

**AGENDA  
CITY OF ELKHART PLAN COMMISSION  
MONDAY, July 6, 2026 AT 1:45 P.M.  
COUNCIL CHAMBERS – MUNICIPAL BUILDING**

This meeting can also be accessed electronically via Teams.

To join, go to <https://teams.microsoft.com/join/246222684156062?p=AjCvmp5FECoru4R6by>, enter 254 184 240 194 800 as the meeting number and “So3hA3Kr” as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to [Carla.Lipsey@cityofelkhart.in.gov](mailto:Carla.Lipsey@cityofelkhart.in.gov) prior to the meeting.

1. **ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF PROOFS OF PUBLICATION**
4. **NEW BUSINESS**

**26-X-02 PETITIONER IS Donnie Greathouse (New Life in Christ Ministries)**

**PROPERTY IS LOCATED AT 1842 E Bristol St**

Per Section 11.3.A, Special Exception Uses in the B-1 Neighborhood Business District to allow for the establishment of a new church at 1842 East Bristol Street.

**26-PUDA-04 PETITIONER IS David Myers & Elizabeth Myers**

**PROPERTY IS LOCATED AT VL Woodland Estates**

Per Section 20.10.B.1 of the City of Elkhart Zoning Ordinance, a Major Amendment to the Woodland Estates Planned Unit Development District, Ordinances PC 92-32 & PC 92-34, approved by the Board of County Commissioners for Elkhart County. The proposed amendment would remove 6.66 acres of land from the Woodland Estates Planned Unit Development. To also allow a 50-foot right-of-way for the cul-de-sac to match the existing development, to allow lot frontages that are less than 75 feet for Woodland Estates Drive as depicted on the preliminary plat, to allow for no public sidewalks in this part of the development, and to allow Lot 68 to have no frontage.

**26-SUB-04 PETITIONER IS David Myers & Elizabeth Myers**

**PROPERTY IS LOCATED AT VL Woodland Estates**

Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a 13-lot, +/- 10.44 acre major subdivision, to be known as Woodland Estates Phase 3; a part of the Southwest Quarter of Section 27, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.

**26-TXT-03 PETITIONER IS City of Elkhart**

**Text Amendment**

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

5. **STAFF ITEMS**

**26-SI-06**

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**

<b><u>Name</u></b>	<b><u>Term</u></b>	<b><u>Appointed By</u></b>
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, Secretary	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

## LEGAL NOTICE #26-PUDA-04

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### Details for LEGAL NOTICE #26-PUDA-04

Jun 25, 2026

#### **LEGAL NOTICE #26-PUDA-04**

Hearing on proposed Major Planned Unit Development Amendment **#26-PUDA-04**

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, JULY 6, 2026, at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on Planned Unit Development Amendment **#26-PUDA-04**.

**Petitioner:** David J Myers & Elizabeth A Myers

**Request:** Per Section 20.10.B.1 of the City of Elkhart Zoning Ordinance, a Major Amendment to the Woodland Estates Planned Unit Development District, Ordinances PC 92-32 & PC 92-34, approved by the Board of County Commissioners for Elkhart County. The proposed amendment would remove 6.66 acres of land from the Woodland Estates Planned Unit Development. To also allow a 50-foot right-of-way for the cul-de-sac to match the existing development, to allow lot frontages that are less than 75 feet for Woodland Estates Drive as depicted on the preliminary plat, to allow for no public sidewalks in this part of the development, and to allow Lot 68 to have no frontage.

**Location:** East side of undeveloped Woodland Estates (02-27-301-005)

**Zoning:** Planned Unit Development



This meeting can also be accessed via Teams. To join, go to:

[https://teams.microsoft.com/meet/246222684156062?p=](https://teams.microsoft.com/meet/246222684156062?p=AjCvmp5FECoru4R6by)

[AjCvmp5FECoru4R6by](https://teams.microsoft.com/meet/246222684156062?p=AjCvmp5FECoru4R6by), enter **254 184 240 194 800** as the meeting number and **"So3hA3Kr"** as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to **Carla.Lipsey@cityofelkhart.in.gov** prior to the meeting.

**LEGAL DESCRIPTION:**

A part of the West 1/2 of the Southwest 1/4 of Section 27, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at an iron plug marking the West 1/4 corner of said Section 27; thence South 88°11'20" East, along the east-west centerline of Section 27 a distance of 620.96 feet to a nail with disc, the "POINT OF BEGINNING" of said parcel of land herein described; thence South 88° 11 '20" East, along the east-west centerline of Section 27 a distance of 703. 14 feet to an iron pipe marking the northeast corner of said West 1 /2 of the Southwest 1 /4; thence South 00°04 '00" East, along the east line of said West 1/2 of the Southwest 1/4 a distance of 818.95 feet to a 5/8" iron bar with cap; thence South 85°58'05" West a distance of 105.28 feet; thence North 81°41'06" West a distance of 87.11 feet; thence South 85°45'56" West a distance of 141.25 feet; thence North 69°42'40" West a distance of 81.60 feet to a 5/8" iron bar with cap marking the southeast corner of Lot 20 of Woodland Estates Phase I which is recorded in Plat Book 23, page 47 in the Office of the Recorder of Elkhart County, Indiana; thence along the boundary of said Woodland Estates Phase II the following ten (10) courses:

1. North 19°47'19" East a distance of 130.00 feet to a 5/8" iron bar with cap;
2. South 69°42'40" East a distance of 84.40 feet to a 5/8" iron bar with cap;
3. North 20°17'20" East a distance of 110.00 feet to a 5/8" iron bar with cap;
4. North 69°42'40" West a distance of 110.00 feet to a 5/8" iron bar with cap;
5. North 20° 17'20" East a distance of 70. 00 feet to a 5/8" iron bar with cap;
6. North 69°42'40" West a distance of 111.11 feet to a 5/8" iron bar with cap;
7. North 87°25'2T West a distance of 50.05 feet to a 5/8" iron bar with cap;
8. North 88° 11 '20" West a distance of 130. 07 feet to a 5/8" iron bar with cap;
9. North 00°04'00" West a distance of 84.68 feet to a 5/8" iron bar with cap;
10. North 38°11'20" West a distance of 143.93 feet to A 5/8" iron bar with cap marking the southeast corner of Lot 53 of Woodland Estates Phase I, which is recorded in Plat Book 21, page 9 in the Office of the Recorder of Elkhart County, Indiana; thence along the boundary of said Woodland Estates Phase I the following Seven (7) courses:

1. North 00°00'00" West a distance of 155a4 feet to a 5/8" iron bar with cap;
2. South 88° 11 '20" East a distance of 43.41 feet to a 5/8" iron bar with cap;
3. North 01 °48'40" East a distance of 50.00 feet to a 5/8" iron bar with cap;

4. along a curve, concave Northeasterly, whose elements are: central angle of 90°00'00", radius of 25.00 feet, arc length of 39.27 feet and a chord that bears North 43° 11'20" West, 35.36 feet;
5. North 01°48'40" East a distance of 100.00 feet to a 5/8" iron bar with cap;
6. along a curve, concave southeasterly, whose elements are; central angle of 90°00'00", radius of 25.00 feet, arc length of 39.27 feet and a chord that bears North 46°48'40" East, 35.36 feet:
7. North 01°48'40" East a distance of 30.00 feet to the "POINT OF BEGINNING".

