ORDINANCE 2014-06

AN ORDINANCE OF THE TOWN OF CUMBERLAND
AMENDING ARTICLE 11, PLANNED UNIT DEVELOPMENTS, OF THE
CUMBERLAND ZONING ORDINANCE

WHEREAS, the Town Council of the Town of Cumberland, Indiana has adopted
a Zoning Ordinance for the Town that includes regulations for fencing; and

WHEREAS, from time to time this ordinance needs to be amended;

WHEREAS, Town staff initiated the amendment for planned unit development
requirements and the process to obtain approval; and

WHEREAS, on April 23, 2014, the Cumberland Plan Commission conducted a
public hearing on the proposed amendments; and

WHEREAS, in considering this proposal, the Cumberland Plan Commission has
paid reasonable regard to the comprehensive plan, current conditions and the character
of current structures and uses in each district, the most desirable use for with the land in
each district is adapted, the conservation of property values throughout the jurisdiction,
responsible development and growth, and has certified the proposal with a favorable
recommendation to the Cumberland Town Council for the amendments to the Zoning
Ordinance; and

WHEREAS, the Cumberland Town Council has reviewed and considered the
Plan Commission’s recommendation and has decided to adopt these amendments.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF CUMBERLAND, INDIANA AS FOLLOWS:

Section 1. The amendments to the Zoning Ordinance attached as Exhibit A are
adopted.

Section 2. This ordinance shall be effective immediately upon its adoption.

This ordinance is hereby passed and adopted this 7 day of May, 2014.
TOWN COUNCIL OF CUMBERLAND, INDIANA

Joe Siefker, President

Anna Pea, Vice President

Nicole Bell, Member

Brian Gritter, Member

Mark Reynolds, Member

ATTEST:

Grace S. Nick
Clerk-Treasurer
ARTICLE 11 PLANNED UNIT DEVELOPMENTS

00-15-153-11.1 Purpose
00-15-153-11.2 Authority to Vary Regulations
00-15-153-11.3 Ownership
00-15-153-11.4 Minimum Project Area
00-15-153-11.5 Permitted Uses
00-15-153-11.6 Project Density
00-15-153-11.7 Development Standards
00-15-153-11.8 Water and Sewer Availability
00-15-153-11.9 Public Streets
00-15-153-11.10 Utilities
00-15-153-11.11 Procedure for Approval
00-15-153-11.12 Extension and Abandonment
00-15-153-11.13 Recording
00-15-153-11.14 Limitation of Rezoning
00-15-153-11.15 Financial Assurances Requirements
00-15-153-11.16 Procedures for Platting Planned Unit Development
00-15-153-11.17 Minimum Submission Requirements for Planned Unit Developments District

00-15-153-11.1 Purpose.

The Planned Unit Development District is intended to provide a greater degree of flexibility in the design of development. To that end, the District will:

1. Encourage innovation and creativity in the design and layout of developments;
2. Provide for more efficient use of land including the reduction of land area disturbed for utility lines and motor vehicle access;
3. Permit special consideration of property with outstanding natural or topographical features, historical significance, landscape amenities, and size and shape;
4. Encourage imaginative uses of common areas and open space; and
5. Provide for a comprehensive review and approval process aimed at furthering the Comprehensive Plan.

00-15-153-11.2 Authority to Vary Regulations.

In connection with approving a Planned Unit Development District, the Plan Commission and the Town Council shall have the authority to approve a Planned Unit Development District that varies from the provisions of the Zoning Ordinance or of the Subdivision Control Ordinance provided such variation:

1. Will achieve the purposes for which planned unit developments may be approved pursuant to the requirements of this Article;
2. Will not violate the general purposes, goals, and objectives of the Zoning Ordinance and the Town’s Comprehensive Plan; and
3. Will result in a development providing compensating amenities to the Town.

00-15-153-11.3 Ownership.

The owner of the subject property or other person having a legal or equitable interest in the subject property may file a petition for a Preliminary Plan approval and Zoning Map Amendment. At the time of such petition, the subject property shall be held or controlled in a unified manner.
00-15-153-11.4 Minimum Project Area.

There shall be no minimum project acreage for a Planned Unit Development District.

00-15-153-11.5 Permitted Uses.

