

**3-1: County Plan Commission**

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**ARTICLE 3: PLAN COMMISSION**

### **3-1: County Plan Commission**

There is hereby established a County Plan Commission under the authority of I.C. 36-7-4 and shall be known as the Starke County Plan Commission.

The membership of the Starke County Plan Commission shall be as set out under the advisory planning law in I.C. 36-7-4-208. The Starke County Plan Commission shall appoint an Executive Director under the authority of I.C. 36-7-4-311 and may appoint such other employees as permitted by law. The Executive Director shall be known as the Starke County Planning and Zoning Administrator.

The Starke County Plan Commission shall operate under the authority of I.C. 36-7-4 and shall have all the powers and duties given by said law and other laws that may apply.

The Starke County Planning and Zoning Administrator shall have all the powers duties allowed by law.

The Indiana Building Codes shall be enforced in Starke County by the Starke County Planning and Zoning Administrator and the Planning and Zoning Administrator shall be responsible for enforcing these codes in addition to the other duties of his office.





# Chart #1 Residential Uses

# District Restrictions

| Minimum Standards: Except as noted under Specification C, Section 5; General Provisions and Exceptions | Single Family Dwellings  |                   |                         |                  | Double Family                |                                 | Multiple Family           |                      |
|--|--|-------------------|-------------------------|------------------|------------------------------|---------------------------------|---------------------------|----------------------|
|  | R-3  | Major Subd. & R-1 | Ag Parcel & Minor Subd. | All Others & R-2 | R-3                          | All other Except R-1 & New Subd | R-3                       | All other Except R-1 |
| Yards: (See Note 1)  |  |                   |                         |                  |                              |                                 |                           |                      |
| Front: Distance from Highway   | 75'  | 100'              | 100'                    | 100'             | 75'                          | 100'                            | 75'                       | 100'                 |
| From all other roads   | 50'  | 75'               | 75'                     | 75'              | 50'                          | 75'                             | 50'                       | 75'                  |
| Side: Corner lots on Highway   | 60'  | 75'               | 75'                     | 75'              | 60'                          | 75'                             | 60'                       | 75'                  |
| Cor. lots-other roads  | 45'  | 75'               | 75'                     | 75'              | 60'                          | 75'                             | 60'                       | 75'                  |
| Interior Lots  | 5'   | 15'               | 15'                     | 10'              | 10'                          | 15'                             | 10'                       | 15'                  |
| Accessory Bldgs-Side   | 3'   | 5'                | 5'                      | 5'               |                              |                                 |                           |                      |
| Rear: All Lots   | 10'  | 20'               | 20'                     | 15'              | 10'                          | 15'                             | 10'                       | 15'                  |
| Lot Dimensions: (see Note 2)   |  |                   |                         |                  |                              |                                 |                           |                      |
| With Public Sewer (sq ft)  | 5000   | 10,000            |                         | 10,000           | 6000'                        | 10,000                          | 3500 Per Each Family Unit |                      |
| Minimum Lot Width  | 50'  | 100'              |                         | 70'              | 50'                          | 70'                             | 80'                       |                      |
| Without Pub Sewer (sq ft)  | 10,000   | 35,000            | 1 acre                  | 15,000           | 15,000                       | 35,000                          | 5000 Per Each Family Unit |                      |
|  |  |                   | 43,560                  |                  |                              |                                 | 10,000 Per 1st floor Unit |                      |
| Minimum Lot width  | 75'  | 150'              | 100'                    | 100'             | 100'                         | 150'                            | 125'                      |                      |
| Minimum Ground Floor Living Area (square feet)   | 700'   | 900'              | 900'                    | 800'             | Double-1400'<br>Duplex- 700' |                                 | 700 Per 1st Floor Family  |                      |
| Maximum Lot Coverage:  | 40% R3 w/ Public Sewer- All others 30%   |                   |                         |                  | 35%                          |                                 | 40%                       |                      |
| Maximum Height: Dwellings  | 35 feet: or up to 45 feet if side yards are each 25 feet, Minimum.             |                   |                         |                  |                              |                                 |                           |                      |
| Residential Accessory buildings  | 18 feet: or up to 25 feet if side yards are each 15 feet, Minimum.             |                   |                         |                  |                              |                                 |                           |                      |
| Maximum Ground Floor Area:   |  |                   |                         |                  |                              |                                 |                           |                      |
| Resident Accessory Buildings   | 2 times the size of dwelling unit. This applies to property less than 2 acres. |                   |                         |                  |                              |                                 |                           |                      |
| Vehicle Parking Provision:   | Dust-free, off street as required, but at least 2 spaces per family.           |                   |                         |                  |                              |                                 |                           |                      |
| Driveways  | 12' wide with 4 inches of pit run gravel to front line of house to the road.   |                   |                         |                  |                              |                                 |                           |                      |

