

AGENDA
CITY OF ELKHART PLAN COMMISSION
MONDAY, MARCH 2, 2026 AT 1:45 P.M.
COUNCIL CHAMBERS – MUNICIPAL BUILDING

This meeting can also be accessed via WebEx. To join, go to <https://signin.webex.com/join>, enter **2309 098 7034** as the meeting number and “**Plan2026**” as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to Carla.Lipsey@cityofelkhartin.gov prior to the meeting.

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES, February 2, 2026.**
4. **APPROVAL OF PROOFS OF PUBLICATION**

26-SUB-01 PETITIONER IS RC HOLDINGS, LLC
PROPERTY IS LOCATED AT 2900 & 2912 DEXTER DR

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a replat of a subdivision to be known as ‘RC Holdings Replat,’ a replatted two-lot subdivision; a part of the Southwest Quarter of Section 19, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.

To also permit an ingress-egress parking and access easement as depicted on the plat. Also, a fifteen (15) foot drainage easement on Lot 1A for the benefit of Lot 1B.

26-TXT-02 PETITIONER IS City of Elkhart
PROPERTY IS LOCATED AT All properties located within the City of Elkhart

The City of Elkhart seeks the review and adoption of updated language found in the Unified Development Ordinance (UDO).

5. **STAFF ITEMS**

26-SI-03

Approval of proposed addresses for the City of Elkhart.

6. **ADJOURNMENT**

PLEASE REMEMBER TO USE YOUR MICROPHONE WHEN SPEAKING.
ERRORS IN THE MINUTES MAY RESULT DUE TO VOICES BEING INAUDIBLE.

PLAN COMMISSION MEMBERS

<u>Name</u>	<u>Term</u>	<u>Appointed By</u>
Jeff Schaffer, President	August 4, 2025- December 31, 2029	City Civil Engineer
Aaron Mishler, Vice President	February 7, 2022 – December 31, 2026	City Council
Dave Osborne	January 1, 2023 – December 31, 2026	Mayor
Andy Jones	September 16, 2025- December 31, 2026	Board of Works
Diana Lawson	March 6, 2023 – December 31, 2027	Mayor
Dan Boecher	January 2, 2024 – December 31, 2027	Mayor
Bil Murray	October 15, 2025- December 31, 2026	Park Board
Rochali Newbill	February 5, 2024 – December 31, 2027	Mayor

PLAN COMMISSION

-MINUTES-

**Monday, February 2, 2026 - Commenced at 1:45 P.M. & adjourned at 1:55 P.M.
City Council Chambers – Municipal Building**

The Elkhart City Plan Commission was called to order by Jeff Schaffer at 1:45 P.M.

MEMBERS PRESENT

Dan Boecher
Andy Jones
Dave Osborne
Rochali Newbill
Bil Murray
Aaron Mishler
Jeff Schaffer

MEMBERS ABSENT

Diana Lawson

REPRESENTING THE PLANNING DEPARTMENT

Eric Trotter, Assistant Director for Planning
Kyle Anthony-Petter, Planner II

LEGAL DEPARTMENT

Maggie Marnocha, Corporation Counsel

TECHNOLOGY STAFF

Andrew Kreider

RECORDING SECRETARY

Carla Lipsey

APPROVAL OF AGENDA

Motion to approve by Osborne; Second by Jones. Voice vote carries.

APPROVAL OF MINUTES

Motion to approve by Mishler; Second by Boecher. Voice vote carries.

During our training, Schaffer noted that when making a motion to add a finding of fact, we should refer to the staff report. We need to agree with the facts presented in the staff report and consider them our findings of fact if we decide to approve an application. This is a standard procedure for the BZA. While I can suggest a motion, I believe we should start working on this based on what we learned in the training.

Mishler suggests that, at a minimum, we should clearly state the motion rather than simply saying "I." We should propose the motion directly, with someone stating, "I move to approve the minutes." Then, another

person can second the motion and make the recommendation. This way, we ensure that two individuals are involved in the process.

26-PUDA-02 PETITIONER IS BRITTANY LLC
PROPERTY IS LOCATED AT 2915 Brittany Court

Per Section 20.10.A.2, a Minor Amendment to a Final Site Plan for 2915 Brittany Court; to allow for the installation of a double drive-through, order canopy (sign) and an additional vehicle height detector.

STAFF ANALYSIS

The petitioner is requesting a Per Section 20.10.A.2, a Minor Amendment to a Final Site Plan for 2915 Brittany Court; to allow for the installation of a double drive-thru, order canopy (sign) and an additional vehicle height detector.

The petitioner is requesting the ability to establish a double drive-through lane to accommodate more cars at the restaurant. The petitioner provides in their material that the updated lane configuration allows for reduced wait times and increased efficiency. The technology maintains sequential order for the customer, so food orders are correct.

The main benefit is reduced wait time. This double lane configuration is common now with most restaurants that have drive-through windows. To accommodate the revised drive through, the perimeter parking spaces will be reconfigured to angle parking. Thus, reinforcing a counterclockwise travel path for restaurant patrons.

The request will also permit additional menu signage and a vehicle height detector for the second lane. Plus, the second lane will provide a small canopy at the order box to allow the customer to be dry at the time the order is placed. All of these items are common and expected as part of a double drive configuration.

Staff has no objection to the request.

STAFF RECOMMENDATION

The Staff recommends approval of the minor amendment to the Planned Unit Development, Per Section 20.10.A.2, a Minor Amendment to a Final Site Plan for 2915 Brittany Court; to allow for the installation of a double drive-through, order canopy (sign), and an additional vehicle height detector, based on the following findings of fact:

1. The Comprehensive Plan calls for this area to be developed with Mixed Land uses. The proposed use is a commercial restaurant and is compatible with the mixed land uses that surround the site.
2. The proposed development modification should not impact the adjacent properties within the PUD. The proposed drive-through modification should not negatively impact surrounding properties.
3. There is no increase in density or new use proposed. The project complies with the permitted uses in the Planned Unit Development.

Eric mentioned that there were no letters request as this is a minor amendment.

Schaffer asks if there are questions from the Commission.

Mishler is asking whether Brittany Court is maintained by the city or is a private street.

Trotter replies, private street.

Mishler continues to ask if, with the current configuration, traffic has backed up into Brittany. In my opinion, this will be a positive step for public safety.

Schaffer calls the petitioner forward.

Tray Watts, representing Springfield Signs at 4825 E. Carney in Springfield, Missouri, is speaking on behalf of the petitioner. I represent Culver's, the franchisee, on a national level. We offer the double drive-thru product, and the reasons the staff support our request.

I would like to add a reference point: if this restaurant were built today, it would include a double drive-thru. All the restaurants we are building now come equipped with a double drive-thru, as this has become the standard moving forward post-COVID. This is the reason for our request.

Schaffer stated that this item does not require a public hearing.

Schaffer calls for a motion.

Jones makes a motion to approve 26-PUDA-02 and adopt the petitioner's documents and presentation, together with the Staff's findings of fact, as the Board's findings of fact in the present petition; Second by Mishler.

Schaffer mentioned, just to note, that Rochali Newbill has arrived.

Murray-Yes
Osborne-Yes
Boecher-Yes
Jones-Yes
Newbill-Yes
Mishler-Yes
Schaffer- Yes

NEW BUSINESS

26-SI-02 PETITIONER IS City of Elkhart

PROPERTY IS LOCATED AT City of Elkhart

Approval of proposed addresses for the City of Elkhart.

STAFF ANALYSIS

The Planning and Zoning Department is requesting approval of the addresses that have been reserved for structures in the City of Elkhart.

Residential

3108 Homer Avenue New Single-Family Dwelling 20-06-16-479-003.000-012

3114 Homer Avenue New Single-Family Dwelling 20-06-16-479-004.000-012

3118 Homer Avenue New Single-Family Dwelling 20-06-16-479-005.000-012
3122 Homer Avenue New Single-Family Dwelling 20-06-16-479-006.000-012
117 West Jackson Blvd, Unit 101, 102 Readdress for two added units on the first floor

Residential Subdivision

Commercial

3598 Atlas Drive- Lift Station-Public Works

Industrial

1210 D I Drive New Building 20-02-19-326-006.000-027

Schaffer asks if there are questions from the Commission.

Schaffer calls for a motion.

Jones makes a motion to approve with a Do-Pass Recommendation; Seconded by Mishler. Motion carries.

Trotter would like to thank all the members who participated in the training last week. This training was held in accordance with a council directive for the Board of Zoning Appeals (BZA) and the Plan Commission. I appreciate the members' involvement in this effort. We had good attendance, and there will be a make-up date in March for both the Plan Commission and the BZA, with sessions scheduled for the morning and afternoon.

Lipsev announced that the meeting is scheduled for March 5th.

ADJOURNMENT

Schaffer calls for a motion to adjourn the meeting. Jones approves the motion to adjourn and is seconded by Mishler. Meeting is adjourned and all are in favor.

Jeff Schaffer, President

Aaron Mishler, Vice-President

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Plans, Specifications and bidding documents may be obtained from the Elkhart County Highway Department, website at www.elkcohighway.org starting at 9:00 AM on February 20, 2026. Plans, Specifications and Bidding Documents may not be obtained prior to this date.

Plans, Specifications and Bidding Documents will be available for inspection at the Elkhart County Highway Department Office, 610 Steury Ave, Goshen, Indiana starting on February 20, 2026. A pre-bid meeting will not be held for this project.

Proposals shall be properly and completely executed on proposal forms furnished by the County in accordance with Indiana Form 96 and shall be accompanied by the Contractor's Financial Statement form taken from Form 96 for any proposal of \$5,000 or more.

The Contractor shall submit an itemized proposal of the approximate quantities and components of labor and materials to complete the contract. Said proposal shall be upon the standard bid sheets used by Elkhart County, and said sheet must contain an authorized signature of the Contractor, or the bid of the Contractor may, at the discretion of Elkhart County, be rejected and declared invalid. Each proposal shall be accompanied by a non-collusion affidavit as required by the Statutes of Indiana and included on Form 96. Bids shall be enclosed in a sealed envelope, bearing the title of the project and name and address of bidder.

A current Contractor's Financial Statement taken from Form 96 and the Indiana Department of Transportation prequalification certificate may be placed on file with the Board of County Commissioners of Elkhart County at the Highway Division annually in lieu of executing these documents for each project.

All work may begin on July 6, 2026, and shall be completed by November 2, 2026. Delays in completion beyond that date shall result in liquidated damages levied against the Contractor by Elkhart County. The damage charges shall be \$1,000.00 per day beyond the above stated date and any intermediate completion dates noted in the specifications.

A satisfactory bid bond (10% of bid), payable to the Board of County Commissioners of Elkhart County, Indiana executed by the bidder shall be submitted with each bid.

No bids shall be withdrawn after the opening of the bids without the consent of the Board of Commissioners of Elkhart County for a period of thirty (30) days after the scheduled time of closing.

Said work shall be subject to all the provisions of the plans and specifications therefore herein above referred to including the completion date thereof and penalty clause as therein set forth.

The Board of County Commissioners reserves the right to reject any and all Bids or to waive any informalities in the bidding.

Dated this 9th day of February 2026
Board of County Commissioners of Elkhart County

Attest:
Tiara Jackson, Elkhart County 1st Deputy Auditor HSPAXLP

Cleveland Township, Elkhart County, Indiana Annual Financial Report - 2025 Cash & Investments Combined Statement

Local Fund Number	Local Fund Name	Beg Cash & Inv Bal	Receipts	Disbursement	End Cash & Inv Bal
		Jan. 1, 2025			Dec. 31, 2025
Governmental Activities					
0061	RAINY DAY FUND	\$333,406.89	\$0.00	\$2,000.00	\$331,406.89
0101	TOWNSHIP FUND	\$1,167,230.49	\$1,305,833.44	\$649,641.58	\$1,823,422.35
0840	TOWNSHIP ASSISTANCE	\$148,752.06	\$187,851.16	\$109,214.38	\$227,388.84
1105	TOWNSHIP FIRE FUND	\$1,467,850.06	\$2,678,624.44	\$2,548,374.83	\$1,598,099.67
1106	TOWNSHIP EMS SERVICES	\$436,695.87	\$308,955.52	\$141,999.45	\$603,651.94
1150	GRANT/NORFOLK SOUTHERN RAILWAY co.	\$0.00	\$20,500.00	\$20,500.00	\$0.00
1181	FIRE BUILDING DEBT	\$69,516.88	\$335,689.89	\$497,660.75	-\$92,453.98
1190	CUMULATIVE FIRE FUND	\$237,164.08	\$217,598.72	\$180,000.00	\$274,762.80
1312	RECREATION FUND	\$1,137.00	\$3,645.08	\$2,087.50	\$2,694.58
9999	PAYROLL DEDUCTIONS	-\$7,146.79	\$537,306.28	\$530,159.49	\$0.00
GRAND TOTAL		\$3,854,606.54	\$5,596,004.53	\$4,681,637.98	\$4,768,973.09

LEGAL NOTICE #26-TXT-02

Hearing on proposed #26-TXT-02

NOTICE is hereby given that the City of Elkhart Plan Commission will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana, on **MONDAY, MARCH 2, 2026, at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on text amendment #26-TXT-02.

Legal Notice:

Notice is hereby given that the City of Elkhart Plan Commission will hold a public hearing on amendments to the Unified Development Ordinance on March 2, 2026, at 1:45 pm. in the Council Chambers of the Municipal Building, 229 S Second Street, Elkhart, Indiana. The commission will review and take public comment at that time.

The amendments are as follows:

- The following terms are being added to Chapter 17 Language Rules and Definitions - Lot Width, Dwelling unit width, Frontage (update to mention right-of-way), Build-To Zone, Footprint/ Building Coverage (add to lot coverage definition), Setback, Setback, side-interior, Setback, side-street, Building Step Back or Height Step Back, Primary Street or Front Street front, Secondary Street or Side Street front, Ground Floor, Ground Floor Area, Floor-to-ceiling, Separation (between buildings or use), Access (pedestrian, bicycle, or vehicle), Primary pedestrian entrance or street front entrance, Common Outdoor Space, Blank wall and Transparency. Graphic depictions will also be added to clarify and convey the topic/element being defined.
- Update Use Specific Conditions to remove the Conditional Use requirement from Section 4.8.2 - Battery Energy Storage Systems. As written, the Special Exception process provides review by Plan Commission and final review by the Board of Zoning Appeals. This update will eliminate redundancy of the review process.

The proposed amendments are now available for review during regular business hours at the Permit Center in the Municipal Building, 229 S Second Street, Elkhart, Indiana. Any questions may be directed to Eric Trotter at 574-294-5471, Extension 3151.

This meeting can also be accessed via WebEx. Virtual attendance is strongly encouraged but not mandatory; however, City Hall is open for in-person participation. To join, go to <https://signin.webex.com/join>, enter 2309 098 7034 as the meeting number and "Plan2026" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to Carla.Lipsey@cityofelkhartin.gov prior to the meeting.

Arguments for and against the granting of the above-designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Commission, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 13th day of February 2026, by the City of Elkhart, Plan Commission. HSPAXLP

LEGAL NOTICE #26-SUB-01

Hearing on proposed Subdivision #26-SUB-01

NOTICE is hereby given that the City of Elkhart Plan Commission will meet in the Council Chambers on the second floor of the Municipal Building, 229 South Second Street, Elkhart, Indiana, on **Monday, March 2, 2026, at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on Subdivision #26-SUB-01.

Petitioner: RC Holdings, LLC

Request: Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a replat of a subdivision to be known as 'RC Holdings Replat,' a replated two-lot subdivision; a part of the Southwest Quarter of Section 19, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.

To also permit an ingress-egress parking and access easement as depicted on the plat. Also, a fifteen (15) foot drainage easement on Lot 1A for the benefit of Lot 1B.

Location: 2900-2912 Dexter Drive

Zoning: M-2, General Manufacturing District

This meeting can also be accessed via WebEx. Virtual attendance is strongly encouraged but not mandatory; however, City Hall is open for in-person participation. To join, go to <https://signin.webex.com/join>, enter 2309 098 7034 as the meeting number and "Plan2026" as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted via the WebEx app during the meeting or may be submitted to carla.lipsey@cityofelkhartin.gov prior to the meeting.

LEGAL DESCRIPTION:

Lot Numbered 1 as the said Lot is known and designated on the recorded Plat of Wagner's Replat of Lots 4 and 5 of Elk-Air Industrial Park, a Subdivision in Osolo Township, Elkhart County, Indiana; said Plat being recorded in Plat Book 35, page 25 in the Office of the Recorder of Elkhart County, Indiana.

Also,

Lot Numbered 3 as the said Lot is known and designated on the recorded Plat of Elk-Air Industrial Park Subdivision, in the City of Elkhart, Indiana; said Plat being recorded in Plat Book 10, page 101 in the Office of the Recorder of Elkhart County, Indiana.