The uses permitted in a Planned Unit Development District shall be any use or range of uses specified in the petitioner’s Planned Unit Development District Petition establishing such District. The uses shall be reflected in text form and noted on the approved Preliminary Plan and made part of the Planned Unit Development District Petition. Permitted uses may include any residential, commercial, industrial, or other land use identified in Article 12 (Districts and Boundaries) or any individual land use or combination of land uses deemed appropriate by the Plan Commission for the real estate.

00-15-153-11.7 Development Standards

Development standards applicable to a Planned Unit Development District shall be those standards specified in the petitioner’s Planned Unit Development District Petition establishing such District. The development standards shall be reflected in either text form or noted on the approved Preliminary Plan and made part of the Planned Unit Development District Petition. Every petition for a Planned Unit Development District shall specify development standards applicable to each use permitted in the Planned Unit Development.

1. Specific Limitations

A. Open Space

No Planned Unit Development District shall be approved unless such district provides for passive or active open space of at least twenty-five percent (25%) of its gross density. Such space may take the form of parks, playgrounds, landscaped green space, nature walks, and natural areas but such space shall not include schools, community centers, roads and streets, residential yards or areas of public ownership. Only fifty percent (50%) of the area of a detention or retention pond or other body of water may count towards satisfying the open space requirement. Where a planned unit development is to be developed in phases, a portion of the required open space shall be provided in each phase. Maintenance of the open space shall be provided for in the planned unit development’s restrictive covenants recorded as part of the project.

B. Building Space Requirements

No residence or principal building shall be closer than fifteen (15) feet to any other residence or principal building. All residential structures shall be set back from the perimeter of the total tract at least twenty (20) feet. Commercial structures shall be separated from any residential structure a minimum of fifty (50) feet. Industrial structures shall be separated from any residential structure a minimum of one hundred (100) feet.

C. Other Developmental Standards

The petitioner shall specify in the proposed planned unit development ordinance all development standards or which default zoning standards from the Town’s Zoning Ordinance shall apply. Where standards deviate from the default zoning standards the proposed standard shall be directly linked to the intent of the PUD to:

1. Provide a mixed-use development;
2. Provide a creative design; or
3. Address the unusual physical conditions of the site.
Further, the proposed standards must be approved by the Plan Commission and Town Council during the preliminary PUD process.

E. Transitional Landscaped Yards

All transitional landscaped yards shall meet the general requirements of Article 15 (Landscaping Requirements). More Specifically:

(a) Where a commercial use abuts a residential use, a transitional yard of at least twenty (20) feet in width shall be provided. Within the transitional landscaped yard there shall be provided shade trees, shrubs or dense hedges, walls, fences, or mounding in sufficient combination to effectively screen the commercial use from the residential use. Areas not planted with trees, shrubs, and hedges or covered with walls shall be maintained as turf or other pervious ground cover. At a minimum, such yards shall meet the requirements of Section 4-15-10(B).

(b) Where an industrial use abuts a residential use, a transitional landscape yard of at least forty (40) feet in width shall be provided. Within the transitional landscaped yard there shall be provided shade trees, shrubs or dense hedges, walls, fences, or mounding in sufficient combination to effectively screen the industrial use from the residential use. Areas not planted with trees, shrubs, and hedges or covered with walls shall be maintained as turf or other pervious ground cover. At a minimum, such yards shall meet the requirements of Section 4-15-10(B).

(c) Where an industrial use abuts a commercial use, a transitional landscape yard of at least fifteen (15) feet in width shall be provided. Within the transitional landscaped yard there shall be provided shade trees, shrubs or dense hedges, walls, fences, or mounding in sufficient combination to effectively screen the industrial use from the commercial use. Areas not planted with trees, shrubs, and hedges or covered with walls shall be maintained as turf or other pervious ground cover. At a minimum, such yards shall meet the requirements of Section 4-15-10(B).

F. Perimeter Landscaped Yards

Perimeter landscaped yards, a minimum of 10 feet in width, shall be provided along the perimeter of all Planned Unit Developments.

66-15-153-11.8 Water and Sewer Availability.

Attachment to the Cumberland Sanitary Sewer Utility, and to public water facilities, shall be mandatory for any Planned Unit Development developed pursuant to this Section. Petitioner must show at the time of preliminary plan that the appropriate utilities have adequate capacity for the development.

66-15-153-11.9 Public Streets

Each Planned Unit Development developed pursuant to this Article shall have frontage on a public street and gain access from said street.