**Note 1:** All yard dimensions on roads are measured from the CENTER of surface or paved area. All setbacks are measured from the overhang. Plan Commission meeting of May 16, 1990.

**Note 2:** The depth to width ratio of a lot for residential building purposes shall be no greater than 3 to 1 not less than 1 to 1 and the width of a lot shall front on a public road.

**Note 3:** The two hundred (200) foot lot requirement with two acres on Chart #1 for agricultural parcels shall apply only to parcels that were created after June 19, 1998. For all lots created in area zoned agricultural before June 19, 1998, only 100 foot long frontage and fifteen thousand square feet is required.

**Note 4:** Minor subdivision lots would consist of two (2) acres, two hundred (200) feet of road frontage, and would be considered the same size as an agricultural parcel.

Zoning clearance for construction or use, when sanitary facilities are required, is hereby declared invalid until such facilities have been investigated and approved by the Starke County Health Board.

On an undersized lot in any type zoning an applicant may reconstruct the same ground floor coverage for dwelling unit as what was removed as long as (1) one

year has not passed since dwelling unit was removed and it meets all other requirements in the Starke County Z-1 Zoning Ordinance.

### **3-3: Structure Numbering System**

That it shall be the duty of the owner or occupant of each house, business structure or other structure within the unincorporated areas of Starke County, Indiana, now existing or hereafter erected which has been assigned a mailing address for E 911 purposes to place on such structure and mailbox in front of said structure, within ninety (90) days from the date of passage of this ordinance, letters or numerals (not Roman numerals or written words) not less than three (3) inches high showing the number of the mailing address of each such structure. The aforesaid letters or numerals shall be placed on said structure and mailbox so that they are visible from the street and shall contrast with the color of the background upon which they are placed.

**STARKE COUNTY  
PLAN COMMISSION  
RULES AND PROCEDURE**

**AMENDED BY THE PLAN COMMISSION  
JULY 18, 1984**

# **STARKE COUNTY PLAN COMMISSION RULES OF PROCEDURE**

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## **Article I: Authority**

## **Article II: Duties and Authority of Commission**

## **Article III: Commission Membership**

## **Article IV: Officers, Employees and Their Responsibilities**

### **1: President**

### **2: Vice-President**

### **3. Executive Secretary or Administrator**

### **4. Recording Secretary**

### **5. Legal Counsel**

### **6. Additional Employees**

## **Article V: Meetings**

### **1. Regular Meetings**

### **2. Special Meetings**

### **3. Public Hearings**

## **Article VI: Miscellaneous Provisions**

### **1. Subdivisions**

### **2. Schedule of Fees**

### **3. Petitions**

#### **4. Amendments**

##### **Appendix I: Schedule of Fees**

##### **Appendix II: Petition of Procedure**

##### **Appendix III: Change of Zoning District**

##### **Appendix IV: Interested Party Notification Affidavit**

1. A President shall be selected to uphold the following standards that include, direction of the staff in matters other than routine, appoint investigative committees from the Commission membership, rule on all points of order and procedural matters in question and to exercise his right to vote in order to break a tie vote or to provide a uniform quorum vote. He shall also inaugurate whatever action may be found necessary to further the purpose, intent, and interests for which the Plan Commission is responsible.