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 5 EAST OF THE SECOND PRINCIPAL MERIDIAN, OSOLO TOWNSHIP, ELKHART COUNTY, INDIANA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 5 EAST AS EVIDENCED BY A HARRISON MONUMENT; THENCE SOUTH 88 DEGREES 14 MINUTES 04 SECONDS EAST, (BASIS OF BEARINGS) ON THE EAST -WEST CENTERLINE OF SAID SECTION 27, A DISTANCE OF 620.96 FEET TO THE NORTHEAST CORNER OF WOODLAND ESTATES PHASE I AS RECORDED IN DOCUMENT# 94-026298 BEING THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 14 MINUTES 04 SECONDS EAST, ON SAID EAST-WEST CENTERLINE, A DISTANCE OF 345.50 FEET; THENCE SOUTH 01 DEGREE 46 MINUTES 01 SECONDS WEST, A DISTANCE OF 385.45 FEET; THENCE NORTH 88 DEGREES 14 MINUTES 16 SECONDS WEST, A DISTANCE OF 110.10 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 50 SECONDS EAST, A DISTANCE OF 385.45 FEET TO A 5/8 INCH IRON REINFORCING ROD WITH ID CAP STAMPED "PALM" AT THE NORTHEAST CORNER OF LOT 59 OF SAID WOODLAND ESTATES PHASE II AS RECORDED IN DOCUMENT# 97-007516; THENCE NORTH 88 DEGREES 13 MINUTES 20 SECONDS WEST, ON THE NORTH LINE OF SAID LOT 59, A DISTANCE OF 130.23 FEET TO A 5/8 INCH IRON REINFORCING ROD WITH ID CAP STAMPED "PALM" AT THE NORTHWEST CORNER OF SAID LOT 59; THENCE NORTH 00 DEGREES 09 MINUTES 36 SECONDS WEST, ON THE EAST LINE OF LOT 60 OF SAID WOODLANDS ESTATES PHASE II, A DISTANCE OF 84.61 FEET TO A 5/8 INCH IRON REINFORCING ROD WITH ID CAP STAMPED "PALM" AT THE NORTHEAST CORNER OF SAID LOT 60; THENCE NORTH 88 DEGREES 14 MINUTES 16 SECONDS WEST, ON THE NORTH LINE OF SAID LOT 60, A DISTANCE OF 73.81 FEET TO A 5/8 INCH IRON REINFORCING ROD WITH ID CAP STAMPED "PALM" AT THE NORTHWEST CORNER OF SAID LOT 60; THENCE NORTH 88 DEGREES 14 MINUTES 42 SECONDS WEST, ON THE NORTH LINE OF LOT 61 OF SAID WOODLANDS ESTATES PHASE II, A DISTANCE OF 69.99 FEET TO A 5/8 INCH IRON REINFORCING ROD WITH ID CAP STAMPED "PALM" TO THE SOUTHEAST CORNER OF LOT 53 OF WOODLANDS ESTATES PHASE I AS RECORDED IN DOCUMENT# 94-026298; THENCE NORTH 00 DEGREES 05 MINUTES 59 SECONDS WEST, ON THE EAST LINE OF SAID LOT 53,

A DISTANCE OF 155.64 FEET TO A 5/8 INCH IRON REINFORCING ROD WITH ID CAP STAMPED "BRADSKO" AT THE NORTHEAST CORNER OF SAID LOT 53 FURTHER BEING THE SOUTH RIGHT OF WAY LINE OF WOODLAND ESTATES DRIVE; THENCE SOUTH 88 DEGREES 12 MINUTES 33 SECONDS EAST, ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 43.55 FEET TO A 5/8 INCH IRON REINFORCING ROD WITH ID CAP STAMPED "PALM"; THENCE NORTH 01 DEGREES 36 MINUTES 29 SECONDS EAST, A DISTANCE OF 50.00 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID WOODLAND ESTATES DRIVE; THENCE, ON THE EASTERLY RIGHT OF WAY LINE OF WOODLAND ESTATES DRIVE, NORTHERLY 39.29 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 43 DEGREES 11 MINUTES 22 SECONDS WEST AND A LENGTH OF 35.37 FEET; THENCE NORTH 01 DEGREES 49 MINUTES 48 SECONDS EAST, ON SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 99.83 FEET TO A 5/8 INCH IRON REINFORCING ROD WITH ID CAP STAMPED "PALM"; THENCE, ON SAID EASTERLY RIGHT OF WAY LINE, NORTHEASTERLY 39.32 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 46 DEGREES 41 MINUTES 23 SECONDS EAST AND A LENGTH OF 35.39 FEET TO A 5/8 INCH IRON REINFORCING ROD WITH ID CAP STAMPED "PALM"; THENCE NORTH 01 DEGREES 35 MINUTES 35 SECONDS EAST, A DISTANCE OF 30.02 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS **3.54 ACRES** MORE OR LESS.

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 22nd day of June 2026, by the City of Elkhart, Plan Commission.

Publication Date: 6/26/2026

## LEGAL NOTICE #26-TXT-03

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### Details for LEGAL NOTICE #26-TXT-03

Jun 25, 2026

#### LEGAL NOTICE #26-TXT-03

Hearing on proposed **#26-TXT-03**

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, JULY 6, 2026, at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on text amendment #26-TXT-03.

