



Town of Cumberland, Indiana
Department of Planning & Development

**APPLICATION PROCEDURES
FOR ZONING AMENDMENT**

A zoning amendment is the process to amend or change the zoning district classification of a particular lot(s) or parcel(s) of land to another zoning district classification.

Prior to Filing Application: Prior to submitting an application for a zoning amendment the applicant should schedule an appointment with the Plan Commission Staff for a preliminary consultation to discuss the proposed project. The Plan Commission schedule shows the deadline for preliminary consultations for each filing deadline. At this meeting the applicant should provide a sketch showing the preliminary details of the project. There is no fee for this meeting.

Application: The application will not be considered complete until all information is received. All applications and supplemental materials must be submitted by close of business on the posted schedule deadline unless stated otherwise and must be completed on the Town's most current application forms. Applications may be picked up at the Cumberland Town Hall, 11501 E. Washington Street, or downloaded at www.town.cumberland.in.us. 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 thirty (30) days prior to the date of the Plan Commission's public hearing;
2. A **legal description** of the property;
3. A **site map** (aerial photograph or a Hancock 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. All **studies** required by the Zoning Administrator (Traffic, Fiscal, Environmental, etc.);
6. A **written statement** of how the proposed amendments relates to the Cumberland Comprehensive Plan; and
7. **Application fees** as set forth below.

Fees: Fees are nonrefundable and are as follows:

- **Application Review Fee** \$400 for map change or \$550 for text amendment by check made payable to the **Town of Cumberland**
- **Traffic Study Review Fee** \$1,500 made out to CrossRoads Engineers, PC.

Technical Review: The Cumberland Plan Commission Staff will schedule a technical review meeting, where Town Staff, including the Town's consulting Engineer(s), will provide written comments. The petitioner will be given an opportunity to address the concerns and submit revised plans, according to the Plan Commission Meeting Schedule. 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 comments will be made available to the applicant prior to the public hearing.



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Public Notification: The following public notification is required –

1. **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 within 660 feet or two (2) properties deep, whichever is less. The applicant should follow the format of the sample letter included in this packet for mailings. A copy of the draft letter shall accompany the application for staff to review and a copy of the letter mailed and signed affidavit attesting to the mailing of the letters shall be submitted to staff prior to the public hearing. If this information is not received prior to the Plan Commission meeting, this will be grounds for an automatic continuance of the case to the next available Agenda.
2. **Newspaper Notification:** The Plan Commission Staff will submit legal notices to the Indianapolis Star East and Greenfield Reporter newspapers for publication at least ten (10) days prior to the date of the Plan Commission hearing.

Plan Commission Meeting: The Plan Commission must hold a public hearing to consider the request for the zoning amendment within 60 days of application submittal. The Plan Commission will forward to the Cumberland Town Council its recommendation on the proposed amendment as being favorable, unfavorable, or no recommendation. The Plan Commission meetings are held on the fourth Wednesday of every month, as long as there is business pending before the Commission, in the Cumberland Town Hall located at 11501 E. Washington St. at 7:00 p.m., unless notified differently.

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



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REQUIREMENT FOR FILING ZONING AMENDMENT CHECKLIST

An application shall include the following items:

1. ___ One (1) completed checklist, **signed and dated**. (Attach completed copy of this form with the application.) *Mark all items N/A (Not Applicable) which do not 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. If application is not complete, staff reserves the right to deny the request to be placed on the Agenda. Be sure to include the following:

___ Project name	___ Nearest intersection
___ Acres	___ Key/Parcel number(s)
___ Project address	___ Current zoning classification
___ Number of lots/parcels	___ Existing land use
___ Section, Township, Range	___ 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. This should include a brief description of the Project, all the circumstance, factors, and arguments that the petitioner offers in support of the proposed amendment, including an explanation of how the petition satisfies each of the standards set forth in Article 7, Section 00-15-153-07.4 of the Zoning Ordinance.
6. ___ Three (3) copies of the Site Plan, which includes the following information:

___ Aerial photograph, Hancock County property map, and/or
concept plan of proposed development on the site.
___ Conceptual Plan
7. ___ Supporting Studies

___ 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. ___ Adjacent property owner(s) list and completed sample notification letter (on your businesses letterhead or personal stationary).