2. A Vice-President shall be selected by the Commission in the same manner prescribed for the President and shall have full authority to act as President and Chairman during the absence or disability of the President.

3. An Executive Secretary, or Administrator, may be elected from the membership of the Commission in the same manner as other officers, or may be appointed from outside the membership, and shall be fully qualified as an Administrator of all Planning and Zoning matters. He shall keep abreast of all Federal, State, and local statutes and regulations as currently amended, pertaining to such matters and be prepared to present a knowledgeable analysis of such laws and changes to the Commission which are pertinent to the issues at hand. His further duties shall include;

a) Receipt of all petitions, documents, subdivision proposals, plats, and other materials of activities upon which the Plan Commission is required to act, at least ten (10) days prior to a regular meeting, for presentation to the Commission at their next meeting with a comprehensive opinion of the procedure and facts to be

considered in order for the members to arrive at a proper decision and analysis of the subject at hand. All such matters that are first brought before the Commission during a regular meeting, or placed before any other County official or board, shall be referred to the Commission Administrator, prior to any other action thereon, for such investigation and report.

b) Supervise all Zoning and office procedures, personnel and records. Assume full responsibility for all planning and zoning fees collected, approve all Zoning Clearance Permit applications and handle all Commission and office correspondence.

c) Maintain uniform office hours for discussion of planning and zoning matters with interested parties and assist them in the planning of proposed building plans, subdivisions, and other improvements, and the necessary procedures to accomplish such proposals.

d) Perform all required field inspections for adherence to permit requirements, tour the entire County as often as possible for the discovery and handling of zoning violations to a satisfactory conclusion and meet with property owners and contractors for on-site inspection appointments when required.

e) Attend all zoning and planning related meetings when possible and report such programs and data presented, to the Plan Commission and/or the Board of Zoning appeals, in all out of town seminars attended.

f) Prepare agendas for all Commission meetings at least a week ahead of the scheduled date and forward copies along with available case data to all members and counsel. Also provide local news media with copies of the agenda, prepare and arrange for proper advertising of all Commission public hearing notices as required and assure that all interested parties, as determined by the Commission, have received proper personal notification.

g) Prepare annual budgetary requirements for review and recommendation by the Commission, complete an annual report for the Board of Commissioners covering all major Commission activities through the year and a complete analysis of all zoning permits and other zoning office responsibilities including fee receipts, field inspections, milage involved and outside meetings attended.

**h)** Maintain a close relationship with other County departments and Officials with respect to their responsibilities where they overlap with the zoning and planning activities and co-operate fully with representatives of the news media in the preparation of their reports covering zoning and planning actions.

**i)** Promptly investigate and report on all informational requests received from the Starke County Commissioners and keep them advised of all new planning and zoning related statutes affecting their procedural requirements.

**j)** Personally present all Plan Commission recommendations to the Board of Commissioners and follow through on all such legislative decisions for proper distribution, recording and filing.

**k)** Maintain a continuous review of the current zoning, subdivision and planning regulations. Prepare and bring to the attention the Plan Commission all amendments, resolutions, or new ordinances required.

**l)** Provide any case records available at the request of the Board of Zoning Appeals and assist them in the determination of all factual information possible.

**m)** In the absence, disability or termination of the Administrator, the President shall assume the responsibilities of that office through the temporary appointment of committees and/or members to accomplish the necessary functions.

**4. A** Recording Secretary shall be appointed at a salary commensurate with related clerical compensation currently established by the Starke County Board of Commissioners and approved by the County Council. The Recording Secretary shall be proficient in typing, shorthand and general office procedures and shall assume responsibility for the following duties subject to the direction of the Commission President and the Administrator:

**a)** Set up and operate the cassette recording equipment at all regular and internal special meetings and record the entire proceedings on tape for permanent file in the Zoning Office.

