

# ZONING AMENDMENT APPLICATION PROCEDURES



**DEFINITION:** To amend or change the zoning district classification of a particular lot(s) or parcel(s) of land to another zoning district classification.

**PRELIMINARY APPLICATION:** Prior to submitting an application for a zoning amendment, the applicant must schedule an appointment with the Plan Commission Staff for a preliminary consultation to discuss the proposed amendment. The applicant should provide a sketch showing the preliminary details of the zoning change. There is no fee for this meeting. A written summary of this preliminary consultation will be provided upon request.

**APPLICATION:** The application will not be considered complete until all information is received. All applications and supplemental material must be submitted by close of business on the posted schedule deadline and **must be completed on Original Town Forms.** All applications will be reviewed for completeness and accuracy prior to acceptance. The following information is just a portion of the items that must be submitted with the application. Please refer to the Application Checklist in this packet for a complete list of information that must be submitted:

1. A **notarized application** filed at least forty-five (45) days before the date of the Plan Commission's public hearing;
2. A **legal description** of the property;
3. A **site map** (aerial photograph or a Hendricks County property map) showing property lines, dimensions, streets, and existing zoning and land use of the property to be amended;
4. A **list of adjacent property owners** within six hundred and sixty (660) feet but no more than two (2) property owners in depth and a copy of **completed notification letter.**
5. A **written statement** of how the proposed amendments relates to the Avon Comprehensive Plan; and
6. An **application fee** payable by check to the Town of Avon.

**FEES:** \* **Fees are nonrefundable\*** The following fees apply to a zoning amendment review:

**(Please see fee schedule)**

1. Application Fee by check made payable to the **Town of Avon.**
2. Legal Advertisement Fee by check made payable to the **Town of Avon.**
3. Traffic Study Review Fee by check made payable to **The Schneider Corporation.**

**STAFF REVIEW:** The Avon Plan Commission Staff will schedule a technical review meeting, where Town Staff, including the Town's Engineering consultant, will provide written comments. The petitioner will be given an opportunity to address the concerns and submit revised plans approximately three (3) weeks before the Plan Commission meeting. In the event these issues are not addressed, staff reserves the right to recommend a continuance for the application to be considered at the next available meeting. Copies of the technical review and Staff comments will be made available to the applicant prior to the public hearing.

**PUBLIC NOTIFICATION:** The following public notification is required:

1. **NEWSPAPER NOTIFICATION:** The Plan Commission Staff will submit legal notices to the Weekend Flyer and the Republican newspapers for publication at least ten (10) days prior to the date of the Plan Commission's public hearing.
2. **WRITTEN NOTIFICATION:** The applicant must mail letters by certified mail to adjacent property owners at least ten (10) days prior to the date of the Plan Commission's public hearing. An adjacent property owner is defined as all property owners two (2) deep or within six hundred sixty (660) feet; whichever is less, of the applicant's property. The applicant **must** follow the sample written notification letter. A signed affidavit attesting to the mailings and a copy of a sample mailing **must** be submitted to the Plan Commission staff prior to the public hearing. (See attached sample letter and affidavit form.)
3. **POSTING OF PROPERTY:** Ten (10) days prior to the date of the Plan Commission's public hearing, the applicant **must** submit an affidavit stating that the applicant has placed posters on the property providing a brief description of the zoning amendment and the date, time, and place of the public hearing. (See attached affidavit.)

# ZONING AMENDMENT APPLICATION PROCEDURES



**PLAN COMMISSION REVIEW:** The Plan Commission must hold a public hearing to consider the request for the site zoning amendment. The Plan Commission will forward to the Avon Town Council its recommendation on the proposed amendment as being favorable, unfavorable, or no recommendation. The Plan Commission meetings are held on the fourth Monday of every month in the Avon Town Hall located at 6570 East U.S. Highway 36, 46123 at 7:00 PM.

**TOWN COUNCIL REVIEW:** The Town Council must consider the Plan Commission's recommendation within ninety (90) days of the Planning Commission hearing.

# REQUIREMENTS FOR FILING ZONING AMENDMENT CHECKLIST



1. \_\_\_\_\_ One (1) completed checklist, **signed and dated**. (Attach completed copy of this form.) *Mark all items N/A (Not Applicable) which don't apply to your project.*
  
2. \_\_\_\_\_ One (1) completed application form: typewritten, signed by the owner or an authorized agent of the subject property, notarized, and filed at least forty-five (45) days prior to a scheduled Plan Commission meeting. Be sure to include:
 

_____ Project name	_____ Acres
_____ Project address	_____ Number of lots/parcels
_____ Section, Township, Range	_____ Nearest intersection
_____ Key number(s)	_____ Current zoning classification
_____ Existing land use	_____ Previous planning/zoning approvals
_____ Proposed Zoning	_____ Proposed land use(s)
  
