

Boone County Area Plan Commission

Secondary Commercial Subdivision

APPLICATION PROCEDURES:

STEP ONE: PRE-APPLICATION

Before filing an application, it is recommended that the applicant meet with the Executive Director of the Area Plan Commission at least one week prior to the anticipated application submission to discuss the proposed request and to become more familiar with the applicable requirements. At this time, the Executive Director will determine approximately how long the review process will take before the application can be heard by the APC and placed on its agenda. The anticipated agenda date will be used in all public notice requirements. Call (765) 482-3821 to schedule a meeting.

STEP TWO: APPLICATION

1. A complete Secondary Commercial Subdivision Application and all required Attachments are to be submitted by 4:00pm of the posted deadline date, as shown on the Area Plan Commission Application Schedule (see page 4). Please submit the application, attachments, and associated fees to the Area Plan Commission Office, 116 Washington Street, Room 101, Lebanon, Indiana. The APC Staff shall determine whether the application is complete. If the application is not complete, the applicant will be notified of the deficiencies. Applications submitted or completed after the posted deadline date will be placed on the next month's application cycle.
2. The items below are required in order to complete your application and shall be submitted when your application is filed. **PLEASE FOLD ALL PLANS AND MAPS SUBMITTED.**

☐ **Application Form**

- All items must be completed fully and either typewritten or printed in ink.
- The application must be signed by the applicants and notarized.

☐ **Application Fee (Payment of Required Fees Due Post TAC Approval)**

- \$700 base fee plus \$20 per lot
- \$500 base fee plus \$50 per waiver for variances & waivers for commercial/industrial uses
- Checks are to be made payable to the Boone County Treasurer.

☐ **Secondary Plat**

- Legal Description. This is the text, which describes the location and dimensions of the property.
- Secondary Plat. (10 copies). This is the entire original parcel, even if only a portion is to be (or has been) developed. Plans shall generally be drawn at a scale of 1"=50'. Drawing must be dimensioned and include property lines, existing facilities, existing structures and proposed improvements to the property.
- Copy of Secondary Plat not exceeding 11" x 17" in size.

Drainage Review

- All applications will need a determination from the Boone County Surveyor's Office, to whether the existing drainage conditions on the property necessitate a drainage review.

- ☐ **Covenants and Restrictions**
- ☐ **Attachment B: Variance Request** (submit only if requesting a Variance to any development standards of the Zoning Ordinance)
- ☐ **Attachment C: Waiver Request** (submit only if requesting a Waiver to any development standards of the Subdivision Control Ordinance)

PUBLIC NOTICE PROCEDURES:

Public Notice is **REQUIRED** for Secondary Subdivision hearings. Use the following procedures:

☐ **Newspaper Advertisement**

- Complete **Form: Notice of Public Hearing for Newspaper**.
- Publish the completed form in either the Lebanon Reporter or the Zionsville Times Sentinel at least 15 days prior to the APC meeting, please give yourself ample time according to the Application Schedule (see page 4.)
 - Lebanon Reporter - daily publication. (765) 482-4650. Legal notices are due by 12:00 noon five days in advance of the desired publication date.
 - Zionsville Times Sentinel - Wednesday only publication. (317) 873-6397. Legal notices are due by 5:00pm on the Friday before the Wednesday publication.
- Submit proof of your newspaper advertisement to the Area Plan Commission Office according to the Application Schedule (see page 4.)
- Failure to submit proof of advertisement after the posted deadline will automatically table the application's hearing until the next meeting of the APC.

☐ **Surrounding Property Owner Notification**

- The next business day following the filing deadline, staff will contact you with the names and addresses of all property owners within 660 feet of the subject property.
- Complete **Form: Notice of Public Hearing for Surrounding Property Owners**.
- Mail a Certified Letter (return receipts and green cards) to each of the listed property owners at least 15 days prior to the APC meeting, please give yourself ample time according to the Application Schedule (see page 4.) Include the form and its necessary attachments.
 - Staff can prepare the copies of the letters for a fee of \$0.10 per page. Necessary postage and timely mailing are the responsibility of the applicant.
- If your property borders or comes close to the Boone County line, it is your responsibility to locate properties within the 660-foot radius that fall outside of the county and their corresponding owners. Contact numbers for this information are as follows
 - Hamilton County (317) 776-9624
 - Clinton County (765) 669-6330
 - Montgomery County (765) 364-6400
 - Hendricks County (317) 746-9300
 - Marion County (317) 327-3001.
- Submit proof of property owner notification (green cards and/or return receipts) to the Area Plan commission Office according the Application Schedule (see page 4.)
- Failure to submit proof of notice after the posted deadline will automatically table the application's hearing until the next meeting of the APC.