Signature of Person Completing Application

Date



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**APPLICATION FOR
ZONING AMENDMENT**

Applicant(s): _____

Telephone: _____

Address: _____

Fax: _____ Email: _____

Owner(s): _____

Telephone: _____

Address: _____

Fax: _____ Email: _____

Applicant's Attorney

Applicant's Registered Land Surveyor/Engineer

Name: _____

Name: _____

Address: _____

Address: _____

Telephone: _____

Telephone: _____

Property Location: _____

Street Address: _____

Nearest Street Intersection: _____

Section: _____ Township: _____ Range: _____ Parcel Number(s) _____

Existing Zoning Classification

- | | |
|---------------------------------|------------------------------------|
| _____ A-1 Agricultural District | _____ R-6 Residential District |
| _____ C-1 Conservation District | _____ B-1 Business District |
| _____ R-1 Residential District | _____ B-2 Business District |
| _____ R-2 Residential District | _____ I-1 Industrial District |
| _____ R-3 Residential District | _____ I-2 Industrial District |
| _____ R-4 Residential District | _____ PUD Planned Unit Development |
| _____ R-5 Residential District | |

Existing Land Use: _____



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Proposed Zoning District: _____

Proposed Land Use: _____

Surrounding Land Use: North _____ South _____ East _____ West _____

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

I (We) do hereby apply for approval of the zoning amendment of land in accordance with the provisions of the Comprehensive Plan and Zoning Ordinance of Cumberland, Indiana. I (We) am (are) the owner(s) of the real estate included in this application. 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

Signature of Owner(s) or Agent

STATE OF INDIANA }
COUNTY OF HANCOCK } SS:

Subscribed and sworn to before me this _____ day of _____, 20__

Notary Public: Signature

Notary Public: Printed Name

My Commission Expires: _____

Residing in _____ County



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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 in the event additional information is required, to schedule meetings, receive Plan Commission Staff Letters and Recommendations, and to received the Plan Commission's Findings of Fact:

Please type or print legibly.

Business Name: _____

Contact Person: _____

Address: _____

Daytime Phone: _____ Fax Number: _____

Email: _____



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**LETTER GRANTING AUTHORITY FOR AN AGENT
ZONING AMENDMENT**

I (we) do hereby grant authority to _____
(Name of Agent)

To seek Zoning Amendment approval from the Cumberland Plan Commission for the property
located at _____
(Property Address or parcel number(s))

I (we) am (are) the owner(s) of the real estate included in this application.

_____ Date

_____ Signature of Owner(s) or Agent

_____ Signature of Owner(s) or Agent

STATE OF INDIANA }
 }
COUNTY OF HANCOCK } SS:

Subscribed and sworn to before me this _____ day of _____, 20__

_____ Notary Public: Signature

_____ Notary Public: Printed Name

My Commission Expires: _____

Residing in _____ County



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AFFIDAVIT OF NOTICE TO INTERESTED PARTIES
ZONING AMENDMENT
CUMBERLAND PLAN COMMISSION

Affidavit must be submitted prior to the scheduled public hearing.

STATE OF INDIANA)
COUNTY OF HANCOCK) SS:

Re: Request for Zoning Amendment before the Cumberland Plan Commission

(Name of Subdivision and/or Address)

I, _____, do hereby certify that notice to interested parties of the date, time, and place of the public hearing on the above referenced subdivision, Project Number _____, being the application for _____, was certified and mailed to the last known address of each of the following interested persons owning property affected by this petition as defined in the Cumberland Zoning Ordinance (attach additional sheets, if necessary):

Table with 2 columns: OWNERS, ADDRESS. Rows 1-10.

And, that said notices were sent by certified mail on or before the _____ day of _____, 20__, being at least ten (10) days prior to the date of the public hearing.

STATE OF INDIANA)
COUNTY OF HANCOCK) SS:
Subscribed and sworn to before me this _____ day of _____, 20__.

Notary Public: Signature Notary Public: Printed Name
My Commission Expires: _____ Residing in _____ County



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**SAMPLE PUBLIC NOTIFICATION LETTER
ZONING AMENDMENT
(to be placed on applicants letterhead)**

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 Cumberland Plan Commission for a zoning amendment for **(site address)** in the Town of Cumberland, Indiana, in Section _____, Township _____, Range _____ located near **Give address and the Nearest Street Intersection)**. The property is currently zoned _____ and the _____ zoning is requested to allow for _____.

A copy of this application, legal description, and all development plans pertaining to the zoning amendment are on file and available for examination prior to the public hearing in the Planning and Development Department at the Cumberland Town Hall located at 11501 E. Washington Street, Cumberland, Indiana, 46229 between the hours of 9 a.m. and 4 p.m., 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 Cumberland Town Hall at the above address and such objections will be considered.

The Cumberland Plan Commission will hold a public hearing on this proposed major subdivision in the Cumberland Town Hall located at 11501 E. Washington Street, Cumberland, IN 46229 on **(Date of the Public Hearing)** at 7:00 p.m.

Very Truly Yours,

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