EXCEPTING: A part of Lot 3 as shown on the recorded Plat of Elk-Air Industrial Park Subdivision, in Osolo Township, Elkhart County, Indiana, said Plat being recorded in Plat Book 10, page 101 in the Office of the Recorder of Elkhart County, Indiana, and being more particularly described as follows:

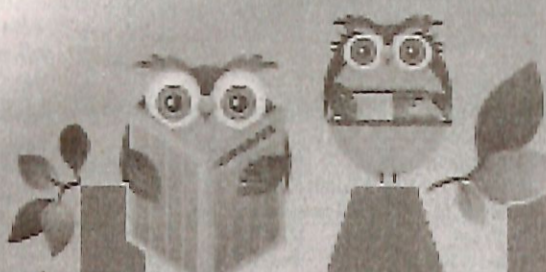
Beginning at an iron stake on the East line of said Lot 3, said stake being 58.22 feet North of the Southeast corner of said Lot 3; thence South along the East line of said Lot 3, a distance of 58.22 feet to an iron stake marking the Southeast corner of said Lot 3; thence West along the South line of said Lot 3, a distance of 115.04 feet to an iron stake; thence Northeastwardly, a distance of 128.89 feet to the place of beginning of this description.

Arguments for and against the granting of the above-designated petition will be heard at this meeting.

PLEASE NOTE: A copy of this petition is on file in the Planning Office for public examination prior to the hearing. Written objections to this petition which are filed with the Secretary of the Commission, located in the Planning Office, prior to the hearing will be considered. The hearing may be continued from time to time as may be found necessary.

Dated at Elkhart, Indiana this 13th day of February 2026, by the City of Elkhart, Plan Commission. HSPAXLP

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City of Elkhart

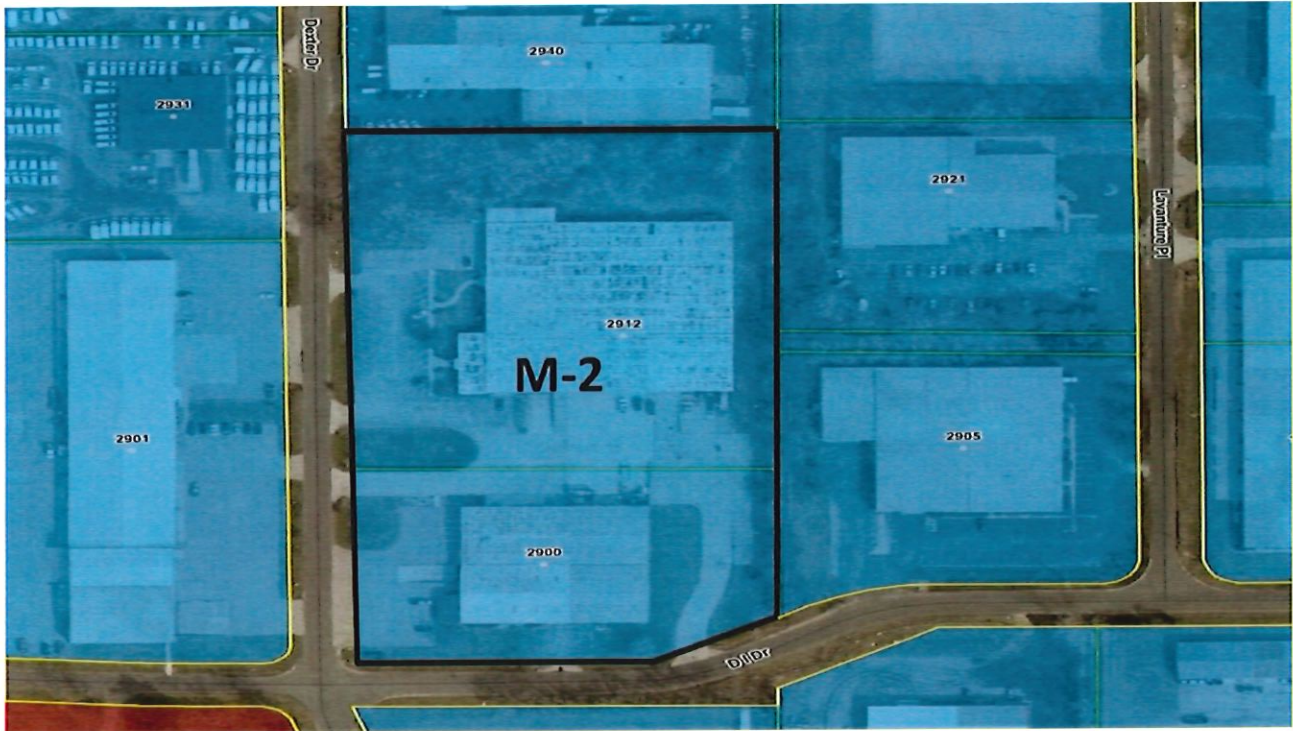
Staff Report

Planning & Zoning

<u>Petition:</u>	26-SUB-01
<u>Petition Type:</u>	Subdivision
<u>Date:</u>	March 2, 2026
<u>Petitioner:</u>	RC Holdings, LLC
<u>Site Location:</u>	2900-2912 Dexter Drive
<u>Request:</u>	<p>Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a replat of a subdivision to be known as 'RC Holdings Replat,' a replatted two-lot subdivision; a part of the Southwest Quarter of Section 19, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.</p> <p>To also permit an ingress-egress parking and access easement as depicted on the plat. Also, a fifteen (15) foot drainage easement on Lot 1A for the benefit of Lot 1B.</p>
<u>Existing Zoning:</u>	M-2, General Manufacturing District
<u>Size:</u>	+/- 6.70 Acres
<u>Thoroughfares:</u>	Dexter Drive and D.I. Drive
<u>School District:</u>	Elkhart Community Schools
<u>Utilities:</u>	Available and provided to site.
<u>Plan Commission Action:</u>	Approval or disapproval with conditions; Final Plat submitted to Plat Committee for final approval.
<u>Surrounding Land Use & Zoning:</u>	The subject property is surrounded by manufacturing uses.
<u>Applicable Sections of the Zoning Ordinance:</u>	Article 4 of the Subdivision Ordinance

Comprehensive Plan:

The Comprehensive Plan calls for the land to be developed with manufacturing uses.



Staff Analysis

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a replat of a subdivision to be known as 'RC Holdings Replat,' a replatted two-lot subdivision; a part of the Southwest Quarter of Section 19, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana. To also permit an ingress-egress parking and access easement as depicted on the plat. Also, a fifteen (15) foot drainage easement on Lot 1A for the benefit of Lot 1B.

The property contained within this request is located in an older industrial subdivision on the north side of the city. The parcels had been previously owned by one company so the issues highlighted in the request before this body today were not relevant. The need for the replat and new easement is because there are new owners and different businesses in each building. The project has been submitted for Technical Review as there is another building proposed on the future Lot 1B.

The first part of the request is preliminary approval of the replatted lots in the Elk Air Industrial Park Subdivision and Wagner's Replat of Lot 4 and 5. The replat will adjust the lot line between Lots 1 and 3 by approximately 26 feet to the north. This action will create new Lots 1A and 1B – as depicted on the graphic included in your packet.

The second part of the request will establish an ingress-egress parking easement. This easement is intended to address several site-specific conditions. First it will permit employees and customers for either parcel the ability to drive and park within the easement area. Second it will allow semi-trucks access to the common drive and truck docks that front the easement area for both buildings.

Also to approve a fifteen (15) foot drainage easement across Lot 1A for the benefit of Lot 1B. There is a common retention area on the north end of Lot 1A.

Staff Recommendation

Per IC 36-7-4-702, a plan commission must consider when determining whether to grant primary/preliminary approval of a plat, the plan commission shall determine if the plat or subdivision qualifies for primary/preliminary approval under the standards prescribed by the subdivision control ordinance.

Under the 700 Series of the Indiana Code Statues, the review of primary/preliminary plats are ministerial and if the proposed preliminary/primary plat has adhered to all of the requirements prescribed by the subdivision control ordinance, the plan commission must grant approval, thereby,

The City of Elkhart Planning Staff has reviewed the subject petition and recommends **approval** of Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a replat of a subdivision to be known as 'RC Holdings Replat,' a replatted two-lot subdivision; a part of the Southwest Quarter of Section 19, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana:

And, to also permit an ingress-egress parking and access easement as depicted on the plat. Also, a fifteen (15) foot drainage easement on Lot 1A for the benefit of Lot 1B, based on the following findings of fact:

- 1) The replatted lots will not be impacted by either of the easements found in the request;
- 2) The proposed request results in no increase in the number of lots. The creation of an ingress-egress access easement as defined by the Zoning and Subdivision Ordinance allows for the use of parking and truck turning movements for the existing truck docks;
- 3) The proposed replat and proposed access easement will not compromise any existing development.

Conditions:

- 1) The approval is preliminary only. The applicant must submit the required application materials for Final Plat Approval to the Plat Committee as per Article 5 of the Subdivision Ordinance prior to the issuance of any permits for construction or sale of property.
- 2) Approval is tentative and shall be valid for a maximum period of twelve (12) months. The City Plan Commission may grant an extension upon written request. If the final plat has not been recorded within the time limit, the primary approval is null and void and the preliminary subdivision plan must be resubmitted for approval.

Photos





Attachments

Petition and primary plat.

PETITION #: 26-Sub-01

FILING FEE: \$ 500.00

PETITION to the PLAN COMMISSION

PETITION TYPE: MAJOR SUBDIVISION

Property Owner(s): RC Holdings, LLC

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Ryan Casey

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Subject Property Address: 2900 & 2912 Dexter Drive, Elkhart, IN 46514

Zoning: M-2

Present Use: Industrial Proposed Use: Industrial

NOTE: The petitioner is the legal property owner of record, or a certified representative, and agrees the above information is accurate. Failure to provide a legal signature or accurate information will make this application null and void.

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): Christian F. Marbach, Agent for the property owner

SIGNATURE(S): *Christian F. Marbach* DATE: 1/7/2026

STAFF USE ONLY:

Staff Checklist for the applicant's submittal of a complete Petition to the Plan Commission docket:

- A completed Petition form signed by the legal owner of record (or approved representative).
- A completed Application for Approval of a New Subdivision.
- If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.
- A full and accurate legal description of the property.
- One to scale drawing of the property. If larger than 11" x 17", 12 copies must be submitted.
- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property. (Optional)
- Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

City of Elkhart

Application for Approval of a New Subdivision in the City of Elkhart

Date: January 7, 2026

City of Elkhart Plan Commission
Municipal Building
229 S. Second Street
Elkhart, Indiana 46516

Dear Plan Commission:

Preliminary approval is hereby requested for a subdivision to be known as:

RC HOLDINGS REPLAT OF WAGNER'S REPLAT OF LOT 4 AND LOT 5 ELK-AIR INDUSTRIAL PARK SUBDIVISION
AND PART OF LOT 3 ELK-AIR INDUSTRIAL PARK SUBDIVISION

Said Subdivision is legally described as follows: (attach legal description).

Lot Numbered 1 as the said Lot is known and designated on the recorded Plat of Wagner's Replat of Lots 4 and 5 of Elk-Air Industrial Park, a Subdivision in Osolo Township, Elkhart County, Indiana; said Plat being recorded in Plat Book 35, page 25 in the Office of the Recorder of Elkhart County, Indiana.

Also,

Lot Numbered 3 as the said Lot is known and designated on the recorded Plat of Elk-Air Industrial Park Subdivision, in the City of Elkhart, Indiana; said Plat being recorded in Plat Book 10, page 101 in the Office of the Recorder of Elkhart County, Indiana.

EXCEPTING: A part of Lot 3 as shown on the recorded Plat of Elk-Air Industrial Park Subdivision, in Osolo Township, Elkhart County, Indiana, said Plat being recorded in Plat Book 10, page 101 in the Office of the Recorder of Elkhart County, Indiana, and being more particularly described as follows:

Beginning at an iron stake on the East line of said Lot 3, said stake being 58.22 feet North of the Southeast corner of said Lot 3; thence South along the East line of said Lot 3, a distance of 58.22 feet to an iron stake marking the Southeast corner of said Lot 3; thence Westerly along the South line of said Lot 3, a distance of 115.04 feet to an iron stake; thence Northeastwardly, a distance of 128.89 feet to the place of beginning of this description.

RC HOLDINGS REPLAT OF WAGNER'S
REPLAT OF
LOT 4 AND LOT 5 ELK-AIR
INDUSTRIAL PARK SUBDIVISION AND PART OF
LOT 3 ELK-AIR INDUSTRIAL PARK SUBDIVISION
PART OF THE SOUTHWEST 1/4 OF
SECTION 19, T38N, R5E
OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA

* Note:
A 1000 sq. ft. area is reserved as a storm water retention pond to be sited on the plat, Elk-Air Industrial Park Subdivision and Elk-Air Industrial Park Subdivision. Such retention pond and restriction shall continue to exist until such time as an approved, alternate method of storm water disposal is made available to the areas served by this restriction.

LAND DESCRIPTION

LOT NUMBERED 1 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF WAGNER'S REPLAT OF LOTS 4 AND 5 OF ELK-AIR INDUSTRIAL PARK, A SUBDIVISION IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA, SAID PLAT BEING RECORDED IN PLAT BOOK 30, PAGE 22 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

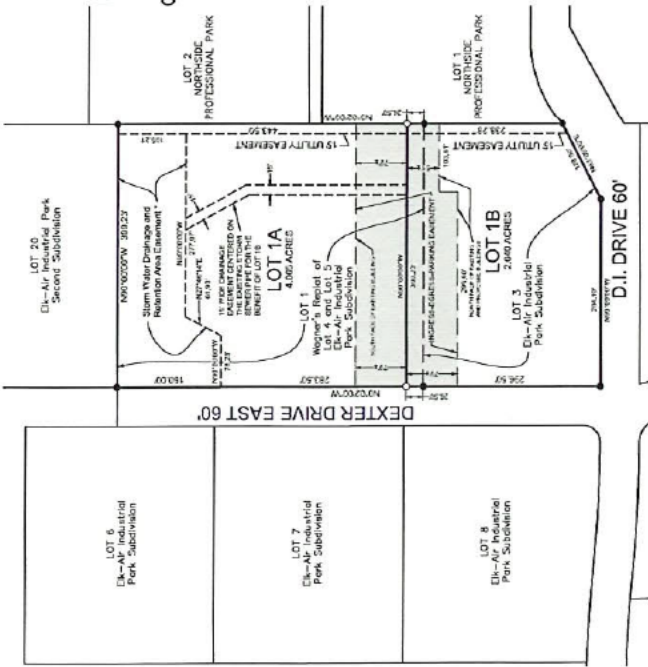
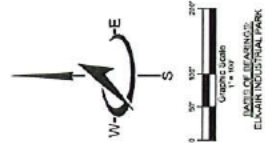
ALSO,

LOT NUMBERED 3 AS THE SAID LOT IS KNOWN AND DESIGNATED ON THE RECORDED PLAT OF WAGNER'S REPLAT OF LOTS 4 AND 5 OF ELK-AIR INDUSTRIAL PARK, A SUBDIVISION IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA, SAID PLAT BEING RECORDED IN PLAT BOOK 30, PAGE 101 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA.

EXCEPTING A PART OF LOT 3 AS SHOWN ON THE RECORDED PLAT OF ELK-AIR INDUSTRIAL PARK SUBDIVISION, IN OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA, SAID PLAT BEING RECORDED IN PLAT BOOK 10, PAGE 101 IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT AN IRON STAKE ON THE EAST LINE OF SAID LOT 3, SAID STAKE BEING 58.22 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 3; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 58.22 FEET TO AN IRON STAKE MARKING THE SOUTHEAST CORNER OF SAID LOT 3; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 115.04 FEET TO AN IRON STAKE; THENCE NORTHEASTWARDLY, A DISTANCE OF 128.88 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION.

CONTAINING 6.705 ACRES



PROJECT:	RC HOLDINGS, LLC PLAT OF LOT 4 AND LOT 5 ELK-AIR INDUSTRIAL PARK SUBDIVISION AND PART OF LOT 3 ELK-AIR INDUSTRIAL PARK SUBDIVISION
DATE:	07/20/2018
BY:	SAI/K
FOR:	RC HOLDINGS, LLC
SCALE:	AS SHOWN
REVISIONS:	0
DATE:	
BY:	
FOR:	
SCALE:	
REVISIONS:	

PROJECT: RC HOLDINGS, LLC PLAT OF LOT 4 AND LOT 5 ELK-AIR INDUSTRIAL PARK SUBDIVISION AND PART OF LOT 3 ELK-AIR INDUSTRIAL PARK SUBDIVISION



RC Holdings

MEMORANDUM

DATE: January 13, 2026

TO: City of Elkhart

FROM: RC Holdings, LLC

SUBJECT: Authorization for Third-Party Representation – Application Number A26-0001
2900 & 2912 Dexter Drive

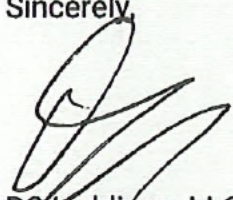
This memorandum serves as formal authorization for **Christian F. Marbach**, Program Manager at Surveying And Mapping, LLC to act as my designated representative regarding the submission and management of Application Number A26-0001, 2900 & 2912 Dexter Drive.