TECHNICAL ADVISORY COMMITTEE

The Technical Advisory Committee (TAC) reviews the technical aspects of the proposal and will meet to discuss your proposal in the APC Office according to the Application Schedule (see page 4). APC Staff will contact you with an appointment time. The TAC generally includes APC Staff, Surveyor, Board of Health, NRCS, applicable Engineer, applicable Public Utility, applicable Executive Officer of affected Town or City, applicable Highway Department, applicable School Superintendent, and applicable Safety Services. You or a designated representative with technical information regarding your submittal should attend. In some instances, additional information is required by the TAC in order to make a technical review of your application. This information must be submitted by the last day to submit information for the Staff Report according to the Application Schedule (see page 4).

STAFF REPORT AND AGENDA

After a thorough examination of information in the public record and findings from additional research, staff shall release the Staff Report and Agenda providing analysis of each agenda item. Such report shall be released along with the agenda 10 days prior to the hearing according to the Application Schedule (see page 4.) All additional documents to be studied and considered by staff for use in the Staff Report should be submitted no less than 15 days prior to the hearing according to the Application Schedule (see page 4.) Any interested party may provide support documentation to be delivered to the APC members along with the Staff Report. To do so, the party must provide 10 copies of each document, which should be submitted no less than 15 days prior to the hearing according to the Application Schedule (see page 4.)

The APC HEARING

Area Plan Commission

The APC shall follow their adopted Rules of Procedure for the hearing, a copy of which is available at the APC office. Public hearings of the APC are generally held the first Wednesday of each month at 7:00 p.m. at the Boone County Office Building Meeting Room, 116 Washington Street, Lebanon, Indiana. Always check with the APC office to verify the exact meeting date, place, and time should a conflict occur.

When your request comes up on the agenda, you will be asked to present your request to the Commission. You may employ an attorney for this purpose or do it yourself. You may use any maps or graphics that will assist in the presentation. If the Commission members need additional information, they will ask questions regarding your request. The Commission will hear your request and make a decision.

AREA PLAN COMMISSION APPLICATION SCHEDULE -- 2023

The following table depicts the deadlines for petitions before the APC. Deviations from this schedule are not permitted without approval from the Commission. Public hearings of the APC are generally held at 7:00 p.m. at the Boone County Office Building Meeting Room, 116 Washington Street, Lebanon, Indiana. Always check with the APC office to verify the exact meeting date, place, and time should a conflict occur.

APC Schedule 2023							
12 Days Prior to TAC	First Wednesday of the Month	15 Days Prior to Public Hearing	15 Days Prior to Public Hearing	15 Days Prior to Public Hearing	8 Days Prior to Public Hearing	5 Days Prior to Public Hearing	5 Days Prior to Public Hearing
Filing Deadline	TAC Meeting at 8:30 am	Last Day to Submit Info Requested at TAC to be in Staff Report	Last Day for Public Notice to be Published by Applicant	Agenda & Staff Report Published by Staff	Last Day to Submit Info to the File (not included in staff report)	Last Day for Applicant to Submit Proof of Notification	Public Hearing
Monday, November 20, 2023	Wednesday, December 7, 2022	Tuesday, December 20, 2022	Tuesday, December 20, 2022	Tuesday, December 27, 2022	Friday, December 30, 2022	Friday, December 30, 2022	Wednesday, January 4, 2023
Friday, December 22, 2022	Wednesday, January 4, 2023	Tuesday, January 17, 2023	Tuesday, January 17, 2023	Tuesday, January 24, 2023	Friday, January 27, 2023	Friday, January 27, 2023	Wednesday, February 1, 2023
Friday, January 20, 2023	Wednesday, February 1, 2023	Tuesday, February 14, 2023	Tuesday, February 14, 2023	Tuesday, February 21, 2023	Friday, February 24, 2023	Friday, February 24, 2023	Wednesday, March 1, 2023
Friday, February 17, 2023	Wednesday, March 1, 2023	Tuesday, March 14, 2023	Tuesday, March 14, 2023	Tuesday, March 21, 2023	Friday, March 24, 2023	Friday, March 24, 2023	Wednesday, April 5, 2023
Friday, March 24, 2023	Wednesday, April 5, 2023	Tuesday, April 18, 2023	Tuesday, April 18, 2023	Tuesday, April 25, 2023	Friday, April 28, 2023	Friday, April 28, 2023	Wednesday, May 3, 2023
Friday, April 21, 2023	Wednesday, May 3, 2023	Tuesday, May 16, 2023	Tuesday, May 16, 2023	Tuesday, May 23, 2023	Friday, June 2, 2023	Friday, June 2, 2023	Wednesday, June 7, 2023
Friday, May 26, 2023	Wednesday, June 7, 2023	Tuesday, June 20, 2023	Tuesday, June 20, 2023	Tuesday, June 27, 2023	Friday, July 6, 2023	Friday, July 6, 2023	Wednesday, July 5, 2023
Friday, June 23, 2023	Wednesday, July 5, 2023	Tuesday, July 18, 2023	Tuesday, July 18, 2023	Tuesday, July 25, 2023	Friday, August 4, 2023	Friday, August 4, 2023	Wednesday, August 2, 2023
Friday, July 21, 2023	Wednesday, August 2, 2023	Tuesday, August 15, 2023	Tuesday, August 15, 2023	Tuesday, August 22, 2023	Friday, September 1, 2023	Friday, September 1, 2023	Wednesday, September 6, 2023
Friday, August 25, 2023	Wednesday, September 6, 2023	Tuesday, September 19, 2023	Tuesday, September 19, 2023	Tuesday, September 26, 2023	Friday, October 6, 2023	Friday, October 6, 2023	Wednesday, October 4, 2023
Friday, September 22, 2023	Wednesday, October 4, 2023	Tuesday, October 17, 2023	Tuesday, October 17, 2023	Tuesday, October 24, 2023	Friday, November 3, 2023	Friday, November 3, 2023	Wednesday, November 1, 2023
Friday, October 20, 2023	Wednesday, November 1, 2023	Tuesday, November 14, 2023	Tuesday, November 14, 2023	Tuesday, November 21, 2023	Friday, December 1, 2023	Friday, December 1, 2023	Wednesday, December 6, 2023