3. \_\_\_\_\_ One (1) copy of the Letter Granting Authority for an Agent.
4. \_\_\_\_\_ One (1) copy of the Legal description of the property.
5. \_\_\_\_\_ One (1) copy of the Letter of Intent including the zoning classification and present land use of the subject property
6. \_\_\_\_\_ One (1) copy of the Site Plan, which includes the following information:
  - \_\_\_\_\_ Aerial photograph, Hendricks County property map, and/or concept plan of proposed development on the site.
  - \_\_\_\_\_ Conceptual Plan
7. \_\_\_\_\_ Supporting Documentation
  - \_\_\_\_\_ Traffic study
  - \_\_\_\_\_ Wetland Mitigation Plan
  - \_\_\_\_\_ Environmental studies
  - \_\_\_\_\_ Environmental Impact Study
  - \_\_\_\_\_ Letter of Intent from appropriate sanitary sewer utility
8. \_\_\_\_\_ Professional Seal of engineer/architect who prepared the site plan.
9. \_\_\_\_\_ One (1) completed Conflict of Interest form.
10. \_\_\_\_\_ Adjacent property owners list and completed sample notification letter.
11. \_\_\_\_\_ Nonrefundable application fee. (Check must be made payable to the **"Town of Avon".**)
12. \_\_\_\_\_ Traffic Study review fee. (Check must be made payable to **"The Schneider Corporation".**)

\_\_\_\_\_  
**Signature of Person Completing Application**

\_\_\_\_\_  
**Date**

**APPLICATION FOR  
ZONING AMENDMENT  
(Page 1)**



**Project Name:** \_\_\_\_\_

Applicant(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_

Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Applicant's Attorney

Applicant's Registered Land Surveyor

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**Property Information:**

**Street Address:** \_\_\_\_\_

**Nearest Street Intersection:** \_\_\_\_\_

**Section:** \_\_\_\_\_ **Township:** \_\_\_\_\_ **Range:** \_\_\_\_\_

**Key/Parcel Number(s):** \_\_\_\_\_

**Area:** \_\_\_\_\_ **acres**      **Number of Lots/Parcels:** \_\_\_\_\_

**Existing Zoning Classification:** (Check one or all that apply)

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| _____ E-1 Single Family Estate        | _____ R-1 Single Family Residential   |
| _____ R-2 Single Family Residential   | _____ R-3 Single Family Residential   |
| _____ R-4 Multiple Family Residential | _____ R-5 Multiple Family Residential |
| _____ C-1 Neighborhood Commercial     | _____ C-2 General Commercial          |
| _____ C-3 Highway Commercial          | _____ C-4 Transitional Office         |
| _____ I-1 Transitional Industrial     | _____ I-2 Light Industrial            |
| _____ I-3 Heavy Industrial            | _____ I-4 Industrial Park             |
| _____ PUD Planned Unit Development    | _____ SC Shopping Center              |

**Existing Land Use:** \_\_\_\_\_

Surrounding land use: North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_

Proposed Zoning Classification: \_\_\_\_\_

**Proposed Land Use:** \_\_\_\_\_

**APPLICATION FOR  
ZONING AMENDMENT  
(Page 2)**



The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

The application fee does not include the fees associated with design review and/or construction management review. Fees for design review and/or construction management review are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the Town at rates set out by various agreements and/or ordinances of the town, for services, inspection, reports, and the like required by the Town.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner(s) or Agent

STATE OF INDIANA        }  
                                  }  
COUNTY OF HENDRICKS    }        SS:

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

\_\_\_\_\_  
Notary Public: Signature

\_\_\_\_\_  
Notary Public: Printed Name

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

Residing in \_\_\_\_\_ County

<b>FOR OFFICE USE ONLY:</b>	
DATE RECEIVED: _____	FEE PAID: _____
RECEIVED BY: _____	APPLICATION # _____

# CONTACT INFORMATION



The person indicated below will receive all correspondence between the Plan Commission Staff and the applicant. It shall be the responsibility of the contact person to provide copies of information to other interested parties.

