



CITY OF GARY  
EDDIE D. MELTON  
MAYOR

DEPARTMENT OF  
PLANNING & ZONING

## REZONE APPLICATION

### **APPLICANT**

DESCRIBE THE REQUESTED VARIANCE

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APPLICANT NAME

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COMPANY OR ORGANIZATION

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ADDRESS

CITY/STATE/ZIP

EMAIL

PHONE

OWNER OF RECORD (IF DIFFERENT FROM APPLICANT)

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*If the applicant is not the recorded property owner, proof of ownership and a notarized statement of consent from the owner of record permitting the applicant to file this petition must be provided.*

SUBJECT PROPERTY ADDRESS

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PARCEL IDENTIFICATION NUMBER(S)

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LEGAL DESCRIPTION

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PRIMARY CONTACT PERSON (IF DIFFERENT FROM ABOVE)

NAME/TITLE

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EMAIL

PHONE

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### **REZONE APPLICATION FEE: \$1,200**

BZA #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

**CITY  
HALL**

401 Broadway, 3rd Floor, Gary, IN 46402 | P: (219) 881-1332 | E: zoning@gary.gov

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[www.gary.gov/planning](http://www.gary.gov/planning) | [www.gary.gov/zoning](http://www.gary.gov/zoning)



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## **NOTARIZATION**

I, the undersigned, do hereby certify that I am the owner, or contract purchaser (Evidence of title or other interest you have in the subject property, date of acquisition of such interest, and the specific nature of such interest must be submitted with application) and do hereby certify that the above statements are true and correct to the best of my knowledge.

SIGNATURE \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/STATE/ZIP \_\_\_\_\_

State of Indiana)

County of Lake}

) ss:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

(Notary Public) \_\_\_\_\_ (Seal)

Resident: \_\_\_\_\_ County: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

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## **REZONE APPLICATION CHECKLIST**

- ☐ Application, completed, signed, and notarized
- ☐ Written statement listing all proposed uses on the property
- ☐ Stamped site survey of existing conditions
- ☐ Site plan and architectural drawings, if available
- ☐ Proof of ownership or a letter from the owner granting permission
- ☐ Application fee

(FOR CITY USE ONLY)

Filed with City on: \_\_\_\_\_, 20\_\_\_\_

Scheduled for the Board of Zoning Appeals meeting on \_\_\_\_\_

Continuation (if any) \_\_\_\_\_

Notice of hearing published in: \_\_\_\_\_ on: \_\_\_\_\_

Scheduled for the Common Council (1<sup>st</sup> reading) meeting on \_\_\_\_\_

Scheduled for the Plan Commission (2<sup>nd</sup> reading) meeting on \_\_\_\_\_

Scheduled for the Common Council (3<sup>rd</sup> reading) meeting on \_\_\_\_\_



Before you apply, review the City of Gary Municipal Code Sec. 123-284 and/or Sec. 123-107 (<https://library.municode.com/in/gary/>) and present your proposed use and ownership/lease documents for the property to the Zoning Administrator.

## **THE APPLICATION PROCESS**

Upon receipt of a complete application, the city will prepare public notice materials for the required public hearings on behalf of the applicant, and provide the applicant with instructions on how to properly distribute the certified mailing, legal ad, and post the sign. You are encouraged to bring people who support your application to the public hearings and may be represented by legal counsel or other consultants at these public hearings.

- 1) *Submit the application with supporting documents*
- 2) *Mail certified letters to neighbors*
- 3) *Publish legal ad*
- 4) *Post sign notifying neighbors of the petition*
- 5) *Present your petition to the Board of Zoning Appeals (attendance is required)*
- 6) Once the application is filed with the city, a public hearing will be scheduled with the Board of Zoning Appeals (BZA). The BZA will convene a public hearing where residents can voice comments in support or opposition to the proposed variance being reviewed.
- 7) *Common Council 1<sup>st</sup> reading (attendance is recommended but not required)*
- 8) After its receipt of the BZA's recommendation, the council will enter the petition into the public record and assign it to committee.
- 9) *Common Council 2<sup>nd</sup> reading (attendance is required)*
- 10) Petitions will be heard by the Plan Commission of the Common Council. Petitioners are expected to present their case during this meeting.
- 11) *Common Council 3<sup>rd</sup> reading (attendance is required)*
- 12) 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.
- 13) Approved petitions then move on to next step (i.e. Apply for a business license or a building permit)



## **DISCLOSURES**

- When the applicant is a corporation, the applicant shall include the correct names, addresses and percent interest of all stockholders or shareholders owning interest in excess of 20% of all outstanding stock of such corporation. If the corporation has no shareholders, a statement to that effect shall be submitted.
- When the applicant is a business entity doing business under an assumed name, the application shall include the names and addresses of all true and actual owners of such business or entity.
- When the applicant is a partnership, joint venture, syndicate, or an unincorporated voluntary association, the application shall include the names and addresses of all partners, joint ventures, syndicate members, or members of the unincorporated voluntary association.

