



JEROME A. PRINCE
Mayor
CITY OF GARY

Mrs. Carla A. McVea
Interim Zoning Administrator
219.881.1332
zoning@gary.gov

Zoning Department
City of Gary
401 Broadway, 3rd Floor
Gary, IN 46402

2023 CITY OF GARY PLAN COMMISSION POLICIES, PROCEDURES, AND INSTRUCTIONS

Meets are held on the 3rd Thursday of the month at 3:00pm CT. Meetings are held in- person at City Hall and/or via Zoom in accordance with state requirements.

April 21	August 17
May 18	September 14
June 15	October 19
July 20	November 16
August 17	December 21

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

Zone Change, PUDS (including Amendments) and Subdivision* require Public Notice and Hearing at the Plan Commission Meeting and must include steps 1 - 12 below. (*Subdivision Secondary Plat Approval do not require Public Hearing)

AFTER THE PRE-APPLICATION PROCESS* See PLAN COMMISSION PROCESS					
Step	What	Who	When	Why	Notes
1	Submit application and pay fee	Applicant	21 days prior to the PC meeting	PC rule GMC 121-32 GMC 123-32 GMC 123-33	Applicant submits 10 hard copies
2	Provide applicant with public and neighbor notification info	Planning and/or Zoning staff Administrator	17 days prior to the meeting	PC rule	Info on: Legal ad, Certified mailing, sign
3	Notify interested parties by certified mail	Applicant	10 days prior to the meeting	IC 5-3-1-2	Neighbors within 400 feet of property boundary
4	Submit legal ad	Planning and/or Zoning staff Administrator	10 days prior to meeting	IC 5-3-1-2	NWI Times meets state criteria
5	Applicant posts sign on property	Applicant	10 days prior to meeting	PC rule	To increase public notification



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6	Finalize meeting logistics and send packet to members	Planning and/or Zoning staff Administrator	5 days prior to the meeting	PC rule	Confirm attendance of petitioners and Commissioners
7	Plan Commission Public Hearing	All	Monthly, every 3 rd Thursday at 3:00om	PC rule	Allow Public Comment
8	Confirm the criteria used to determine recommendation	Plan Commission members	Next day after the meeting	PC rule	Send criteria to the Zoning Administrator
9	Send recommendations to Legal department	Planning and/or Zoning staff Administrator	Following Tuesday after meeting	PC rule	Legal needs to send to clerk by noon Wed. (unfavorable petitions also)
11	Send dates that the petition will be heard at Council Meeting for all readings (if necessary)	Legal Department or Zoning Legal Assistant	One week prior to Council meeting	Legal Rule	Time is needed to notify petitioners to appear at meeting
12	Send final legislation to the PC to include in PC files	Legal Department or Zoning Legal Assistant		Legal Rule	Document Zoning changes on City Map

The Planning Department will receive a copy of the signed ordinance and include it in both the electronic and hard copy files and the Zoning Administrator will update the zoning map to reflect the change, if applicable.

SEC. 123-31 - CITY PLAN COMMISSION; POWERS AND DUTIES

The city plan commission, as established under chapter 2, is hereby vested with the following jurisdiction and authority:

1. Receive from the city clerk copies of all proposed ordinances, other than those originating from petition of the plan commission, for the amendment, supplement, change, or repeal of the zoning code or for the authorization of special uses as set forth in this chapter.
2. Consider all proposed ordinances referred to it and to hold public hearings thereon in the manner prescribed



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in section 123-6

3. Following public hearings, to submit to the common council a report and recommendations on each proposed ordinance for the amendment, supplement, change, or repeal of the zoning code or for the authorization of a special use.
4. On its own initiative, to petition the common council requesting an amendment, supplement, change, or repeal of the zoning code, provided it has first held public hearings thereon in the manner prescribed in section 123-6.
5. Initiate, from time to time, a comprehensive review of the provisions of the zoning code, and make a report of its findings and recommendations to the common council at least once every two years.
6. The plan commission shall forward to the common council a listing of all new petitions which are scheduled for hearing before the commission, said listing to include the names, addresses, and requests of all petitioners. The listing shall be forwarded on a monthly basis.

In addition, the city plan commission shall have the duties and powers authorized under IC 36-7-4-400.

(Code 1960, § 6-1303; Code 1989, § 163.022; Ord. No. 3376; Ord. No. 5739, 7-21-1981; Ord. No. 8256, § 1(163.022), 2-17-2009)

AMMENDMENT TO ZONING MAP / ZONE CHANGE

GMC SEC. 123-6 - AMENDMENTS

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.

PLAN DEVELOPMENT UNITS (INCLUDING AMENDMENTS)

GMC SEC. 123-60 – PLANNED DEVELOPMENTS



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(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.
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.

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

- (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,



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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.

(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.



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(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)

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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 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,



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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

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:



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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.

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)



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(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)