#### **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 July 6, 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 amended or added to Chapter 17 Language Rules and Definitions – Backup Generator; Brownfield; Data Center (Principal); Data Center Campus; Data Center, Accessory; Data Hall; Electrical Substation, Accessory; Emergency Planning Zone (EPZ); Food Truck; Mechanical Yard; Nuclear Energy Generating Facility; Nuclear Regulatory Commission (NRC); Nuclear Waste Storage Facility; Sensitive Receptor; Sma**



**Modular Reactor (SMR); Small Modular Reactor (SMR), Non-Utility; Small Modular Reactor (SMR), Utility-Owned; Solar Energy System; Solar, Community Scale; Solar, Large-Scale; and Solar, Small-Scale Accessory.**

**Update Chapter 4 Use Specific Conditions to amend or add the following uses to Table 4.2-1 as well as amend or add the use specific conditions in Sections 4.8, 4.9, and 4.10 – Data Center (Principal); Data Center Campus; Data Center, Accessory; Food Truck; Solar, Community Scale; Solar, Large-Scale; and Solar, Small-Scale Accessory.**

**Update numbering for headings and subheadings throughout Chapters 4 and 17. Update cross references throughout the UDO to reflect changes to Chapters 4 and 17.**

**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.**

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[AjCvmp5FECoru4R6by](https://teams.microsoft.com/meet/246222684156062?p=AjCvmp5FECoru4R6by), enter **254 184 240 194 800** as the

meeting number and **“So3hA3Kr”** as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to [Carla.Lipsey@cityofelkhartin.gov](mailto: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 22nd day of June 2026, by the City of Elkhart, Plan Commission.

Publication Date: 6/26/2026

## LEGAL NOTICE #26-SUB-04

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### Details for LEGAL NOTICE #26-SUB-04

Jun 25, 2026

#### **LEGAL NOTICE #26-SUB-04**

Hearing on proposed Subdivision **#26-SUB-04**

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, July 6, at 1:45 P.M.** concerning the following request:

A public hearing will be conducted on Subdivision **#26-SUB-04**.

**Petitioner:** David Myers & Elizabeth Myers

**Request:** Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a 13-lot, +/- 10.44-acre major subdivision, to be known as Woodland Estates Phase 3; a part of the Southwest Quarter of Section 27, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.

**Location:** East side of undeveloped Woodland Estates (02-27-301-005)

**Zoning:** PUD, Planned Unit Development

This meeting can also be accessed via Teams. To join, go to:

[https://teams.microsoft.com/meet/246222684156062?p=](https://teams.microsoft.com/meet/246222684156062?p=AjCvmp5FECoru4R6by)

[AjCvmp5FECoru4R6by](https://teams.microsoft.com/meet/246222684156062?p=AjCvmp5FECoru4R6by), enter **254 184 240 194 800** as the



meeting number and “So3hA3Kr” as the password. Attendees may preregister or enter during the meeting. Comments and questions may be submitted to [Carla.Lipse@cityofelkhart.in.gov](mailto:Carla.Lipse@cityofelkhart.in.gov) prior to the meeting.

**LEGAL DESCRIPTION:**

A parcel of land located in the Southwest quarter of Section 27, Township 38 N011h, Range 5 East of the second principal meridian, Osolo Township, Elkhart County, Indiana. more particularly described as follows: Commencing at the West quarter corner of Section 27, Township 38 North, Range 5 East as evidenced by a Harrison monument; thence South 88 degrees 14 minutes 04 seconds East, (basis of bearings) on the East -West centerline of said Section 27, a distance of 620.96 feet to the Northeast corner of Woodland Estates Phase I as recorded in Document# 94-026298 being the point of beginning of this description: thence continuing South 88 degrees 14 minutes 04 seconds East, on said East-West centerline, a distance of 702.95 feet to the Northeast corner, of the West half, of the Southwest quarter, of said Section 27 as evidenced by a bent 3/4" iron pipe; thence South 00 degrees 07 minutes 44 seconds East, on the East line, of the West half, of the Southwest quarter of said Section 27, a distance of 818.95 feet to a 5/8 inch iron reinforcing rod with id cap stamped "Palm"; thence South 85 degrees 57 minutes 18 seconds West, a distance of 105.13 feet to a 5/8 inch iron reinforcing rod with id cap stamped "Palm"; thence North 81 degrees 43 minutes 39 seconds West, a distance of 87.12 feet to 5/8 inch iron reinforcing rod with id cap stamped "Palm"; thence South 85 degrees 41 minutes 54 seconds West, a distance of 141.29 feet to a 5/8 inch iron reinforcing rod with id cap stamped "Palm"; thence North 69 degrees 45 minutes 30 seconds West, a distance of 81.57 feet to a 5/8 inch iron reinforcing rod with id cap stamped "Palm" at the Southeast corner of lot 20 of Woodland Estates Phase II as recorded in Document# 97-007516; thence North 19 degrees 46 minutes 02 seconds East, on the East line of said lot 20, a distance of 130.03 feet to the Northeast corner of said lot 20; thence South 69 degrees 46 minutes 11 seconds East, a distance of 84.33 feet to a 5/8-inch iron reinforcing rod with id cap stamped "Palm"; thence N011h 20 degrees 09 minutes 15 seconds East, a distance of 109.99 feet to a 5/8 inch iron reinforcing rod with id cap stamped "Palm"; thence North 69 degrees 47 minutes 20 seconds West, a distance of 109.85 feet to the East line of lot 65 of said Woodland Estates Phase II; thence North 20 degrees 15 minutes 55 seconds East, a distance of 70.00 feet to a to a 5/8-inch iron reinforcing rod with id cap stamped "Palm" at the Northeast corner of said lot 65; thence North 69 degrees 45 minutes 57 seconds West, on the North line of said lot 65, a distance of 111.24 feet to a 5/8 inch iron reinforcing rod with id cap stamped "Palm" at the Northwest corner of said lot 65; thence North 87 degrees 33 minutes 44 seconds West, a distance of 49.86 feet to a 5/8 inch iron reinforcing rod with id cap stamped "Palm" at the Northeast corner of lot 59 of said Woodland Estates Phase II; thence North 88 degrees 13 minutes 20 seconds West, on the N011h line of said lot 59, a distance of 130.23 feet to a 5/8 inch iron reinforcing rod with id cap stamped "Palm" at the