Specifically, Mr. Marbach is authorized to:

- Execute and submit all necessary application forms.
- Provide supplementary documentation and respond to requests for information.
- Communicate directly with [Recipient Organization] officials regarding this matter.

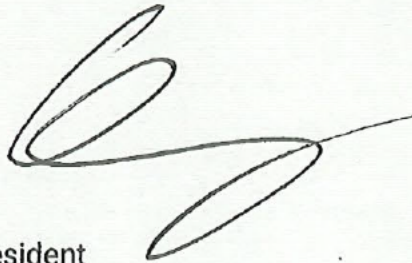
This authorization is effective immediately and shall remain in effect until the application process is finalized. Please direct all correspondence related to this application to [REDACTED]

Sincerely,



RC Holdings, LLC

Ryan Casey, Vice President



1-13-2026



City of Elkhart

Staff Report

Planning & Zoning

<u>Petition:</u>	26-TXT-02
<u>Petition Type:</u>	Text Amendment
<u>Date:</u>	March 2, 2026
<u>Petitioner:</u>	City of Elkhart, Indiana
<u>Site Location:</u>	All properties located within the City of Elkhart
<u>Request:</u>	The City of Elkhart seeks the review and adoption of updated language found in Unified Development Ordinance (UDO).

The following terms are being added to Chapter 17 Language Rules and Definitions - Lot Width, Dwelling unit width, Frontage (update to mention right-of-way), Build-To Zone, Footprint/Building Coverage (add to lot coverage definition), Setback, Setback, side-interior, Setback, side-street, Building Step Back or Height Step Back, Primary Street or Front Street front, Secondary Street or Side Street front, Ground Floor, Ground Floor Area, Floor-to-ceiling, Separation (between buildings or use), Access (pedestrian, bicycle, or vehicle), Primary pedestrian entrance or street front entrance, Common Outdoor Space, Blank wall and Transparency. Graphic depictions will also be added to clarify and convey the topic/element being defined.

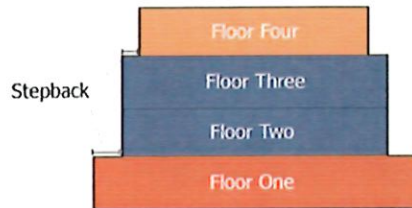
Update Use Specific Conditions to remove the Conditional Use requirement from Section 4.8.2 – Battery Energy Storage Systems. As written, the Special Exception process provides review by Plan Commission and final review by the Board of Zoning Appeals. This update will eliminate redundancy of the review process.

Plan Commission Action: Recommendation to Common Council.

Staff Analysis

Subsequent to the Plan Commission approval of the Unified Development Ordinance, additional dimensional standards found in Chapters 3, 5 and 6 are mentioned but not specified in the definitions Chapter 17. The goal is to provide consistency and clarification for both staff and the user. The additional terms being added to Chapter 17 Language Rules and Definitions are as follows:

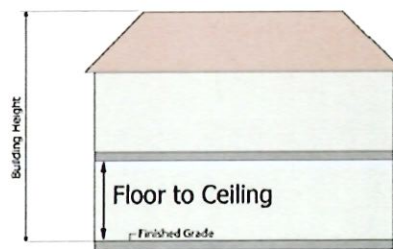
Step Back (building or height): an increased front setback for a building's front facade above a certain height or number of building stories



Example of added term being defined with a graphic

Lot Width, Dwelling unit width, Frontage (update to mention right-of-way), Build-To Zone, Footprint/Building Coverage (add to lot coverage definition), Setback, Setback, side-interior, Setback, side-street, Building Step Back or Height Step Back, Primary Street or Front Street front, Secondary Street or Side Street front, Ground Floor, Ground Floor Area, Floor-to-ceiling, Separation (between buildings or use), Access (pedestrian, bicycle, or vehicle), Primary pedestrian entrance or street front entrance, Common Outdoor Space, Blank wall and Transparency. Graphic depictions will also be added to clarify and convey the topic/element being defined.

Floor-to-ceiling: a measurement of the vertical space between a building's finished floor and its finished ceiling; i.e. the height of a building floor.



Example of added term being defined with a graphic

The second part of this amendment is to Update Use Specific Conditions to remove the Conditional Use requirement from Section 4.8.2 – Battery Energy Storage Systems. As written, the Special Exception process provides review by Plan Commission and final review by the Board of Zoning Appeals. This update will eliminate redundancy of the review process.

The addition of the Conditional Use petition requirement was unintentional. The goal has always been to ensure the request was heard before both the Plan Commission and the Board of Zoning Appeals. During the final review of the document, the duplication was not found.

The Special Exception process allows the petition heard before the Plan Commission to look at the land use request where a recommendation, to either approve or deny the petition, will be made to the Board of Zoning Appeals. At the Board of Zoning Appeals meeting, which is a public meeting, comments/testimony are taken

from the public, introduction of staff case analysis describing the project with a staff recommendation and the recommendation from the Plan Commission are all considered as the board makes their final determination.

Recommendation

Staff recommends approval of case 26-TXT-02, the proposed zoning ordinance text amendment to a Unified Development Ordinance (UDO), as described above and send to the Common Council with a “Do Pass” recommendation.

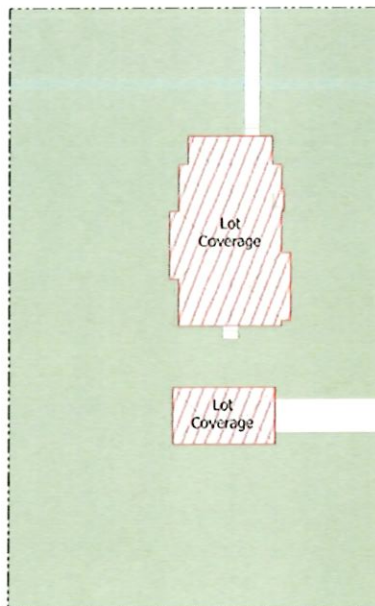
Attachments

Select pages from draft UDO that reflect changes as described in staff report.

Transparency: a building material standard requiring glazing or another material with two-way visibility for view into a building from its exterior.



Lot Coverage: The portion of a lot that is occupied by buildings, including accessory buildings or structures with a roof, expressed as a percentage of the total lot area. This does not include parking areas, driveways, and sidewalks. Also referred to as a (building) footprint or building coverage.



CHAPTER 17:

LANGUAGE RULES AND DEFINITIONS

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RETURN TO UDO TABLE OF CONTENTS

17.1 RULES OF LANGUAGE CONSTRUCTION

17.1.1 Meaning and Intent

- A. All references to other City, County, State, or Federal regulations or policies mean the most current version and citation for those regulations and policies unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced by other regulations, the requirements for compliance are no longer in effect.
- B. All references to employees, public officials, bodies, and agencies mean those of the City of Elkhart, unless otherwise expressly stated.
- C. Whenever a provision vests authority in the head of a department or other officer or employee of the City to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.
- D. Unless otherwise expressly indicated, lists of terms or examples that use "including," "such as," or similar terms provide examples only. They are not to be construed as exhaustive lists of all possibilities.
- E. Commentary notes, where included, have no regulatory effect, cannot alter the meaning or intent or a regulation or requirement, and are intended solely as a guide for administrative purposes.

17.1.2 Computation of Time

- A. References to "days" are to calendar days unless otherwise expressly stated. Reference to "business days" are references to regular working days of the City, excluding weekends and holidays observed by the City.
- B. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday

observed by the City, that day is excluded as well.

- C. A day concludes at the close of business (5:00 p.m. Eastern Standard Time), and any materials received after that time will be deemed to have been received the following day.

17.1.3 Tenses and Usage

- A. Words used in the singular include the plural and words used in the plural include the singular.
- B. Words used in the present tense include past and future tense. The reverse is also true.
- C. The words "shall," "will," and "must" are mandatory; the word "may" is permissive, except when the context of its particular use is negative (e.g., "may not").
- D. Requirements using numbers as stated, "up to x," "not more than x," and "a maximum of x," always include "x."
- E. Any reference to a Chapter or Section shall mean a chapter or section of these regulations, unless otherwise specified.
- F. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, governmental unit, and any combination thereof.
- G. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- H. The word "parcel" includes the words "lot," "property," and "tract."
- I. The word "building" includes the word "structure"; however, the word "structure" does not always imply the word "building."
- J. The word "street" includes the words "road," "avenue," "lane," "highway," and "alley" unless otherwise defined.
- K. Words used in the masculine gender include the feminine gender and vice versa, and gender-neutral words may

substitute for gender-specific words (e.g., “they” instead of “she”).

- L. The word “contiguous” as applied to parcels or Districts shall be interpreted as meaning “sharing a common boundary of ten or more feet in length.”
- M. The phrase “on the premises of,” as applied to accessory uses or structures, shall be interpreted to mean “on the same parcel or on a contiguous parcel in the same ownership.”

17.1.4 Conjunctions

- A. Unless the context clearly indicates otherwise, conjunctions have the following meanings.
- B. The word “and” in a list indicates that all connected items or provisions apply.
- C. The word “or” in a list means that connected items or provisions may apply singularly or in combination.
- D. The phrase “and/or” means that one or a combination of two or more connected items or provisions may be applicable.

17.2 ERRORS AND OMISSIONS

If an error is discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intent of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted or substituted as will conform with the manifest intent of these regulations. The provision shall have the same effect as though the correct word were contained in the text as originally published. No such alteration shall be made or permitted if any question exists regarding the nature or extent of such error. The Planning Staff shall be responsible for interpreting the nature or extent of the provision in question.

17.3 RULES FOR WORDS AND PHRASES

Words or terms used in this section should be interpreted by their common-sense meanings unless more specifically defined in this Chapter.

17.4 DEFINITIONS

A.

A Zone: Portions of the Special Flood Hazard Areas (SFHA) in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a Flood Insurance Rate Map (FIRM), or Flood Hazard Boundary Map (FHBM). The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

Zone AE & A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

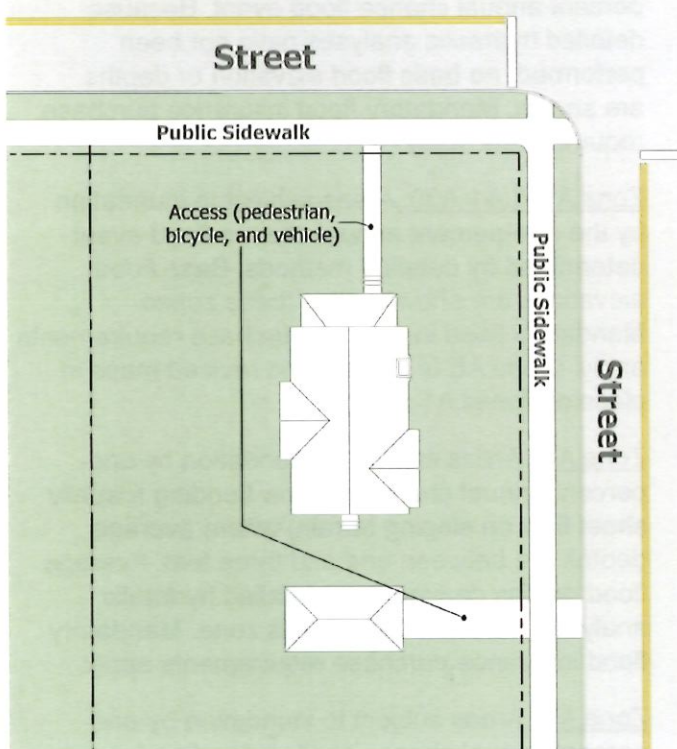
Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AR: Areas that result from the decertification of a previously accredited flood protection

system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of Special Flood Hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

Access (pedestrian, bicycle, or vehicle): a driveway, sidewalk, easement, or similar transportation amenity that connects a lot or site to a public street and/or sidewalk.



Accessory Dwelling Unit (ADU): A complete dwelling unit accessory to a detached house (or other dwelling type as permitted). This definition includes attached and detached accessory dwelling units.

Accessory Structure, General: A structure which is subordinate to the principal structure and is located

on the same zoning lot. The use of the accessory structure is incidental and accessory to that of the principal structure.

Accessory Equipment Building: A structure used to house equipment for the operation, maintenance or repair of a wireless telecommunications tower including electronic receiving and relay equipment.

Accessory Structure (Appurtenant Structure): A structure which is subordinate to the principal structure and is located on the same zoning lot. The use of the accessory structure is incidental and accessory to that of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential.

Active Construction: On-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, and landscaping.

Addition (to an Existing Structure): Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Adult Entertainment Establishments:

1. "Adult Bookstore." An establishment having as a significant portion of its stock in trade books, films, magazines, and other periodicals which are distinguished or characterized by an emphasis on matter depicting or describing "sex act(s)" or "specified anatomical areas."
2. "Adult Motel." A motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing "sex act(s)" or "specified anatomical areas."
3. "Adult Motion Picture Arcade." Any place to which the public is permitted or invited wherein coin or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per

machine at any one time, and where images so displayed are distinguished or characterized by an emphasis on matter depicting or describing "sex act(s)" or "specified anatomical areas."

4. "Adult Motion Picture Theater." An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing "sex act(s)" or "specified anatomical areas" for observation by patrons therein.
5. "Adult Lounge or Night Club." Any establishment that features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.
6. For purposes of the above, the terms "sex act(s)" and "specified anatomical areas" shall mean the following:
 - A. "Sex Act(s)." Means and includes the following:
 - ii. Human genitals in a state of sexual stimulation or arousal;
 - iii. Acts of human masturbation, sexual intercourse, or sodomy; and
 - iv. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
 - E. "Specified Anatomical Areas." Means and includes the following:
 - vi. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
 - vii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Adverse Impact: As it applies to the Wetlands Conservation Overlay District, anything that would destroy, harm, impair, diminish or degrade the value or utility of a wetland for pollution control, flood preservation, ground water recharge or habitat for fish and wildlife.

Agricultural Uses: Any commercial farming operation not elsewhere defined in this ordinance, or the

keeping of animals that are not permitted as pets per the City of Elkhart Animal Control or Health Department.

Arcade: In architecture, a sequence of arches, supported by columns or piers, that creates a covered passageway or open space.

For arcade as a land use, see *Indoor Recreation & Entertainment*.

Airport Elevation: The established elevation of the highest point on the usable landing area of the airport.

Airports or Aircraft Landing Fields & Heliports: A facility for the takeoff, landing, and maintenance of civil aircraft, helicopter, or similar vertical lift aircraft. Includes related ancillary uses, such as runways, hangars, control towers, terminal facilities for passengers, aircraft servicing, and storage or basing of aircraft. Also, the Elkhart Municipal Airport. NAICS 48811

Alley: A public way, not more than 16.5 feet wide, which affords only a secondary means of access to abutting property, other than a right-of-way or easement for public utility purposes.

Alteration: As applicable to historic preservation sites, any material change in the external architecture of any historic structure in a historic district, listed on the national register of historic places, or in a historic conservation district.

Amateur Radio Tower: Radio towers owned by federally licensed amateur radio operators for individual, private use.

Amusement Machine: Any machine or device designed or modified to be operated by a coin, coins, or token, or for which change is made for the operation thereof. Such a machine or device used exclusively for the vending of merchandise of a tangible nature shall not be deemed an amusement machine.

Amusement Parlors (Room or Arcade): Any public area or room containing one or more amusement machines. NAICS 713120. See *Indoor Recreation & Entertainment*.

Animated Message Board: Any sign that changes light intensity or that gives the visual impression of movement or rotation.

Antennas: A rod, wire, or other device used to transmit or receive radio or television signals.

Apartment: See *Dwelling, Multi-unit*.

Area of Shallow Flooding: A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Artisan: A worker in a skilled trade that involves making goods or products by hand or with minimal mechanical processes.

Auction Barn or Room: Establishments primarily engaged in retailing a general line of new and used merchandise on an auction basis. NAICS 455219

Automobile & Truck Repair or Vehicle Conversion Shops: The process of modifying motor vehicles, commercial motor vehicles, or recreational vehicles to cause substantial change to the vehicle's interior or exterior, engine rebuilding, transmission rebuilding, rebuilding the drive train, or major reconditioning of motor vehicles including frame, or fender straightening or repair, and painting of vehicles, replacement of parts and other service to motor vehicle such as tune-ups, brake replacement and adjustment, tire repair and replacement, lubrication and oil change, muffler repair and replacement. Operations must be conducted wholly within a building. NAICS 811111.

Automobile, Truck, Recreational Vehicle, & Agricultural Implement Sales or Rental: Establishments engaged in rental, retail, or wholesale of new and used automobiles, trucks, passenger and cargo vans, recreational vehicles, and specialized machinery or equipment for agricultural, farm, and lawn and garden activities. These establishments often operate from a showroom and/or an open lot where vehicles are on display. The personnel generally include both the sales and sales support staff familiar with the requirements for registering and financing a vehicle or machinery/equipment as well as a staff of parts experts and mechanics trained to provide repair and maintenance services for the vehicles or machinery/equipment. Sales NAICS 4411. Rental NAICS 532111

Awning: A roof-like cover attached to a building generally of a material different from that of the building and which projects from the wall of the building.

