

APPLICATION PROCEDURES MINOR SUBDIVISION



DEFINITION: The subdivision of a parcel of land into not more than three (3) residential, commercial or industrial lots. Any division which involves a new street or easement of access shall not be considered a minor subdivision.

PRELIMINARY APPLICATION: Prior to submitting an application for a minor subdivision, the applicant must schedule an appointment with the Plan Commission Staff for a preliminary consultation to discuss the proposed project. The applicant's engineer is also encouraged to attend this meeting. 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. Five (5) copies of the **final plat and development plan** including the topographic overlay and area map;
3. A **legal description** of the property;
4. A **list of adjacent property owners** within six hundred sixty (660) feet but no more than two (2) property owners in depth and a **copy of completed notification letter**;
5. An **application fee** payable by check to the Town of Avon.

FEES: *Fees are nonrefundable* The following fees apply to a minor subdivision 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. Design Review Fee by check made payable to **EMH & T**

WAIVERS: Where compliance to the Town of Avon Subdivision Control Ordinance Standards cannot be achieved, an application for a waiver from the standards of the Ordinance may be submitted with an application for preliminary plat approval. Such application shall be submitted on the form included in this packet and is subject to an additional fee by check made payable to the **EMH & T**.

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 Hendricks County Weekend Flyer and the Republican newspapers for publication at least ten (10) days prior to the date of the Plan Commission's public hearing.

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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. The provided Affidavit of Notice to Interested Parties must be signed attesting to the mailings and a copy of a sample mailing must be submitted to the Planning 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 project and the date, time, and location of the public hearing. (See attached affidavit and sample poster language.)

PLAN COMMISSION MEETING: 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.

PLAT RECORDING: The applicant is responsible for recording the approved plat. The following procedures apply:

1. The applicant must submit one (1) reproducible Mylar and two (2) Mylar prints to be signed and sealed by the President and Secretary of the Plan Commission. The submittal shall be accompanied by a Final Plat Review Fee submitted by check made payable to **EMH & T.**
2. The applicant is responsible to file the plat with the Hendricks County Recorder within thirty (30) days of the date of signature.
3. The final plat must be recorded prior to receiving a local building permit.
4. The applicant must submit two (2) blue line copies and one (1) Mylar to the Town of Avon after the plat has been recorded. As Built Plans shall be accompanied by a Review Fee submitted by check made payable to **DLZ.**

REQUIREMENTS FOR FILING MINOR SUBDIVISION CHECKLIST



An application shall include the following items:

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 thirty (30) 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
3. _____ If the applicant is not the owner, one (1) signed and notarized 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.
6. _____ One (1) copy of the Construction Plans, which include the following information:
 - A. EXISTING CONDITIONS

_____ Area vicinity map
_____ Topography (two [2] foot)
_____ Location of existing streams, lake ditches, etc. showing one hundred (100) year flood elevation
_____ Location of all surface and subsurface drains
_____ Location of existing storm and sanitary sewers
_____ Existing buildings and structures
_____ Identification of jurisdictional wetlands
_____ Boundary lines and acreage of property
 - B. SITE IMPROVEMENTS

_____ Proposed changes in streams, lakes, floodplains, etc.
_____ Proposed location of surface and subsurface drains
_____ Proposed location of storm and sanitary sewers
_____ Building/Structures to be removed or relocated
_____ Cross section of existing streams and floodplains

**REQUIREMENTS FOR FILING
MINOR SUBDIVISION
CHECKLIST (Cont'd)**



- Landscape Plan
- Signage Plan: Temporary and Permanent
- Open Space Plan (residential only)

C. SUPPORTING DOCUMENTATION (may be required)

- Traffic study
- Wetland Mitigation Plan
- Environmental studies
- Environmental Impact Study
- Letter of Intent from appropriate sanitary sewer utility
- Location of proposed model homes
- Location of temporary sales office
- Development Summary showing all development standards for the zoning district and the proposed development standards for the project (required)
- Statement of commitments (if any)
- Proposed covenants (if any)

