

CHECKLIST FOR REZONING

1. The Applicant should complete an Application for Petition (*see Clerk's office for Application*) which must be approved by the Clerk-Treasurer. As part of the Application, the Applicant shall:
 - a. Pay an application fee of \$200.00 per request for rezoning to the Clerk-Treasurer.
 - b. Submit the most recent deed to the real estate affected by the Application or actual legal description of the real estate and its common mailing address. The legal description can be obtained from the deed.
 - c. Identify all interested parties by names and address. Interested parties are defined as the owners of property abutting the real estate involved, including owners of real estate at corners, across streets, alleys or easements as well as others who may share a common foundation and all other persons who may have an interest in the outcome of a rezoning. This name and address information may be obtained at <https://bentonin.wthgis.com/> for Benton County, Indiana.
 - d. Have attached to the Application a Consent form from the landowner, which may be obtained from the Clerk's Office, if the Applicant is not the landowner.
 - e. Obtain a hearing date for the Advisory Plan Commission from the Clerk-Treasurer.
2. The Applicant must provide to the Clerk-Treasurer a Notice of Public Hearing of the Advisory Plan Commission and subsequent Fowler Town Council meeting, in a format suitable for publication. The Plan Commission hearing date and time will be provided by the Clerk's Office. This Notice shall include, at a minimum, the legal description and the common mailing address, the name of the Applicant, the name of the landowner if not the Applicant, and the purpose of the hearing. (*Attached is a sample of such notice.*) After this Notice is approved by the Clerk-Treasurer, the Applicant should make arrangements to have the Notice published in the Benton Review, to be printed at least 10 days before the Plan Commission hearing date.
3. The Application for Petition, any exhibits submitted by the Applicant, and the approved Notice of Public Hearing must be sent by certified mail, return receipt requested to all interested parties (see Paragraph 1(c) above) who own real estate adjacent to the location that is proposed to be rezoned. For this mailing, the Applicant must provide certified mail return receipt requested pre-addressed postage-paid envelopes, addressed to all interested parties as identified above. The certified mail return receipts should be addressed to return to the Clerk-Treasurer's Office, not to the Applicant. The Clerk-Treasurer will then complete the certified mailing with the envelopes provided.
4. The Application for Petition, any exhibits submitted by the Applicant, and the approved Notice of Public Hearing must be sent by regular First Class mail to Town officials. The Clerk-Treasurer will provide a list of those officials and their addresses, and they will include the members of the Plan Commission, the Fowler Town Council, the Building Commissioner, the Chief of Police, the Street Superintendent, the Utilities Superintendent and the Town Attorney. For this mailing, the Applicant must provide pre-addressed, stamped

envelopes for the Town officials to the Clerk-Treasurer. The Clerk-Treasurer will then complete the regular mailing with the envelopes provided.

5. The Applicant should be present at the Plan Commission hearing and has the duty to prove the following:
 - a. The proposed Zoning will not adversely affect the adequacy of air, light, convenience of access and safety from fire, flood and other dangers on the property.
 - b. The proposed Zoning will not cause or increase congestion in the public ways.
 - c. The proposed Zoning will not adversely affect the public health, safety, comfort, morals, convenience and general welfare of the community.
 - d. The proposed Zoning will not be in violation of nor contravene the purposes of the Comprehensive Plan of Fowler, Indiana.
6. At the conclusion of the hearing, the Plan Commission will make a favorable recommendation, an unfavorable recommendation, or no recommendation, on the Application to the Fowler Town Council. The Fowler Town Council will consider the requested rezoning, no matter what the recommendation from the Plan Commission, at the Town Council's next regularly-scheduled meeting. The Applicant must attend this Fowler Town Council meeting to further explain their petition.
7. If the Fowler Town Council grants the rezoning, it shall sign an Ordinance changing the zoning. It is the Applicant's obligation to record the Ordinance at the Benton County Recorder's Office and return the recorded Ordinance to the Town Attorney, whose address is on the list of Town officials.
8. A file shall be maintained by the Clerk-Treasurer for each rezoning, so that accurate information may be provided when the next official zone map is adopted.

**Application for Petition
Town of Fowler Advisory Plan Commission/Board of Zoning Appeals**

This Application must be submitted with the proper fee, payable to the Town of Fowler, and a copy of the most recent deed to the real estate affected by this Application.

Applicant Name: _____

Applicant's Address: _____

Applicant's Telephone Number and E-mail Address: _____

Owner of the real estate which is the subject of this Application: _____

Owner(s) Address(es): _____

If Applicant is not the Owner, please submit Owner's Consent (see attached).

Legal description (from the deed or abstract) if most recent deed not attached: _____

Date of Purchase by Present Owner: _____ Present Zoning Classification: _____ Lot size: _____

Nature and size of improvements to be added: _____
(Greatest width, depth and height in feet. Please attach a drawing showing location of improvements to be added to lot. Include yard dimensions, including front, rear and sides.)

Nature, size and location of present improvements: _____
(Greatest width, depth and height in feet. Please attach a drawing showing location of current improvements.. Include yard dimensions, including front, rear and sides.)

