

AVON ZONING ORDINANCE

CHAPTER 3. REVISION HISTORY

CHAPTER 3. APPLICATIONS AND HEARINGS

Ordinance #	Plan Commission Approval Date	Town Council Adoption Date	Description
2002-14	09-24-02	11-14-02	Adoption of Chapter 3.

AVON ZONING ORDINANCE

CHAPTER 3. APPLICATIONS AND HEARINGS

- Section 3-1. Applications
 - Section 3-2. Successive Applications
 - Section 3-3. Notice
 - Section 3-4. Review and Hearings
-

Section 3-1. Applications

All applications or petitions for development review, which shall include development plan review, zoning certificates, special exception permits, planned unit developments, variances, amendments to the zoning ordinance text or zoning map, administrative interpretations, and appeals from administrative determinations, shall be filed in conformance with the regulations set forth below.

1. Place of Filing

Applications and petitions shall be filed with the Zoning Administrator or with such other Town body or official as the Zoning Administrator may designate.

2. Form, Number, and Scale

Applications and petitions shall be on forms provided by the Zoning Administrator and shall be filed in such number and manner as the Zoning Administrator may designate. All plans filed as part of any application or petition shall be submitted both in paper and digital formats. Paper copies shall be drawn at a scale sufficient to permit a clear and precise understanding of its contents and of the proposal being made and shall be folded to a size of 8-1/2 inches by 11 inches.

3. Minimum Requirements

Applications or petitions submitted pursuant to this Ordinance shall contain such minimum data and information as listed in Appendix A. (Minimum Submission Requirements) Applications that are incomplete shall not be processed by the Zoning Administrator and shall be returned to the applicant at the applicant's expense.

4. Filing Deadlines

- A. An application or petition requiring a public hearing will not be scheduled for such hearing unless filed in a complete manner, by the prescribed deadlines of the hearing body, and no more than ninety (90) calendar days prior to the requested public hearing date. An application so filed will be scheduled for the date requested, or the first available date thereafter, on a first-filed-first-scheduled basis. All public hearings to consider applications or petitions filed pursuant to this Ordinance shall be, unless otherwise provided by order of the relevant body, scheduled at the same time as the regular meetings of such body.
- B. An application or petition that does not require a public hearing also shall be filed with the Zoning Administrator in a complete manner. The Zoning Administrator shall process an application or petition so filed on a first-filed-first-processed basis.
- C. Whenever supplemental data in connection with a previously filed application or petition is required by the Town or offered by the applicant, it shall be submitted at least ten (10) business days prior to the date on which the application or petition is to be considered or acted upon. The filing of such data shall, in the discretion of the Zoning Administrator be cause to delay a requested or scheduled hearing or decision date.

AVON ZONING ORDINANCE

5. Fees

Every application or petition filed pursuant to this Ordinance shall be subject to an application and non-refundable filing fee as reviewed and established annually by the Town Council. The owner of the property subject to the application or petition and, if different, the applicant, or petitioner, shall be jointly and severally liable for the payment of the fee. The failure to pay any such fee when due shall be grounds for refusing to process an application or petition and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee or required deposit relates. A current fee schedule may be found at the Town Hall.

6. Special Requests

The Zoning Administrator or any official, board or, commission before which an application or petition is pending may require an applicant or petitioner to submit additional data, information, or documentation if necessary or appropriate to achieve a full and proper consideration and disposition of the particular application or petition.

Section 3-2. Successive Applications

1. Second Applications without New Grounds Barred

When an application or petition filed pursuant to this Ordinance has been denied on its merits, a second application or petition seeking essentially the same relief shall not be brought for a period of one year from the denial date. However, if in the opinion of the Zoning Administrator there is substantial new evidence available, or a misinterpretation of law or fact occurred that significantly affected the prior denial, such second application or petition may be allowed.

2. New Grounds to Be Stated

Any such second application shall include a detailed statement of the grounds justifying its consideration.

3. Summary Denial With or Without Hearing

The Zoning Administrator may summarily deny, without hearing, any such second application or petition on a finding that no grounds warrant a new hearing. In any case where such application or petition is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of its application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed for such failure.

4. Exception

Whether or not new grounds are stated, any second application or petition filed more than one year after the denial of a prior application shall be filed in compliance with Section 3-1 and heard on the merits as though no prior application had been filed. The applicant or petitioner shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application or petition. In the absence of such evidence, it shall be presumed that no new facts exist to support the new application or petition that did not exist at the time of the denial of the first application or petition.

Section 3-3. Notice

1. Notice of Public Hearing

For any review procedure that requires a public hearing, the Town shall arrange for the publication of notice in conformance with Indiana Code 5-3-1 et. seq., and the rules of the particular municipal body, board, or commission. The applicant or petitioner shall bear the expenses for the advertising costs.

AVON ZONING ORDINANCE

2. Notice of Public Hearing through Posted Sign

In addition to the notice required by Indiana Code 5-3-1 et. seq., the Zoning Administrator shall require that a sign be posted on the affected property not less than ten (10) calendar days prior to the hearing. The sign shall state the date that a hearing will be held, including its time and place and a description of the matter to be heard. The posting of the sign shall be the responsibility of the petitioner.

3. Notice of Interested Parties.

- A. In addition to the other notice provided, the applicant or petitioner shall provide notice to interested parties at least ten (10) calendar days before the date set for the hearing. Such interested parties shall be sent written notice by first class mail, at the applicant's expense. Proof of such notice by Affidavit shall be required.
- B. In accordance with its rules, the Plan Commission or the Board of Zoning Appeals as the case may be, shall determine who are interested parties. Notwithstanding the foregoing, if the subject matter of the proposal abuts or includes a county line or a county line street, road, or body of water, then all owners of real property to a depth of two (2) ownerships or one-eighth (1/8) of a mile into the adjacent county, whichever is less, are interested parties who must receive notice.
- C. The applicant or petitioner shall also send written notice to all neighborhood associations or civic associations which have registered with the Town to receive notice of public hearings. Such notice shall be provided in the same manner as the notice for interested parties as stated in subsection A.

Section 3-4. Review and Hearings

1. Staff Review

The Zoning Administrator shall refer every application or petition for which this Ordinance requires a public hearing to the appropriate Town official, departments and committees. Each official, department and committee to which an application or petition is referred will be asked to review such application and submit its comments thereon in writing to the Zoning Administrator for transmittal to the specific official or body hearing the application or petition. Such comments shall be submitted at least ten (10) calendar days prior to the date set for the hearing and shall be made available to any person on request prior to the hearing.

2. Public Hearing

The provisions of this Ordinance and the rules established by the body or official conducting the hearing shall govern all other matters pertaining to the conduct of hearings.

3. Examination and Copying of Application and Other Documents

At any time following the giving of notice as required in Section 3-3, and upon reasonable request, any person may examine the application or petition and, subject to the exceptions set forth in the Indiana Access to Public Records Act, all other documents on file pertaining to the application. In addition, any person shall be entitled to copies of such application and documents upon reasonable request and payment of a fee as established, from time to time, by ordinance of the Town to cover the cost of such copies.