66-15-153-11.10 Utilities

Underground utilities, including telephone and electrical systems are required within the boundaries of the Planned Unit Development District. Appurtenances to these systems that can be screened may be exempted
from these requirements if the Plan Commission finds that such exemption will not violate the intent or character of the Planned Unit Development District.

00-15-153-11.11 Procedure for Approval

The complete review and approval process for a Planned Unit Development Petition consists of the following elements:

A. Preliminary Plan
   1. Pre-Application Meeting
      a. A Pre-Application meeting between the petitioner and the Director of Planning & Development shall occur a minimum of ten (10) days prior to the filing of a proposed PUD district ordinance and concept plan.
      b. The petitioner shall provide a copy of the conceptual plan, sample elevations, and draft PUD zoning district ordinance text.
      c. The Pre-Application Meeting shall serve as an opportunity to alert the petitioner to potential conflicts with adopted Town policies, plans, and ordinances, as well as an opportunity to alert the petitioner to potential conflicts with affected utility and service providers.
      d. Failure to identify potential conflicts with Town policies, plans and ordinances or with affected utility and service providers at the Pre-Application meeting will not eliminate the responsibility of the petitioner to address issues identified later in the approval process.

2. Application
   a. The application and all required documents shall be submitted in accordance with Section 00-15-153-11.17 of the Zoning Ordinance.
   b. An application must be signed, all required supporting documents attached, and a pre-application meeting held to be considered complete. Only completed applications will be docketed for consideration by the Plan Commission.

3. Neighborhood Meeting
   a. A minimum of fifteen (15) days prior to the scheduled Informational Meeting with the Plan Commission, the petitioner shall host a Neighborhood Meeting for affected property owners.
   b. The purpose of the neighborhood meeting is for the petitioner to inform affected property owners of the proposed project and identify concerns and issues they have with the project.
   c. For the purposes of this section, affected property owners shall be all property owners within 660 feet from the property lines or two properties deep, whichever is less. Additionally, notice of this meeting shall be sent to affected property owners through certified mail or with a certificate of mailing.
   d. The Neighborhood Meeting shall not constitute a public hearing on the proposed Planned Unit Development, and shall not be administered by staff or plan commission members as such. No action may be taken on any proposed PUD zoning district at a Neighborhood Meeting, and no comments, proposed changes, or requested changes shall be considered binding.
   e. The petitioner shall submit a report detailing the events, attendance, and information presented by the petitioner at the Neighborhood Meeting to staff within (10) days after the Neighborhood Meeting. This report shall be made part of the petition file and this report shall be forwarded to the Cumberland Plan Commission by Town Staff as part of the Information Meeting Packet.
   f. Any person or persons in attendance at the Neighborhood Meeting may submit written questions, concerns, or desired changes to the Director of Planning and Development
within ten (10) days after the Neighborhood Meeting. Staff will forward correspondence received to the Plan Commission as part of their packet for the Information Meeting.
g. Staff, Plan Commission Members, and/or Town Council members will not preside over the Neighborhood Meeting nor is their attendance required.

4. Staff Review
   a. Any proposed PUD zoning district shall appear before the staff review committee prior to any public hearing. The staff review committee is composed of representatives of the Planning and Development Department, Public Works Department, Town’s reviewing Engineers, and various Utility Companies servicing the area.
   b. Any PUD zoning district proposing to modify any adopted design or construction standards for street and sidewalk design or utility service shall submit a detailed description of the proposed change.
   c. The staff review committee will submit a written response to the proposed modifications, preliminary plan, and PUD ordinance text prior to the informational meeting with the Plan Commission.

5. Plan Commission Informational Meeting
   a. Upon completion of elements 1-4 of this Section, plan commission staff shall schedule an informational presentation of the proposed PUD zoning district with the Plan Commission.
   b. The informational meeting shall be conducted at a regularly-scheduled Plan Commission meeting. The affected school district(s) shall be invited to attend the meeting.
   c. The informational meeting shall not constitute the required public hearing for the proposed PUD zoning district.
   d. The informational meeting shall be administered by Town staff and members of the Commission in accordance with Plan Commission’s Rules of Procedure.
   e. No action may be taken on any proposed PUD zoning district at an informational meeting, and no comments, proposed changes, or requested changes shall be considered binding.