Northwest corner of said lot 59 and further being the East line of lot 60 of said plat; thence North 00 degrees 09 minutes 36 seconds West, on said East line of lot 60 of said Woodlands Estates Phase II, a distance of 84.61 feet to a 5/8 inch iron reinforcing rod with id cap stamped "Palm" at the Northeast corner of said lot 60; thence North 88 degrees 14 minutes 16 seconds West, on the North line of said lot 60, a distance of 73.81 feet to a 5/8 inch iron reinforcing rod with id cap stamped "Palm" at the Northwest corner of said lot 60; thence North 88 degrees 14 minutes 42 seconds West, on the North line of lot 61 of said Woodlands Estates Phase II, a distance of 69.99 feet to a 5/8 inch iron reinforcing rod with id cap stamped "Palm" to the Southeast corner of lot 53 of Woodlands Estates Phase I as recorded in Document# 94-026298; thence North 01 degree 00 minutes 59 seconds West, on the East line of said lot 53, a distance of 155.64 feet to a 5/8 inch iron reinforcing rod with id cap stamped "Bradsko" at the Northeast corner of said lot 53 further being the South right of way line of Woodland Estates Drive; thence South 88 degrees 12 minutes 33 seconds East, on said South right of way line, a distance of 43.55 feet to a 5/8 inch iron reinforcing rod with id cap stamped "Palm"; thence North 01 degree 36 minutes 29 seconds East, a distance of 50.00 feet to the North 01 degree right of way line of said Woodland Estates Drive; thence, on the Easterly right of way line of Woodland Estates Drive, Northerly 39.29 feet along a non-tangent arc to the right having a radius of 25.00 feet and subtended by a long chord having a bearing of North 43 degrees 11 minutes 22 seconds West and a length of 35.37 feet; thence North 01 degree 49 minutes 48 seconds East, on said Easterly right of way line, a distance of 99.83 feet to a 5/8 inch iron reinforcing rod with id cap stamped "Palm"; thence, on said Easterly right of way line, Northeasterly 39.32 feet along an arc to the right having a radius of 25.00 feet and subtended by a long chord having a bearing of North 46 degrees 41 minutes 23 seconds East and a length of 35.39 feet to a 5/8-inch iron reinforcing rod with id cap stamped "Palm"; thence North 01 degree 35 minutes 35 seconds East, a distance of 30.02 feet to the point of beginning.

Parcel contains 10.44 acres more or less.

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 22nd day of June 2026, by the City of Elkhart, Plan Commission.

Publication Date: 6/26/2026



# Staff Report

Planning & Zoning

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**Petition:** 26-X-02

**Petition Type:** Special Exception

**Date:** Plan Commission: July 6, 2026; Board of Zoning Appeals July 9, 2026

**Petitioner:** New Life in Christ Ministries

**Site Location:** 1842 East Bristol Street

**Request:** Per Section 11.3.A, Special Exception Uses in the B-1 Neighborhood Business District to allow for the establishment of a new church at 1842 East Bristol Street.

**Existing Zoning:** B-1, Neighborhood Business District

**Size:** +/- 0.65 acres

**Thoroughfares:** East Bristol Street and Hastings Street and Berry Street

**School District:** Elkhart Community Schools

**Utilities:** Available to site.

**Surrounding Land Use & Zoning:**

The property is surrounded by a mix of commercial and residential uses zoned B-1, Neighborhood Business District, B-2, Community Business District, OP, Office Park District and R-2, One-Family Dwelling District (Elkhart County).

**Applicable Sections of the Zoning Ordinance:**

Enumerated in request.

**Comprehensive Plan:**

The Comprehensive Plan calls for this area to be developed with commercial uses.



## Staff Analysis

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The request is per 11.3, Special Exception Uses, (11.3 A) Churches to allow for the establishment of a new church at 1842 East Bristol Street.

The petitioner has purchased a commercial building with the intent of renovating the building to use as a church. This building was previously used as a bank, and the applicant is proposing some interior remodeling to open the floor plan to accommodate the new use as a place of worship.

The floor plans provided show several existing offices that will be removed to create a large gathering/congregation space. Some of the current office space will remain. At this time, no proposals were made for changes to the exterior of the building.

The site also has twenty parking spaces. Based on current parking requirements, the current parking configurations will accommodate around 100 people.

# Recommendation

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Staff recommends approval of the request based on the following findings of fact:

1. The Special Exception is so defined, located and proposed to be operated that the public health, safety and welfare **will be** protected;
2. The Special Exception **will not** reduce the values of other properties in its immediate vicinity because there will be no exterior changes to the existing building;
3. The Special Exception **shall** conform to the regulations of the zoning district in which it is to be located because it will not generate adverse effects on adjacent properties in the form of noise, smoke, or odor.

# Conditions

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If the Board chooses to approve the requested special exception, staff recommends that the following conditions be placed upon the approval:

1. The petitioner shall submit project for a modified staff Technical Review to ensure all developmental requirements have been met.