B.

Bakery Shop: An establishment that produces baked goods on site for direct-to-consumer sales

Balcony: A raised railed platform projecting from the wall of a structure.

Banking & Financial Institutions: Industries in the Credit Intermediation and Related Activities sub-sector group establishments that (1) lend funds raised from depositors; (2) lend funds raised from credit market borrowing; or (3) facilitate the lending of funds or issuance of credit by engaging in such activities as mortgage and loan brokerage, clearinghouse, and reserve services, and check cashing services. NAICS 522

Bar or Tavern: An establishment primarily engaged in the sale or dispensing of alcoholic beverages by the drink for on-site consumption. May include related ancillary activities, such as the sale of packaged liquor, the availability of food for on-site consumption, and live entertainment that is clearly incidental and subordinate to the bar/tavern use. NAICS 722410.

Base Flood Elevation (BFE): The elevation of the one-percent annual chance flood.

Basement: That portion of a structure having its floor sub-grade (below ground level) on all sides.

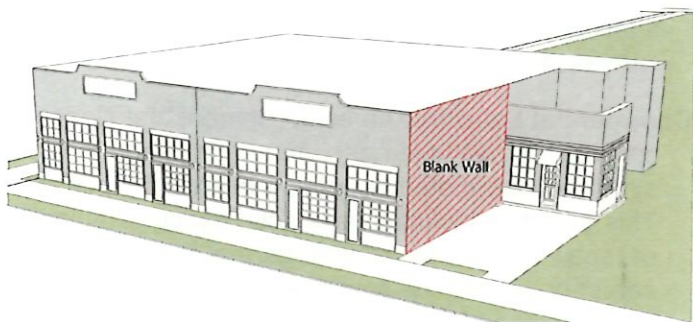
Battery: In regards to a BESS, a single cell or group of cells connected electrically in a series, in a parallel, or a combination of both, which can charge, discharge, and store energy electrochemically.

Battery Energy Storage Systems (BESS): One or more devices, assembled, capable of storing energy to supply electrical energy at a future time, in a room or enclosed area. The term includes, but is not limited to, electrochemical, thermal, and electromechanical technologies. A rechargeable BESS is typically used to provide standby or emergency power and/or uninterruptible power supply, load shedding, load sharing, or similar capabilities relating to the energy consumed by a residence, farm operation or other businesses on site.

Bay Window: A window or series of windows forming a bay or recess in a room and projecting outward from the wall in a rectangular, polygonal or curved form.

Bed & Breakfast Inns: A structure, primarily residential in character, that provides lodging for paying guests. NAICS 721191

Blank wall: an exterior building facade that does not include any windows, doors, or architectural penetrations, nor any variation of facade materials, projections, or recesses.



Board of Zoning Appeals: The Board of Zoning Appeals of the City of Elkhart, Indiana.

Boarding House: A structure, other than a hotel, motel or lodging house, where lodging and meals are provided for compensation primarily on a long term basis. NAICS 721310.

Broadcasting & Content Providers: Businesses that create content and acquire the right to distribute or broadcast that content such as radio and television broadcasting stations and media streaming distribution services, social networks, and other media networks and content providers. These services are based on differences in the methods of communication and the nature of the services provided. NAICS 515

Building: Any structure with walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings, and which is designed or intended for shelter; enclosure or protection of persons, animals, or property, provided that any structure with interior areas not normally accessible for human use, such as oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures are not considered as buildings.

Building & Trade Contractors: Establishment whose primary activity is performing specific activities (e.g. pouring concrete, site preparation, plumbing, painting, and electrical work) involved in building construction or other activities that are similar for all types of construction. NAICS 2361 & 2362

Building, Accessory: A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Building, Attached: A building which has any part of its exterior or bearing wall in common with another building or which is connected to another building or roof.

Building Coverage: See Lot Coverage.

Building, Detached: A building having no structural connection with another building.

Building Footprint: See Lot Coverage.

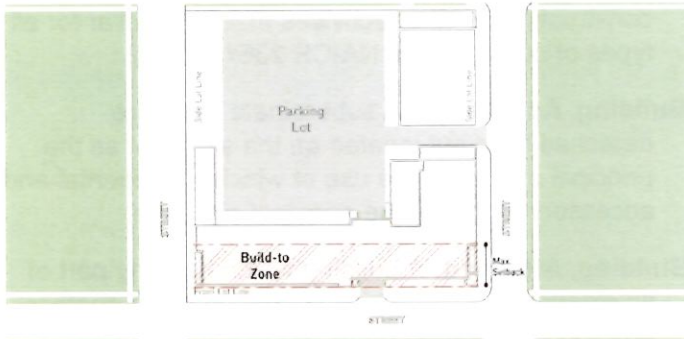
Building Height: The vertical distance measured from the grade level to the highest point of the main structure of the building.

Building Material & Supply: Businesses that retail new building materials, hardware, paint, and garden and outdoor power equipment and supplies. If they are at fixed point-of-sale locations, including home centers and retail lumber yards, they may display merchandise either indoors or outdoors under covered areas. NAICS 2383.

Building, Principal: A building in which is conducted the main or principal use of the zoning lot on which said building is situated. Where a part of an accessory structure is attached to the principal building in any manner, as by a roof, such accessory building shall be considered to be part of the principal building.

Building Stepback: see Step Back (building or height)

Build-To Zone: a setback range in which a building's front setback must be located; establishes a maximum building front setback which shall not be exceeded.



Bulk Storage Tanks: Outside storage tanks, where the total volume of the container(s) exceed 2000 gallons used for dispensing of liquids or gases into smaller containers or for use in manufacturing processes. This definition shall not apply to underground storage tanks.

Business: The purchase, sale, barter, or exchange of goods, wares, merchandise or services or the maintenance or operation of offices or recreational and amusement enterprises.

C.

Campground: An area or tract of land used for occupancy by two or more temporary tents, dwellings, rooms, sleeping quarters, or recreational vehicles of any kind. NAICS 721211. See Recreational Vehicle Parks & Campgrounds.

Catering: Establishments primarily engaged in providing single event-based food services. These establishments generally have equipment and vehicles to transport meals and snacks to events and/or prepare food at an off-premises site. NAICS 722320

Cement & Lime Manufacturing: Businesses engaged in manufacturing gypsum products, such as wallboard, plaster, plasterboard, molding, ornamental moldings, statuary, and architectural plaster work. The manufacturing of lime from calcific limestone, dolomitic limestone, or other calcareous materials, such as coral, chalk, and shells. Gypsum product and Lime manufacturing establishments may mine, quarry, collect, or purchase the sources of calcium carbonate. NAICS 327310 & 327410.

Cemeteries & Mausoleums: Property used for interment of deceased persons. Cemeteries may include associated mausoleums, columbaria, and chapels. The term does not include "mortuary" or "crematory," except where separately permitted, and does not include a pet cemetery. NAICS 812220.

City Council: The Common Council of the City of Elkhart, Indiana.

City: The City of Elkhart, Indiana.

Clinics: See Hospitals & Clinics

Co-location: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Commercial Laundry: An establishment that cleans clothing, carpeting, drapes, and other cloth or synthetic fiber materials using a chemical process. This definition includes uses such as rug cleaning or repair service; pressing of garments or fabrics; carpet or upholstery; power laundry; industrial launderers; and linen supply. Such establishments may also include self-service laundering facilities. NAICS 812320.

Commitment: A written stipulation regarding the use or development of a parcel which is subject of a petition or proposal before the Board of Zoning Appeals, Plan Commission or City Council, made by the owner of the parcel. Commitments shall be recorded in the office of the County Recorder and shall become effective upon grant of the petition.

Common Outdoor Space: in reference to a development, a public or semi-public parcel or part of a parcel that is reserved for natural or conservation use or recreational use for residents, tenants, and/or other users of the development. Examples include landscape areas and gardens, parks, plazas, common lawns, playgrounds, etc.



Community Buildings or Centers: A public or privately owned place, structure, area, building, or facility for civic, social, educational, cultural, and

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recreational activities which is generally open to the public and not operated primarily for financial gain. This use may include offices for charitable institutions.

Community Garden: A garden as a primary use, open to the public for horticultural activity. No commercial sale of products is permitted.

Community Rating System (CRS): A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Community: A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Comprehensive Plan: The Comprehensive Plan of the City of Elkhart, Indiana.

Conditional Use: A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke, noise, or excessive traffic generation), is permitted in a district subject to approval by the Board of Zoning Appeals, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located.

Construction: The placing of construction materials in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing structure has been substantially begun preparatory to rebuilding such excavation, demolition or removal shall be deemed construction.

Construction Trailer, Temporary: A temporary building or structure used as a construction office for a project located on the same site during its construction.

Contractors' Yard: A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This definition also includes contractor's office.

Convalescent Homes, Nursing Homes, or Hospices: Establishments primarily engaged

in providing inpatient nursing and rehabilitative services. Care is generally provided for an extended period to individuals requiring nursing care. These establishments have a permanent core staff of registered or licensed practical nurses who, along with other staff, provide nursing and continuous personal care services. NAICS 623110

Convenience Stores: A business that provides goods directly to the consumer, and where such goods or services are available for immediate purchase on the premises by the purchaser. NAICS 445120.

Cottage Court Development: A residential development where multiple cottage dwellings front on a shared courtyard area.

Cottage (Dwelling): A one-unit detached dwelling, with a floor area between 700 and 1,200 square feet; often part of a cottage court development.

Crematories: See Funeral Homes, Crematories & Similar Services

Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Cul-de-sac: A street having one end connected to the surrounding roadway system and the other end being permanently terminated by a vehicle turn around.

Cultural & Sport Facilities: A facility open to the public for cultural services and exhibitions. Includes such uses as museums, cultural centers, historical societies, and libraries operated by a government or nonprofit establishment. Includes related ancillary uses, such as classrooms, meeting rooms, retail, offices, or food service.

Curb Cut: The area at which a private drive connects to a public street or alley to allow motorized vehicular ingress and egress between the street or alley and the property.

D.

Day Care Center: A structure in which at least 6 children at any time receive child care from a provider: (a) while unattended by a parent, legal

guardian or custodian; (b) for regular compensation; (c) for more than 4 hours, but less than 24 hours in each 10 consecutive days per year, excluding intervening Saturdays, Sundays and holidays; and (d) which is not the primary residence of the child care provider or is not a residential structure. NAICS 624410

Day Care Home: A residential structure in which at least six children (not including the children for whom the provider is a parent, stepparent, guardian, custodian or other relative) at any time receive child care from a provider: (a) while unattended by a parent, legal guardian or custodian; (b) for regular compensation; (c) for more than 4 hours, but less than 24 hours in each 10 consecutive days per year, excluding intervening Saturdays, Sundays and holidays; and (d) which is the primary residence of the child care provider.

Decibel: A unit of measurement of the intensity (loudness) of sound.

Deck: An uncovered outdoor raised floor, typically made of wood, that is self-supporting on a permanent foundation, or is cantilevered from or knee braced to a building or structure, as defined by the International Code Council (ICC).

Dedicated Use Building: In regards to a BESS, a building that is built for the primary intention of housing battery energy storage equipment.

Demolition: As it applies to historic preservation, the substantial deterioration or complete or substantial removal or destruction of any historic structure or any structure which is located within a historic district.

Development: Any man-made change to improved or unimproved real estate including but not limited to:

1. Construction, reconstruction or placement of a structure or any addition to a structure;
2. **Installing a manufactured home on a site,** preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than 180 days;
3. **Installing utilities, erection of walls and fences,** construction of roads or similar projects;

4. **Construction of flood control structures such as** levees, dikes, dams, channel improvements, etc.;
5. **Mining, dredging, filling, grading, excavation, or** drilling operations;
6. Construction and/or reconstruction of bridges or culverts;
7. Storage of materials; or
8. Any other activity that might change the **direction, height or velocity of flood or surface** waters.

“Development” does not include activities such as the maintenance of existing structures and facilities **such as painting, re-roofing; resurfacing roads;** or gardening, plowing and similar agricultural practices that do not involve filling, grading, excavation or the construction of permanent buildings.

Development Plan: All materials submitted for approval in accordance with this UDO, identifying principal and accessory structures, streets, pedestrian access systems, utilities, landscaping, exterior lighting, signage and other elements of a proposed development including the site plan and supporting drawings and documentation.

Diameter at Breast Height (DBH): In measuring the size of trees, the diameter of a tree as measured at breast height.

Distribution, Warehouse, or Wholesale Facilities: Establishments engaged in the merchant wholesale distribution of goods to businesses. NAICS 4931

District: A zoning district as created and defined in this Ordinance.

Domestic Animal: Any non-feral animal which is not prohibited by the City of Elkhart Animal Control Ordinance. Horses require a minimum of 1 acre of fenced grazing land per animal.

Dormitory: Boarding facilities related to an educational institution, primarily for use by students. NAICS 721310

Drive-In Facilities: Drive-in movie theaters, restaurants characterized by primary food service to the public for consumption on the premises by order from and service to vehicular passengers

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outside the structure, and other businesses catering to patrons parked in vehicles on the site. Theaters NAICS 512132. Restaurants NAICS 722513.

Drip Line: A vertical line extending from the outermost branches of a tree to the ground.

Drive-Through, Accessory: A facility where a person can be served without leaving their vehicle.

Driveway: An area used for movement of vehicles from street to garage or established parking area.

Dry-Cleaning: This industry comprises establishments primarily engaged in one or more of the following: (1) providing dry-cleaning services (except coin- or card-operated); (2) providing laundering services (except linen and uniform supply or coin- or card-operated); (3) providing drop-off and pick-up sites for laundries and/or dry-cleaners; and (4) providing specialty cleaning services for specific types of garments and other textile items (except carpets and upholstery), such as fur, leather, or suede garments; wedding gowns; hats; draperies; and pillows. These establishments may provide all, a combination of, or none of the cleaning services on the premises. NAICS 812320

Dwelling, Attached: A residential building containing multiple dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls or floor/ceilings without openings. These dwellings are classified as Class 2 structures by the Indiana Residential Code.

Dwelling, Detached: A structure containing one dwelling unit.

Dwelling, Live-Work: A building or space within a building containing an integrated living and working space with shared access that is intended to function predominantly as a non-residential business with incidental residential use for the business operator. The unit typically has a workspace, public display area, or showroom on the ground floor of the unit and dwelling unit located either on an upper floor or at the back of the unit.

Dwelling, Multi-unit: A structure containing three or more dwelling units. These dwellings are classified as Class 1 structures by the Indiana Building Code.

Dwelling Unit Width: In the case of a detached dwelling, the width of a complete dwelling unit

structure from exterior wall to exterior wall. In the case of an attached dwelling or multi-unit dwelling, the width of a complete dwelling unit from interior wall to interior wall.

E.

Easement: The right of a person, government agency, public utility company or other entity to use public or private land owned by another for a specific purpose.

Elevated Structure: A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Elevation Certificate: A certified statement that verifies a structure's elevation information.

Emergency Program: The first phase under which a community participates in the National Flood Insurance Program. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial Flood Insurance Rate Map (FIRM).

Encroachment: The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Entry/Development Corridor: The right of way of the following highways are designated entry/development corridors:

Benham Avenue; Bristol Street; Cassopolis Street; County Road 6; County Road 17; Franklin Street; Hively Avenue; Jackson Boulevard; John Weaver Parkway; Johnson Street; Lexington Avenue; Lusher Avenue; Main Street; Middlebury Street; Nappanee Street; Prairie Street.

Established Building Setback: The average setback distance of all structures on the side of a street between two intersecting streets. Such setback shall be re-determined as each successive vacant lot is proposed to be improved with a structure. Where a yard is adjacent to a river or creek, the established setback shall be determined by the average setback of five houses in each direction upstream and downstream of the yard in question.

Established Frontage: The average frontage distance for all lots on the side of a street between two intersecting streets. Such frontage distance shall be re-determined as each successive vacant lot is proposed to be improved with a structure.

Established Lot Size: The average lot area (square footage) for all lots on the side of a street between two intersecting streets. Such lot area shall be re-determined as each successive vacant lot is proposed to be improved with a structure.

Existing Construction: As it applies to properties in the floodplain, any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Excavation Areas & Gravel Pits: Breaking ground, digging, mining, removal, or displacement of the natural surface of the earth regardless of its natural material. This does not include personal gardening, ground care, or agricultural activities. See also Quarries. NAICS 212321

F.

Façade: An exterior wall of a building.

Facility Compound: The area of a parcel on which wireless telecommunications facilities such as towers and accessory equipment buildings are located.

FEMA: Federal Emergency Management Agency.

Fence: A structure partially or completely surrounding a part of or the whole of a zoning lot which is

intended to prevent intrusion from without and straying from within the area controlled, but not including a hedge or other natural growth.

Fill Material: As it applies to the Wetlands Conservation Overlay District, any solid material that displaces water or reduces water holding capacity.

Firearm Retailer: A business in which at least 10% of the gross floor area is used for or 10% of sales revenues are earned from, the wholesale or retail sale of firearms and ammunition, the repair of firearms, or the creation or fitting of special barrels, stocks, or trigger mechanisms for firearms. NAICS 451110.