**b)** Specifically note all important facts pertaining to each meeting and hearing, every resolution agreed upon by the Commission and all motions and votes of the members upon any resolution or upon the final determination of any question, indicate the names of the members absent or failing to vote.

c) Prepare the meeting minutes as soon as possible after each meeting, including the important facts as specified in paragraph b) above, and review the minutes with the Administrator for proper content and accuracy. Complete special on-site meeting minutes as dictated by the Administrator, President, or attending member. All minutes shall be permanently bound, indexed and maintained in the Commission files.

d) Type and prepare for signature and routing all Commission and office correspondence, Zoning Clearance Applications, Permits, fee receipts, clear all incoming telephone calls for reference to the proper authorities, maintain records, files, and routine activities required and generally perform all office functions with the assistance and under the direction of the Administrator.

e) Type and mail all meeting agendas to the members, Counsel and news media at least one week ahead of the meeting date and include with the Commission mailing, any available informational materials pertinent to the subjects to be discussed.

f) Prepare, for approval of the Administrator, all budgetary claims, including compensation, mileage, and other routine items. Review with the Administrator any orders and claims for supplies, equipment, and repairs or other special requirements, also, transfers of budgetary funds and requests for additional appropriations.

5. An Attorney at Law shall be retained for legal advice and services as agreed upon at the time of appointment within reasonable limitations of the retaining fee provided by budgetary allowances by the County Council. He shall be qualified by his interest in planning and zoning purposes and interests in the improvement of public services. The routine responsibilities within the retainer provision should include:

a) Attendance at all regular Commission meetings in order to provide legal advice and counsel and interpretation of procedure as required.

b) Advise the Commission and/or the Administrator of all new planning statutes or amendments as soon as possible after passage by the General Assembly.

c) Assist the Administrator with occasional difficult usage decisions and interpretations, and provide him with whatever reasonable help, short of



b) litigation, may be determined as necessary in order to endeavor to bring the more complicated violations to a satisfactory conclusion.

c) Represent the Plan Commission in all matters of litigation, at their request, ONLY upon assurance by the County Council that all legal fees involved shall be provided as required.

6. Additional full or part time employees may be appointed if justified by increased work load demands and if adequate additional appropriations to the budget have been made available by the Commissioners and Council.

## **ARTICLE V: MEETINGS**

The Plan Commission shall hold three classifications of meetings: regular, special and public hearings. All subjects requiring Commission consideration and having cleared through the Administrator at least ten (10) days prior to the next scheduled meeting, shall be generally described in and with the notice of meeting agenda and mailed to the members and other interested parties at least a week prior to the meeting date. Any other business matters received within that ten (10) day period shall be cleared through the Administrator and placed on the agenda for the following regular meeting. The Commission should not have to consider any matters requiring their attention without prior knowledge of the subject, provided by analysis and procedural recommendation by the Administrator.

1. Regular Meetings: The Plan Commission shall fix the time for holding regular meetings each month, or as necessary. It is the policy of the Starke County Plan Commission to schedule regular meetings on the third Wednesday of each month unless the President finds it necessary to cancel or postpone the meeting because of circumstances related to lack of quorum, insufficient business, or other extenuating circumstances. Notification of such action shall be provided to all members and all interested parties in time to arrange their schedules accordingly.

a) Each Commission member shall be aware of his responsibility to the public and the other members for attendance at all meetings. However, it must be recognized that there will be occasions when such attendance may be superseded by important outside commitments, or due to illness. In that event, notification to the Zoning Office shall be required as soon as possible prior to the scheduled meeting. Failure of any member to attend three consecutive meetings or to consistently fail to attend, without notice and reasons acceptable to the Commission, may be reported, at the discretion of the Commission, to the required appointing body for resignation request or dismissal and/or replacement.