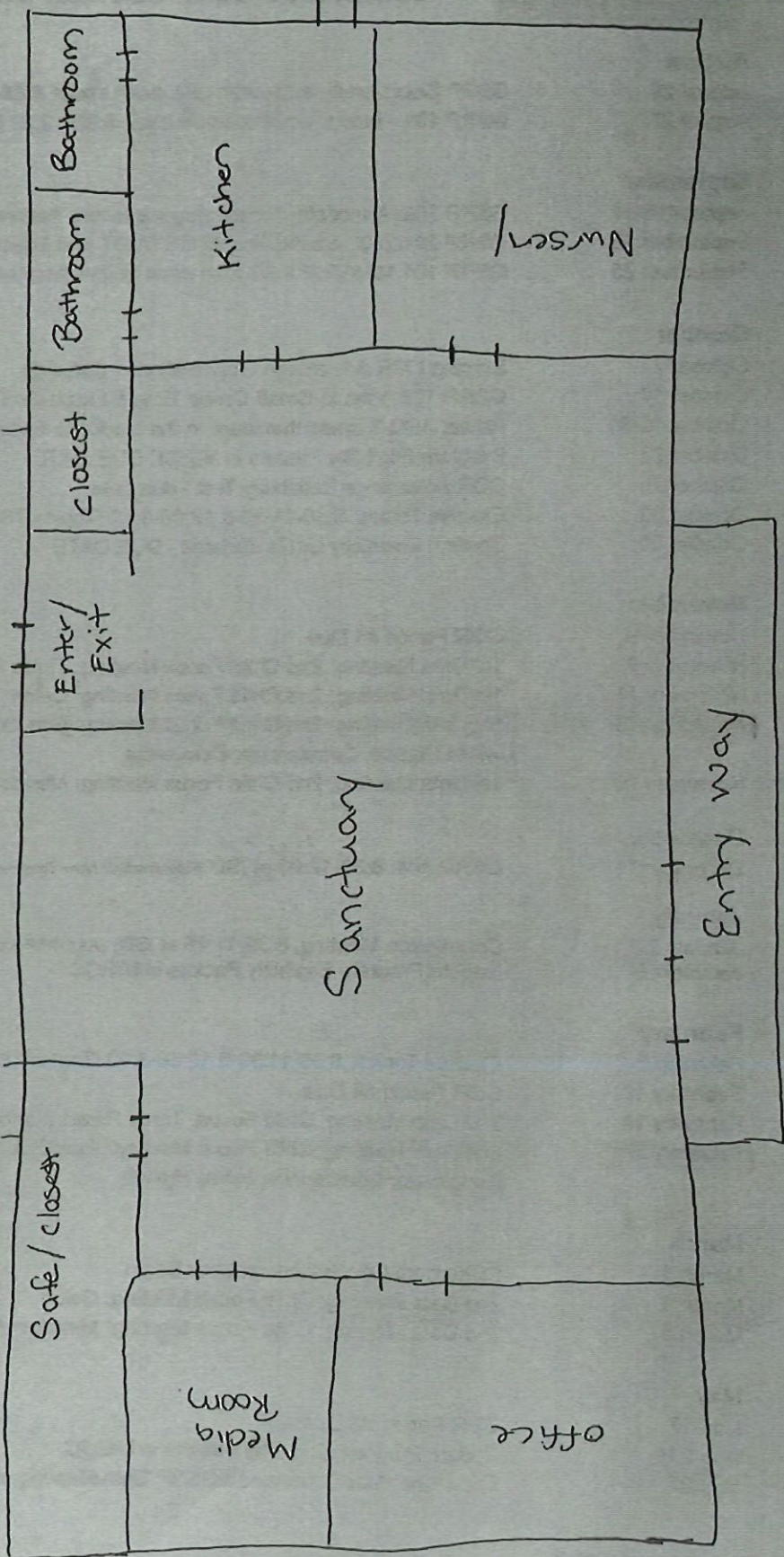
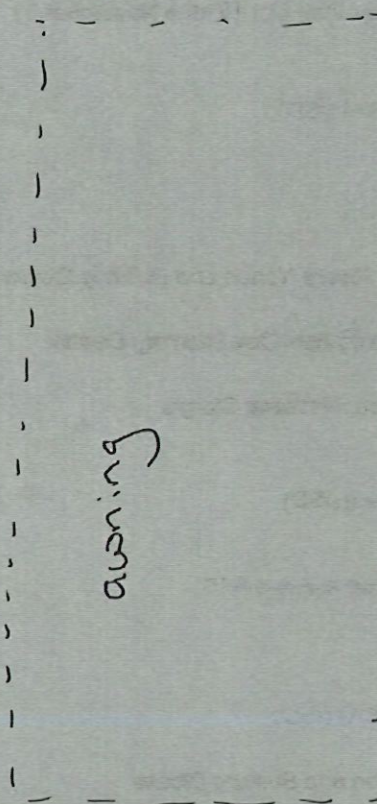
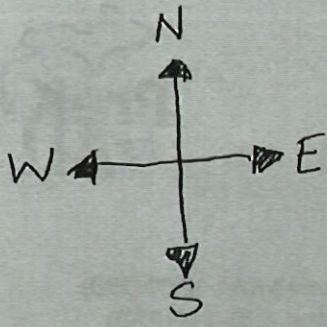
# Photos

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E. Bristol St.



PETITION #: 24-X-02

FILING FEE: \$ 300

**PETITION for APPEAL to the BOARD of ZONING APPEALS**

**PETITION TYPE: SPECIAL EXCEPTION**

Property Owner(s): Donnie Greathouse / New Life in Christ Ministries

Mailing Address: 1842 E. Bristol St. Elkhart IN 46514

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Donnie Greathouse

Mailing Address: [REDACTED]

Phone #: " Email: "

Subject Property Address: 1842 E. Bristol St. Elkhart IN 46514

Zoning: B1

Present Use: vacant/previous bank Proposed Use: church

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): Donnie Greathouse

SIGNATURE(S): [Signature] DATE: 6/4/26

**STAFF USE ONLY:**

Staff Checklist for the applicant's submittal of a complete Petition to the Board of Appeals docket:

- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- 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, measuring 11" x 17" or smaller. If larger than 11" x 17", 12 copies must be submitted.
- Optional: any supplementary information the applicant may wish to include.

Ordinance Requirement: Section(s): \_\_\_\_\_

Map #: \_\_\_\_\_ Area: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

To: Planning Commission & Board of Zoning Appeals City of Elkhart RE: Special Exception Request

The undersigned petitioner respectfully shows the Planning Commission & Board of Zoning Appeals:

1. I, Donnie Greathouse, am the owner of the following described real estate located within the City of Elkhart, Osolo Township, Elkhart County, State of Indiana, to-wit: Common address: 1842 E Bristol St. Elkhart IN 46514 Legal Description on: THE LAND OF SCHWEINZGER 1ST ADDITION LOT 1 Parcel Number: 20-02-33-284-010.000-027

2. The above-described real estate presently has a zoning classification on of B-1 Neighborhood Business District under the Zoning Ordinance of the City of Elkhart.

3. Petitioner presently occupies (or proposes to occupy) the above described property in the following manner: We propose to use the building for Sunday church services and other religious meetings/gatherings.

4. Petitioner desires a Special Exception on the property so the structure can be used for a church.

5. The Zoning Ordinance of the City of Elkhart requires proposed property and use to request a Special Exception under sec on 11.3. & sec 29.7.

6. This property is a prime location with the ability to reach locate residents that either live or work in the area. It is centrally located to varies areas of the city and county. Without the approval of the Special Exception, New Life in Christ Ministries will not be able to use the property/ building as needed/desired.

7. 1. Having a church at this location will not be injurious to the public health, safety, morals, and general welfare of the community. As a church, we want to be of service and a help and asset to the community.

2. By granting the Special Exception, this will not decrease the use or value of the area properties adjacent to the property. The building is not changing, just the use inside.

3. The Special Exception will allow this property to be used as desired and bring the property into compliance with the Elkhart City Ordinance. The ordinance states that a church would be considered for a Special Exception. This would not change the zoning of the property.

WHEREFORE, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the Board grant the requested special exception.