Five-hundred Year Flood (500-year flood): The flood that has a 0.2% chance of being equaled or exceeded in any year.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM): An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been identified as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, on which Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official hydraulic and hydrologic report provided by the Federal Emergency Management Agency (FEMA) The report contains flood profiles, as well as the Flood Insurance Rate Map (FIRM), Flood Boundary and Floodway Map (FBFM) (where applicable), and the water surface elevation of the base flood.

Flood Prone Area: Any land area acknowledged by a community as being susceptible to inundation by water from any source. See Flood.

Flood Protection Grade (FPG): The elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Areas (SFHA).

Floodplain Management Regulations; Any portion of the City of Elkhart zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain: The channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floodproofing (dry floodproofing): A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing Certificate: A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Floor Area - For Determining Off-Street Parking

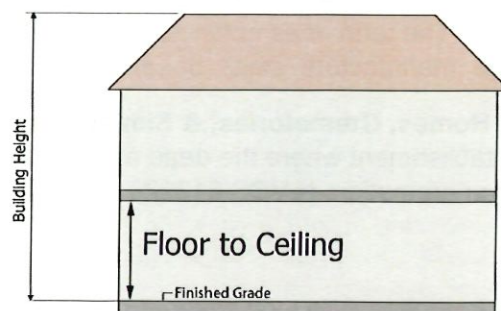
and Loading Requirements: The sum of the gross horizontal areas of the floors of a structure used for office, retail, wholesale or manufacturing operations. Interior areas utilized for off-street parking or loading facilities and basements not devoted to office, retail and manufacturing uses shall not be included in the floor area calculation.

Floor Area - For Determining the Floor Area

Ratio: The sum of the gross horizontal areas of the floors of the structure measured from the exterior faces of the exterior wall or from the center line of walls separating two structures. The floor area shall include all typically occupied areas including basements when more than one-half of the basement height is above grade level; elevator shafts and stairwells at each floor; floor space used for mechanical equipment; penthouses; attic space with head room of (7.5 feet or more; interior balconies and mezzanines; enclosed porches; and garages and carports. The floor area of structures devoted to bulk storage of materials, including but not limited to grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet; i.e. 10 feet in height shall equal one floor.

Floor Area Ratio (FAR): The floor area of the structure or structures on a zoning lot divided by the area of such zoning lot or, in the case of planned unit developments, by the net site area. The floor area ratio requirements set forth in each zoning district shall determine the maximum floor area allowable for the structure or structures.

Floor-to-ceiling: a measurement of the vertical space between a building's finished floor and its finished ceiling; i.e. the height of a building floor.



Food Production or Processing: A facility that produces or processes food for human consumption and certain related products. This use includes but is not limited to commercial bakeries; dairy products

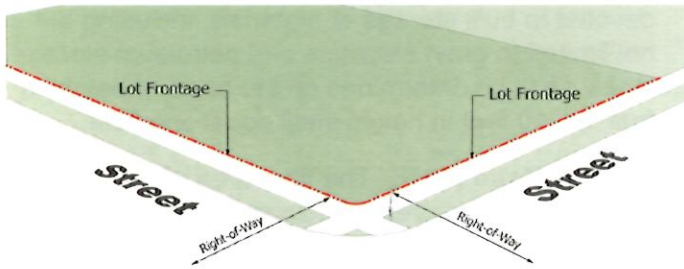
processing; fats and oil product processing; fruit and vegetable canning, preserving, and related processing; grain mill products and by-products; meat, poultry, and seafood canning, curing, and by-product processing; and miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants. NAICS 311.

Footprint: See Lot Coverage.

Freeboard: A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe: Portions of the floodplain lying outside the floodway.

Frontage: The length of the front lot line of a property abutting a street or right-of-way.



Front Streetfront: See Primary Street

Functionally Dependent Facility: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Funeral Homes, Crematories, & Similar Services:
An establishment where the dead are prepared for burial or cremation. NAICS 812220.

G.

Gallery: In architecture, any covered passageway open on one side.

Garage, Commercial Vehicle: A structure which is used or intended to be used for the storage of commercial motor vehicles.

Garage, Private: A detached accessory structure or portion of the principal structure designed, arranged, used or intended to be used for the storage of passenger motor vehicles of occupants of the premises.

Garage, Public: A structure, other than a private garage, where motor vehicles are parked or stored within a structure, but not including such a structure intended to house commercial motor vehicles. NAICS 812930.

Grade Level: The elevation of the ground, as established by the City Engineer, at a structure or site.

Greenhouses and Wholesale Growers:
Establishments primarily engaged in growing crops of any kind under cover and/or growing nursery stock and flowers. "Under cover" is generally defined as greenhouses, cold frames, cloth houses, and lath houses. The crops grown are removed at various stages of maturity and have annual and perennial life cycles. NAICS 1114

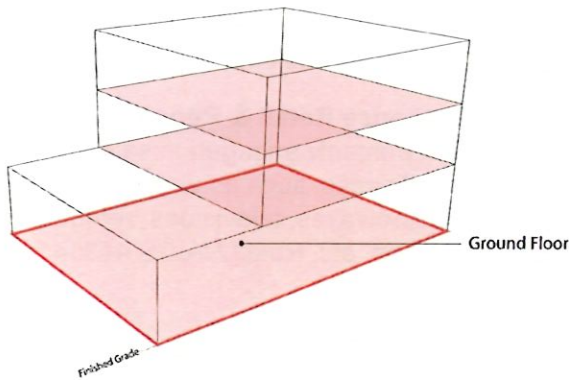
Grocery Store: Establishments primarily engaged in retailing a general line of food, such as canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Included in this industry are delicatessen-type establishments primarily engaged in retailing a general line of food. NAICS 445110

Gross Floor Area: The sum in square feet of all floors of the building measured from the exterior face of the exterior walls, including habitable and inhabitable space.

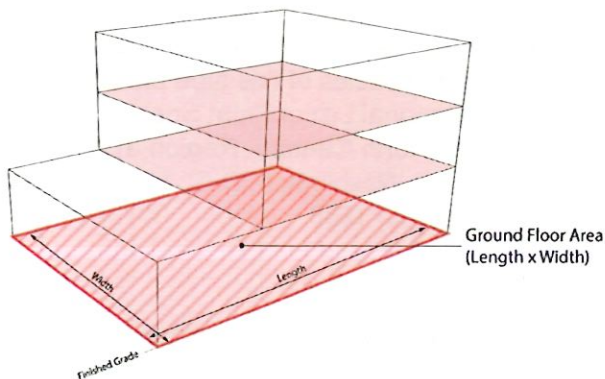
Group Care Facility: A supervised home for physically or mentally disabled persons needing a temporary or permanent sheltered living situation in the community. This use must be a certified residential facility by the Indiana Division of Mental Health and Addiction. This definition includes Community residential facilities for persons with developmental disabilities (as defined by IC 12-7-2-61) as licensed by the Division of Disability and Rehabilitative Services – Bureau of Developmental Disabilities Services, per 460 IAC 9-2. This definition includes residential living facilities for persons with

psychiatric disorders or addictions as licensed by the Division of Mental Health and Addiction, per 440 IAC 7.5.

Ground Floor: For a multi-story building, the building floor at finished grade. To calculate the ground floor, take the measurement of the floor sitting on top of the finished grade. If a floor is partially underground, it is not considered the ground floor.



Ground Floor Area: The gross area of a building's ground floor, sitting at finished grade, from exterior wall to exterior wall, including habitable and inhabitable areas.



H.

Hardship (as related to variances of this ordinance): The exceptional hardship that would result from a failure to grant the requested variance. The City of Elkhart Common Council requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's

neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Hazardous Waste Disposal, Generators, and Facilities: Businesses engaged in operating treatment and disposal facilities for hazardous waste or the combined activity of collecting and hauling of hazardous waste materials within a local area and operating treatment or disposal facilities for hazardous waste. NAICS 562211.

Hazardous Waste Motor Freight Terminal: A motor freight terminal engaged in the off-site transportation of hazardous wastes. NAICS 562112 & 484230.

Hazardous Waste: Waste that is included in a list of specific hazardous waste (waste streams, waste sources, and certain generic waste) as specified in Title 40 of the Code of Federal Regulations (CFR) Part 261, and all subsequent revisions; or waste that is ignitable, corrosive, reactive as determined by the specific extraction procedure (EP) as specified in 40 C.F.R. 261 and all subsequent revisions, or waste that is declared hazardous by the generator on the basis of the materials or process used in producing the waste.

Heavy Equipment Rental: This industry group comprises establishments primarily engaged in renting or leasing commercial-type and industrial-type machinery and equipment. Establishments included in this industry group are generally involved in providing capital or investment-type equipment that clients use in their business operations. These establishments typically cater to a business clientele and do not generally operate a retail-like or storefront facility. NAICS 5324

Height Stepback: see Step Back (building or height)

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Highway Rest Stop: Restroom and comfort station operations providing minimal comfort amenities for the traveling public. NAICS 488490

Historic Commission: The Historic and Cultural Preservation Commission

Historic District, Single Site: Any federally-, state, or locally recognized historic structure or land administered under Section 151.075 of the City of Elkhart Code.

Historic District: Any federally-, state, or locally recognized historic area administered under Section 151.075 of the City of Elkhart Code.

Historic Structure: Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Home Occupation: A gainful occupation or hobby customarily carried on by an occupant of a dwelling unit. The "home occupation" shall be carried on by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes. The "home occupation" shall be carried on wholly within the principal structure or within a structure accessory thereto and only by individuals who reside on the premises and are members of the family occupying the premises.

No article shall be sold or offered for sale on the premises except such as is produced by the occupation on the premises, and no mechanical or electrical equipment shall be installed or maintained other than such as is customarily incidental to domestic use.

There shall be no exterior display, no exterior sign except as allowed by the sign regulations for the district in which the home occupation is located, no exterior storage of materials, no other exterior indication of the home occupation or variation from the residential character of the principal structure, **and no offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced.**

Clinics; medical, dental, and other health care facilities; hospitals; auto repair shops; barber shops and beauty parlors; millinery shops; tea rooms and restaurants; tourist homes; animal hospitals and kennels; and uses requiring an M-1 or M-2 zoning classification shall not be deemed to be a home occupation.

Hospice: See Convalescent Homes, Nursing Homes, or Hospices.

Hospitals & Clinics: A licensed facility that provides health, medical, or surgical care to the sick or injured, often on an inpatient basis. Includes related ancillary facilities, such as laboratories, outpatient clinics, pharmacies, cafeterias, gift shops, training facilities, classrooms, central service facilities, **heliports, and offices integral to function of the facility.** NAICS 622 & 621.

Hotels & Motels: A building containing separate sleeping units, each of which must have bathroom facilities, designed for, or used primarily on a temporary basis for transients. NAICS 721110.

Household Appliance Retail & Repair: An establishment primarily engaged in sale or repair of household appliances, such as washing machines and dryers, microwaves, televisions, refrigerators, vacuums, stereos, etc. Retail NAICS 443141. Repair NAICS 811412.

HUD Code Manufactured Dwelling: A dwelling unit designed and built in a factory, which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 [42 U.S.C. 5401].

Hydrophytic Vegetation: As it applies to the Wetlands Conservation Overlay District, plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. Plant species of this type are listed in: P.B. Reed, Jr., National List of Plant Species that Occur in Wetlands (North Central - Region 3), Biological Report 88 (24) Washington, D.C.: U.S. Fish and Wildlife Services, 1988.

I.

Impervious Material: Any pavement or other material, including but not limited to concrete, asphalt, and concrete and brick pavers, which reduces or prevents the penetration of storm water into the ground relative to undeveloped land such as grass or other permeable groundcover.

Increased Cost of Compliance (ICC): The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business

flood insurance policies with effective dates on or after June 1, 1997, will include Increased Cost of Compliance (ICC) coverage.

Indoor Recreation and Entertainment: A facility for leisure uses conducted within an enclosed building. Includes such uses as amusement centers, arcades, bowling alleys, casinos, live and movie theaters, music venues, pool halls, skating and roller rinks and facilities, and tumbling centers. Includes related ancillary uses, such as food service. Excludes Assembly uses.

Indoor Shooting Range: A facility for recreation and amusement related to shooting firearms or archery.

Instrument Runway: A runway equipped with electronic and visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

Interested Party: As it applies to historic preservation, this term means one of the following:

1. The Mayor
2. The City Council
3. The City Plan Commission
4. A Neighborhood Association, whether incorporated or unincorporated, a majority of whose members are residents of a historic district designated by ordinance adopted under this title.
5. An owner or occupant of property located in a historic district established by an ordinance adopted under this title.
6. Indiana Landmarks, or any of its successors
7. The Indiana Historic Preservation Officer designated under I.C. 14-3-3.4-10.

J.

[Reserved.]

K.

Kennels & Animal Hospitals: An establishment of licensed veterinary practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery for animals; and establishments primarily engaged in providing testing services for licensed veterinary practitioners (NAICS 541940); or

establishments primarily engaged in providing pet care services (except veterinary), such as boarding, grooming, sitting, walking, and training pets. NAICS 812910

L.

Laboratory: A structure devoted to experimental study such as testing and analyzing. General NAICS 541380. Medical NAICS 62151.

Landing Area: The area of the airport used for landing, takeoff or taxiing of an aircraft. **Letter of Map Amendment (LOMA):** An amendment to the currently effective Federal Emergency Management Agency (FEMA) map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A Letter of Map Amendment is only issued by FEMA.

Laundromat: This industry comprises establishments primarily engaged in (1) operating facilities with coin- or card-operated or similar self-service laundry and dry-cleaning equipment for customer use on the premises and/or (2) supplying and servicing coin- or card-operated or similar self-service laundry and dry-cleaning equipment for customer use in places of business operated by others, such as apartments and dormitories. NAICS 812310

Letter of Map Revision (LOMR): An official revision to the currently effective Federal Emergency Management Agency (FEMA) map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F): An official revision by letter to an effective National Flood Insurance Program (NFIP) map. A Letter of Map Revision Based on Fill (LOMR-F) provides the Federal Emergency Management Agency's (FEMAs) determination concerning whether a structure or parcel has been elevated on fill above the Base Flood Elevation (BFE) and excluded from the Special Flood Hazard Area (SFHA).

Libraries: Public or private institutions which provide library or archive services, maintain collections of documents, and facilitate the use of such documents for information, research, education, and recreation. NAICS 519210

Lifestyle Community/Facility: A commercial facility made up of senior units, in which the residents are

limited in occupancy to persons at least 55 years or older, such that no more than half of individuals in a unit of the facility requires living assistance. The age restriction is excluded for rooms occupied by **resident staff personnel performing duties directly** related to the operation of the facility. The facility shall consist of a single building or a group of buildings with one ownership and management. The facility shall maintain a common dining room and common kitchen. The facility may provide senior units with or without independent kitchen facilities. The ownership and management may also provide other services, all of which must be exclusive to the residents, guests, and facility personnel, as a part of the fees associated with residency. Examples of these services include personal services, such as transportation, banking, and/or a barber shop/hair salon; recreation activities and amenities; concierge services; and housekeeping. The facility owners or management cannot provide health maintenance services and/or treatment.

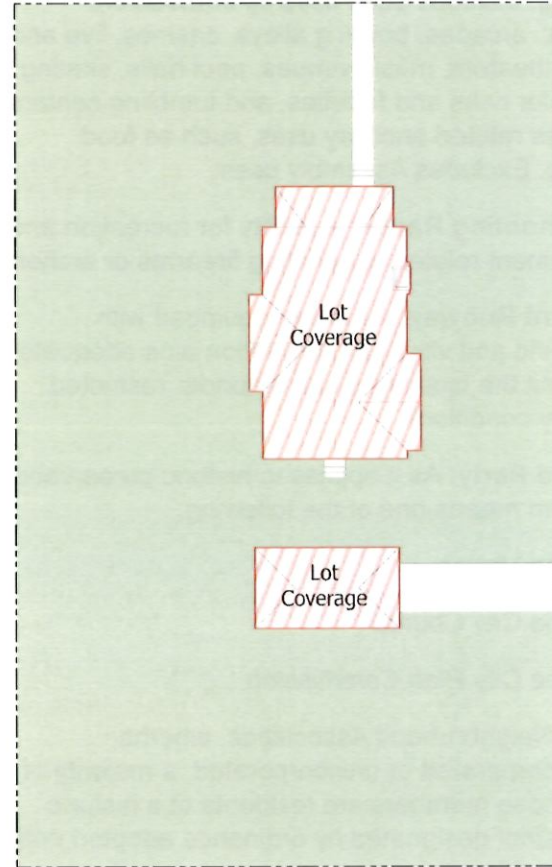
Liquor Store: An establishment whose primary business, in terms of gross floor area or sales, is the sale of alcoholic beverages for off-site consumption. NAICS 445310.

Loading & Unloading Area, Off Street: An open area, other than a public way, surfaced with an all-weather, dustless, impervious, hard-surfaced pavement, the principal use of which is the standing, loading and unloading of commercial motor vehicles, to avoid undue interference with the public use of streets and alleys.