b) The entire proceedings of each meeting shall be recorded on tape for temporary file and all fundamental Commission actions shall be recorded in written records and considered as the written meeting minutes which shall be maintained in permanent indexed binders for Plan Commission files.

c) It shall be the sense of the Commission that no member who has a direct or indirect financial interest in any project being considered officially by the Commission, shall act or vote upon such project, but that he shall signify such interest and be excused from the proceedings as they apply thereto. The written minutes of such meetings shall clearly indicate the non-participation of such member and the reasons therefore.

d) Prior to the meeting or hearing, the members should familiarize themselves with the items of business to be reviewed. This may require, when possible, a personal inspection of the property or site described in the agenda or the accompanying materials. All primary proposals undoubtedly need to be carefully checked out and evaluated before a decision may be reached. The Administrator's evaluation should not be considered as a substitute for any members direct understanding and analysis of the case at hand. Each member should base his final decision on his personal interpretation of the facts and information presented.

e) All Commission meetings shall be open to the public except for purposes as set forth in IC 5-14-1.5-6. Every effort shall be exercised to discourage executive sessions, however, such sessions may be called for discussion of responsibility performance of employees or members, interviews with prospective or acting employees, re-appointments, procedural matters and forms, and current or pending matters of litigation. All final administrative action must be taken in a meeting open to the public.

f) The Commission should start meeting ON TIME. Citizens in attendance often become very annoyed if they are forced to wait ten or twenty minutes (or longer) for a meeting to start. Once started, the meeting should be conducted in a businesslike manner with the President in firm control. The items on the agenda should be handled as rapidly as good judgement permits. When the agenda is cleared and the call for further business is completed, the meeting should be formally adjourned by motion and vote of the Commission. The general order of business in a regular meeting, subject to revision by the President, shall be set forth in the agenda as follows:

(1) Roll call. (All attending members, employees and visitors and their interests shall be noted by the Recording Secretary).

(2) Corrections and approval of the previous meeting minutes.

(3) Public Hearing(s).

(4) Correspondence and reports by Administrator and/or Committees.

(5) Unfinished business.

(6) New business.

(7) Adjournment.

2. Special Meetings: Special meetings are called, when necessary, for a specific purpose, usually to accommodate a matter of special urgency or to relieve the work load of a regular meeting. All special meetings should include NO OTHER review, investigation, or discussion than for the purpose of call. There are some special meetings that may be conducted in the established meeting facilities and others that are called for on-site inspection and investigation of the physical features involved. The rules established for regular meetings shall also apply to special meetings with the exception of the tape recording of the proceedings during an on-site meeting. In such event, the Administrator shall complete a general coverage of the conditions viewed and discussed, by written special meeting minutes. The findings of the attending members shall be reviewed and recorded in the next regular meeting with notice to the interested parties accordingly. The general order of business in a special meeting shall be set forth in the agenda as follows:

a) Roll call. (The Administrator shall note all those in attendance).

b) Statement of call.

c) The special business.

d) Adjournment.

3. Public Hearings: Upon receipt, by the Plan Commission, of any petition or request requiring a public hearing, and which has been cleared through the

Administrator, the Commission shall review the materials received and determine by the required information is complete and acceptable. If not, the petitioner shall be requested to supply whatever additional material is required to the Administrator at least ten (10) days prior to the next regular meeting for clearance and submission to the Commission for public hearing determination. When all requirements have been met, the Commission shall determine the time and date for public hearing and also, the location of those property owners that may be considered as parties that would have an interest in the subject proposal, and that should receive personal notice of the date, time, and content of the hearing. The Administrator shall assure that all Statutory requirements are followed in the advertising of the hearing and the personal notification of all interested parties, specified by the Commission. The costs of this action shall be borne by the petitioner. At the time of the hearing, the Commission President shall preside as Chairman of the public hearing, or he may appoint any other informed person to act as temporary Chairman and to conduct the hearing in the capacity of Hearing Officer. The general conduct of the public hearing shall proceed as follows;

a) The Chair shall call the hearing to order and explain the ground rules to be followed, which may include; order shall be maintained at all times, no person shall speak until recognized by the Chair, each person recognized shall be requested to stand up and clearly state his name and address, all comments shall relate ONLY to the subject at hand, if necessary, time limits may be established for each speaker, argumentative discussions will not be considered as evidence or tolerated, and only those called upon shall speak, one at a time. If the hearing should become too disorderly for the Chair to control, it may be continued by the Chair to a later scheduled meeting, or, if the Commission determines that sufficient evidence has been heard to arrive at a decision, the hearing may be terminated at that time by motion and quorum vote.

