance (Amended 1/19/00);
8. City-Campus-Community Collaboration Zone of the City of West Lafayette: Proof indicating delivery of a copy of the application and plat or plans to the following check point agencies

(if property is in the City-Campus-Community Collaboration Zone shown on the attached maps):

- West Lafayette City Engineer;
 - West Lafayette Department of Development;
 - West Lafayette/Purdue University Joint Board c/o the West Lafayette City Engineer on behalf of the Chair of the Joint Board.
9. If you are rezoning A, AA, or AW zoned land for the purpose of subdividing, part of your rezoning submission must include a drawing of the proposed lot and street layout. You must also submit this drawing to the checkpoint agencies, and at the time of filing, provide staff with proof that you have completed this. (You may submit certified mail receipts or signed acknowledgment of receipt.) The written procedure for Checkpoint Agencies is attached to this brochure. (Amended 1/01/14);
10. If you are proposing a commitment with your rezone, six original copies must be submitted of the commitment with a signed acknowledgment from the administrative officer of that jurisdiction that they received a copy of the commitment;
11. Fee: a non-refundable processing fee of \$500 for each rezone petition. Make checks payable to the Area Plan Commission (Amended 01/14/14);

The Executive Committee of the Area Plan Commission meets the first Wednesday of the month to set the Area Plan Commission Public Hearing Agenda. If your application is found to be complete and proper, you and your representative(s) will be notified by mail that you will be heard on the third Wednesday of that month. (If your application is incomplete we'll tell you what's ok but you will not be heard at that month's meeting.)

Q. THEN WHAT HAPPENS TO MY COMPLETE SUBMISSION?

A. Because you have provided Release forms, APC Staff can take your Notice of Public Hearing to the Journal & Courier. The Notice will be published once, at least 10 days before the meeting, and the newspaper will send you a bill usually by email. In the week preceding the meeting, staff will study your request and provide a written report and recommendation to you and the Commission on the Friday before the meeting. The report will be mailed to you, but will also be available on our website.

Q. WHAT ELSE DO I NEED TO DO BEFORE THE MEETING?

- A. At least 10 days before the meeting, you must:
1. Sign Posting: Put up a Notice of Request for Rezoning sign on each frontage of your property (You buy these at the APC Office for \$10 each.);
 2. Mail Letters: By Certified Mail, send to every name on the submitted list of interested parties **(including the Executive Director of the APC)**, a completed copy of the Notice to Interested Parties Letter. (Return receipt not needed.) In the case of multiple rezone applications on contiguous tracts you may send only one set of notices by mail to all interested parties provided a map, showing all the properties is included with the notice. (Amended 1/19/00)
 3. Newspaper: Pay your bill from the newspaper and receive a Proof of Publication.

Then, you will have to give all these items to the APC Staff:

(If you have not provided items 4-7, your hearing will be automatically continued for a month.)

4. The notarized Proof of Publication from the newspaper;
5. The Affidavit of Notice to Interested Parties form, signed by you and notarized;
6. All the Certified Mail receipts from the USPS for the letters you mailed;

7. The Affidavit of Sign Posting form, signed by the person who posted the sign and notarized on the day of the meeting.

Q. WHAT HAPPENS AT THE MEETING?

A. If you have successfully completed items 1-7 above, the Commission will hold a Public Hearing on your request. Either you or your representative must be there, or we will dismiss your case. When your turn comes, APC Staff will present its report and recommendation. You will then be given an opportunity to speak for no more than five minutes, as will all others who either support or oppose your request. You will have an opportunity for rebuttal. The Commission can then ask questions.

At the conclusion of the hearing, the Area Plan Commission will vote. It is a 17-member Commission. No matter how many are present, you will need at least 9 "yes" votes for a favorable recommendation to the legislative body, or 9 "no" votes for a negative recommendation to the legislative body. Fewer than 9 votes either way, and your request is automatically continued to the next meeting (No further actions on items 1-7 is required—though the signs must remain posted continuously). If a decision for or against is reached, the results and your ordinance will be forwarded to the proper governmental jurisdiction.

Q. WHAT HAPPENS NEXT?

A. You or your representative must then attend the meeting where your rezone request will be heard. If the request is in the County, it will be heard by the County Commissioners; in Lafayette or West Lafayette, by the City Council; in Dayton, Battle Ground or Clarks Hill by the Town Council. (Amended 8/21/96). The legislative body makes the final determination on your rezoning request.

Q. WHAT IF I'M NOT READY FOR THE MEETING?

A. At any time before your hearing comes up, you may ask the staff for a continuance, usually until the next meeting. At your scheduled meeting the APC may grant the continuance at its own discretion. Please remember you will be granted no more than 2 continuances, for no more than 2 months for each continuance. These continuances may be ones that you have either asked for, or that are necessary because you have not completed items 1-7 above.

If you have exhausted all of your continuances, your rezone request will be heard or dismissed unless you have already withdrawn it. Please be fair to others interested in your request by filing a continuance request in writing with the Staff at least the week before the scheduled meeting. And make sure your Notice of Request for Rezone sign stays posted on your property continuously until the legislative body has finally decided your request. If you take down the sign, you must repost it at least ten days before the next hearing and change the date.

Q. WHAT DO I DO AFTER THE LEGISLATIVE BODY MAKES ITS DECISION?

A. If your request is approved, you are now free to continue with the plans that started you on this process. If it is denied, you will need to change your plans; staff is available for consultation. Please remove the Notice of Request for Rezone sign from your property after the hearing by the legislative body.

Q. IS THERE ANYTHING ELSE I NEED TO KNOW?

A. Yes. All forms, applications, evidence, materials, etc. you have submitted to the Staff and the Commission, either before or at your Public Hearing, become the property of the Commission. They are a matter of public record, and any person who asks can see them. All required forms and applications are located on our website at www.tippecanoe.in.gov/apc.