



JEROME A. PRINCE
Mayor
CITY OF GARY

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Interim Zoning Administrator
219.881.1332
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Zoning Department
City of Gary
401 Broadway, 3rd Floor
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Below are the steps in the Plan Commission process.

Application Types:

Type 1	Zone Change (Public Notice/ Hearing) GMC 123-6
Type 2	Planned Development Units (Public Notice/ Hearing) GMC 123-60
Type 3	Amendment to PUD (Public Notice/ Hearing) GMC 123-60
Type 4	Subdivison (Public Notice/ Hearing) GMC 121-5; 121-3
Type 5	Vacate (tentative) Ind. Code 36-7-3-12

1. PRE-APPLICATION MEETING

Prior to applying to the Plan Commission, you are required to contact the Planning and/or Zoning Department to discuss your project and to gain a better understanding of zoning code rules and regulations. Contact the Zoning Administrative Assistant at 219.881.1332 **to schedule a pre-application meeting.**

Conceptual Review:

If you are very early in your project planning, you may meet with Planning and/or Zoning staff to discuss your project **prior to submitting any above-listed applications.** Come to the meeting with rough sketches, preliminary site plans, or examples of your development idea. Planning and/or Zoning staff will review applicable zoning and design regulations and answer any questions you have about the process. You will need to complete a Zoning Compliance (\$100.00 initial) or Verification (\$50.00) application, before the pre-application meeting will be scheduled. Fees are applicable.

[Zoning-compliance-letter-request-form.pdf \(gary.gov\)](#) [Zoning-verification-letter-request-form.pdf \(gary.gov\)](#)

A staff planner and/or zoning representative will review your project information, explain the Plan Commission review process, and answer any questions you have about the application. The Planner and/or Zoning staff will give you an early view of the policy or position of the City as it relates to approved development plans.

A recommendation will be made:

- Proceed to the application process or site plan review
[Site Plan Review | Zoning \(gary.gov\)](#)
- Provide additional information and proceed to application process
- Rejected proposal-provide a refusal letter stating reason (not in keeping with approved development plans/future plans)

2. APPLICATION

Complete the application, including all required attachments, any additional information requested by the staff planner and/or zoning representative, and submit to the Planning and/or Zoning Department along with the application fee. Remember to follow the application instructions carefully and submit all of the requested information. If any of the information is missing, your Plan Commission hearing date will be delayed. Once the complete application is received, you will be placed on the agenda for the next available hearing. Plan Commission hearings



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are held on the third Thursday of each month at 3:00 p.m. Once submitted, all information becomes public record.

TYPE 1 AMMENDMENT TO ZONING MAP / ZONE CHANGE

Rezone Application

<https://gary.gov/zoning/wp-content/uploads/sites/32/2021/01/REZONE-APPLICATION-11.2021-002.pdf>

Required Documents/Actions:

1. Plat of Survey with complete legal description and acreage. A deed may also be required.
2. Concept Plan drawn to scale with all building lines, setback requirements, easements, access, and location and distances from property line of any existing or proposed structures.
3. Application completed and notarized. If the petitioner is not the owner, a completed Power of Attorney form must be submitted with application.
4. Provide petition packet to the Assistant Zoning Administrator.
5. Legal Advertisement placed in a paper of local circulation 10 days prior to public hearing. Proof of publication must be presented to staff prior to public hearing. (to be completed by the Zoning Department)
6. Notification of adjacent property owners. The list is generated by the Assistant Zoning Administrator. Petitioner is responsible to contact via certified US Mail and return certification/receipts to the Assistant Zoning Administrator prior to public hearing.
7. Place sign and frame at location at least 10 days prior to public hearing.
8. Comments from local, state, and federal agencies as deemed necessary by Planning Department.