b) The Administrator shall be requested to report on the proper completion of the required advertising of the public hearing and the notification of the specified parties of interest. He shall also read the petition and/or other subject materials received and explain the request in lay terms, with reference to graphic illustrations if necessary, in a manner audible to, and understandable by, all present.

c) The Chair shall recognize those appearing in behalf of the petition, in order that they may state their case and, in order to eliminate repetition, shall

after each citizen's statement, call for any NEW testimony in behalf of the proposal.

d) Those parties appearing in opposition to the proposal shall be recognized, one at a time, until all opposing evidence, without repetition, has been heard.

e) All rebuttal discussion shall be presented at the discretion of the Chair.

f) The members of the Commission shall be given the opportunity to ask questions of the participants, discuss the more controversial matters and express their desire for further investigation and study, if considered necessary.

g) The Chair shall then call for a motion for closing the hearing, or continuing the hearing at a later date.

h) If, after closing the hearing, it is determined that there is no requirement for further investigation, information or an on-site inspection, in order for the Commission to reach a decision on the request, the President may call for a motion for such decision, however, if further information is required, the Commission should move accordingly and set a future date for final decision.

i) Once a public hearing is closed, there shall be no further testimony accepted except upon explicit request of the Commission members, and once a decision has been duly resolved, the matter may not again be placed before the Commission unless it includes a substantial change of circumstances, the sufficiency of which shall be determined by the Commission, or, unless ordered by a court of law.

## **ARTICLE VI: MISCELLANEOUS PROVISIONS**

1. Subdivisions: The final approval of a subdivision is the only action that does not require final legislative confirmation by the Board of Commission upon recommendation by the Plan Commission, as the Indiana General Assembly has placed exclusive responsibility for the control of subdivisions in the hands of the Commission after a comprehensive subdivision ordinance has been adopted by the County Legislative Body. Re; IC 36-7-2(d), 36-7-4-405, (a), (2), (A), (B), 36-7-4-701,(b). Starke County has adopted such an ordinance, Z-1-A. Amended August 23, 1982, and all subdivisions shall be processed as set forth in detail therein.



2. A SCHEDULE OF FEES shall be prepared by the Administrator periodically for review and approval by the Commission. Such Schedule shall be posted in a conspicuous location in the Zoning Office. Such service charges shall in no circumstance exceed the actual costs for services rendered and shall be maintained at as nominal a level as good judgement indicates. All service charges received shall be receipted and deposited in a Plan Commission bank account and checks for each month, total receipts shall be drawn on this account by the Administrator and submitted to the Starke County Auditor after the close of each month's records. A copy of the current Schedule of Fees is included in the following Appendix.

3. Petitions: Requests for changes or additions to Starke County Zoning and Planning ordinances and vacation and/or relocation of public ways or public places are usually submitted by petition, advisedly drawn up by an Attorney at Law, and directed to the attention of the County Board of Commissioners. Said Board should then submit the materials received to the Plan Commission, in care of the Administrator, for public hearing and return with approval or disapproval recommendation. All final legislative decisions shall be passed, after due process, only by a two-thirds vote by the County Commissioners. Detailed Commission procedure for processing such petitions may be found in the Appendix to these Rules of Procedure.