## **PUBLIC NOTICE**

Public notice must be **published once in a local newspaper** at least 10 days before the BZA's public hearing. A zoning official will prepare the notice and provide instructions; the applicant is responsible for ensuring the notice is properly published and for all associated publishing costs. Proof of the newspaper notice must be delivered to the Department of Planning and Zoning.

Public notice must be **mailed to every property owner within 400 feet** of the location of the proposed variance at least two weeks before the BZA's public hearing. A zoning official will prepare the notice and provide instructions; the applicant is responsible for ensuring the notice is properly delivered and for all associated mailing costs. A copy of the mailing certification and receipt must be delivered to the Department of Planning and Zoning.

*Note: It is solely the responsibility of the applicant to ensure that all information submitted is accurate, as it will be used for the publication of the legal notice required by statute and ordinance. The City of Gary disclaims all responsibility if any of the information submitted by the applicants is inaccurate or in error.*

*Please type or print. You may use and attach additional sheets of paper as needed, but please make sure to reference the information provided on any additional sheets.*



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## **IC 36-7-4-602 Zoning ordinance; procedures for adoption of ordinances, amendments, and map changes**

(c) After the zoning ordinance for a jurisdiction has been adopted as described in subsection (a), the following procedure applies to a proposal to change the zone maps (whether by incorporating an additional map or by amending or deleting a map) incorporated by reference into the ordinance:

1. The proposal may be initiated either:
  - a. By the plan commission, or
  - b. By a petition signed by property owners who own at least fifty percent (50%) of the land involved.

(Under the advisory planning law or the area planning law, any participating legislative body also may initiate the proposal and require the plan commission to prepare it).

2. The plan commission or petitioners must prepare the proposal so that it is consistent with section 601 of this chapter.
3. The plan commission and the legislative body both must comply with section 603 of this chapter.
4. The plan commission must give notice and hold a public hearing under section 604 of this chapter.
5. The plan commission must certify the proposal to the legislative body under section 605 of this chapter.
6. Except as provided in subdivision (7), the legislative body must consider the proposal under section 608 of this chapter, and section 608 of this chapter governs whether the proposal is adopted or defeated.
7. If the alternate procedure in section 608.7 of this chapter is adopted, that section governs whether the proposal is adopted or defeated after consideration by:
  - a. The plan commission under section 608.7 of this chapter, or
  - b. The legislative body under section 608 of this chapter.
8. If the proposal is adopted under section 608 or 608.7 of this chapter, the plan commission must update the zone maps that it keeps available under section 610 of this chapter.
9. The zone map changes take effect as described in section 610 of this chapter.

[Pre-Local Government Recodification Citations: 18-7-2-40; 18-7-2-41 part; 18-7-4-602; 18-7-4-48; 18-7-5-62 part.]

As added by Acts 1981, P.L.309, Sec.23. Amended by Acts 1981, P.L.45, SEC.19; P.L.335-1985, SEC.16; P.L.220-1986, SEC.16; P.L.192-2016, SEC.1.



## **IC 36-7-4-604 Zoning ordinance; notice and hearing before certification of proposed ordinance; prohibited communications**

Sec. 604. (a) Before the plan commission certifies a proposal to the legislative body under section 605 of this chapter, the plan commission must hold a public hearing under this section. (b) The plan commission shall give notice of the hearing by publication under **IC 5-3-1**.

The notice must state:

1. The time and place of the hearing;
2. Either:
  - a. In the case of a proposal under section 606 or 607 of this chapter, the geographic areas (or zoning districts in a specified geographic area) to which the proposal applies, or
  - b. In the case of a proposal under section 608 of this chapter, the geographic area that is the subject of the zone map change.

(This subdivision does not require the identification of any real property by metes and bounds.)

3. Either:
  - a. In the case of a proposal under section 606 of this chapter, a summary (which the plan commission shall have prepared) of the subject matter contained in the proposal (not the entire text of the ordinance);
  - b. In the case of a proposal under section 607 of this chapter, a summary (which the plan commission shall have prepared) of the subject matter contained in the proposal (not the entire text) that describes any new or changed provisions; or
  - c. In the case of a proposal under section 608 of this chapter, a description of the proposed change in the zone maps;
4. If the proposal contains or would add or amend any penalty or forfeiture provisions, the entire text of those penalty or forfeiture provisions;
5. The place where a copy of the proposal is on file for examination before the hearing;
6. Written objections to the proposal that are filed with the secretary of the commission before the hearing will be considered;
7. Those oral comments concerning the proposal will be heard and;
8. That the hearing may be continued from time to time as may be found necessary.