GMC SEC. 123-6 - AMENDMENTS

(a) Amendments to the zoning code may be proposed by the common council, or petitions, duly signed, may be presented to the city clerk requesting an amendment, supplement, or change of the regulations of the zoning code by the plan commission, or the owners of 50 percent or more of the area involved in the petition. The term "amendment" shall include the terms supplement, change or repeal, as applied to the regulations of the zoning code. Any proposed ordinance for the amendment of this zoning code not originating from petition of the plan commission shall be referred to the plan commission for consideration and report before any final action is taken by the common council.

(b) Before submission to the common council of a plan commission petition or report on a proposed ordinance referred to the plan commission for an amendment to the zoning code, the plan commission shall hold a public hearing thereon. At least ten days prior to the date set for hearing, the plan commission shall publish in a newspaper of general circulation in the city a notice of the time and place of the hearing.

(1) In the event that the report of the plan commission is adverse to a proposed amendment referred to it, the amendment shall not be passed except by an affirmative vote of at least 75 percent of the members of the common council.

(2) When a lot, lots, or parcel of land has less than 100 feet of frontage, or less than 10,000 square feet of area, no amendment shall be passed to change the zoning district in which the lot, lots, or parcel of land is located except where, in the event of passage of the amendment, the lot, lots, or parcel of land would be in the same zoning district as an adjoining lot, lots, or parcel of land.

(c) Public hearing before common council. Before any action can be taken by the common council on a proposed ordinance for an amendment to this chapter, the common council shall hold a public hearing thereon. At least ten days prior to the date set for hearing, the common council shall publish in a newspaper of general circulation in the city a notice of the time and place of the hearing. The common council may require the petitioner the same kind of evidentiary



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material required by the plan commission, or such additional information as the common council may deem necessary. Adequate notice shall be given to the petitioner whenever the common council shall require additional information. (Code 1960, § 6-1311; Code 1989, § 163.040; Ord. No. 3376; Ord. No. 5704, 2-24-1981; Ord. No. 8256, § 1(163.040), 2-17-2009)

TYPE 2 and 3 - PLAN DEVELOPMENT UNITS (INCLUDING AMENDMENTS)

PUD Application (hyperlink applications)

Required Documents/Actions:

1. Original Plat of Survey with complete legal description, parcel numbers, and acreage. A deed may also be required.
2. Include original PUD Ordinance and any revisions. Generate a list of amendments to existing PUD. Preliminary site plan and subdivision filed at the same time (if applicable).
3. Application completed and notarized. If the petitioner is not the owner, a completed Power of Attorney form must be submitted with application. If there is more than one property owner in the area of covered by the PUD amendment, all property owners must sign application or Power of Attorney for PUD amendment.
4. Provide petition packet to Assistant Zoning Administrator, once petition is assigned a docket number by staff. (see attached for member list) e. Legal Advertisement placed in a paper of local circulation 10 days prior to public hearing. Proof of publication must be presented to staff prior to public hearing. (to completed by the Zoning Department)
5. Notification of adjacent property owners. The list is generated by Assistant Zoning Administrator. Petitioner is responsible to contact via certified US Mail and return certification to staff prior to public hearing.
6. Place sign and frame at location at least 10 days prior to public hearing.
7. Comments as deemed necessary by the Planning Department.

GMC SEC. 123-1 – PLANNED DEVELOPMENTS DEFINITION

“...*Planned development* means a tract of land which is developed as a unit under single ownership or control, which includes two or more principal buildings and which is at least four acres in area, except for planned developments operated by a municipal corporation which shall be at least two acres in area, and manufacturing planned developments which shall be at least ten acres in area.”

GMC SEC. 123-60 – PLANNED DEVELOPMENTS

Planned developments, as defined in section 123-1 are of such substantially different character from other special uses that specific and additional standards and exceptions are hereby set out to govern the recommendations of the plan commission and the action of the board of zoning appeals.