Signature of Property Owner:



Printed Name: Donnie Greathouse

Contact Person: Donnie Greathouse

Address: [REDACTED]

Phone Number: [REDACTED]

Email: [REDACTED]



**AFFIDAVIT IN SUPPORT OF SPECIAL EXCEPTION PETITION**

I, Donnie Greathouse being first duly sworn upon his/her oath deposes and says that he/she is familiar with and has personal knowledge of the facts herein and, if called as a witness in this matter, would testify as follows:

- 1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
- 2. I make this affidavit in support of my special exception petition filed contemporaneously herewith.
- 3. I am now and at all times relevant herein have been, the owner of record of the property located at 1842 E. Bristol St. Elkhart, Indiana.
- 4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the 5<sup>th</sup> day of June, 2026.

[Signature]

Printed: Donnie Greathouse

I certify under the penalties for perjury under the laws of the United States of America and the State of Indiana that the foregoing factual statements and representations are true and correct.

[Signature]

Printed: Donnie Greathouse

STATE OF INDIANA )  
COUNTY OF ELKHART )

) SS:



Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared Donnie Greathouse Jr. and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this 5 day of June, 2026.

[Signature]  
Printed: Jennifer Drlich

My Commission Expires:  
9/27/2028

Notary Public in and for the State of Indiana  
Resident of Elkhart County, Indiana



City of Elkhart

# Staff Report

Planning & Zoning

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<b><u>Petition:</u></b>	26-PUDA-04
<b><u>Petition Type:</u></b>	Major Amendment to PUD
<b><u>Date:</u></b>	July 6, 2026
<b><u>Petitioner:</u></b>	David J Myers & Elizabeth A Myers
<b><u>Site Location:</u></b>	VL Woodside Estates
<b><u>Request:</u></b>	Per Section 20.10.B.1 of the City of Elkhart Zoning Ordinance, a Major Amendment to the Woodland Estates Planned Unit Development District, Ordinances PC 92-32 & PC 92-34, approved by the Board of County Commissioners for Elkhart County. The proposed amendment would remove 6.66 acres of land from the Woodland Estates Planned Unit Development. To also allow a 50-foot right-of-way for the cul-de-sac to match the existing development, to allow lot frontages that are less than 75 feet for Woodland Estates Drive as depicted on the preliminary plat, to allow for no public sidewalks in this part of the development, and to allow Lot 68 to have no frontage.
<b><u>Parcel numbers:</u></b>	20-02-27-301-005.000-027
<b><u>Existing Zoning:</u></b>	PUD – Planned Unit Development
<b><u>Size:</u></b>	+/- 10.44 Acres
<b><u>Thoroughfares:</u></b>	Osolo Road and Henke Street
<b><u>School District:</u></b>	Elkhart Community Schools
<b><u>Utilities:</u></b>	Available and provided to the site.
<b><u>Plan Commission Action:</u></b>	Recommendation to Common Council to either approve, deny or make no recommendation - with or without additional conditions

**Surrounding Land Use & Zoning:**

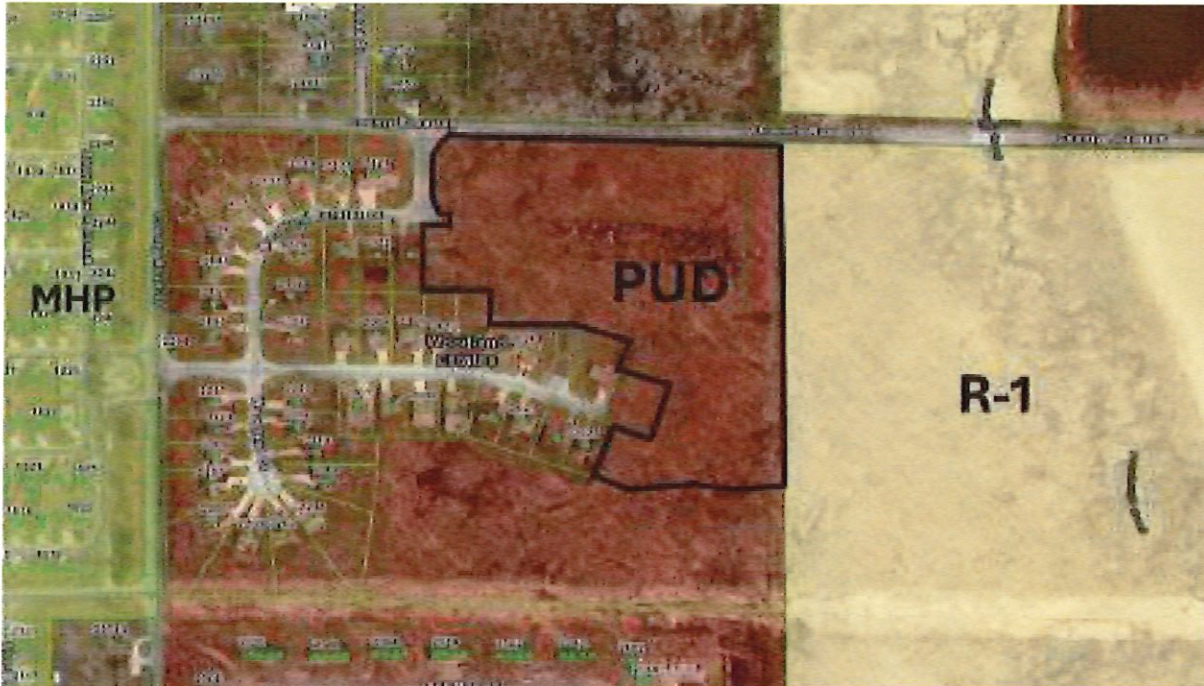
Property to the west is a mobile home park. Land to the north is low density residential located in Elkhart County. Land to the east is vacant land zoned residentially. Land to the south is an apartment complex.

**Applicable Sections of the Zoning Ordinance:**

See enumerated in request.