(c) The plan commission shall also provide for due notice to interested parties at least ten (10) days before the date set for the hearing. The commission shall, by rule, determine who are interested parties, how notice is to be given to interested parties, and who is required to give that notice. However, if the subject matter of the proposal:

- a. References a specific parcel of real estate



- b. Is unrelated to:
  - i. A zone map change to a county ordinance under section 608 of this chapter
  - ii. The adoption of an initial county zoning ordinance (or adoption a replacement county zoning ordinance after repealing the entire county zoning ordinance, including county zoning ordinance after repealing the entire county zoning ordinance, including amendments and zone maps) under section 606 of this chapter; or
  - iii. An amendment or partial repeal of the text (not zone maps) of a county zoning ordinance under section 607 of this chapter; and
- c. Abuts or includes a county line (or a county line street or road or county line body of water); then all owners of real property to a depth of two (2) ownerships or one-eighth (1/8) of a mile into the adjacent county, whichever is less, are interested parties who must receive notice under this subsection.
  - i. The hearing must be held by the plan commission at the place stated in the notice. The commission may also give notice and hold hearings at other places within the county where the distribution of population or diversity of interests of the people indicates that the hearings would be desirable. The commission shall adopt rules governing the conduct of hearings under this section.
  - ii. A zoning ordinance may not be held invalid on the ground that the plan commission failed to comply with the requirements of this section if the notice and hearing substantially complied with this section.
  - iii. The files of the plan commission concerning proposals are public records and shall be kept available at the commission's office for inspection by any interested person.
  - iv. METRO. In the case of a proposal to amend a zone map under section 608 of this chapter or in the case of a proposed approval of a development plan required by a zoning ordinance as a condition of development, a person may not communicate before the hearing with any hearing officer, member of the historic preservation commission, or member of the plan commission with intent to influence the officer's or member's action on the proposal. Before the hearing, the staff may submit a statement of fact concerning the physical characteristics of the area involved in the proposal, along with a recital of surrounding land use of the area involved in the proposal, along with a recital of surrounding land use and public facilities available to serve the area. The staff may include with the statement an opinion on the proposal. The statement must be made a part of the file concerning the proposal not less than six (6) days before the proposal is scheduled to be heard. The staff shall furnish





copies of the statement to persons in accordance with rules adopted by the commission.

- v. METRO. In the case of a proposal to amend a zone map under section 608 or 608.7 of this chapter, this subsection applies if the proposal affects only property within the corporate boundaries of an excluded city (as described in [IC 36-3-7](#)). Notwithstanding the other provisions of this section, the legislative body of the excluded city, rather than the plan commission, shall hold the public hearing prescribed by this section. Whenever the plan commission receives a proposal subject to this section, the plan commission shall refer the receiving proposal, the legislative body of the excluded city. Not later than thirty (30) days after section, as if the legislative body is the plan commission. The legislative body shall then make the final determination as to the proposal.
- vi. Before a proposal involving a structure regulated under [IC 8-21-10](#) may become effective, the plan commission must have received:
  - 1. A copy of:
    - a. The permit for the structure was issued by the Indiana Department of Transportation. or
    - b. The Determination of No Hazard to Air Navigation issued by the Federal Aviation Administration; and
  - 2. Evidence that notice was delivered to a public use airport as required in [IC 8-21-10-3](#), not less than sixty (60) days before the proposal is considered.

[Pre-Local Government Recodification Citations: 18-7-4-604; 18-7-5-59.]

As added by Acts 1981, P.L.309, SEC.23. Amended by P.L.335-1985, SEC.18; P.L.220-1986, SEC.18; P.L.344-1987, SEC.1; P.L.190-1988, SEC.1; P.L.321-1995, SEC.3; P.L.54-2002, SEC.5; P.L.192-2016; SEC.2; P.L.253-2017, SEC.2; P.L.161-2021, SEC.3.



## IC 36-7-4-605 Certification of proposed ordinance or zone map change

Sec. 605. (a) ADVISORY-AREA. A proposed zoning ordinance shall be certified to each participating legislative body by the plan commission as follows:

1. If the proposal is to change the zone maps incorporated by reference into the ordinance under section 608 of this chapter, it may be certified with a favorable recommendation, an unfavorable recommendation, or no recommendation from the commission.
2. METRO. Except as provided in subsection (c), a proposal shall be certified to the legislative body by the metropolitan development commission only if it receives a favorable recommendation from the commission.
3. METRO. A proposal to change the zone maps incorporated by reference into the ordinance under section 608 of this chapter shall be certified to the legislative body of the county of if the proposal concerns real property located within the boundaries of an excluded city (as described in **IC 36-3-1-7**), the legislative body of the excluded city, recommendation, or with no recommendation from the commission.
4. The legislative body shall consider the recommendation (if any) of the commission before acting on the proposal under section 606, 607, or 608 of this chapter.

[Pre-Local Government Recodification Citations: 18-4-8-3 part; 18-7-2-42; 18-7-4-605; 18-7-4-49; 18-7-5-62 part; 18-7-5-63 part.]

As added by Acts 1981, P.L.309, SEC.23. Amended by Acts 1981, P.L.45, SEC.20; P.L.335-1985, SEC.19; P.L.220-1986, SEC.19; P.L.88-2014, SEC.1; P.L.161-2021, SEC.4.