(1) Use exceptions. In the case of residential, business, or manufacturing planned developments, the plan commission may recommend and the board of zoning appeals may authorize that there be, in part of the area of the development and for the duration of the development, specified uses not permitted by the use of regulations of the district in which the development is located, provided the plan commission makes the following findings:

- a. The uses permitted by the exception are necessary or desirable and are appropriate with respect to the primary purpose of the development.
- b. The uses permitted by the exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood.
- c. Not more than 20 percent of the ground area or of the gross floor area of the development shall be devoted to the uses permitted by the exception.



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- d. In a manufacturing planned development, additional uses allowed by exception shall conform with the performance standards of the district in which the development is located, as set forth in sections 123-216 through 123-219.
- e. Uses permitted provide for the implementation of sustainable growth principles and initiatives as approved by the commission;
- f. Residential and business planned unit developments provide for pedestrian-orientated and/or transit-orientated developments that include pedestrian amenities and transportation mode options where necessary and as required by the commission; and are developed as human-scale design/developments; and include appropriate landscaping along public right-of-ways, open spaces, plazas, planter strips and common green areas.

(2) *Bulk regulations.* In the case of any planned development, the plan commission may recommend and the board of zoning appeals may authorize exceptions to the applicable bulk regulations of this chapter within the boundaries of the development, provided the plan commission makes the following findings:

- a. Bulk regulation exceptions provide for the implementation of sustainable growth principles and initiatives as approved by the commission;
- b. The exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of the development, as well as of neighboring properties, than would obtain under the bulk regulations of this chapter for buildings developed on separate zoning lots.
- c. The over-all floor area ratio of the development shall not exceed that prescribed in this chapter for the district in which it is located.
- d. The minimum lot area per dwelling unit requirements of this chapter shall be adhered to in any development containing residential uses, and that there shall be available to each residential building and immediately adjacent thereto, including the land area upon which it is erected, the minimum amount of land area required for the building under the lot area per dwelling unit provisions of this chapter.
- e. Spacing between principal buildings shall be at least equivalent to spacing required between, buildings similarly developed under the terms of this chapter on separate zoning lots, due consideration being given to the openness normally afforded by intervening streets and alleys.
- f. Along the periphery of the planned developments, yards shall be provided as required by the regulations of the district in which the development is located.

(Code 1960, § 6-1313; Code 1989, § 163.042; Ord. No. 3376; Ord. No. 5965, 2-7-1984; Ord. No. 8256, § 1(163.042), 2-17-2009)

TYPE 4 SUBDIVISION

PRIMARY PLAT	GMC Sec. 121-32 - PROCEDURE FOR PRIMARY PLAT APPROVAL
SECONDARY PLAT	GMC Sec. 121-33 - SECONDARY APPROVAL OF PLATS

PROCEDURE FOR PRIMARY PLAT APPROVAL

[Subdivision Primary Plat/Replat Checklist](https://gary.gov/redevelopment/wp-content/uploads/sites/2/2018/04/Subdivision-Primary-Plat-replat-cklist.pdf)

<https://gary.gov/redevelopment/wp-content/uploads/sites/2/2018/04/Subdivision-Primary-Plat-replat-cklist.pdf>

[Petition to Resubdivide \(Replat\) or Subdivide \(Plat\)](https://gary.gov/redevelopment/wp-content/uploads/sites/2/2020/03/Petition-To-Resubdivide-Replat-Or-Subdivide-Plat-fillable.pdf)

<https://gary.gov/redevelopment/wp-content/uploads/sites/2/2020/03/Petition-To-Resubdivide-Replat-Or-Subdivide-Plat-fillable.pdf>