**Comprehensive Plan:**

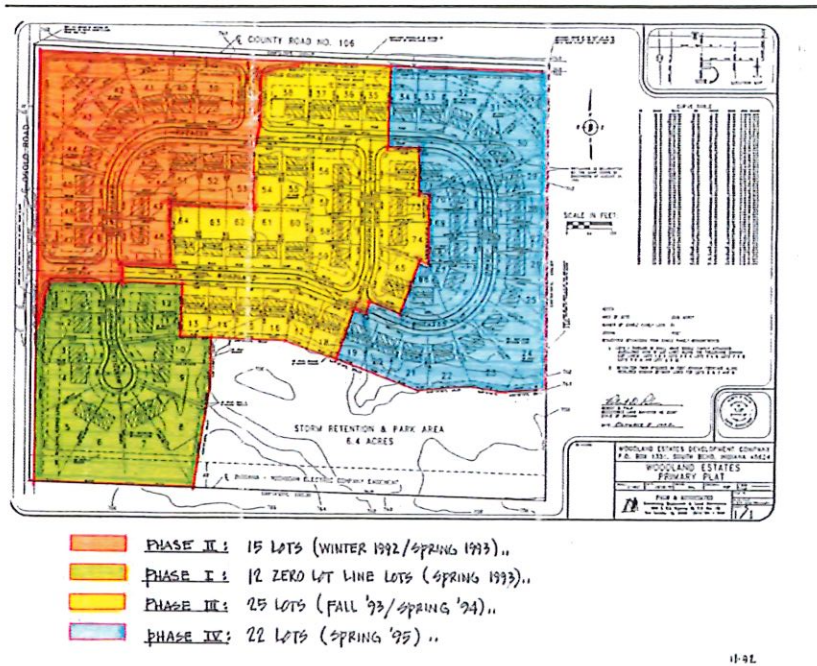
The Comprehensive Plan calls for the land to be developed with low density residential uses.



**Staff Analysis**

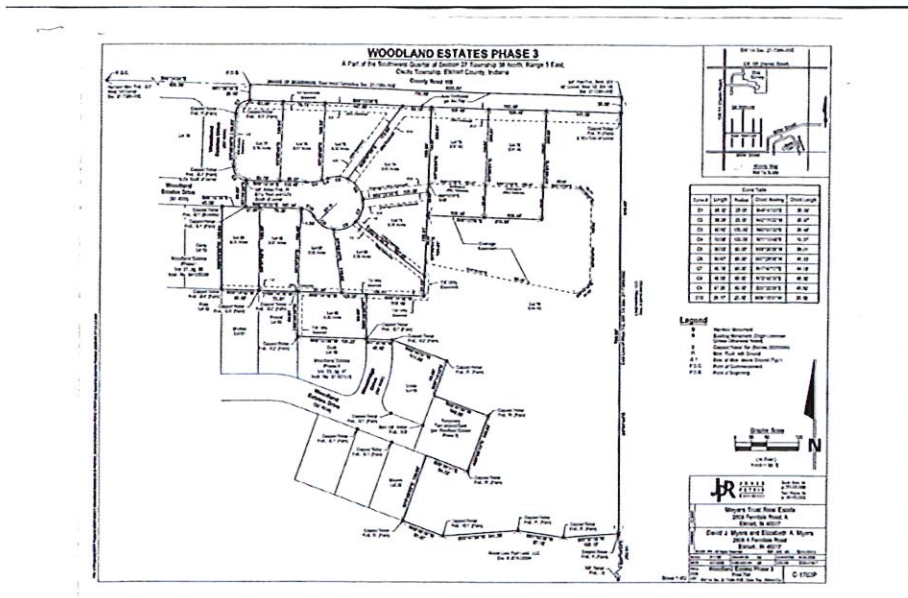
Per Section 20.10.B.1 of the City of Elkhart Zoning Ordinance, a Major Amendment to the Woodland Estates Planned Unit Development District, Ordinances PC 92-32 & PC 92-34, approved by the Board of County Commissioners for Elkhart County. The proposed amendment would remove 6.66 acres of land from the Woodland Estates Planned Unit Development. To also allow a 50-foot right-of-way for the cul-de-sac to match the existing development, to allow lot frontages that are less than 75 feet for Woodland Estates Drive as depicted on the preliminary plat, to allow for no public sidewalks in this part of the development, and to allow Lot 68 to have no frontage.

The Woodland Estates planned subdivision was approved by the Elkhart County Board of Commissioners in 1992. The development was to be built in four (4) phases. The development was annexed into the city in 1993. Currently, Phase I and Phase II have been built out. The original plan called for two additional loop roads built to connect to Woodland Estates Drive as a part of Phase III and Phase IV. A graphic is provided below that depicts the original phasing plan for the subdivision.



Original Phasing Graphic

The updated plan will reduce the number of lots from the original plan of 74 to 55 and alter the street layout for the proposed Phase III of the development. The revised plan will establish a new cul de sac at the north side of the development. The revised plan will also establish three (3) lots with direct access to Henke Street (CR 106).



Proposed Phase III

With the modified plan for Phase III, there will be 13 new lots established. The developer is proposing to extend the northern leg of Woodland Estates Drive to the east to a new cul de sac and establish nine (9) new single-family lots (Lots 65-67 and Lots 69-77). One (1) lot, Lot 68 is proposed to have no street frontage and is to be deeded to the parcel to the south (Lot 59, Phase II). This action will match the depth of the other lots along the south leg of Woodland Estates Drive.

Finally, three (3) lots (Lots 70, 72 and 73) are proposed to have direct access to Henke Street and are larger to allow for well and septic. The petitioner is also proposing to amend the PUD to remove 6.66 acres and request to rezone that land to R-1, One Family Dwelling district (that request will follow after the amendment has been heard by the common council). With access off Henke and proposed to be larger lots – these parcels do not feel as much a part of the more homogenous original phases of the development. These three (3) lots are proposed to not be a part of the homeowners association.

The request for dimensional lot deviations for the cul de sac lots and relief from the street width requirement are requested to maintain consistency within the overall development. From staff's perspective, neither of these requests are unreasonable and maintain the consistency of the development. The proposed setback for each of the lots is consistent with the other lots in other cul de sacs throughout the neighborhood. The street width relief is also consistent with the existing development and within design standards for a low volume residential neighborhood.

The request for relief from the requirement to install a public sidewalk within the right of way within Phase III is to maintain the consistency of the overall subdivision as there are no other public sidewalks within the development. In 2007 and in 2015, petitions were filed with the Board of Zoning Appeals seeking relief from having to install the public sidewalks for the remaining vacant lots. Those requests covered the last 11 undeveloped lots in the neighborhood at that time. The board requests were made as the first homes developed did not have public sidewalks and there was a desire to maintain that throughout the development.

