

City of Mishawaka, Indiana

REZONING PROCEDURE

Rezoning request petitions may be filed by a property owner or the property owner's attorney. The following information is provided as a **guide** for filing petitions.

Full responsibility for handling and following through on a given petition rests with the individual filing. We cannot over-emphasize the importance of verifying and submitting a **correct legal description**, as well as all other required information pertinent to the consideration of a given request.

Department of City Planning staff will gladly answer any questions, but it is not their function to prepare the petition, the surrounding property owner list or the stamped and addressed envelopes. If an individual does not feel they are capable of following this guideline, we would strongly suggest they consult their attorney and have it prepared for them.

You or your authorized representative must be present at the public hearing and/or hearings.



All petitions are to be legibly prepared in **TRIPPLICATE** (original & 2 copies, all with original signatures) on 8½" by 11" paper and filed with the Department of Building – Community Development - Planning, along with cash or a check payable to the *City of Mishawaka* in the amount of **\$400.00**. **(\$25.00 when rezoning to R-1)**

The following items must be filed at the time you file your petition:

1. A list of all property owners of record within 300 feet of the subject property, provided by Planning Staff.
2. Business size (4½" by 9½"), stamped envelopes addressed to all property owners within 300 feet of the subject property boundary lines. (DO **NOT** PUT YOUR RETURN ADDRESS ON ENVELOPES, PLAN DEPARTMENT ADDRESS WILL BE STAMPED ON) *Note: When using a stamp meter, do not date.*
3. A conceptual site plan of the property.

The original copy of the petition will be forwarded to the City Clerk who will place it on the Common Council agenda. The petition is read before the Council and referred to the Plan Commission for public hearing and recommendation.

The Petitioner will receive written notice as to the time and place of the public hearing scheduled by the Plan Commission, and the Petitioner or his designated representative **must be present** and be prepared to give the Commission a full explanation of the proposal and answer any questions of the Commission. After the hearing, the Commission will send their recommendation to the Common Council.

In turn, the Common Council will have first reading of the proposed ordinance (your request) (Public comment is **not** accepted at this meeting and you do not need to attend.) and schedule the second reading and public hearing. *It is the responsibility of the Petitioner to establish the date and time the second public hearing with the Council will be held and to be present for that hearing.* **THERE IS NO PERSONAL NOTIFICATION GIVEN FOR THE COMMON COUNCIL PUBLIC HEARING.**

The Common Council meets the first and third Mondays of the month at 7:00 p.m. in the Council Chambers. The normal sequence for a petition would be for the Council to have first reading of the proposed ordinance at their next meeting following receipt of the Plan Commission recommendation and to schedule the public hearing at their succeeding meeting. *This will not necessarily always be the timetable followed;* therefore, the Petitioner must assume the obligation of determining the date designated for the Council public hearing by contacting the **City Clerk's office at 574-258-1616**. Failure to attend the Council hearing most likely will result in at least a two-week delay.

Please note: The Common Council makes the final decision on all petitions requesting rezoning, annexation/zoning, and vacation of public right of way. The Plan Commission functions as an advisory body and makes *recommendations* to the Council. The Common Council is under no obligation to accept the recommendation of the Plan Commission.

THE PLANNING DEPARTMENT SERVES AS STAFF TO THE PLANNING COMMISSION

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City Planner

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Telephone No. (574) 258-1625

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This is NOT a fill-in form. It is to be used merely as a GUIDE in preparing your petition.

DATE:

Honorable Members of the
Common Council
City of Mishawaka, Indiana
and
Mishawaka City Plan Commission
City of Mishawaka, Indiana

RE: PETITION TO REZONE

The undersigned (type names(s) of the titleholder(s) of record) respectfully show they are the owners of the following described real estate located in the City of Mishawaka, County of St. Joseph, State of Indiana, to-wit:

(Give accurate and complete legal description. Tax key numbers and shortened legals alone are not acceptable. Also give the common address or a definitive common location.)

Petitioner(s) own one hundred (100%) percent of the above described parcel of land which carries a zoning classification of _____ District. Said property is *(State the existing use of the real estate)*.

Petitioner(s) desire said real estate to be rezoned to _____ District. Petitioner(s) further state that they intend to utilize said land for *(State the proposed use for the property/ reason for the rezoning)*.

Wherefore, the petitioner(s) pray and respectfully request that the Common Council of the City of Mishawaka refer this matter to the Mishawaka City Plan Commission and that after hearing, an appropriate ordinance be enacted rezoning the above described parcel of land located in the City of Mishawaka.

Signature(s) of Property Owner(s)

Signature(s) of Property Owner(s)

Typewritten name also

Typewritten name also

CONTACT PERSON:

NAME
ADDRESS
PHONE NUMBER
FAX
EMAIL