GMC SEC. 121-32 - PROCEDURE FOR PRIMARY PLAT APPROVAL



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- (a) Twelve copies of the primary plat and supplementary material specified shall be submitted to the plan commission with written application for primary approval at least two weeks prior to the meeting at which it is to be considered.
- (b) At the time of filing an application for primary approval, the application shall be accompanied by a certified check or money order payable to the city in the amount prescribed by chapter 20. Upon the acceptance of the application by the plan commission, the secretary shall surrender the check or money order to the city controller for deposit in the general fund of the city.
- (c) Application for primary approval of subdivision shall be in writing and shall state the following:
- (1) The map, plan or plat shall be drawn accurately to scale. The minimum scale shall be 100 feet to the inch.
 - (2) The title of the map, plan or plat shall include the name or designation of the development or subdivision, accurate indication of its location with respect to existing properties or street intersection scale of the plan, date of its preparation, name of the owner of the mapped premises, appropriate place for its certifications and the name and address of the engineer or surveyor who prepared the same.
 - (3) All maps, plans or plat shall have designated the direction of north thereon.
 - (4) All measurements and dimensions of lots shown on any map, plan or plat shall be legibly inscribed thereon. Also, all lengths of outside boundaries of tracts, distances along streets and other essential measurements must be shown to the nearest hundredths of a foot. All bearings shall be similarly indicated to within ten seconds.
 - (5) Municipal limits or boundaries crossing any map, plan or plat shall be accurately located thereon, legibly indicating names of the municipalities.
 - (6) Street lines and their names, bearings, angles of intersections, widths and established or proposed building lines.
 - (7) The lengths of all arcs, radii and tangents of any curved streets, lines or curved corner intersections must be shown to the nearest hundredths of a foot, and the central angle to the nearest ten seconds.
 - (8) All easements or rights-of-way provided for, proposed or owned by public utilities, and limits of easement rights, shall be stated and shown.
 - (9) All lots shall be numbered and indicated with accurate dimensions in feet, to the hundredth part, all bearings accurately stated, and in addition, each lot shall be numbered in accordance with the general street number plan of the city.
 - (10) All property shown on any map, plan or plat which is to be dedicated as public property in the tract shall be accurately outlined and described thereon.
 - (11) The location and boundaries of all property reserved for the use of all property owners shall be shown, and the use shall be noted on the map.
 - (12) All existing facilities for the lighting or illumination of existing streets shall be designated only on the copies of the map, plan or plat and, in addition, the location of proposed facilities for the lighting or illumination of proposed streets shall be designated only on the copies of the map, plan or plat
 - (13) All watercourses, drainage ditches, rights-of-way, location of existing pipelines, sewers, water mains and other known or recorded matters of note or importance shall be noted only on the copy, and in addition, such map, plan or plat shall show in detail the location of any street, alley, curb, sewer or sidewalk proposed to be constructed in the subdivision.
 - (14) Additional maps, plans, statements, specifications or information as in the commission's opinion are useful, necessary or pertinent to complete understanding and just determination of the matter, may be required by the commission.
 - (15) The subdivider shall supply or shall defray all expenses incurred by the city in supplying the subdivision with a street lighting system and shall pay for the first year's operating costs. Lights shall be installed at each street intersection, at dead ends of cul-de-sac streets and midway in blocks over 660 feet in length, or such additional lights as the plan commission of the city determines necessary after consultation with Northern Indiana Public Service Commission and receipt of recommendation therefrom. The proposed location of all street lights shall be shown on a street lightings plan which will be part of the required improvement plan.



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(16) The plan commission shall review all proposed subdivisions to determine whether they lie in a floodprone area as defined elsewhere by ordinance. If they find the subdivision to be so located, they shall require the applicant to forward pertinent plans and materials to the state department of environmental management and/or Army Corps of Engineers for review and comment. They may require appropriate changes and modifications in order to assure that it is consistent with the need to minimize flood damages; all public utilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; adequate drainage is provided so as to reduce exposure to flood hazards; and that on-site waste disposal systems, if provided, will be so located as to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

(17) All subdivision plats containing lands identified elsewhere by ordinances as floodprone areas shall have the elevation of the 100- year flood listed thereon.

(d) Upon receipt of an application for primary approval, the plan commission staff shall review the application for technical conformity with the standards fixed in this chapter. Within 30 days after receipt, the staff shall announce the date for a hearing before the plan commission and provide for notice in accordance with IC 36-7-4-706. The plan commission shall by rule, prescribe procedures for setting hearing dates and for the conduct of hearings.

