

PC \_\_\_\_\_ - \_\_\_\_\_

DATE \_\_\_\_\_

FEE \$ \_\_\_\_\_

## TOWN OF PORTER PETITION TO AMEND COMPREHENSIVE PLAN

NOTE: PETITION MUST BE COMPLETED AND FILED WITH THE CLERK-TREASURERS OFFICE, 303 FRANKLIN STREET, PORTER, INDIANA, AT LEAST 10 DAYS PRIOR TO PLAN COMMISSION MEETING AT WHICH THE COMMISSION IS TO CONSIDER SUCH PETITION. IF THE APPLICANT IS OTHER THAN THE OWNER OF THE PROPERTY, OWNER MUST ALSO SIGN THE PETITION, OR SUBMIT A LETTER AUTHORIZING PETITIONER TO ACT ON OWNER'S BEHALF.

TO: THE TOWN OF PORTER PLAN COMMISSION

I HEREBY PETITION YOU TO AMEND THE COMPREHENSIVE PLAN OF THE TOWN OF PORTER, INDIANA

PETITIONER \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

PROPERTY OWNER \_\_\_\_\_ PHONE \_\_\_\_\_

OWNERS ADDRESS \_\_\_\_\_

GENERAL LOCATION OF SUBJECT PROPERTY \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY \_\_\_\_\_

CONTAINING \_\_\_\_\_ ACRES FROM \_\_\_\_\_ TO \_\_\_\_\_  
(AREA) (CURRENT LAND USE) (REQUESTED LAND USE)

FOR THE FOLLOWING PROPOSED USE \_\_\_\_\_

I AM REQUESTING THE AMENDMENT FOR THE FOLLOWING REASON(S)

ATTACHMENTS: PETITIONER MUST SUBMIT TEN (10) COPIES OF THE LEGAL PLAT IN ACCORDANCE WITH THE REQUIREMENTS LISTED IN THE TOWN OF PORTER ZONING ORDINANCE.

SIGNATURE OF PETITIONER \_\_\_\_\_ DATE \_\_\_\_\_

**TOWN OF PORTER  
LEGAL NOTICE**

PLAN COMMISSION PETITION NO. \_\_\_\_\_ - \_\_\_\_\_

A petition to amend the Comprehensive Plan, has been filed by

\_\_\_\_\_  
(name of petitioner)

Notice is hereby given that the Town of Porter, Porter County, Indiana, will hold a public hearing

in the Porter Town Hall, 303 Franklin Street, at 6:30 p.m. on \_\_\_\_\_,

202\_\_, to consider the petition filed. The petitioner is requesting a change in land use from

\_\_\_\_\_ to \_\_\_\_\_, in the area bounded by \_\_\_\_\_  
(current land use) (proposed land use)

\_\_\_\_\_  
(common description)

\_\_\_\_\_  
(name of subdivision)

consisting of \_\_\_\_\_ acres, located and legally described as follows:

(insert legal description here)

Anyone interested in the Petition may appear in person or by agent at the public hearing. Written objections filed with the Plan Commission Secretary before the hearing will be considered. The hearing may be continued from time to time as may be found necessary. All information concerning such petition is on file in the Clerk-Treasurers Office, 303 Franklin Street, Porter, Indiana, 46304, for public examination.

## NOTICE TO OWNERS OF AFFECTED PROPERTY

Plan Commission  
Town of Porter

\_\_\_\_\_  
(name of petitioner)

\_\_\_\_\_  
(address)  
\_\_\_\_\_

Petition Number \_\_\_\_\_ - \_\_\_\_\_

Notice is hereby given that at the regularly scheduled meeting of \_\_\_\_\_, 202\_\_,

at 6:30 p.m., at the Porter Town Hall, 303 Franklin Street, Porter, Indiana, the Plan Commission will conduct a

public hearing on the following petition:

\_\_\_\_\_  
\_\_\_\_\_

Anyone interested in the petition may appear in person or by agent. Written objections, filed with the Plan Commission Secretary before the hearing, will be considered. The hearing may be continued from time to time as may be found necessary. All information concerning the petition is on file in the Clerk-Treasurers Office, 303 Franklin Street, Porter, Indiana, 46304, for public examination.

\_\_\_\_\_  
(signature of petitioner)

**TOWN OF PORTER  
PLAN COMMISSION  
INSTRUCTIONS FOR FILING A PETITION FOR  
AMENDING THE COMPREHENSIVE PLAN**

1. Amending the land use of a parcel of land permits the owner to secure planning support to justify a change of use on a parcel which would not be permitted otherwise. Each parcel in Town is currently identified with one recommended land use.

2. An application for COMPREHENSIVE PLAN AMENDMENT can be picked up at the Town Hall, 303 Franklin Street, Porter, Indiana, 46304. It must be filled out and brought back to the Town Hall, between the hours of 8:30 a.m. to 4:30 p.m., Monday through Friday, at least ten (10) calendar days before the date of the Plan Commission meeting. The Plan Commission meets the 3<sup>rd</sup> Wednesday of each month at 6:30 p.m., at the Town Hall.