Logo: A letter, character, symbol, or other distinguishing mark which identifies a use.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines.

Lot Coverage: The portion of a lot that is occupied by buildings, including accessory buildings or structures with a roof, expressed as a percentage of the total lot area. This does not include parking areas, driveways, and sidewalks. Also referred to as a (building) footprint or building coverage.



Lot Line: A boundary line of a zoning lot between the zoning lot and adjacent zoning lots or public ways.

Lot Line, Front: On an interior, the lot line adjacent to the street on which an address for the property has been assigned by the City of Elkhart; on a corner lot, the lot line separating the narrowest street frontage of a lot from the street; on a through lot, the lot line so declared by the Planning and Zoning Staff or which is faced by the front of the principal structure.

Lot Line, Rear: A lot line or connected lines between the ends of the side lot lines and which is or are parallel to or approximately parallel to the front lot line.

Lot Line, Side: A lot line or connected lot lines commencing at an end of a front lot line and

terminating either at an intersection with an end of the rear lot line or at an intersection with the opposite side lot line, no portion of which is parallel to or approximately parallel to the front lot line.

Lot of Record: An area of land designated as a lot on a subdivision plot recorded with the Recorder of Elkhart County, Indiana.

Lot, Corner: A lot at the junction of, and fronting on two or more intersecting public streets.

Lot, Depth: The shortest distance between the front lot line and the rear of the lot, measured in the mean direction of the side lot lines.

Lot, Double Frontage: A lot having frontage on two parallel or approximately parallel streets (i.e. front and rear)

Lot, Interior: A lot with abutting lots on both sides, whether across an alley or not.

Lot, Reversed Corner: A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

Lot, Through: See *Lot, Double Frontage*.

Lot Width: The minimum horizontal width of a lot at the established front setback or minimum required front setback.

Lot, Zoning: See *Zoning Lot*.

Lot: See *Zoning Lot*.

Lowest Adjacent Grade: The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest Floor: The lowest of the following:

1. The top of the lowest level of the structure;
2. **The top of the basement floor;**
3. **The top of the garage floor, if the garage is the lowest level of the structure;**
4. **The top of the first floor of a structure elevated on pilings or pillars; or**
5. **The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure**

provide any resistance to the flow of flood waters unless:

- A. The walls are designed to automatically **equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of 2 openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area of 1 square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than 1 foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,**
- B. Such enclosed space shall be usable solely for non-residential purposes and building access.

M.

Manufacture of Gases, Acids, Chemicals, & Poisons: Businesses primarily engaged in manufacturing uncompounded medicinal chemicals and their derivatives (i.e., generally for use by pharmaceutical preparation manufacturers); grading, grinding, and milling uncompounded botanicals. NAICS 325

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for the use with or without a permanent foundation when attached to the required utilities, including a HUD Code Manufactured dwelling constructed after January 1, 1981, and installed on a permanent, under-floor supported system and perimeter foundation in conformity with the regulations of the Indiana One- and Two-Family Dwelling Code (as adopted by the State of Indiana and as amended) the manufacture's installation specifications and the following requirements: (1) all wheels, axles, and hitch mechanisms shall be removed; (2) manufactured homes shall be sided with materials customarily used on site-constructed dwellings; (3) the space between the floor joists of the home and the excavated under floor grade shall be completely enclosed with a permanent perimeter enclosure, except for required openings. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Home Sales: Establishments engaged in the merchant wholesale distribution of manufactured homes (i.e., mobile homes) and/or prefabricated buildings. NAICS 423390

Manufactured Housing Construction and Safety Standards Code: The National Manufactured Housing Construction and Safety Act [42 U.S.C. 5401 et. seq.], as amended (previously known as the Federal Mobile Home and Construction Act) and rules and regulations adopted thereunder, which includes U.S. Department of Housing and Urban Development (HUD) approved information supplied by the home manufacturer, and regulations and interpretations of said code by the Indiana Fire Prevention and Building Safety Commission.

Manufacturing, Artisan: An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include **direct sales to consumers. This definition includes uses such as small-scale fabrication but is not limited to, manufacturing, and other industrial uses and processes such as welding and sculpting, pottery, glass blowing.**

Manufacturing, Heavy: The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of truck traffic, railroad activities, noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not meet the definition of "Light Manufacturing." This use may include outdoor activities and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials or products involving flammable, hazardous, or explosive materials and processes, uses involving the fabrication, use, or repair of heavy special purpose equipment. Examples of this use include beverage bottling plants, tool and die shops, motor vehicle or heavy machinery manufacturing and assembly, carpet or furniture manufacturing, dairy works, ice works, metal fabrication, stone cutting, boiler shops, foundries and foundry products, building materials

manufacturing, and food processing, unless performed on a scale that meets the definition of "Artisan Manufacturing." "Heavy Manufacturing" shall not include any use that is otherwise listed specifically in Table 4.2-1 Use Matrix as a Permitted or Special Exception.

Manufacturing, Light: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not involve significant truck traffic or railroad operations and do not create material amounts of noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, and where such processes are housed entirely within an enclosed building, except as may be authorized in this UDO. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes not involving flammable or explosive materials. Examples of activities include but are not limited to manufacturing, assembly, warehousing, and distribution of prepared materials, paint shops, manufacture of perfumes and cosmetics, fabrication of sporting goods or wearing apparel, small medical or specialty equipment, or musical instruments; commercial digital printing and publishing operations; and assembly of small appliances or equipment. The term "Light Manufacturing" shall not include any use that is otherwise listed specifically in Table 4.2-1 Use Matrix as a Permitted or Conditional Use.

Map Amendment: A change to an effective National Flood Insurance Program (NFIP) map which results in the exclusion from the Special Flood Hazard Area (SFHA) of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map Panel Number: The four-digit number followed by a letter suffix assigned by the Federal Emergency Management Agency (FEMA) on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

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Market Value: The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mass Transit Centers: Large scale transportation amenities including transit stations, ticket sales, and vehicle or train storage. NAICS 485100.

Marquee: A roof like structure projecting over an entrance to a building.

Medical & Dental Offices & Clinics: A facility for physicians, dentists, chiropractors, physical therapists, mental health practitioners, or other licensed healthcare practitioners to examine and treat persons on an outpatient basis. NAICS 621111.

Mitigation: Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

Mobile Home: A vehicle, including the equipment sold as a part of a vehicle which may be used as a conveyance upon streets by either self-propelled or non-self-propelled means which is designed, constructed or structurally altered in such a manner as will permit occupancy as a dwelling and which is used and occupied as a dwelling unit, but which has no foundation other than wheels, jacks, skirting or other temporary supports.

Mobile Home Park: Any area of land in single ownership upon which one or more mobile homes are placed for purposes of occupancy in accordance with Section 15.2, Mobile Home Park District.

Mobile Home Tie-Down: Device used to secure a mobile home to the ground with sufficient anchorage to resist flotation, collapse, or lateral movement of the mobile home.

Modular Home: A dwelling which meets all requirements of the Indiana One- and Two-Family Dwelling Code, sections of which are built in a factory and joined on a permanent foundation.

Monopoles: A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

Motor Freight Terminals: A facility in which goods shipped by truck are loaded, unloaded, or transferred between trucks for shipping or distribution, together with incidental storage, maintenance, and administrative offices. NAICS 488490.

Motor Vehicle: A device in, upon or by which any person or property may be transported or drawn upon a public way, except devices moved by human or other animal power or used exclusively upon stationary rails or tracks.

Motor Vehicle, Commercial: A motor vehicle used or designed for use in pulling, towing, hauling, transporting or as a temporary or permanent base, platform or support for equipment, machinery, materials and/or other goods, the rated capacity of which is more than one and one-half tons of such equipment, machinery, materials, and/or goods, including but not necessarily limited to stake body trucks, dump trucks, trucks and/or tractors, having dual rear wheels and/or more than two axles, semi-trailer tractors, semitrailers and trailers having dual rear wheels and/or more than one axle and/or having an overall length of more than 12 feet, regardless of rated capacity and all construction vehicles.

Motor Vehicle Impoundment Yard: Any place where two or more motor vehicles, regardless of operating condition, are kept outdoors solely for the purpose of impoundments under proper authority. NAICS 488410.

Motor Vehicle Repair, Major: See Automobile and Truck Repair or Vehicle Conversion Shops

Motor Vehicle Repair, Minor: Replacement of parts and other services such as tune-ups, brake replacement and adjustment, tire repair and replacement, lubrication and oil change, muffler repair and replacement, but may not include a commercial component.

Motor Vehicle Service Stations: Facilities primarily engaged in retailing automotive fuels (e.g., gasoline, diesel fuel, gasohol, alternative fuels) and automotive oils or retailing these products in combination with convenience store items (NAICS

4571), and establishments primarily engaged in changing motor oil and lubricating the chassis of automotive vehicles, such as passenger cars, trucks, and vans. NAICS 811191

Motor Vehicle Wash: An establishment primarily engaged in cleaning, washing, and/or waxing motor vehicles. This use does not include other forms of vehicle service or maintenance. NAICS 811192

Multi-modal Facilities: Integrated transportation systems that may include (but are not limited to) **vehicle traffic, public transportation, passenger rail, bicycle lanes and trails, and pedestrian sidewalks and pathways.** NAICS 485111

Museums: Establishments primarily engaged in the preservation and exhibition of objects of historical, cultural, and/or educational value. NAICS 712110.

N.

National Flood Insurance Program (NFIP): The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) of 1929: As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

National Wetlands Inventory (NWI): As it applies to the Wetlands Conservation Overlay District, a series of maps produced by the U.S. Fish and Wildlife Services showing the location and classification of wetlands in standard topographic areas. Such maps, as amended, are hereby incorporated into this ordinance by reference.

Natural Water Storage Capacity: As it applies to the Wetlands Conservation Overlay District, the maximum volume of water a wetland can contain up to its ordinary high water mark without alterations to its natural grade or contour.

New Construction: Any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the

lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

New Site Area: Total area of a parcel of land, excluding rights-of-way.

NFPA: National Fire Protection Association

Nonconforming Lot: A lot of record which does not conform to the lot area or lot width regulations of this ordinance.

Nonconforming Structure: A structure or portion thereof which does not comply with all of the regulations of the district in which such structure is located.

Nonconforming Use: The use of land, structures or structures and land which does not conform to the regulations of the district in which such use is located.

Non-Dedicated Use Building: In regards to a BESS, all buildings that contain a BESS and do not comply with the Dedicated Use Buildings requirements.

Non-Participating Property: In regards to a BESS, a residence that is located on a non-participating property and that is existing and occupied on the date that an application for a special exception to develop a BESS is filed with the City.

North American Industry Classification System (NAICS) Code: A code used by the U.S. Federal statistical agencies to classify businesses by industry. The NAICS code provides a consistent classification for use regulations.

North American Vertical Datum of 1988 (NAVD 88): As adopted in 1993, a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Noxious Matter: Fumes, dust and other matter that is offensive to the human senses, especially sight and smell.

Nursing Homes: See Convalescent Homes, Nursing Homes, or Hospices.

O.

Obstruction: Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Occupied Community Building: In regards to a BESS, one or more of the following that is existing and occupied on the date that an application for a special exception to develop a BESS is filed with the City: a school, place of worship, day care facility, library, or community building or center.

Office - Business, Professional, or Governmental: An enclosed building in which executive, management, administrative, government, or professional services are provided. Includes, but is not limited to, business or personal service; professional offices; governmental office complex; condominium association, contractor's association; data processing and analysis center; farm bureau or grange; governmental offices (including social services); homeowner's association; tenant association; fraternity and sorority offices; and manufacturer's institute.

Offices Related to Industrial Uses: A portion of an industrial building separate from the industrial use for office and administrative uses. An accessory office should not exceed 10% of the building's gross floor area.

Off-Street Parking Area: An area which is designated for the parking of vehicles, and which is not a public way.

One and Two Family Dwelling Code, Indiana: The mandatory statewide building code adopted by the Indiana Administrative Building Council for one- and two-family residential dwellings.

One-hundred Year Flood (100-year flood): The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

One-percent Annual Chance Flood: The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See Regulatory Flood.

Opaque: Material that is not reflecting, transparent or translucent, and does not emit light.

Ordinary High Water Mark: As it applies to the Wetlands Conservation Overlay District, a mark delineating permanent or periodic inundation or prolonged soil saturation sufficient to support hydrophytic vegetation. In general terms, it indicates the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape.

Outdoor Recreation: Outdoor establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports. NAICS 713940. Outdoor rifle or archery ranges are not permitted as part of this use.

Outdoor Sales, Accessory: The sale, with or without on-site consumption, outside an enclosed building in accordance with the standards of the zoning district in which it is located. Includes sale of food or merchandise, however, all merchandise must be fully displayed and not stored in boxes or other containers.

Outdoor Sales, Temporary/Seasonal: The sale, with or without on-site consumption, outside an enclosed building in accordance with the standards of the zoning district in which it is located. Includes sale of food or merchandise, however, all merchandise must be fully displayed and not stored in boxes or other containers.

Outdoor Seating: On-site service facilities or seating areas accessory to a restaurant or establishment serving items to be consumed on site.

Outdoor Storage Facilities: The keeping of any product, goods, equipment, machinery, vehicles, boats, supplies, building materials or commodities, including raw, semi-finished and finished which are not intended for immediate sale, by locating them on a lot exterior to a building. NAICS 493190.

Outlot: A parcel located within a larger lot developed independently of, but in conjunction with, the primary lot utilizing common access drives and development standards.

Outpatient Substance Abuse Treatment:

Establishments with medical staff primarily engaged in providing outpatient services related to the diagnosis and treatment of mental health disorders and alcohol and other substance abuse. These establishments generally treat patients who do not require inpatient treatment. They may provide counseling staff and information regarding a wide range of mental health and substance abuse issues and/or refer patients to more extensive treatment programs, if necessary. NAICS 621420. This use does not include group homes or any overnight accommodations for patients receiving treatment.

Outside Storage of Liquids or Gases in One or More Tanks: Any storing of tanks that is not in a completely enclosed building structure, including a roof.

Overflow, Event, & Temporary Parking: An area used for motor vehicle parking on a temporary basis.

P.

Park & Ride Facilities: Meeting point for commuter and/or travel services, including parking.

Parking Lots & Garages: A paved surface, structure, or part of a structure used primarily for the housing, parking, or temporary short-term placement of motor vehicles including parking spaces, and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space.

Parking Lots as a Primary Use: Non-accessory surface parking for the storage of motor vehicles made available to the public, with or without a fee.

Parking Structures as a Primary Use: A non-accessory parking structure for the storage of motor vehicles made available to the public, with or without a fee. Includes parking structures, whether underground, at ground level, or above ground level.

Parks, Playgrounds, & Recreation Facilities: An open outdoor space, public or private, designed for active or passive recreational use or natural resources protection. Includes such uses as parks,

plazas, greens, botanical or ornamental gardens, playfields and game courts, playgrounds, and monuments. Includes related ancillary facilities, such as picnic areas, gazebos, zip lines, and swimming pools. Excludes golf courses and skate parks, which are considered Outdoor Recreation uses.

Participating Community: In regards to Flood Hazard Areas, Any community that voluntarily elects to participate in the National Flood Insurance Program (NFIP) by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Participating Property: In regards to a BESS, real property that is the subject of a written agreement between a BESS owner and the owner of the real property that provides the BESS owner with an easement, option, lease, or license to use the real property for the purpose of constructing a BESS. Participating property also includes real property that is owned by a BESS owner for the purpose of constructing a battery energy storage system.

Participating Residence: In regards to a BESS, a residence that is located on participating property and that is existing and occupied on the date that an application for a special exception to develop a BESS is filed with the City.

Patio: An uncovered paved surface at grade level, typically located adjacent to a building.

Pawn Shops: Establishments primarily engaged in providing non-depository credit and consumer cash lending secured by personal property. NAICS 522299

Penal and/or Correctional Institutions:

Establishments primarily engaged in managing and operating correctional institutions. The facility is generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court. NAICS 922140

Performance Standard: A criterion established to regulate noise, order, smoke, toxic or noxious matter, vibration, fire, and explosive hazards and the glare or heat generated by or inherent in the use of land or structure.

Periodic Maintenance: As it applies to the Wetlands Conservation Overlay District, ordinary inspection and repair of facilities accessory to use of a

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wetland. This includes erosion control and removal of silt and non-hydrophytic vegetation in ways that do not substantially disturb hydrophytic plant and animal life. Periodic maintenance does not include any modification of a wetland's contour or natural water storage capacity.

Person: An individual, firm, partnership, corporation, company, association, joint stock association, business trust, joint venture or body politic, including a trustee, receiver, assignee, administrator, executor, guardian or other representative.

Personal Care Services: A business engaged in hairdressing, cosmetology, or other similar services. Includes such uses as barber shops, beauty shops, nail salons, and similar. NAICS 8121

Pharmacy: An establishment retailing prescription or non-prescription medication. This use may include other retail. NAICS 446110.