a) In reaching a decision on a particular petition to change the district map of the zoning ordinance by amendment, the Commission shall recognize that zoning must first of all be based on the present and anticipated future land use needs of the whole area as well as any part of it, and the relationship to the comprehensive zone plan. It must be assumed that these factors were carefully taken into consideration when the existing district program was established or amended, therefore, the burden of proof for a proposed change lies with the applicant based on an analysis of all the facts pertinent to the request.

b) It must be recognized that the following factors shall be given complete consideration by the Commission in any decisive action on all rezoning petitions:

1. Location.
2. Need.
3. Topography.

4. Increased demands on streets and utilities.
5. Effect on adjacent property.
6. Relationship to general land use pattern of neighborhood and community.
7. Relationship to the comprehensive zone plan, existing or future.
8. That, generally, the test is not one of size but of demonstrated community need.
9. Finally, that zoning is not a tool for special privilege for the use of individuals, pressure groups or public officials and a re-zoning action that does not result in a commensurate community benefit may be declared an illegal act of spot zoning by a competent court of law.

c) Petitions for the relocation and/or vacation of public ways or places shall be referred to the Commission for public hearing and recommendation to the Board of Commissioners prior to the Statute requirement that said Board shall also advertise and hold a public hearing and render a decision only after due process. Again, it must be assumed that the existing County road and street network has been carefully designed and developed to best accommodate the public interests and service and to provide for future development of internal or isolated properties. Therefore, all such petitions should be thoroughly investigated before recommendation decision is reached, by on-site inspection, when feasible, and/or by detailed examination of the informed residents of the surrounding area. All parties with a possible interest in the action to be considered shall be notified of the ending hearing by the petitioner with proof of such notification to be presented at the hearing. The commission shall determine who such interested parties shall be at the time, date of hearing is established. Before approving the vacation of a public way, the Commission shall have evidence in the records that: The vacation will NOT;

(1) Hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.

(2) Make access to the lands of any person by means of public way, difficult or inconvenient.

(3) Hinder the public's access to a church, school or other public building or place.

(4) Hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

4. Amendments: The Commission may, as required, amend, supplement, or change these Rules of Procedure as set forth herein. Such amendments shall be accomplished by resolution motion and passage with a uniform vote.



**Starke County Planning Commission****All Fees Payable Upon Submission of Application or Petition:****Applications:**

| <u>A. Zoning Clearance Permits</u>    | <u>Regular Fees</u> | <u>Late Filing</u> |
|---------------------------------------|---------------------|--------------------|
| 1. Primary Uses                       | \$ 25.00            | \$ 50.00           |
| 2. Secondary Uses                     | 15.00               | 30.00              |
| 3. All Other Uses (Minor)             | 5.00                | 10.00              |
| <u>B. Subdivisions</u>                |                     |                    |
| 1. Major - Filing                     | 10.00               | 20.00              |
| Per Lot                               | 2.00                | 4.00               |
| Advertising                           | 15.00               |                    |
| 2. Minor                              | 25.00               | 50.00              |
| 3. Planned Unit Developments, Filing  | 15.00               |                    |
| Advertising                           |                     |                    |
| <u>C. Petitions</u>                   |                     |                    |
| 1. Vacation of Public Ways or Places: |                     |                    |
| 2. Rezoning Filing                    | 15.00               |                    |
| Rezoning Advertising                  | 15.00               |                    |
| <u>D. Miscellaneous Chargers:</u>     |                     |                    |
| 1. Zoning Ordinance                   | 5.00                |                    |
| 2. Subdivision Ordinance              | 5.00                |                    |
| 3. Duplicate Copies, 1 to 4 Pages     | 1.00 Minimum        |                    |

All fees are based on average or below cost to the actual processing time involved.

### **Starke County Plan Commission**

Procedure for presenting petitions for changes in Starke County ordinances, streets, public ways, existing or legally established under planning and zoning statutes of the state of Indiana.

Such petitions shall be addressed to the Board of Starke County Commissioners and directed to the attention of the Starke County Plan Commission Executive Secretary at least ten (10) days prior to a regularly scheduled commission meeting (third Wednesday of each month), with the required fees for processing.