6. Plan Commission Public Hearing
   a. After completing elements 1-5 of this section the plan commission staff shall schedule the public hearing before the Cumberland Plan Commission.
   b. Legal notice for a public hearing on a proposed PUD zoning district shall be provided in accordance with the terms of Section 00-15-153-04.3 of the Cumberland Zoning Ordinance and with the terms of the Commission’s Rules of Procedure.
   c. The Plan Commission may allow or require the owner of a parcel of property to make written commitments concerning the use or development of the subject property in connection with the recommendation of approval of a Planned Unit Development District. Such written commitments shall be recorded and made part of the Planned Unit Development District.
   d. The Plan Commission, following the public hearing, shall forward its recommendation to the Town Council.

7. Town Council
   a. A PUD petition shall be placed on the Cumberland Town Council agenda within forty-five (45) days of certification of the Plan Commission’s recommendation.
   b. The Town Council shall consider the petition for the Planned Unit Development ordinance in accordance with the procedures for amending the Zoning Map set forth in Article 7 of the Zoning Ordinance.
   c. The Town Council may adopt the proposed PUD zoning district and any associated conditions/commitments, return it to the Plan Commission with proposed amendments, or deny the proposed PUD zoning district.

B. Secondary Plan
   1. Secondary Review of any PUD zoning district shall be delegated to the Cumberland Plan Commission, as per IC 36-7-4-1511.
2. Development Plan Review
   a. Development Plan Review by the Plan Commission shall serve as the secondary review of the PUD for any non-residential portion of any approved PUD zoning district.
      1) Development Plan Review shall be as per Article 6 of the Cumberland Zoning Ordinance.
      2) Any Development Plan Review of an adopted PUD zoning district may consist of the entire area of the adopted PUD zoning district or any portion of the PUD zoning district.
      3) Undergoing Development Plan Review of any portion of an adopted PUD zoning district shall not remove the requirement to plat any newly created, divided or otherwise modified lot in accordance with the terms of the Cumberland Subdivision Control Ordinance.

3. Primary and Secondary Plat
   a. Primary plat review by the Plan Commission shall serve as the secondary review of the PUD for any residential portion of any approved PUD zoning district.
   b. Secondary plat review of any approved PUD zoning district shall be in accordance with the terms of the Town of Cumberland Subdivision Control Ordinance.

C. Phasing Plan Final Plan Review by the Plan Commission
   Phasing Schedule
   If Final Plan approval is not obtained jointly with the petition for Preliminary Plan approval and Zoning Map Amendment, the petitioner shall have a period of three (3) years from the date of the approval of the Preliminary Plan and Zoning Map Amendment to file an application for Secondary Plan approval (either Development Plan Review or Primary Plat) for the Planned Unit Development District. The petitioner shall submit a proposed Final Plan in conformance with submission requirements, plans and data required by Article 4 (Application and Hearings) of the Zoning Ordinance. If a Final Plan approval is filed in phases, each subsequent phase shall be filed for within one (1) year of the prior phase’s approval.

D. Modifications to an Approved Preliminary Plan
   The Final Plan (either Development Plan Review or Preliminary Plat) shall be in substantial compliance with the approved Preliminary Plan. The Plan Commission may, however, as part of its determination to approve a Final Plan, authorize modifications to the permitted uses or the development requirements or standards specified in an approved Preliminary Plan which do not involve:

1. Modification or termination of any condition or commitment of approval;
2. Increase the density or intensity of the project (i.e. additional structures, additional square footage, etc.);
3. a decrease in any required yard;
4. Reduction of open space;
5. an increase in intensity of land uses, provided such increase does not exceed the requirements of Section 4-18-6;
6. the designation of additional permitted uses or the elimination of permitted uses;
7. the reduction in perimeter yards for the Planned Unit Development, but not more than ten percent (10%); or
8. the addition or elimination of right-of-way to the Planned Unit Development;
E. Expiration of Planned Unit Development

1. In the event that Final Plan approval is not obtained for all or a portion of the Project within the time frames outlined above, the Preliminary Plan shall be deemed expired for that portion of the Project that has not received Final Plan approval.
2. Once a Preliminary Plan has expired for any portion of the Planned Unit Development, no development shall occur within the expired portions of the Planned Unit Development until:
   a. A new Preliminary Plan is recommended for approval by the Plan Commission to the legislative body at a public hearing, notice of which shall be given in the same manner as for a petition for Zone Map Amendment;
   b. Such new Preliminary Plan is approved by the legislative body; and,
   c. The Plan Commission approves a Final Plan in accordance with the requirements of this Article.