Article 5.2.3 Information to be delivered with the staff report should be submitted no less than fifteen (15) days prior to the meeting

Article 5.3 All parties shall be allowed to submit documents into public record up to no less than five (5) days prior to the meeting

APC Rules of Procedure states that the notice in the paper shall appear no less than fifteen (15) days prior to the public meeting

Version Dated November 3, 2023

Boone County Area Plan Commission

116 Washington Street, Room 101

Lebanon, IN 46052

Phone (765) 482-3821 * Fax (765) 483-5241

www.boonecounty.in.gov/apc

Boone County Area Plan Commission

Secondary Commercial Subdivision Application

For Office Use Only: **FILE NUMBER**

Year _____ -18- _____
Twp _____ File # _____

1. Petitioner(s)

Check one: ☐ owner ☐ agent ☐ lessee ☐ contract purchaser ☐ other _____

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

E-Mail Address: _____

2. Property Owner(s)

If Applicant is not the Owner, attach completed Attachment A: Affidavit of Ownership

Name: _____

Address: _____

Phone Number: _____

Fax Number: _____

E-Mail Address: _____

3. Applicant's Contact Person or Attorney and Project Engineer (if any)

Contact Person/ Attorney Name: _____

Project Engineer: _____

Address: _____

Address: _____

Phone Number: _____

Phone Number: _____

Fax Number: _____

Fax Number: _____

E-Mail Address: _____

E-Mail Address: _____

4. Site Information

If only part of a parcel is requested for the Secondary Commercial Subdivision, then write "PART" after the Boone County Parcel Identification Number(s).

Boone County Parcel Identification Number(s): _____

Address: _____

General street location from the closest street intersection: _____

Township

Section

Twp

Range

Existing Use of the Property:

Area (acres or square feet):

Number of Proposed Lots:

Area of Dedicated Open Space (acres)

Current Zoning:

Current Comprehensive Plan designation:

5. Attachments to Include With Application

- | | |
|--|---|
| <input type="checkbox"/> Application Fee: \$700 base fee plus \$20 per lot | <input type="checkbox"/> Clear Transparency |
| <input type="checkbox"/> \$500 base fee plus \$50 per waiver for waivers & variances | <input type="checkbox"/> Attachment A: Affidavit of Ownership (if applicable) |
| For commercial/industrial uses | <input type="checkbox"/> Attachment B: Variance Request (if applicable) |
| <input type="checkbox"/> Legal Description | <input type="checkbox"/> Attachment C: Waiver Request (if applicable) |
| <input type="checkbox"/> 10 Secondary Plat Plans (include copy 11"x17" or smaller) | |
| <input type="checkbox"/> Covenants and Restrictions | |

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature(s) of Applicant(s):

Date:

Notary Statement

Sworn to and subscribed before me the

_____ day of _____, 20____
Notary Public in and for the State of Indiana.

Notary Public / Printed

Seal

My commission expires: _____

For Office Use Only

Date Filed:

Public Notice:

Newspaper Ad:

Date of APC Hearing:

Decision of APC: ☐ unfavorable ☐ favorable ☐ favorable with conditions

Conditions:

Boone County Area Plan Commission
Secondary Commercial Subdivision Application

Attachment A: Affidavit of Ownership

If the owner(s) of the subject property are giving authorization for someone else to apply for the Secondary Commercial Subdivision, this Attachment is to be completed and submitted at the time of application.