Occupancy: Number of families and number of family members in each family: _____
(if any part is in use for a dwelling)

Occupancy: Number of persons employed: _____
(if any part is industrial or business use)

Type of Application: (Check the appropriate response)

- Request for an appeal from the decision of the Building Inspector (to BZA)
- Request for a Special Exception, Special Use, Contingent Use, Conditional Use (to BZA)
- Request for a Variance of Use or Development Standards (to BZA)
- Request for a Change of Zoning (to APC)

Please state what you intend to do if Application is granted: _____

State reasons supporting the Appeal: _____

Present use of the property: _____

Described the proposed use of the property: _____

Are there any restrictions, laws or covenants governing the real estate which would prohibit its use for the purpose specified in this application? YES NO If yes, attach a copy.

NOTE: If more space is required, please attach additional sheets to this application.

Date: _____

Signature: _____

CONSENT FORM

OWNER'S/CONTRACT PURCHASER'S CONSENT TO APPLICATION FOR VARIANCE, REZONING, CONDITIONAL USE OR SPECIAL EXCEPTION

Consent is required from the property owner(s) and contract purchaser, if applicable, if the property owner(s) or contract purchaser is not the applicant or does not intend to attend all meetings and public hearings and submit in person all material pertaining to the application. A separate form is required for each owner/contract purchaser. Consent from a business entity or trust shall be deemed consent for the entire business entity or trust, including beneficial owners and trustees or managers, unless otherwise specified. Consent is valid for one (1) year from date of notary, unless otherwise specified.

Applicant or Project Name: _____

This form shall serve as CONSENT for the agent identified below to prepare or have prepared and submit all documents for the following application(s) effecting property I have an ownership interest in:

- Request for Change of Zoning
- Other Variance

I hereby give CONSENT to Applicant to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application for the proposed use of:

(Describe proposed use for which variance or permit is sought)

I hereby certify that I have full knowledge the property I have an ownership interest in is the subject of this application. I further certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the planning, zoning and building department of the Town of Fowler, and will not be returned. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in a denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Plan Commission, Board of Zoning Appeals, or Town to publish, copy or reproduce any copyrighted documents submitted as part of this application for any third party. I further agree to all terms and conditions which may be imposed as part of the approval of this application.

OWNER/CONTRACT PURCHASER INFORMATION:

I am the owner contract purchaser (check one)

_____ (name-type, stamp or print clearly)

_____ (signature)

_____ (signature)

_____ (address)

_____ (address)

_____ (city, state, zip)

_____ (city, state, zip)

STATE OF _____)
)SS:
 COUNTY OF _____)

Before me, the undersigned, a Notary Public in and for said County and State, this ____ day of _____, 20 ____, personally appeared _____, on behalf of owner who acknowledged the execution of the foregoing consent form to be their voluntary act and deed, and who being duly sworn hereby certifies that all the information contained herein is true and accurate to the best of their knowledge and belief.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Signed: _____ My Commission Expires: _____

Printed: _____, Notary Public _____

Resident of _____ County, State of Indiana

AGENT INFORMATION:

_____ (name-type, stamp or print clearly)	
_____ (signature)	_____ (signature)
_____ (address)	_____ (address)
_____ (city, state, zip)	_____ (city, state, zip)

STATE OF _____)
)SS:
 COUNTY OF _____)

Before me, the undersigned, a Notary Public in and for said County and State, this _____ day of _____, 20____, personally appeared _____, on behalf of contract purchaser/agent who acknowledged the execution of the foregoing consent form to be their voluntary act and deed, and who being duly sworn hereby certifies that all the information contained herein is true and accurate to the best of their knowledge and belief.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Signed: _____ My Commission Expires:
 Printed: _____, Notary Public _____
 Resident of _____ County, State of Indiana

**NOTICE OF PUBLIC HEARING BY
THE FOWLER ADVISORY PLAN COMMISSION
AND FOWLER TOWN COUNCIL
ON APPLICATION FOR ZONE MAP CHANGE**

The Town of Fowler Advisory Plan Commission will hold a public hearing on _____, 20__ at 7:00 p.m. at the Fowler Town Hall, 307 E. 5th St., Fowler, Indiana 47944 to hear and consider a Petition for Zone Map Change submitted by _____, requesting that the _____ zoning designation at _____, Fowler, Indiana be changed to _____ District, to permit the applicant to _____, which tract is more fully described as follows:

[Insert Legal Description]

Following the Advisory Plan Commission hearing, the Fowler Town Council will consider the Petition for Zone May Change at their subsequent regularly-scheduled meeting on _____, 20__ at 6:00 p.m. at the Fowler Town Hall.

Copies of the proposal are on file at the Fowler Town Hall, 307 E. 5th St., Fowler, Indiana 47944 and at the office of Barce & Redlin, P.C., 103 N. Jackson Ave., P.O. Box 252, Fowler, Indiana 47944, and are available for inspection during business hours prior to the hearing. Written objections to the proposal that are filed with or sent to the Town of Fowler Clerk-Treasurer, 307 E. 5th St., Fowler, Indiana 47944 before the hearing will be considered by the Advisory Plan Commission at the hearing. Oral comments concerning the proposal will also be heard at the hearing. The hearing may be continued from time to time as may be found necessary. The public is invited to attend and participate.

Dated: _____

FOWLER ADVISORY PLAN COMMISSION