F. Minor Modifications to an Approved Planned Unit Development District Ordinance

Minor modifications to an approved Planned Unit Development District Ordinance, which do not involve:

1. an increase in the height, area, bulk, or intensity of land uses;
2. the designation of additional permitted uses or the elimination of permitted uses;
3. the reduction in perimeter yards for the Planned Unit Development;
4. the addition of driveways or access points to the Planned Unit Development; or
5. the reduction in the amount of required parking for any use located within the Planned Unit Development;

may be authorized by the Plan Commission without a public hearing in its continuing administration of the Planned Unit Development if, in the determination of the Plan Commission, the requested modifications do not adversely impact the purpose or intent of the overall development. Such minor modifications authorized by the Plan Commission shall be set forth in writing, and made part of the approved Final Plan.

G. Major Modifications to an Approved Planned Unit Development District Ordinance.

If the Plan Commission determines that a proposed modification is of such a nature as to adversely impact the purpose or intent of the overall project, or if the proposed modification includes changes beyond those provided for above, the modifications shall be deemed major. In this case, the petitioner shall then be required to file a new petition for Preliminary Plan approval and Zone Map Amendment.

00-15-153-11.12 Extensions and Abandonment

1. Extensions of Time

   Staff may, for good cause shown, grant an extension of time for obtaining Final Plan approval not to exceed six (6) months. Further, the petitioner may request an additional 6 month extension for accomplishing any matters set forth herein. This second extension may be granted by the Plan Commission at a public hearing where good cause is shown the petitioner will file for Final Plan approval. The petitioner shall request the extension in writing, including the reasons for requesting the extension and the intent to obtain Final Plan approval. In the event that Staff disallows a requested extension, the petitioner may appeal said determination to the Plan Commission within thirty (30) days of being notified of such determination.
2. Abandonment

Abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Final Plan for twenty four (24) consecutive months or upon the expiration of three two (2) years from the date of approval of the Final Plan. An amendment may be initiated by the Town, as provided by law, to the zoning map so that the land will be zoned into a category or categories that most nearly approximate its then existing use or such other zoning category or categories that the legislative body deems appropriate.

00-15-153-11.13 Recording

1. Recording Prior to Construction

A. Prior to the issuance of any Improvement Location Permit or any development occurring:
   1) A copy of the approved PUD zoning district ordinance text shall be recorded with the title to the subject site;
   2) Any concept plan, graphic or other visual rendering adopted as a component of the PUD zoning district ordinance shall be reduced to a legible, recordable form and recorded with the title to the subject site; and
   3) Any written commitments attached during the approval of the PUD zoning district shall be placed on the form adopted by the Town of Cumberland and recorded with the title to the subject site.


This article shall only apply to new Planned Unit Development proposals initiated after the adoption of this ordinance, and any amendments to PUD districts in existence at the time of adoption of this ordinance.

00-15-153-11.17 Minimum Submission Requirements for Planned Unit Developments District

