



COMMITMENT MODIFICATION APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____

FILING FEE: \$ _____ FEE PLUS \$ _____ PER ACRE (@ _____ ACRES) = \$ _____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: _____ (STAFF NAME) DATE: _____

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: _____

PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): _____

APPLICANT INFORMATION

APPLICANT'S NAME: _____ TELEPHONE: _____

ADDRESS: _____ EMAIL: _____

PROPERTY OWNER'S NAME: _____ TELEPHONE: _____

ADDRESS: _____ EMAIL: _____

REPRESENTATIVE'S NAME: _____ TELEPHONE: _____

COMPANY: _____ EMAIL: _____

ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

PROJECT KNOWN AS: _____

ADDRESS OR PROPERTY LOCATION: _____

ACREAGE: _____ (ATTACH LEGAL DESCRIPTION) PROPOSED LAND USE: _____

COUNTY PARCEL ID #(S): _____

EXISTING ZONING DISTRICT(S): _____ EXISTING LAND USE(S): _____

COMMITMENT MODIFICATION

ORDINANCE OR DOCKET # OF COMMITMENTS BEING MODIFIED: _____

INSTRUMENT # OF RECORDED COMMITMENTS: _____

DETAILED DESCRIPTION OF THE MODIFICATION OF COMMITMENTS: _____

Multiple horizontal lines for detailed description of the modification of commitments.



APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

Applicant/Representative (signature)

Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this ____ day of _____, 20 ____.

State of _____, County of _____, SS:

Notary Public Signature

Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

Property Owner (signature)*

Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this ____ day of _____, 20 ____.

State of _____, County of _____, SS:

Notary Public Signature

Notary Public (printed)

**A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.*

COMMITMENT MODIFICATION

**GENERAL INSTRUCTIONS**

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Economic and Community Development Department (the “Department”) to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. An applicant should have a draft set of the proposed development plan for the pre-filing conference. Applicants are encouraged to incorporate the Department’s comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|---|--|
| <input type="checkbox"/> Completed Application | <input type="checkbox"/> Filing Fee Check (made out to “City of Westfield”) |
| <input type="checkbox"/> Legal Description | <input type="checkbox"/> Copy of Property Deed |
| <input type="checkbox"/> Draft Public Notice | <input type="checkbox"/> List of Adjoining Property Owners (as provided by County) |
| <input type="checkbox"/> Property Owner Consent | <input type="checkbox"/> Narrative Statement (describing nature of development) |
| <input type="checkbox"/> Copy of Original Commitments | <input type="checkbox"/> Copy of Proposed Commitment Modification Instrument |
- C. **Council Introduction:** Applications for modifications to commitments that were originally made in connection with a change of zoning petition are presented to the Council for introduction, prior to the Plan Commission public hearing. The Council will hear an introductory presentation of the application and supporting information by the Department and the Applicant.
- D. **Public Hearing and Notice:** All commitment modifications require a public hearing by the Plan Commission or the Board of Zoning Appeals, depending on which body approved the original commitments. The hearing is held in accordance with the Plan Commission’s or Board of Zoning Appeal’s Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Plan Commission’s or Board of Zoning Appeal’s Rules of Procedure:
1. **Newspaper Publication:** Notice of the hearing will be published in the Indy Star and The Times. The Department will handle the newspaper publication requirement.
 2. **Mailed Public Notice:** The applicant is responsible to send public notice by mail to all interested parties by certified mail, postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one-eighth of a mile (1/8), whichever is less.
 3. **Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
 4. **Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- E. **Plan Commission:** Following the hearing by the Plan Commission, the applicant will have an opportunity to make revisions to the petition as a result of staff comments and public hearing comments. Revisions must be submitted electronically (PDF format) to the Department pursuant to the Schedule of Meeting and Filing Dates (see “Revised Plans Submittal Deadline”). Following the public hearing and submittal of revised plans (typically at the second Plan Commission meeting of the month), the Plan Commission may either approve or deny the petition.
- F. **Board of Zoning Appeals:** Following the hearing by the Board, the Board may either approve or deny the petition.
- G. **Recording of Modification:** Any modification or termination of commitments shall not be effective until: (i) reduced in writing in a form approved by the City; (ii) approved by the Plan Commission or Board of Zoning Appeals, as the case may be; (iii) executed and notarized by the current property owner of the real estate; and, (iv) recorded in the Office of the Recorder of Hamilton County, Indiana.
- H. **Resource:** Please see the Plan Commission’s [Rules of Procedure](#) for more detailed procedural information. Please see the Board’s [Rules of Procedure](#) for more detailed procedural information.