The Commission Secretary shall review the documents for acceptance and shall include the matter under new business on the agenda for the next plan commission meeting. The Secretary shall present the petition with his comments to the Commission at the scheduled time. The Secretary shall also review the petition in detail and determine acceptability for public hearing. If considered satisfactory, date for hearing will be set and the secretary will be requested to advertise the hearing according to law and shall determine the parties with probable interests in the requested action that should receive personal notification of the scheduled hearing and subject.

If further information or understanding of the petition request is required, the Secretary shall notify the petitioner(s) accordingly; otherwise, petitioner(s) will be notified of hearing date, time, and location and their responsibilities in the notification of interested parties personally or by receipted mail of said hearing.

Petitioner(s) or a qualified, informed representative shall appear at the hearing to present the request and to answer questions which may be asked.

At the conclusion of the hearing, the Commission may either: continue the hearing to a later meeting, or postpone decision for further investigation, or resolve to recommend favorable or unfavorable consideration to the Starke County Commissioners.

Final decision is the responsibility of the Board of Commissioners.

It is suggested that the Commission Secretary be contacted with respect to petition requirements prior to submission in order to prevent any misunderstandings or delays in proper processing toward final decision.

### **Starke County Plan Commission**

It is advisable to consult the Commission Administrator prior to submission of request for changes in zoning districts in order to conserve processing time and to assure the petition includes all information necessary for acceptance by the Commission.

All such petitions should be prepared by an Attorney at Law, submitted in triplicate, and directed to the attention of the Starke County Board of Commissioners. The commissioners will forward the proposal to the Plan Commission for public hearing and recommendation.

Petition should include ALL the following information to qualify for consideration:

1. Full legal description for area for which re-zoning is requested...

Note 1. A request for zoning which confers special benefit on a relatively small tract of land without commensurate community benefit is "Spot Zoning" and is not permissible.

2. Include present and proposed zoning.

3. Describe the actual contemplated use of land, including type of use, brief description of proposed structures, estimated expenditures, etc., and attach a detailed plan indicating all existing and proposed improvements, their dimensions and location.

4. Provide specific reasons for not establishing this usage in an already appropriately zoned district.

5. What changes have evolved in this area that would indicate a requirement for a change in zoning.

6. How will this proposed zoning aid and promote orderly growth and progress in the community.

Petition for Change of Zoning - Instructions    Rules of Procedure - Appendix iii -  
Cont.

7. Express an opinion of the effect that such a zoning change will have upon property values in the immediate vicinity and the reasons for that opinion.
8. Has this proposal been discussed with the surrounding property owners and what is their attitude relative to such action.
9. Include full name, address and signature(s) of petition sponsor(s).
10. Petition shall include signatures, addresses and legal description (as shown on tax notices) of lands held by property owners of record of fifty percent or more of the area described in item #1, above. Signatures shall be those of individual owners (not "Mr. & Mrs.") and should be witnessed by a Notary Public.

Interested Party

Rules of Procedure - Appendix- iv

Notification

Affidavit

I/We \_\_\_\_\_ do hereby certify that notice of a hearing before the Starke County Plan Commission, in accordance with the attached copy of such notice, was sent by Certified or Registered Mail, return receipts requested and attached to this file, or acknowledged by personal signature (below), to the recorded owners of property listed as follows and considered by the Commission to be interested parties in the case to be considered,

**Property Owner of Record**

**Address**

and that such notification was accomplished on or before \_\_\_\_\_,  
19\_\_ being at least ten (10) days prior to the date set for hearing:

Applicants Signature \_\_\_\_\_

COUNTY OF STARKE

STATE OF INDIANA: Subscribed and sworn to before me, a Notary Public, in  
and for said County and State, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

My Commission expires \_\_\_\_\_, 19\_\_:

NOTARY PUBLIC \_\_\_\_\_

Printed Name \_\_\_\_\_