- 7. _____ Professional Seal of engineer/architect who prepared the plat.
- 8. _____ One (1) completed Conflict of Interest form.
- 9. _____ Adjacent property owners list and completed sample notification letter.
- 10. _____ Plat map page(s).
- 11. _____ Nonrefundable preliminary application fee. (Check must be made payable to the **"Town of Avon".**)
- 12. _____ Design review fee. (Check must be make payable to **"EMH & T."**)
- 13. _____ Waiver Application & fee. (Check must be make payable to **"EMH & T."**)

Signature of Person Completing Application

Date

APPLICATION FOR A MINOR SUBDIVISION

(Page 1)



Name of Subdivision: _____ **Section No.** _____

Applicant(s): _____ Telephone: _____
 Address: _____ Fax: _____
 Owner(s): _____ Telephone: _____
 Address: _____

Applicant's Attorney **Applicant's Registered Land Surveyor**
 Name: _____ Name: _____
 Address: _____ Address: _____
 Telephone: _____ Telephone: _____

Property Location

Street Address: _____
Nearest Street Intersection: _____
Section: _____ **Township:** _____ **Range:** _____
Key/Parcel Number(s): _____
Area: _____ **acres** **Number of Lots:** _____
Miles of New Streets to be dedicated to the Public: _____ **nearest fraction**
(full width) (half width)

Existing Zoning Classification:

- | | |
|---------------------------------------|---------------------------------------|
| _____ 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 _____

Legal Description of the subdivision must be attached to the application.

APPLICATION FOR A MINOR SUBDIVISION (Page 2)



I (We) do hereby apply for approval of the plat or re-plat of the proposed subdivision or re-subdivision of land in accordance with the provisions of the Comprehensive Plan and Subdivision Control Ordinance of Avon, Indiana. I (We) am (are) the owner(s) of the real estate included in the proposed subdivision. The undersigned, having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

I (We) also understand that 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, inspections, reports, and the like required by the Town.

_____ 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

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: _____

Case #: _____

**LETTER GRANTING AUTHORITY FOR AN AGENT
MINOR SUBDIVISION PLAT
AVON PLAN COMMISSION
TOWN OF AVON, INDIANA**



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

to seek Minor Subdivision Plat 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 Minor Subdivision.

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
MINOR SUBDIVISION PLAT
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



**TOWN OF AVON, INDIANA
APPLICATION FOR A WAIVER
FROM THE STANDARDS OF THE
SUBDIVISION CONTROL ORDINANCE**

For Office Use Only
Application #: _____
Fee Paid: _____
Received By: _____
Hearing Date: _____
Action Taken: _____

Name of Project: _____

Applicant: _____

Waiver Request from Avon Subdivision Control Ordinance Section #: _____

Waiver Request: _____

Applicant must provide findings of the following:

1. An extraordinary hardship or practical difficulty may result from the strict compliance with the Avon Subdivision Control Ordinance or the purpose of the Avon Subdivision Control Ordinance may be served to a greater extent by an alternative proposal because: _____

2. The granting of the waiver will not have the effect of nullifying the intent and purpose of the Avon Subdivision Control Ordinance because: _____

SAMPLE PUBLIC NOTIFICATION LETTER MINOR SUBDIVISION PLAT

Date: **(Date Letters Mailed)**

Name

Address

City, State, and Zip Code

(Mailing Address of Adjacent Property Owner)

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 for a **(Number of Lots)** lot(s) minor **(Type of Use)** subdivision to be known as **(Name of Subdivision)** in the Town of Avon, Indiana, in Section_____, Township_____, Range_____ located near **Give the Location of the Subdivision in Relationship to the Nearest Street Intersection).**

A copy of this application, legal description, and all development plans pertaining to this proposed subdivision 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 Avon Town Hall at the above address and such objections will be considered.

The Avon Plan Commission will hold a public hearing on this proposed minor subdivision 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 PM.

Very truly yours,

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

**AFFIDAVIT OF SIGN POSTING
MINOR SUBDIVISION PLAT
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 Minor Subdivision Review before the Avon Plan Commission

(Project Number)

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

1. That the Avon Subdivision Control Ordinance which requires the posting of sign on the property being considered for minor subdivision review, 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 Subdivision Control 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 _____

(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.