(e) If, after the hearing, the plan commission determines that the application and plat comply with the standards and this chapter, it shall make written findings and a decision granting primary approval to the plat. This decision must be signed by the chairperson of the plan commission and the executive secretary of the planning department.

(f) If after the hearing the plan commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy. This decision must be signed by the chairperson of the plan commission and the executive secretary of the planning department.

(g) The primary approval or disapproval of a plat by the plan commission or the imposition of a condition on primary approval is a final decision of the plan commission that may be reviewed as provided in IC 36-7-4-1016.

(Ord. No. 6492, § 1(160.11), 11-20-1990)

State Law reference— Primary approval of plats, IC 36-7-4-705 et seq.

PROCEDURE FOR SECONDARY PLAT APPROVAL

[Subdivision Secondary \(Final\) Plat/Replat Checklist](#)

<https://gary.gov/redevelopment/wp-content/uploads/sites/2/2020/03/Subdivision-Secondaryfinal-Plat-Replat-Checklist-fillable.pdf>

GMC SEC. 121-33 - SECONDARY APPROVAL OF PLAT

(a) The plan commission shall have the authority to grant secondary approvals. They may direct the planning staff to perform such duties.

(b) Secondary approval may be granted, after expiration of the time provided for appeals as provided in section 121-32.

(c) No notice or hearing is required, and the provisions of this article concerning notice and hearing do not apply to secondary approvals.

(d) A plat of a subdivision may not be filed with auditor, and the recorder may not record it, unless it has been granted secondary approval and signed and certified by the executive director of the plan commission. The filing and recording of the plat is without legal affect unless approved by the commission.

(e) After all approvals and signatures have been obtained, the original approved copy shall be recorded in the office of the recorder of the county by the petitioner, and the recorded copy shall be placed on file in the office of the engineer of the city of and planning director within 90 days of such secondary approval by the plan commission. If the final approved plat is not recorded within 90 days, the building commissioner shall not issue any building permits



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for any building construction and said subdivision without first obtaining prior approval thereof of the plan commission.

(f) No building permit shall be issued to any person for building construction in any subdivision, the plan of which has not been recorded in the recorder's office of the county, and the recorded copy thereof placed on file in the office of the engineer of the city without first obtaining a special permit from the plan commission.

(Ord. No. 6492, § 1(160.12), 11-20-1990)

State Law reference— Secondary approval of plat, IC 36-7-4-709 et seq,

GMC Sec. 121-34 - SECONDARY APPROVAL OF PLAT BEFORE COMPLETION OF IMPROVEMENT

(a) Secondary approval under this article may be granted to a plat for a subdivision in which the improvements and installments have not been completed as required by this chapter if:

(1) The applicant provides a surety, escrow arrangement or other acceptable and recognized proof of financial ability of the person required to construct such public facilities to complete the construction to the city engineer's satisfaction as well as the satisfaction of the plan commission and will be constructed within the time period for which deferment is granted.

(2) With respect to the installation or extension of water, sewer, or other utility service:

a. The applicant shows by written evidence that it has entered into a contract with the political subdivision or utility providing the service; and

b. The plan commission determines based on written evidence that the contract provides satisfactory assurance that the service will be installed or extended in compliance with this chapter.

(3) Any monies received from a surety, escrow or other financial arrangement may only be used to make the improvements and installments for which the surety or other proof of financial responsibility was provided. This money may be used for these purposes without appropriation. The improvement or installation must conform to the standards provided for such improvements or installations by the municipality as well as this chapter.

(b) The plan commission shall, by rule, prescribe the procedure for determining whether all improvements and installations have been constructed and completed as required by this chapter. The rule must designate the person or persons responsible for making the determination.