Places of Worship: A church, synagogue, temple, mosque, or other facility that is used for prayer and religious services by persons of similar beliefs; or a special purpose building that is architecturally designed and particularly adapted for the primary use of conducting on a regular basis formal religious service by a religious congregation.

Plan Commission: The Elkhart City Plan Commission.

Planned Unit Development (PUD): A tract of contiguous land which is to be planned and developed as a single entity under single ownership or control.

Planning and Zoning Office: The staff of the Plan Commission and the Board of Zoning Appeals.

Police & Fire Stations: A facility operated by a public safety agency, including such uses as fire stations and firefighting training facilities, police and sheriff substations and headquarters, emergency medical services substations, and public safety communication centers. Police NAICS 922120. Fire NAICS 922160.

Post Office Branch: Office for receiving and distributing mail through the US postal service. NAICS 491110.

Practicable Alternative: As it applies to the Wetlands Conservation Overlay District, an

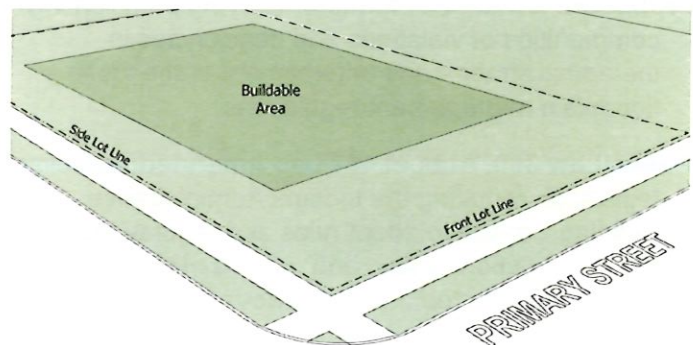
alternative in terms of the size or location of a proposed development that would accomplish the development's basic purpose and avoid or have less adverse impact on a wetland.

Primary Façade: Any façade on a building which includes the main pedestrian entrance.

Primary Pedestrian Entrance (or streetfront entrance): The door(s) or access(es) into a building located on the building's front facade.



Primary Street (or front streetfront): for a corner lot, the street abutting the front lot line.



Private Clubs or Lodges: Meeting space for members of an organization. NAICS 813410.

Physical Map Revision (PMR): An official republication of a community's Federal Emergency Management Agency (FEMA) map to effect changes to base (1% annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations

resulting in additional flood hazard areas, or correction to base flood elevations or Special Flood Hazard Area (SFHAs).

Porch: A roofed-over structure projecting out from the wall of a principal structure and commonly open to the weather.

Post-FIRM Construction: Construction or substantial improvement that started on or after the effective date of the initial Flood Insurance Rate Map (FIRM) of the community or after December 31, 1974, whichever is later.

Pre-FIRM Construction: Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial Flood Insurance Rate Map (FIRM) of the community, whichever is later.

Preservation Guidelines: As it applies to historic preservation, locally developed criteria which identify local design concerns to assist property owners in maintaining the character of the designated district or buildings during the process of rehabilitation or new construction.

Primary Façade: Any façade on a building which includes the main pedestrian entrance. This addition shall not apply to the Type II Development Plan Design Standards in Chapter 10.

Probation: A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public Law 360, Acts of 1971 as Amended: Enabling legislation requiring the Indiana Administrative Building Council to adopt rules and regulations for the construction, repair, and maintenance of factory constructed one- and two-family residential dwellings.

Public Park & Recreation Facility: A natural or landscaped area, buildings, and/or structures, provided by a unit of government, to meet the active or passive recreational needs of people.

Public Safety and Nuisance: Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Utility: Any person or private company duly authorized to furnish to the public under regulation by the Indiana Utility Regulatory Commission (IURC) electricity, gas, steam, telephone, telegraph, transportation, water, cable television and other similar services, or a municipal department authorized to furnish such services. NAICS 221

Public Transportation Stations: A pickup and/or drop-off location for transportation service. NAICS 485113.

Public Utilities Facilities: A facility authorized to furnish to the public under regulation by the Indiana Utility Regulatory Commission (IURC) electric power, natural gas, steam supply, water supply, and sewage treatment and disposal, and similar services through a permanent infrastructure of lines, mains, and pipes. Establishments are grouped together based on the utility service provided and the system or facilities required to perform the service. NAICS 221

Q.

Quarries: Businesses engaged in developing the mine site and/or mining or quarrying dimension stone (i.e., rough blocks and/or slabs of stone). NAICS 21231

R.

Railroad Facilities: A railroad spur for freight transportation.

Recreational Vehicle (RV): A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently tow-able by a light duty truck; (4) designed specifically for temporary use as quarters for recreational camping, travel or seasonal use, and not for use as a permanent dwelling. Examples include, but are not limited to boats, motor homes, and travel trailers.

Recreational Vehicle Parks and Campgrounds: Establishments primarily engaged in operating sites to accommodate campers and their equipment, including tents, tent trailers, travel trailers, and RVs (recreational vehicles). These establishments may provide access to facilities, such as washrooms, laundry rooms, recreation halls, playgrounds, stores, and snack bars. NAICS 721211

Recycling Centers: A facility that is not a salvage yard and in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building. NAICS 562920.

Regular Program: The phase of the community's participation in the National Flood Insurance Program (NFIP) where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a Flood Insurance Study (FIS).

Regulatory Flood: The flood having a 1% chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 2 (B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One- Percent Annual Chance Flood", and "100-Year Flood".

Repetitive Loss: Flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

Research & Development Services: The study, research, and experimentation in one or more scientific fields such as life sciences, biomedical research, communications, chemistry, computer science, electronics, medicine, and physics. Research and Development also includes the development of prototypes and the marketing of resultant products and related activities, including administrative offices, educational facilities, laboratories, libraries, and data services, and the manufacturing, mixing, fermentation, treatment, assembly, packaging, and servicing of products.

Residential Accessory Structure: A structure which is subordinate to the principal structure and is located on the same zoning lot. The use of the accessory structure is incidental and accessory to that of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation (e.g. shed, pool

shed, deck, detached garage), and be designed to have minimal flood damage potential.

Residential Clubhouse or Management Office: A building or facility within a residential development for the purpose of property management, maintenance, administration, leasing and sales, and/or providing community amenities.

Residential Development Amenity or Recreation Space: See also Residential Clubhouse or Management Office. A facility for shared use by residents of a development, which may include sport courts or fields, playgrounds, picnic shelters, and similar facilities.

Restaurant: Establishments (1) providing food services to patrons who order and are served while seated (i.e., waiter/waitress service) and pay after eating; (2) providing food services to patrons who generally order or select items (e.g., at a counter, in a buffet line) and pay before eating; or (3) preparing and/or serving a specialty snack (e.g., ice cream, frozen yogurt, cookies) and/or nonalcoholic beverages (e.g., coffee, juices, sodas) for consumption on or near the premises. NAICS 72251.

Retail, General: Establishments primarily engaged in retailing new general merchandise. These establishments retail a general line of new merchandise, such as apparel, automotive parts, dry goods, hardware, groceries, housewares, and home furnishings. Establishments generally known as warehouse clubs, superstores, or supercenters, and retailing a general line of merchandise in combination with a significant amount and variety of perishable groceries, are included in this industry. NAICS 45521

Retail Service: Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational, and social services, museums, and galleries.

Rooming House: Establishments providing rooms for rent with common amenities such as a kitchen, bathrooms, gathering areas, etc. NAICS 721310.

Right-of-Way: Land which is subject to use by the general public for general transportation purposes or conveyance of utilities including but not limited to streets, alleys, boulevards, highways, roads and other easements, whether or not in fact improved or actually used for such purposes.

Rooftop Entertainment Areas: An outdoor space, on top of a building, for recreation or dining purposes.

Rummage Sale, Temporary: Private- A sale of used clothing and/or household items conducted only by the immediate members of one or two families in a residence, private garage, porch, or rear yard. Public- A temporary sale, conducted by a non-profit organization such as a church or club, where members of the group bring articles or items to a central structure to be sold to raise money for use by the organization.

S.

Salvage Yards: Businesses engaged in the storage of automotive scrap, industrial scrap, and other recyclable materials. Included in this category are auto wreckers engaged in dismantling motor vehicles for the purpose of wholesaling scrap. NAICS 423140.

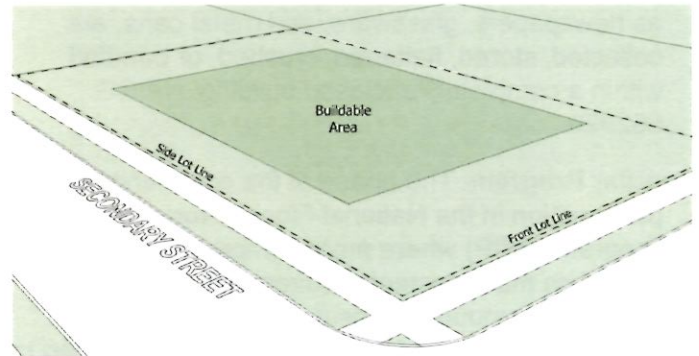
Satellite Dish: A bowl-shaped antenna with which signals are transmitted to or received from a communications satellite- usually used for television, radio, phone, and internet utilities.

SARA: Superfund Amendment and Reauthorization Act

Schools & Colleges: Public, charitable, or non-profit institutions offering a general academic curriculum, including but not limited to primary and secondary schools, junior colleges, colleges and universities, and military academies, which may also include living quarters, dining room, restaurants, and incidental facilities, but excluding trade schools. NAICS 61.

Screening: A hedge, natural planting mass, fence, wall, earthen berm, or any combination thereof, used to reduce visual and auditory effects on adjoining uses.

Secondary Street (or side streetfront): for a corner lot, the street abutting the side lot line.

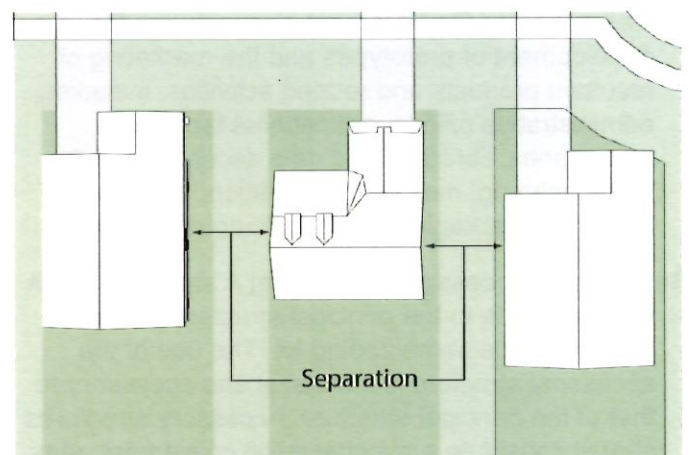


Section 1316: The section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Self-Storage Facilities: A building or group of buildings containing one or more individual compartmentalized storage units for the inside storage of customers' goods or wares. NAICS 531130.

Self-supporting Lattice Towers: A support structure, securely anchored to a concrete foundation, constructed of vertical metal struts and cross braces forming a triangular or square structure often tapering from the foundation to its apex.

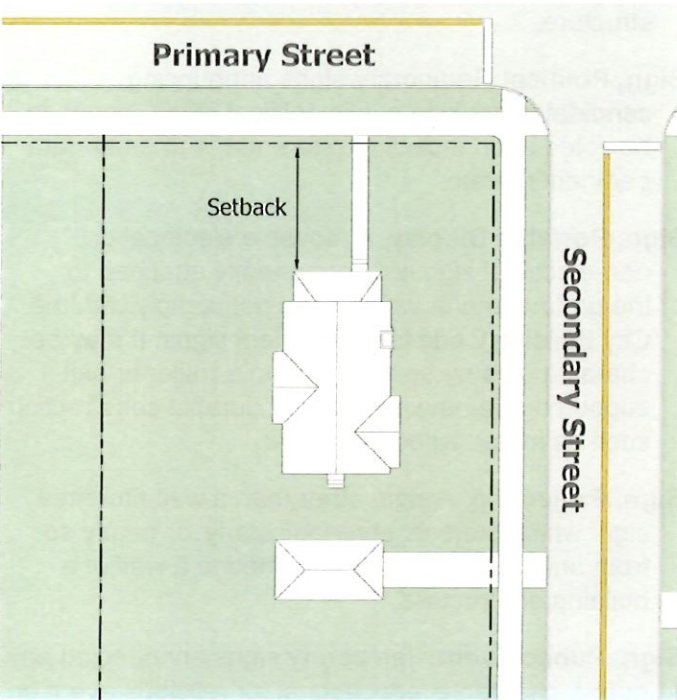
Separation: a minimum horizontal distance between uses or buildings.



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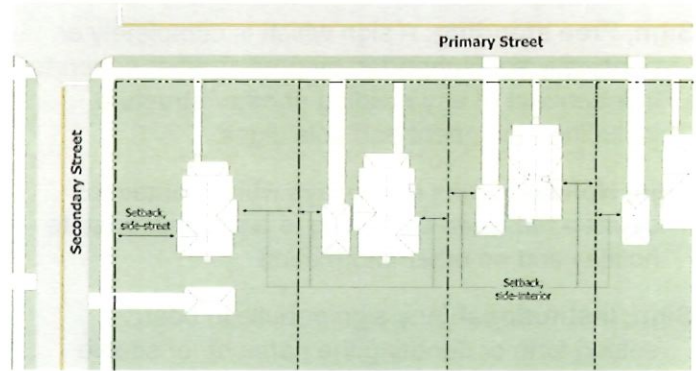
Service Business: Establishments which provide a consumer service, typically on-site, and are of comparable size and use with office and general retailers and not otherwise defined in this ordinance. Examples: tailor, custom clothing, embroidery, screen printing, printing, binding & publishing; watch/jewelry repair; shoe repair; computer & electronics repair; photography studio; tourism operators (NAICS 561520); Janitorial and cleaning services (off-site); etc.

Setback: a horizontal distance between a building or structure's exterior and the nearest lot line. See graphic under Setback, side-street.



Setback, side-interior: a setback from a side lot line where a property with a structure abuts another property with a structure. See graphic under Setback, side-street.

Setback, side-street: a setback from a side lot line along a secondary street for a corner lot.



Sewage Treatment Facilities: Municipal facility for purification of wastewater. NAICS 221320.

Short Term Rentals (STR): As defined by IC 36-1-24-6, a short term rental means the rental of: a single family home; a dwelling unit in a single family home; a dwelling unit in a two-family or multifamily dwelling; or a dwelling unit in a condominium, cooperative, or time share; for terms of less than thirty (30) days at a time through a short term rental platform. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single family residential use. The term does not include property that is used for any nonresidential use.

Side Streetfront: see Secondary Street.

Sign: Any name, identification, description, display, or illumination which is affixed to, painted, or represented directly or indirectly upon a structure (including a window area), or land which is in view of the general public and which directs attention to a person, place, commodity, activity, institution, organization, or business. A single sign structure may be single or double faced (two-sided).

Sign, Banner: Any temporary sign attached to a principal building or structure by means of a rope, string, wire, or similar material, or placed as a freestanding sign.

Sign, Construction: Any sign announcing the names of architects, engineers, contractors, or other individuals or firms involved in the construction, alteration, or repair of a building.

Sign, Flag: Flags bearing the official designation of a nation, state, municipality or organization.

Sign, Flashing: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, Free-standing: A sign which is completely or principally self-supported by post or other supports independent of any building or other structure including monument and pole signs.

Sign, Holiday: Signs or displays which contain or depict a message pertaining to a national or state holiday and no other information.

Sign, Institutional: Any sign or bulletin board setting forth or denoting the name of, or simple announcement for, any non-profit organization when located on the premises of the organization including, but not limited to, churches, schools, government buildings and facilities, non-profit agencies, museums, art galleries, and parks.

Sign, Integral: Names of buildings, dates of construction, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made a integral part of the building or structure.

Sign, Marquee, Canopy, or Awning: A sign displayed, maintained, or supported on an overhanging marquee, canopy, awning or other similar cover or shelter projecting from a building or structure.

Sign, Monument: Any sign attached directly to the ground by a solid base and foundation constructed of masonry, brick, stone, decorative metal, wood or other durable material.

Sign, Multi-Unit Dwelling, Subdivision, or Mobile Home Park: Signs located at the drive or entrance to multiple dwelling complexes, subdivisions or mobile home developments identifying the name or the address of the development and containing no other information.

Sign, Nameplate: Signs which identify the owner, resident, or address of the premises where the sign is located and contain no other information.

Sign, Office: Signs that identify professional or business offices.

Sign, Off-Premise: A sign or billboard that identifies or communicates a commercial or non-commercial

message related to an activity conducted, a service rendered or a commodity sold at a location other than the zoning lot where the sign is affixed.

Sign, On-Premise: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered upon the premises where the sign is located or to which it is affixed.

Sign, Permanent: Any sign permanently attached to the ground or a structure as defined by and in accordance with the City Building Code.

Sign, Pole: Any sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

Sign, Political: Temporary signs announcing candidates seeking public political office, issues to be voted upon including referenda, and other data pertinent thereto.