1. Preliminary Plan

   A. Letter of Intent. The letter of intent should provide a brief description of the project.
   B. Petition. A completed petition containing the petitioner’s name (including the beneficial owners of a land trust), address, and proof of interest in the subject property, and the owner’s name and address, if different than the petitioner, and the owner’s signed consent to the filing of the petition.
   C. Legal Description. A legal description of the site proposed for development and the street address of the subject property. The title under which the proposed development is to be recorded, with names and addresses of owners, and notation stating acreage.
   D. Utility Capacity. A letter from the appropriate sanitary sewer and water utilities stating there is adequate capacity in the system for the proposed development.
   E. Preliminary Plan. Five (5) copies of a Preliminary Plan of the Planned Unit Development District prepared at a scale not less than 1" = 200', intended to show the basic concept, scope, character, and nature of the entire proposed planned unit development. The submission shall include:
      1) Boundary lines -- bearings, distances and acreage.
      2) Easements -- location, width and purpose.
      3) Existing land-use adjacent to the site.
      4) Area map insert showing the general location of the proposed planned unit development with major streets identified.
5) Location map showing the names of all adjacent property owners, subdivisions and
their zoning.
6) Tabulation on each separate use area, including land area, number of dwelling units
per acre, and locations of common area.
7) General conditions on adjoining land -- actual direction and gradient of ground slope,
including any embankments or retaining walls; character and location of major
buildings, railroads, power lines, towers and other nearby nonresidential land-uses or
adverse influences; for owners of adjoining platted land refer to subdivision plat by
name, recording date and number and show approximate percent built up, typical lot
size, and dwelling type.
8) Zoning on and adjacent to the tract.
9) Proposed public improvements -- highways and other collector roads planned by public
authorities for future construction on or near the tract.
10) Utilities on, adjacent to, the tract -- location, size and invert elevation of sanitary and
storm sewers; location and size of water mains; location of gas lines, fire hydrants,
electric and telephone lines and street lights; direction and distance to, and size of
nearest water mains and sewers adjacent to the tract showing the invert elevations of
the sewers.
11) Ground elevation on the tract and on the first 50 feet on all adjacent tracts of land
showing one (1) foot contours for land which slopes less than one/half (1/2) percent
along with all breaks in grades, at all drainage channels or swells, and at selected points
not more than 100 feet apart in all directions; for land that slopes more than one-half
(1/2) percent showing two (2) foot contours. Any land within the 100 year floodplain
within the project area shall be identified on these plans.
12) Open space -- all parcels of land intended to be dedicated for public use or reserved for
the use of all property owners, with the purpose indicated.
13) Location, delineation and elevation of all floodway and floodway fringe areas within
the boundaries of the Planned Unit Development District.

F. Schedule. Development schedule indicating:

1. Stages in which project will be built, with emphasis on area, density, use and public facilities,
such as open space to be developed with each stage. Each stage shall be described and mapped
as a unit of the project. Overall design of each unit shall be shown on the plan and through
supporting graphic material.

2. Anticipated dates for beginning and completion of each stage.

G. Typical Floor Plans and Elevations. Five (5) copies of typical floor plans and elevation plans for
all prototype buildings shall be submitted to permit an understanding of the style of the
development, the design of the building, and the number, size, and type of dwelling units.

H. Preliminary Engineering Site Plan. Five (5) copies of Preliminary engineering site plans and
feasibility reports for:

1. Roads, including classification, width of right-of-way, width of pavement, and construction
details.
2. Sidewalks.
4. Storm drainage,
5. Water supply system.
6. Street lighting.
7. Public utilities.

I. Landscaping Plans. Five (5) landscaping plan depicting the location of all buffer and transitional landscaping areas for the planned unit development and a typical perimeter landscaping cross-section plan for the site.

J. Covenants and Restrictions. Four (4) copies of the proposed Covenants and Restrictions for planned unit development.

K. Traffic Analysis. Two (2) copies of a traffic study indicating the impact caused by the planned unit development on the street and highway systems within one (1) mile of the proposed PUD will be required.

L. Fiscal Impact Analysis. A study indicating the fiscal impact of the planned unit development on major taxing bodies which shall include, but not be limited to, the municipal corporation, school district(s), and other taxing bodies. Information will include detailed estimates on: expected population of the development; the operating cost to be incurred by each taxing body; any additional major capital investments required, in part or in whole, because of the planned unit development; revenue generated for each taxing body by the planned unit development to offset service and fiscal demands created by the planned unit development. The study should include a cash flow analysis based on the proposed staging of the planned unit development.

M. Additional Surveys and Studies. If requested by the Zoning Administrator, the following additional surveys and studies shall be provided:

   (a) Market Survey. Documentation indicating the extent of market demand for the uses proposed in the planned unit development including analysis of demographics, sales potentials, competitive alignment, assessment of market share and market positioning of each component of the planned unit development.

   (b) Community Impact Analysis. A study of the impact caused by the planned unit development on planning and development, infrastructure and utilities, transportation, community character, social and development character, and fiscal impact within the City will be required.

   (c) Environmental Analysis. A study analyzing the major impacts of the planned unit development on the environment and all major negative impacts shall be disclosed. Generally, these impacts would include effects on discrete ecosystems, and effects on sensitive land areas, such as floodplains, wetlands, forests, aquifer recharge areas, historic buildings, structures, and roads or prairie landscapes, and mineral resource reserves.

N. Miscellaneous. Staff may require additional documents. Staff shall inform the petitioner of such requirements during the staff review stage. In addition, Staff may, in its professional judgment, waive any of the aforementioned requirements if upon examination such information or data is not relevant to the approval of the Planned Unit Development District.