(Ord. No. 6492, § 1(160.13), 11-20-1990)

CITY OF GARY FORM USED FOR APPROVAL OF PRIMARY PLATS

GMC SEC. 121-35 - CERTIFICATE AND COVENANT FORMS TO BE USED IN CONNECTION WITH APPROVAL OF PRIMARY PLATS

The following forms shall be used in connection with approval of the primary plats:

1. *Certificates.*

a. By the plan commission:

Approved by the plan commission of the City of Gary, at a meeting held _____.

President

Executive Director

SEAL



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b. By the city engineer:
Approved by the city engineer this _____ day of _____, 20__.

City Engineer

c. By the professional engineer: Each primary plat submitted for approval shall carry a certificate signed by a registered professional engineer (or land surveyor) in substantially the following form: I _____ hereby certify that I am a registered professional engineer (or land surveyor) licensed under the laws of the State of Indiana, that I have made a survey of the land shown and described hereon and subdivided same, as shown on the plat hereon drawn, that this plat correctly represents said survey and that all dimensions, linear and angular, are correctly shown, all monuments or markers shown thereon actually exist, and that their location, size, type and description are accurately shown.

WITNESS my hand and seal this _____ day of _____, 20__.

Signature

Indiana Registration No.

SEAL

d. By the owner, deed dedication: Each final plat submitted to the plan commission for approval shall carry a deed of dedication in substantially the following form: I (or we) the undersigned _____, owner or owners of the real estate shown and described herein, do hereby certify that I (or we) have laid out, platted and subdivided, and do hereby lay out, plat and subdivide said real estate in accordance with this plat. This subdivision shall be known and designated as _____. All streets, alleys and crosswalks shown and not heretofore dedicated are hereby dedicated to the public.

(2) *Covenants.*

Building setback lines are hereby established as shown on this plat, between which lines and the property lines of the streets there shall be erected or maintained no building or structure. Strips of land of various widths as shown on this plat and marked easement are reserved for the use of public utilities for the installment of water and sewer mains, drainage channels, poles, ducts, conduits, electric power lines and wires, subject at all times to the property authorities and to the easement herein served.

No permanent structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the City of Gary and the utility companies. (Additional dedications and protective covenants or private restrictions should be inserted here upon the subdivider's initiative or the recommendation of the plan commission. Important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

The foregoing covenants (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20_____, (a 25-year period is suggested) at which time said covenants shall become automatically extended for successive periods of ten years; unless, by a vote of a majority of the then owners of the building sites covered by these covenants (or restrictions), it is agreed to change such covenants (or restrictions) in whole or in part. Invalidation of any one of the foregoing covenants (or restrictions), by judgment or court order, shall in no way affect any of the other covenants (or restrictions) which shall remain in full force and effect.



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The right to enforce these provisions by injunction, together with the right to cause the removal by due process of law or any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

WITNESS our hand and seals this _____ day of _____, 20__.
SEAL

(Signature)

(Signature)

(Signature)

STATE OF INDIANA
COUNTY OF LAKE

BEFORE ME, the Undersigned Notary Public, in and for the County and State, personally appeared _____, _____, _____, and each separately and severally acknowledged the execution of the foregoing instrument (s) as his or her voluntary act and deed; for the purpose therein expressed.

WITNESSED by my hand and seal this _____ day of _____, 20__.

NOTARY PUBLIC
(Ord. No. 6492, § 1(160.13), 11-20-1990)

3. PLAN COMMISSION APPLICATION WORK SESSION

Plan Commission members will be given the opportunity to review completed applications prior to setting the agenda for comments. This time will be used to explain the petitioner’s application and answer any questions or concerns that the members may have.

4. COMMUNITY FEEDBACK

Petitioners are encouraged to solicit input and/or support from the community. Applicants may connect with adjacent property owners and with neighborhood leaders to gather comments and feedback from those potentially affected by the development or project.

Ten (10) days prior to the Plan Commission hearing, Applicant will send a public notice to property owners within a 100-foot or 400-foot radius of the subject property depending on the application. In addition, The Planning/Zoning Department *may inform* local neighborhood association, and other community stakeholders. The hearing notice provides the dates for the Plan Commission hearing. It also informs them of their right to review the request at the Planning/Zoning Department and to provide comments about the application at the hearing or in writing.