Sign, Portable Display: A movable electrical or non-electrical sign not permanently attached to the ground and/or which does not comply with the City Building Code for permanent signs. It may be characterized by being either on a trailer or self-supporting framework made of durable construction such as metal, wood, or plastic.

Sign, Projecting: A sign, other than a wall-mounted sign, which projects perpendicularly, or nearly so, from and is supported or attached to a wall of a building or structure.

Sign, Public Event: Temporary signs announcing any public, charitable, educational, or religious event or function when located entirely within the premises of an institution.

Sign, Public Information: Signs indicating scenic or historical points of interest, memorial plaques, and the like. Public signs shall contain no advertising, trademarks, business name, or the business address.

Sign, Real Estate: Any temporary on-premise sign announcing the name of the owner, manager, Realtor, or other person directly involved in the sale or rental of the property, or announcing the purpose or conditions for which it is being offered.

Sign, Roof Mounted: A sign erected, constructed, or maintained upon the roof of a structure.

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Sign, Rummage: Temporary sign clearly incidental to the primary use of the premises on which they are located advertising a private or public rummage sale.

Sign, Signable Area: A two-dimensional area defining the square, rectangle or parallelogram on the façade of a building free of architectural details on which a wall sign would be located. The signable area shall not exceed twenty-five percent (25%) of the total area of the facade of the building.

Sign, Surface Area: The entire area within a single continuous perimeter enclosing the extreme limits of a sign. The perimeter shall not include any structural or framing elements lying outside the limits of the sign and not forming an integral part of the display. The surface area of a double-faced sign shall be the area of the largest single face. For multi-faced signs in which the faces are not back-to-back, the sign surface area shall be the total area of each sign face.

Sign, Temporary: A display, banner, portable display sign, or sign with or without a structural frame which is erected, placed, or located temporarily to announce a special event, sale, opening, or other activity.

Sign, Wall or Wall Mounted: A sign drawn on or attached to the exterior wall of a building or structure which does not project more than eighteen (18) inches. Individual letters, in addition to the "box type" sign, may also be installed as a wall or wall-mounted sign.

Signs, Public Safety: Signs including safety signs, trespassing signs, traffic signs, entrance signs and exit signs, and all signs erected by or on order of a public officer in the performance of a public duty. Public safety signs shall contain no advertising, trademarks, business name, or business address. One logo no larger than 6 inches by 6 inches may be permitted for property identification purposes.

Site Constructed Dwelling: A dwelling constructed on the premises in accordance with the Indiana One- and Two-Family Dwelling Code (as adopted by the State of Indiana and as amended).

Site Plan: A diagram showing dimensions and locations of existing and proposed structures and yards.

Sleeping Unit/Room: Sleeping and living quarters, without cooking facilities, and with or without an individual bathroom.

Social Rehabilitation Center: An institution established for the purpose of treating, on a temporary resident or nonresident basis, persons with anti-social behavioral problems not considered serious enough for the person(s) to be confined to an institution.

Solar, Community Scale: A large scale solar array that converts solar energy into electrical power for the primary purpose of sale, resale, or off-site use. Community Scale Solar Arrays must have a minimum site area of 5 acres. NAICS 221114.

Solar, Small-Scale Accessory: A system of panels, wiring, and related equipment used to transform direct solar energy into thermal, chemical, or electrical energy that is mounted either to the ground or to a building.

Special Exception: A use that is not listed as a permitted use in the particular district under this Ordinance but which may be compatible with such uses and may promote the realization of the purposes of this Ordinance if such special exception uses are restricted as to number and location in the district and to such other conditions as may be required by the Board of Zoning Appeals.

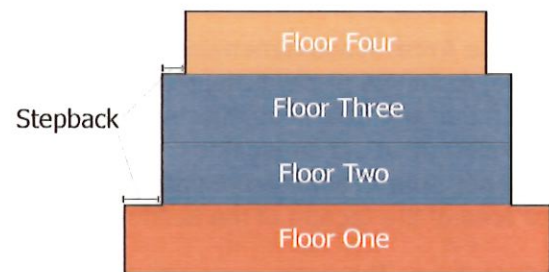
Special Flood Hazard Area (SFHA): Those lands within the jurisdictions of the City of Elkhart subject to inundation by the regulatory flood. The Special Flood Hazard Areas (SFHAs) of the City of Elkhart are generally identified as such on the Elkhart

County and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated August 2, 2011. The SFHAs of those parts of unincorporated Elkhart County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Elkhart County and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and dated August 2, 2011. (These areas are shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) as Zone A, AE, A1-A30, AH, AR, A99, or AO).

Start of Construction: This definition ONLY applies to Section 12.7 Special Flood Hazard Overlay District; it includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Steel Mills: A facility for the processing, manufacturing, compounding, or storage of materials, products, or energy, where the scale and method of operation may produce significant external impacts detectable beyond the lot lines of the property. External impacts include noise, heat, glare, dust, smoke, fumes, odor, vibration, and/or other noxious by-products. May regularly employ hazardous material or produce hazardous by-products, may include outdoor storage areas, and may have activities that take place outside of structures. Includes such uses as outdoor storage yards, junkyards, salvage yards, foundries, steel mills, and asphalt and concrete product manufacturing. NAICS 331110.

Step Back (building or height): an increased front setback for a building's front facade above a certain height or number of building stories



Stoop: An uncovered, above-grade landing and steps at a building's exterior door.

Storefront: A portion of the building façade which encloses the space occupied by the store, on which is located the primary entrance to the store.

Story, Half: A half story is that portion of a structure under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than 4.5 feet above the finished floor of such story.

Story: That portion of a structure included between the surface of any floor and the surface of the floor above or, if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story when more than one-half of such basement height is above grade level.

Stream Bed: The stream bed of a water way as indicated on Indiana Department of Natural Resources (IDNR), Division of Water, Map 1967, as amended or any replacement therefor prepared or adopted by IDNR.

Street: A public way other than an alley or a right-of-way or easement for public utility purposes upon which motor vehicles travel.

Street, Arterial: A street that serves major centers of activity and high traffic volume corridors; carries a major portion of traffic entering, leaving and moving through the city; and for which access to adjoining land is subordinate to the movement of traffic. Arterial streets within the City of Elkhart are those so defined by the City of Elkhart Public Works and Utilities Department.

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Street, Collector: A street that provides both property access and traffic circulation within residential, commercial or industrial areas and distributes traffic between local and arterial streets. Collector streets within the City of Elkhart are those so defined by the City of Elkhart Public Works and Utilities Department.

Streetfront Entrance: See Primary Pedestrian Entrance.

Structural Modification: Any alteration, repair, enlargement or extension of an existing structure. Such structural modification is considered to occur when the first alteration of any wall, ceiling, floor or other structural element of the structure commences. This term does not, however, include either:

1. Any project for improvement of a structure to comply with existing health, sanitary or safety code specifications; or
2. Any alteration of a structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archaeological and Cultural Sites, Structures, Districts and Objects.

Structure: Anything constructed or erected, the use of which requires it to be located above or on the ground or be attached to an object that is located on the ground. This shall include all "buildings" (principal and accessory) as defined in the Zoning Ordinance, signs, towers, antennas, storage tanks, tennis courts, parking lots, and other similar things, but excluding public utility lines and poles.

Structure, Temporary: A structure which is placed at a site for less than 6 months. Temporary offices associated with on-site construction are permitted by right in all zoning districts for the duration of construction on that site.

Subdivision: The division of land into two or more lots, whether or not the land was previously divided, in accordance with the City of Elkhart Subdivision Ordinance.

Substance Abuse: The habitual or compulsive consumption of alcohol or use of illegal drugs or misuse of prescription drugs by an individual. Substance abuse clinics or institutions are set up to assist individuals with substance abuse problems into recovery from these addictions.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure (excluding the value of the land) before damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure (excluding the value of the land) before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of State or Local health, sanitary or safety code requirements or any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Subdivision: The division of any lot or parcel of land for sale, transfer, or lease resulting in the creation of one or more new building sites.

Suspension: The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the National Flood Insurance Program (NFIP).

Swimming Pool: An artificial or semi-artificial basin or tank, including all appurtenant equipment, structures and facilities, for the purpose of impounding water to a depth of more than 2.5 feet for the immersion of human beings.

T.

Tank: Any vessel containing more than 50 gallons.

Tavern: See Bar or Tavern.

Tattoo Parlors: A facility required to be licensed under the City of Elkhart Municipal Code that provides services including deliberately scarring, burning, or pricking the skin to leave a mark or a color that cannot be removed without a surgical procedure. Includes such services as tattooing, permanent coloring, scarifying, and branding, and the piercing of the human body to create a permanent hole. NAICS 812199.

Therapeutic Massage: (a) A profession in which the practitioner applies manual techniques, and may apply adjunctive therapies, with the intention of **positively affecting the health and wellbeing** of the client. (b) Any building, room, place, or establishment, other than a massage therapy school certified by the state or a regularly licensed hospital or dispensary wherein each person who administers a massage is a **qualified massage therapist as defined herein, where massages, non-medical, and nonsurgical manipulative exercises are practiced upon the human body.** (c) A person who practices, administers or teaches all or any of the subjects or methods of treatment **defined herein as massage therapy and meets the following criteria:** Has been awarded the **national Certification for Therapeutic Massage and Body Work and can produce the certification,** or has graduated from an educational institute of professional massage therapy instruction accredited by the state in which it is located, and can produce a diploma, or is a licensed LPN, RN, physician, chiropractor, osteopath, cosmetologist, esthetician, physical therapist, or assistant physical therapist, or is a student enrolled in an educational institute of professional massage therapy instruction accredited by the state of Indiana, performing massage therapy as a part of his/her training requirements.

Townhouse: A residential building containing multiple dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings.

Toxic Substance: Those pollutants or combinations of pollutants, including disease causing agents, which, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through the food chains, will on the basis of information available to the Planning and Zoning Staff, **cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring.**

Trade Schools: Educational facility based in learning trade or license such as welding, electrical wiring, cosmetology, information technology, nursing, etc.

Transitional or Sheltered Living Housing: A supervised residential facility providing temporary lodging for families or individuals in immediate need. The facility may also provide limited temporary counseling, referral, mediation, and similar human service functions. NAICS 624221.

Transparency: a building material standard requiring glazing or another material with two-way visibility for view into a building from its exterior.



U.

Underground: Located below the natural grade of the site.

Unified Federal Method for Wetland Delineation:

As it applies to the Wetlands Conservation Overlay District, a standard method for identifying wetlands and delineating their boundaries as described in: **Federal Interagency Committee for Wetland Delineation, Federal Manual for Identifying and Delineating Jurisdictional Wetlands,** (Washington, D.C.: U.S. Government Printing Office, 1989).

Use, Accessory: A use incidental to, and on the same lot as, a principal use.

Use, Principal: The main use of land or structures as distinguished from subordinate or accessory use.

Utility Substation and Transmission Facilities:

An assemblage of equipment for purposes other than energy generation or use, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of the public; provided that in residential districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or office or place of business.

V.

Variance: Grant of relief from the requirements of this ordinance, which permits construction in a manner

otherwise prohibited by this ordinance where **specific enforcement would result in unnecessary hardship.**

Vehicle: A device which is used to move people, items, or its own structure including, but not limited to, motor vehicles, trailer-able vehicles, travel trailers, mobile homes, and recreational vehicles.

Vehicle Conversion: The process of modifying motor vehicles, commercial motor vehicles, or recreational vehicles to cause substantial change to the vehicle's interior or exterior for the purpose of **sale. Modification includes but is not limited to, upholstery work, customized painting, or the installation of custom windows.**

Vehicle Display Area: Any property which is used for the placement of vehicles for the purposes of **sale, rental, lease or financial remuneration.**

Vehicle Holding Area: Any property which is used for the placement of vehicles pending either repair, determination of repair or total loss, or awaiting fabrication or shipment from vehicle assembly or conversion manufacturer as an accessory use to any business involved in major or minor motor vehicle repair, body shop, vehicle manufacturing, or vehicle conversion.

Violation: The failure of a structure or other development to be fully compliant with this ordinance. A structure or other development **without the elevation, other certification, or other evidence of compliance** required in this ordinance is presumed to be in violation until such time as that documentation is provided.

W.

Warehouse: See Distribution, Warehouse, or Wholesale Facility

Water Surface Elevation: The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Watercourse: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Wheel Stops: A concrete, metal, or wooden barrier not less than four inches in height used in parking areas at each parking space sufficient to prohibit vehicular movement through the parking space, properly anchored and maintained as per city specifications.

Wind Energy, Large Scale: A facility or equipment that converts wind energy into electrical power for the primary purpose of sale, resale, or off-site use and that has an output rating greater than 100 KW.

Wind Energy, Small-Scale Accessory: A facility or equipment that converts wind energy into electrical power to support the principal use(s) on the same property, that is mounted to the ground or a rooftop, and that has a rated capacity of 100 KW or less.

Wireless Communications Facility: Antennas and antenna tower structures including, but not limited to, any towers, equipment enclosures, or other structures intended for use in connection with the wireless transmission or receipt of radio, television, or any other electromagnetic spectrum-based transmissions or receptions. The following shall not be considered as "Communications facilities" for the purpose of this definition: **satellite reception dishes less than three feet in diameter; wireless communication facilities that are completely located within a primary structure and that operate with the sole purpose of providing communications within that structure; and hand-held wireless communications devices.** NAICS 237130.

Wholesale Business: Businesses engaged in wholesaling merchandise, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers sell merchandise to other businesses and normally **operate from a warehouse or office. These warehouses and offices are characterized by having little or no display of merchandise.** In addition, neither the design nor the location of the premises is intended to solicit walk-in traffic. Wholesalers do not normally use advertising directed to the public. NAICS 42

X.

X Zone: The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent Flood Insurance Rate Maps (FIRMs) (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance

of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2%.

Y.

Yard: A portion of a zoning lot lying either in front of, at the side of, or at the rear of the principal structure on the lot, unoccupied except for a driveway and/or those fences and/or other obstructions permitted therein under this UDO and extending from a lot line a minimum distance into the lot perpendicular to the lot line, as required in the zoning district in which the lot is located.

Yard, Corner Rear: The portion of the side yard that is behind the principal building abutting a street.

Yard, Corner Side: The side yard abutting a street in which the required setback shall be determined by the adjacent properties' average established setback. There shall be no structures, no open storage of materials or equipment, no parking of vehicles (except at one and two family dwelling units), and no paved parking spaces, aisles, or drives.

Yard, Front: A yard extending the full width of the zoning lot and situated between the front lot line and a line parallel thereto and passing through the nearest point of the structure. There shall be no structures, no open storage of materials or equipment, no parking of vehicles (except at one- and two-family dwelling units), and no paved parking spaces, aisles, or drives.

Yard, Rear: A yard extending the full width of the zoning lot lying between the rear line of the lot and the nearest point of the principal structure. In a through lot, the Rear Yard shall not include any area which would constitute either a front yard, or a side yard if the lot were not a through lot.

Yard, Side: A yard lying between the nearest point of the principal building and a side lot line extending from the required front yard to the rear yard, or to the opposite front yard in the case of a through lot.

Z.

Zone: A geographical area shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) that reflects the severity or type of flooding in the area.

Zone A: (see definition for A Zone)

Zone B, C, and X: Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Zoning Lot: A piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under one ownership or control.

Zoning Maps: The maps or maps incorporated into this Ordinance.



Staff Report

Planning & Zoning

Petition: 26-SI-03

Petition Type: Staff Item - Addressing

Date: March 2, 2026

Petitioner: City of Elkhart Planning & Zoning Department

Site Location: City of Elkhart

Plan Commission Action:
Approval of proposed addresses for the City of Elkhart.

Staff Analysis

The Planning and Zoning Department is requesting approval of the addresses that have been reserved for structures in the City of Elkhart.

Residential

3400 Greenleaf Boulevard	New Single-Family Dwelling	20-02-35-351-014.000-027
3406 Greenleaf Boulevard	New Single-Family Dwelling	20-02-35-352-041.000-027
3410 Greenleaf Boulevard	New Single-Family Dwelling	20-02-35-352-042.000-027
3414 Greenleaf Boulevard	New Single-Family Dwelling	20-02-35-352-043.000-027
3418 Greenleaf Boulevard	New Single-Family Dwelling	20-02-35-352-036.000-027
222 Middlebury Street Unit 101-304	Apartment Building	20-06-05-484-018.000-012
1620 South 9 th Street	New Single-Family Dwelling	20-06-08-329-013.000-012
1425 West Indiana Avenue	New Single-Family Dwelling	20-06-07-426-005.000-012

Residential Subdivision

1499 East Lake Drive West	New Service in Easement	20-02-34-253-027.000-027
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Commercial

318 Enchanted Gardens Lane	Readdress from 315 County Road 17
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301 Enchanted Gardens Lane New Commercial Building

125 North Main Street, Unit 200-204 Readdressing Existing Building

300 West High Street, Unit 200, 300 Adding two Residential Units

Industrial

1100 Mishawaka Street New Industrial Building

Recommendation

Staff recommends that the Plan Commission assign the proposed addresses based on staff recommendation.