2. Final Plan

   A. For residential developments, preliminary plat will be considered the final plan approval and subject to the submission requirements in the Subdivision Control Ordinance.

   B. For all other uses, development plan review will be considered final plan approval and subject to the requirements found in Article 6 of the Zoning Ordinance.
MEMORANDUM

TO: ANDREW KLINGER, TOWN MANAGER
    CUMBERLAND TOWN COUNCIL.
FROM: CUMBERLAND ADVISORY PLAN COMMISSION
DATE: APRIL 30, 2014
RE: ZONING TEXT AMENDMENT CASE # ZA 14-01

The Cumberland Plan Commission certifies to you the following report on the Zoning Ordinance Amendment (ZA 14-01) initiated by Town of Cumberland staff.

Staff is requesting a technical amendment to the Zoning Ordinance Article 11, Planned Unit Developments. The amendments address the process to obtain approval as well as minimum requirements.

The Plan Commission held a public hearing for the amendment at their regular meeting on Wednesday, April 23, 2014. The Plan Commission’s recommendation to the Cumberland Town Council is favorable by a vote of 6 to 0. The staff report for the case and Plan Commission’s Findings of Fact are attached.

Cumberland Plan Commission
Town of Cumberland, Indiana

By: Belinda Heller, President

[Signature]
Christine Owens, Secretary

CJO
Enclosures
CASE NUMBER: ZA 14-01
CASE NAME: Planned Unit Development Technical Amendments

1. **The amendment pays reasonable regard to the intent of the Comprehensive Plan.**

2. **Character of current structures and uses in each district.**

3. **The amendment pays reasonable regard to the most desirable use for which the land in each district is adapted.**

4. **The amendment pays reasonable regard to the conservation of property values throughout the jurisdiction.**

5. **The amendment pays reasonable regard to responsible development and growth.**

**DECISION**

It is therefore the decision of the Cumberland Advisory Plan Commission that zoning petition ZA 14-01 be sent to the Cumberland Town Council with a favorable recommendation.

**ADOPTED THIS 23rd DAY OF APRIL 2014.**

[Signature]

**PRESIDENT**

[Signature]

**SECRETARY**

[Signature]

**DIRECTOR OF PLANNING & DEVELOPMENT,**

**TOWN OF CUMBERLAND**
Staff Report

DEPARTMENT OF PLANNING & DEVELOPMENT
Town of Cumberland, Indiana
11501 E. Washington St.
Cumberland, IN 46229

Case Number: ZA 14-01
Case Name: Planned Unit Development Technical Amendments
Report Date: April 16, 2014

GENERAL INFORMATION AND CASE DESCRIPTION

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Rezoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Town of Cumberland</td>
</tr>
<tr>
<td>Owner</td>
<td>NA</td>
</tr>
<tr>
<td>Property Location</td>
<td>NA</td>
</tr>
<tr>
<td>Adjacent Properties:</td>
<td>North: NA</td>
</tr>
<tr>
<td>South: NA</td>
<td>East: NA</td>
</tr>
<tr>
<td>West: NA</td>
<td>Acreage: NA</td>
</tr>
<tr>
<td>Existing Use &amp; Zoning:</td>
<td>NA</td>
</tr>
<tr>
<td>Proposed Use:</td>
<td>NA</td>
</tr>
<tr>
<td>Comprehensive Plan:</td>
<td>NA</td>
</tr>
</tbody>
</table>

PROPERTY AND CASE HISTORY

| Previous Approvals: | NA |
| Related Cases:      | ZA 14-02 |

STAFF COMMENTS

Staff initiated an amendment to the zoning ordinance to address the standards for Planned Unit Developments (PUD). The amendments modify the process to obtain PUD designation to include required neighborhood meetings, an information meeting before the Plan Commission prior to the scheduled public hearing, and allowing the secondary APUD process to follow the subdivision and development plan review processes. Additionally, these amendments address minimum requirements, and buffer yards. This case is associated with ZA 14-02, Landscape Buffers which changes the PUD buffers to reference back to the PUD ordinance.

STAFF RECOMMENDATION

The Plan Commission Staff recommends the Plan Commission make a favorable recommendation to the Town Council for ZA 14-01.

Submitted By:

Christine Owens
Director of Planning & Development
Town of Cumberland, IN