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5. TECHNICAL REVIEW

A staff planner and/or zoning representative will be assigned to conduct a detailed analysis of the application, and develop a report which outlines any concerns and recommendations for the application. This process includes a review of the zoning code regulations, applicable plans and policies, a site visit, and a thorough examination of the submitted site plan and related materials. This review will often include follow-up conversations with the applicant and requests for clarifying information. If outstanding questions are not answered in a timely fashion, the public hearing may be delayed. The staff's final report is submitted to the members of the Plan Commission prior to the scheduled hearing. The staff report will include a recommendation for approval, denial, or approval with specific conditions that may require revisions or additions to your project scope.

6. PLAN COMMISSION PUBLIC HEARING

The Plan Commission will conduct a public hearing and review the application. At the public hearing, the Planning/Zoning Department staff will present the staff report, which concludes with their recommendations. Applicants will be given an opportunity to speak to the Plan Commission and provide any additional information that is appropriate. Any person wishing to comment on the case will also be permitted to address the Plan Commission regarding the application.

The Plan Commission will formally act upon the application, (1) a favorable recommendation; (2) an unfavorable recommendation; or (3) no recommendation. In some situations, the Plan Commission may add conditions for approval, or continue the hearing until additional information may be provided. All decisions by the Plan Commission are made public.

Dates for all Plan Commission meetings for the coming year can be found on the City of Gary's website.

<https://gary.gov/planning/plan-commission/>

6. DECISION

Within 10 calendar days of receipt of the Plan Commission minutes from the meeting, a copy of the document will be sent to the applicant via the email provided on the petition. If the Board denies the Plan Commission application, the applicant may appeal the decision to the within 30 days of the decision order issuance.

7. FAVORABLE RECOMMENDATION

Applicable petitions will then go before the Gary Common Council. This process typically takes one to two weeks to be prepared by City Council and submitted to the City Clerk's Office to be assigned a C.P.O. case number. This legislation includes the name and address of the petitioner. The Legal Department or Zoning Legal Assistant will notify the petitioner of the 1st, 2nd, and 3rd reading dates within one week of the official meeting.

Common Council Process

1. Common Council 1st reading (attendance is recommended but not required)
After its receipt of the Plan Commission's recommendation, the Council will enter the petition into the



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public record and assign it to committee.

2. Common Council 2nd reading (attendance is required)
Petitions will be heard by the Committee of the Common Council. Petitioners are expected to present their case during this meeting.
3. Common Council 3rd reading (attendance is required)
Petitions that received a favorable review by the Plan Commission will be sent back to a third and final reading at the next meeting of the Common Council. Petitioners are expected to present their case during this meeting. The Common Council makes the final ruling to approve or deny the petition during this meeting.

IC-36-7-4-918.6

(d) **ADVISORY--AREA.** The legislative body shall give notice under IC 5-14- 1.5-5 of its intention to consider the petition at its first regular meeting after the board of zoning appeals files its recommendation.

(e) **ADVISORY--AREA.** A petition is granted or denied when the legislative body votes on the petition as follows:

- (1) In a county described in subsection (a)(1), the legislative body shall vote on the petition within ninety (90) days after the board of zoning appeals makes its recommendation. If the legislative body does not vote to deny the petition within ninety (90) days, the petition is considered approved. In a county described in subsection (a)(2), the legislative body shall vote on the petition within sixty (60) days after the board of zoning appeals makes its recommendations. If the legislative body does not vote to deny the petition within sixty (60) days, the petition is approved.

ADVISORY--AREA. If the legislative body approves a petition, it must make the determination in writing as required under section 918.2, 918.4, or 918.5 of this chapter or as required by the zoning ordinance.

Approved petitions can then move on to the next step (i.e. Application for a business license or building permit)

8. LEGISLATION DOCUMENTATION

Petitioner will receive a copy of the recorded Council ruling.