3. At the time the completed application is submitted to the Town Hall, a fee as determined by the Clerk-Treasurer must be paid. The receipt must be presented to the Plan Commission at the first meeting.

4. The petition will be placed on the next regularly scheduled Plan Commission Meeting. The person filing the petition must be present to explain their request for COMPREHENSIVE PLAN AMENDMENT. If the person filing the petition is not the current owner of the property, he or she must be authorized in writing by affidavit to act on the owner's behalf.

5. At the meeting of the Plan Commission where the request is first heard the members will ask questions and listen to the petitioner's explanation. The commission can either table the petition and ask for more information or they may schedule a public hearing for the next regular meeting.

6. State law requires that during each request for a COMPREHENSIVE PLAN AMENDMENT, a public hearing must be advertised and held at the Plan Commission Meeting to allow neighbors and other affected property owners of record to speak in favor or against the request.

7. The person filing the COMPREHENSIVE PLAN AMENDMENT petition is responsible for placing public notice in the local newspaper and notifying property owners of record contiguous to the subject property, about the public hearing. The **NWI Times** is the required newspaper for publishing notice. A legal notice must be placed in that newspaper to appear at least ten (10) calendar days in advance of the public hearing. The petitioner shall also submit an electronic copy of the public notice to post on the Town of Porter website. A sample ad to be used is included in the comprehensive plan amendment packet attached to these instructions.

8. The person filing the legal notice must request that the newspaper send them a Proof of Publication, showing evidence to the Plan Commission that the notice did appear at least ten (10) days before the hearing. The Plan Commission will ask for that proof before they will hear the petition at the public meeting.

9. The person filing the petition must give notice by certified mail to all property owners of record whose property is contiguous to the property which is the subject of the petition. A list of those owners must be obtained from the Town. The notice of public hearing must be sent to these owners at least ten (10) calendar days before the date of the public hearing. A

sample notice to property owners of record is attached to these instructions. The notice must be sent by certified mail with return receipt requested.

10. When the petitioner mails the notices, they will receive a white ticket showing each was mailed. When the owners receive their letter they are supposed to mail the attached green card back to the person who mailed them. The owners list and the white tickets, (certified mail receipts), must be submitted to the Clerk-Treasurers Office prior to the public hearing. The green cards, when received, will serve as proof that the public hearing was properly advertised in accordance with state law. Green cards received prior to the public hearing should be brought to the public hearing. Green cards received after the public hearing should be submitted to the Clerk-Treasurer's Office when they are received to be added to your file.

11. The petitioner must continuously post a public notice sign for at least ten (10) calendar days immediately prior to the date of the public hearing. The sign and post is provided by the Town by visiting the Clerk-Treasurer's office. There is a charge for the sign and a deposit for the post which is refundable when the post is returned. The sign must be placed in plain view and legible from the street fronting the property.

12. The Plan Commission will open the public hearing and ask if there is anyone wishing to speak in favor or against the request. It is strongly suggested that the person filing the petition should contact the nearby property owners of record and inform them of the comprehensive plan amendment request in order to minimize confusion and misunderstanding.

13. The Plan Commission will either continue or close the public hearing. Continuing the public hearing to the next meeting usually means that more information from the public is needed before a decision can be made. Closing the public hearing means that the Commission feels that they have heard enough from the public, and they are ready to vote.

14. The Plan Commission by state law will vote to recommend approval or denial to the Town Council. A majority of the whole seven-member Commission must vote the same way to constitute official action. In other words, four (4) members of the seven (7) member Commission must vote to recommend either approval or denial for the motion to pass.

15. The matter then goes to the Town Council where final action is taken to either agree or disagree with the Plan Commission recommendation.

16. It is the duty of each Plan Commission member to inspect property and buildings which are the subject of petitions before them. Upon the presentation of proper credentials, the petitioner agrees to allow entry into any building, structure, premises, or land, for the purpose of making inspections, at any reasonable hour.

I have carefully read these instructions and will abide by them.

Petitioner's signature \_\_\_\_\_ Date \_\_\_\_\_

# AFFIDAVIT

## POSTING OF REQUIRED PUBLIC NOTICE SIGN

STATE OF INDIANA  
TOWN OF PORTER

PETITION NO. \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_,

\_\_\_\_\_  
(Owner / Agent for Owner)  
[circle one]

personally appeared before in my State and County aforesaid, who after being first duly sworn made oath before me that: above owner or agent of owner placed the officially designated public notice of hearing sign provided by the Town of Porter Clerk-Treasurer's Office, for a minimum of ten (10) consecutive calendar days immediately preceding the scheduled public hearing pertaining to the above referenced petition in plain view on the property which is the subject of the petition.

GIVEN UNDER MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
AFFIANT

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

My commission expires: \_\_\_\_\_