Indicate the Contact Person to be notified to request additional information, schedule meetings, receive Plan Commission Staff Letters and Recommendations, and to receive the Plan Commissions Findings-of-Fact:

**Please type or print legibly.**

Business Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Daytime Phone: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

**LETTER GRANTING AUTHORITY FOR AN AGENT  
ZONING AMENDMENT  
AVON PLAN COMMISSION  
TOWN OF AVON, INDIANA**



I (We) do hereby grant authority to \_\_\_\_\_  
(Name of agent)

to seek a Zoning Amendment approval from the Avon Plan Commission for the property located at

\_\_\_\_\_  
[Property address or parcel ID number(s)]

I (We) am (are) the owner(s) of the real estate included in the proposed Zoning Amendment.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner(s) or Agent  
\_\_\_\_\_

STATE OF INDIANA        }  
                                  } SS:  
COUNTY OF HENDRICKS }

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

\_\_\_\_\_  
Notary Public: Signature

\_\_\_\_\_  
Notary Public: Printed Name

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

Residing in \_\_\_\_\_ County

**DISCLOSURE STATEMENT FOR  
ZONING AMENDMENT  
AVON PLAN COMMISSION  
TOWN OF AVON, INDIANA**



In order to avoid any questions about conflicts of interest, all applicants for permits, and petitioners to the Plan Commission and the Board of Zoning Appeals must disclose any and all financial or business relationships between the applicant and any entity associated with the applicant and any person associated with the Town of Avon, the Avon Town Council, the Avon Plan Commission, and/or the Avon Board of Zoning Appeals. If you are in doubt as to whether or not to disclose something, you should resolve that doubt by disclosing it.

I, \_\_\_\_\_ being duly sworn upon my oath state as follows:

*(Strike inapplicable provision)*

1. A. I am the applicant for a \_\_\_\_\_  
(Type of Action)
- Or
- B. I represent the applicant \_\_\_\_\_ for a  
(Name of Applicant)
- \_\_\_\_\_
- (Type of Action)

2. To the best of my knowledge, the applicant named above has no financial agreements, or contracts or other arrangements between the applicant or any other entity associated with the applicant and anyone associated with the Town of Avon, the Avon Town Council, the Avon Board of Zoning Appeals, or the Avon Plan Commission except:

*(Strike inapplicable provision)*

- A. None
- Or
- B. List any and all contracts, arrangements, or financial agreements, and all entities to such contracts arrangements or financial agreements.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

I affirm under the penalties of perjury that the foregoing is correct to the best of my knowledge and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature



**SAMPLE PUBLIC NOTIFICATION LETTER  
FOR ZONING AMENDMENT**

Date: **(Date Letters Mailed)**

Name

Address **(Mailing Address of Adjacent Property Owner)**

City, State, and Zip Code

Dear: **(Name of Adjacent Property Owner):**

Please be advised that the undersigned property owner or agent for the property owner has made application to the Avon Plan Commission to amend the zoning district classification of a **(Number of Acres)** acre parcel(s) in the Town of Avon, Indiana, in Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, located near **(Give the Location of the Property to be Rezoned in Relationship to the Nearest Street Intersection)**. This proposed zoning amendment would change the current zoning classification of the above referenced property from **(Existing Zoning Classification)** to **(Proposed Zoning Classification)**.

A copy of this application, legal description, and all development plans pertaining to this proposed site plan are on file and available for examination prior to the public hearing in the office of the Planning and Zoning Department at the Avon Town Hall located at 6570 East U.S. Highway 36, Avon, Indiana 46123, between the hours of 8:00 AM and 4:00 PM, Monday through Friday. Written objections to a proposal may be filed with the Plan Commission Staff within ten (10) days after the receipt of this letter at the above address and such objections will be considered.

The Avon Plan Commission will hold a public hearing on this proposed site plan in the Avon Town Hall located at 6570 East U.S. Highway 36, Avon, Indiana 46123 on **(Date of the Public Hearing)** at 7:00 P.M.

Very truly yours,

**(Name and Signature of Applicant  
or Agent for the Applicant)**

**AFFIDAVIT OF SIGN POSTING  
ZONING AMENDMENT  
AVON PLAN COMMISSION  
TOWN OF AVON, INDIANA**



**Affidavit must be submitted prior to the scheduled public hearing.**

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF HENDRICKS    )

RE: Request for a Zoning Amendment before the Avon Plan Commission

\_\_\_\_\_  
(Project Name and Number)

I, \_\_\_\_\_ after being first duly sworn states:  
(Name of Person Posting Sign)

1. That the Avon Zoning Ordinance which requires the posting of sign on the property being considered for zoning amendment, as adopted by the Avon Plan Commission, has been fully complied with in connection with the above referenced request; and
2. That said sign(s) was (were) duly erected on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, in full compliance with the requirements of the Avon Zoning Ordinance and the sign(s) remain(s) on said property to this date.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Person Posting Sign)

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF HENDRICKS    )

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

\_\_\_\_\_  
Notary Public: Signature

\_\_\_\_\_  
Notary Public: Printed Name

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

Residing in \_\_\_\_\_ County

# NOTICE OF PUBLIC HEARING

The Avon Plan Commission will consider \_\_\_\_\_

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(Case Number and Name)

This case will be heard on \_\_\_\_\_  
(Day, Date and Time)

at a public hearing in the Avon Town Hall, 6570 East U.S.  
Highway 36, Avon, Indiana 46123.

For additional information, call 317-272-0948