



## Plan Commission

201 South Broadway, Butler Indiana 46721 (260) 868-5200

### INSTRUCTIONS TO APPLICANT FOR REZONING

1. Prepare and file a petition with the Butler City Plan Commission. The Petition must be completely filled out and the \$50 fee paid.
2. Include a plot plan with the petition that shows the location and the dimensions of the property you want to be rezoned. This plan should also show the location of any buildings on the property and all side yard and set back dimensions. This information will help the Plan Commission consider your petition.
3. Notify all adjacent landowners of record of your petition and the hearing as required by the By Laws and Rules of Procedure. Plan Commission Staff must approve the notice prior to it being sent.
4. Publish a notice in the newspaper to all citizens within the City of Butler's zoning jurisdiction at least ten (10) days before the hearing. Plan Commission Staff must approve the notice prior to it being published.
5. Present proof of service of notice to adjacent landowners of record and proof of publication to the City of Butler at least three business days before the hearing. For example, if the hearing is on Monday, the City needs proof of services by the Thursday before the hearing. Proof of service shall consist of return receipts showing the receipt of notice by the adjacent landowners. You should request the proof of publication from the newspaper. If proof of services isn't received at least three (3) business days prior to the hearing, the hearing will be cancelled and you will need to start the process over.
6. You are entitled to legal representation at this hearing.
7. This will be an administrative hearing, not an adversary proceeding, and will be controlled by the President of the Plan Commission. The rules of evidence will not be strictly applied.
8. The Plan Commission is only an advisory board. Its recommendation on your petition will be forwarded to the Butler City Council. The Butler City Council has the power to approve the petition recommendation by Ordinance or disapprove the recommendation of the Plan Commission.
9. The Plan Commission need not make written findings of fact to properly consider your petition. You must present evidence on why a rezoning is necessary. Some of the things the Plan Commission may consider are as follows:
  - A. Is the application in proper form and completed correctly? (*The staff will advise on this.*)



## Plan Commission

201 South Broadway, Butler Indiana 46721 (260) 868-5200

- B. Has the legal notice been timely published in a newspaper ten (10) days before the date of the hearing? *(The staff will advise on this.)*
- C. Has notice been sent by certified mail to all adjacent landowners? *(The staff will advise on this.)*
- D. Is the proposed change in zoning consistent with the most desirable use for the land involved? Is the size of the tract adequate for the contemplated use?
- E. Is the proposed change of zoning in harmony with the existing conditions in the area and existing structures and uses in the area?
- F. Does the proposed change in zoning help preserve property values and is it in the best interests of the City as a whole? The Plan Commission may consider the following:
  - 1) Construction plans
  - 2) Effect on costs to City for needed service
  - 3) Drainage available
  - 4) Any remonstrators' comments
  - 5) All uses allowed by the requested rezoning
- G. Have there been substantial changes in circumstances concerning the land sought to be rezoned since the initial Master Plan was passed by the City? The Plan Commission may consider the following
  - 1) population changes
  - 2) use changes
  - 3) commercial growth
  - 4) availability of other properly zoned real estate
  - 5) character of adjacent property
  - 6) traffic
- H. Is there a public need for the rezoning classification requested? (Cannot be rezoned simply to eliminate competition.)
- I. Is the proposed change in zoning in harmony with the orderly growth and development of the City? The Plan Commission may consider:
  - 1) Transportation capacity
  - 2) Utilities capacity
  - 3) Physical description of the property
  - 4) Size of the property
- J. Is the proposed change in zoning in harmony with the Master Plan of the City? The Plan Commission may consider:
  - 1) Public interest in where rezoning is done
  - 2) Land use maps



## **Plan Commission**

*201 South Broadway, Butler Indiana 46721 (260) 868-5200*

- 3) Recommendation of Building Commissioner
  - 4) Zoning of nearby land
- K. Is the proposed change in zoning detrimental to the public health, safety, comfort, and general welfare?
- L. The opinions of your neighbors and other interested citizens.
- M. The comments of the staff.
10. The Plan Commission will then determine if the evidence you present is sufficient to recommend a rezoning to the City Council. This recommendation will be made whether it is favorable or unfavorable.
11. The City Council will make the final decision on whether or not to follow the recommendation of the Plan Commission.

END OF INSTRUCTIONS



**Plan Commission**

201 South Broadway, Butler Indiana 46721 (260) 868-5200

PETITION FOR REZONING

REQUEST FOR REZONING BY

DATE:

Name(s)

Address

\_\_\_\_\_, being a property owner in the City of Butler, hereby petitions the Plan Commission as follows:

1. That they are owner(s) of the following described property:
2. The above described property is presently zoned
3. We request that the Plan Commission change the zoning of the above described property to
4. The reason for the requested rezoning is
5. Attached to or included with this petition is a copy of the plot plan showing the location and dimensions of the property, the location of any buildings on the property, and the required setbacks and side yards.
6. The names and addresses of all adjacent property owners (including across the street) are listed below. (Attach additional sheets if necessary.)

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Applicant Signature



**Plan Commission**

201 South Broadway, Butler Indiana 46721 (260) 868-5200

**LEGAL NOTICE OF PUBLIC HEARING BEFORE  
THE PLAN COMMISSION OF THE CITY OF BUTLER, INDIANA**

TO: All persons located within the zoning jurisdiction of the City of Butler, Indiana.

Notice is hereby given that <PETITIONER NAME> has filed with the Plan Commission of the City of Butler, Indiana, a petition requesting a rezoning, thus amending the City of Butler Zoning Map. The rezoning is being requested for the following property: <SHORT LEGAL DESCRIPTION>, commonly known as <ADDRESS OR RECONGNIZABLE PROPERTY DESCRIPTION>.

The petitioner is requesting that the zoning of the property be changed from <CURRENT ZONING> to <PROPOSED ZONING> to accommodate <PROPOSED USE>.

The Butler Plan Commission will hold a public hearing on the Rezoning Petition on <HEARING DATE> at 7:00 PM at the Butler City Hall, 120 West Main, Butler, Indiana, which time all interested persons will be given the opportunity to be heard concerning the matters set out in the petition. Written objections that are filed before the public hearing with the Plan Commission Secretary at 201 S. Broadway, Butler will be considered. The hearing may be continued from time to time as necessary.

The petition, file, and full legal description of the property pertaining to the rezoning are on file and available for review at the Office of the Clerk-Treasurer, 201 South Broadway, Butler until two business days prior to the hearing date. All comments and questions on this matter should be directed to the City Planner at (260) 868-5200.

Signed: \_\_\_\_\_  
Butler City Planner