I (WE), _____, do hereby certify that I (We) am
(name(s) of owner(s) of subject property)

(are) the owner(s) of the property legally described as _____
(Boone County Parcel Identification Number)

and hereby certify that I (We) have given authorization to _____ to
(Name of Petitioner and Representative (if any))

apply for the Secondary Commercial Subdivision for My (Our) property.

Name of Owner(s):	Parcel Identification Number	Signature:	Date:

Notary Statement

Sworn to and subscribed before me the

_____ day of _____, 20_____
Notary Public in and for the State of Indiana.

My commission expires: _____

Notary Public / Printed

Seal

Boone County Area Plan Commission
Secondary Commercial Subdivision Application
Attachment B: Variance Request

If the applicant requires a Variance to any of the development standards of the Zoning Ordinance, this Attachment is to be completed and submitted at the time of application.

Development Standard for Variance Request	Description of Proposed Alternative
1.	
2.	
3.	
4.	
5.	

Standards for Evaluating Variances

In accordance with the Boone County Zoning Ordinance, all of the following conditions must be met in order to grant a Variance:

1. The Variance will not be injurious to the public health, safety, morals, and general welfare of the community because...
2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because...
3. The strict application of the terms of the Ordinance will continue the usual and unnecessary hardship as applied to the property for which the variance is sought because...

Boone County Area Plan Commission
Secondary Commercial Subdivision Application
Attachment C: Waiver Request

If the applicant requires a Waiver to any of the development standards of the Subdivision Control Ordinance, this Attachment is to be completed and submitted at the time of application.

Development Standard for Waiver Request	Description of Proposed Alternative
1.	
2.	
3.	
4.	
5.	

**Boone County Area Plan Commission
Secondary Commercial Subdivision Application**

Form: Notice of Public Hearing for Newspaper

This information along with the Legal Description is to be published one time in either the Lebanon Reporter or the Zionsville Times Sentinel. The publication is to be at least 15 days prior to the public hearing of the APC according to the Application Schedule. Contact each newspaper for their individual deadlines for publication submittals.

- *Lebanon Reporter - daily publication. (765) 482-4650. Legal notices are due by 12:00 noon five days in advance of the desired publication date.*
- *Zionsville Times Sentinel - Wednesday only publication. (317) 873-6397. Legal notices are due by 5:00pm on the Friday before the Wednesday publication.*

This is to inform you that the Boone County Area Plan Commission will hold a Public Hearing on

_____, 20__ at 7:00p.m. at the _____
(date)
_____, Lebanon, Indiana. Call (765) 482-3821 for the exact location should a conflict occur.

The application submitted by _____ requests a Secondary Commercial
(applicant)
Subdivision to _____ acres of property located in _____ Township at
(acreage)
_____, and which is more specifically described
(property address/location)

in the following legal description. The request is for the purpose of allowing a Secondary Commercial Subdivision. Information regarding this application can be viewed at the Boone County Area Plan Commission Office, 116 Washington Street, Lebanon, Indiana on or before such hearing. Written suggestions or objections relevant to the application may be filed up to five days prior to the hearing. Interested persons desiring to present their views verbally will be given the opportunity to be heard at the above mentioned time and place.

Applicant: _____

Boone County Area Plan Commission
Secondary Commercial Subdivision Application

Form: Notice of Public Hearing for Surrounding Property Owners

This information along with the legal description, site plan, and Notice of Public Hearing brochure is be mailed to each of the surrounding property owners on the list supplied by staff. The notices are to be postmarked at least 15 days prior to the public hearing of the APC according to the Application Schedule.

This is to inform you that the Boone County Area Plan Commission will hold a Public Hearing on

_____, 20__ at 7:00p.m. at the _____
(date)
_____, Lebanon, Indiana. Call (765) 482-3821 for the exact location should a conflict occur.

The application submitted by _____ requests a Secondary Commercial
(applicant)
Subdivision to _____ acres of property located in _____ Township at
(acreage)
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in the following legal description. The request is for the purpose of allowing a Secondary Commercial Subdivision. Information regarding this application can be viewed at the Boone County Area Plan Commission Office, 116 Washington Street, Lebanon, Indiana on or before such hearing. Written suggestions or objections relevant to the application may be filed up to five days prior to the hearing. Interested persons desiring to present their views verbally will be given the opportunity to be heard at the above mentioned time and place.

Applicant: _____