## Recommendation

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Per Section 20.10.B.1 of the City of Elkhart Zoning Ordinance the Staff recommends approval of a Major Amendment, to the Woodland Estates Planned Unit Development District, Ordinances PC 92-32 & PC 92-34, approved by the Board of County Commissioners for Elkhart County. The proposed amendment would remove 6.66 acres of land from the Woodland Estates Planned Unit Development. To also allow a 50-foot right-of-way for the cul-de-sac to match the existing development, to allow lot frontages that are less than 75 feet for Woodland Estates Drive as depicted on the preliminary plat, to allow for no public sidewalks in this part of the development, and to allow Lot 68 to have no frontage:

- 1) The Comprehensive Plan calls for this area to be developed with low density residential uses. The proposed amendment to the PUD maintains the low density residential uses and is in keeping with the long range land use plan.
- 2) The proposed amendment to the Woodland Estates Planned Unit Development should not impact negatively the other residential uses within this PUD or have a substantial negative effect on the surrounding uses as the uses within the PUD will remain low density residential.
- 3) The proposed amendment to the Woodland Estates Planned Unit Development will minimize adverse environmental impacts of development by maintaining acres of the wooded area and would improve the design, quality and character of the development.

# Photos

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View east along Henke from Woodland Estates Drive



View east along Henke from Woodland Estates Drive inside development



View looking north toward Woodridge Drive from south leg of Woodland Estates Drive



View looking east at the dead end of Woodland Estates Drive

## Attachments

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Petition, appeal letter, site plan.

PETITION #: 26-PUDA-04

FILING FEE: \$ 200.00

### PETITION to the PLAN COMMISSION

**PETITION TYPE: MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT**

Property Owner(s): MYERS DAVID J & ELIZABETH A MYERS H&W 54% & ETAL

Mailing Address: [REDACTED]

Phone #: [REDACTED] Email: [REDACTED]

Contact Person: Matt Schuster w/ Jones Petrie Rafinski

Mailing Address: 325 S. Lafayette Blvd. South Bend, IN 46601

Phone #: [REDACTED] Email: [REDACTED]

**Subject Property Address:** no address assigned, parcel number: 20-02-27-301-005.000-027

Zoning: PUD

Present Use: Vacant land Proposed Use: PUD & R1

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): David J. Myers ELIZABETH A MYERS

SIGNATURE(S): David J. Myers Elizabeth A. Myers DATE: 5-27-2026

**STAFF USE ONLY:**

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

- One copy of the Appeal Letter signed in ink by the owner (or representative) of the property.
- A completed Petition form signed by the legal owner of record (or approved representative).
- 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, measuring 11" x 17" or smaller. If larger than 11" x 17", 25 copies must be submitted.
- Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): \_\_\_\_\_

Map #: \_\_\_\_\_ Area: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_



JONES  
PETRIE  
RAFINSKI

Land Surveying · Civil Engineering · Planning · Architecture · Project Funding · GIS · Environmental · Renewable Energy · Landscape Architecture

May 27, 2026

Honorable Members of the Plan Commission  
and City Council  
229 S. Second Street  
Elkhart, IN 46516

**RE: PUD AMENDMENT OF 20-02-27-301-005.000-027**

The undersigned petitioner respectfully shows the Council and Plan Commission:

1. Myers David J & Elizabeth A Myers H&W 54% & ETAL are the current owners of the property and Jones Petrie Rafinski is the Owner's representative for the above request for the PUD amendment for parcel number 20-02-27-301-005.000-027 located within Osolo Township, Elkhart County, Indiana, to wit:

**Record Legal Description (Doc.# 2015-23513)**

*A part of the West 1/2 of the Southwest 1/4 of Section 27, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana, more particularly described as follows:*

*Commencing at an iron plug marking the West 1/4 corner of said Section 27; thence South 88°11'20" East, along the east-west centerline of Section 27 a distance of 620.96 feet to a nail with disc, the "POINT OF BEGINNING" of said parcel of land herein described; thence South 88°11'20" East, along the east-west centerline of Section 27 a distance of 703.14 feet to an iron pipe marking the northeast corner of said West 1/2 of the Southwest 1/4; thence South 00°04'00" East, along the east line of said West 1/2 of the Southwest 1/4 a distance of 818.95 feet to a 5/8" iron bar with cap; thence South 85°58'05" West a distance of 105.28 feet; thence North 81°41'06" West a distance of 87.11 feet; thence South 85°45'56" West a distance of 141.25 feet; thence North 69°42'40" West a distance of 81.60 feet to a 5/8" iron bar with cap marking the southeast corner of Lot 20 of Woodland Estates Phase II which is recorded in Plat Book 23, page 47 in the Office of the Recorder of Elkhart County, Indiana; thence along the boundary of said Woodland Estates Phase II the following ten (10) courses:*

1. *North 19°47'19" East a distance of 130.00 feet to a 5/8" iron bar with cap;*
2. *South 69°42'40" East a distance of 84.40 feet to a 5/8" iron bar with cap;*
3. *North 20°17'20" East a distance of 110.00 feet to a 5/8" iron bar with cap;*
4. *North 69°42'40" West a distance of 110.00 feet to a 5/8" iron bar with cap;*
5. *North 20°17'20" East a distance of 70.00 feet to a 5/8" iron bar with cap;*
6. *North 69°42'40" West a distance of 111.11 feet to a 5/8" iron bar with cap;*
7. *North 87°25'27" West a distance of 50.05 feet to a 5/8" iron bar with cap;*
8. *North 88°11'20" West a distance of 130.07 feet to a 5/8" iron bar with cap;*
9. *North 00°04'00" West a distance of 84.68 feet to a 5/8" iron bar with cap;*
10. *North 38°11'20" West a distance of 143.93 feet to a 5/8" iron bar with cap marking the southeast corner of Lot 53 of Woodland Estates Phase I which is recorded in Plat Book 21, page 9 in the Office of the recorder of Elkhart County, Indiana; thence*

*along the boundary of said Woodland Estates Phase I the following Seven (7) courses:*

- 1. North 00°00'00" West a distance of 155a4 feet to a 5/8" iron bar with cap;*
- 2. South 88° 11'20" East a distance of 43.41 feet to a 5/8" iron bar with cap;*
- 3. North 01 °48'40" East a distance of 50.00 feet to a 5/8" iron bar with cap;*
- 4. along a curve, concave Northeasterly, whose elements are: central angle of 90°00'00", radius of 25.00 feet, arc length of 39.27 feet and a chord that bears North 43° 11'20" West, 35.36 feet;*
- 5. North 01°48'40" East a distance of 100.00 feet to a 5/8" iron bar with cap;*
- 6. along a curve, concave southeasterly, whose elements are; central angle of 90°00'00", radius of 25.00 feet, arc length of 39.27 feet and a chord that bears North 46°48'40" East, 35.36 feet;*
- 7. North 01°48'40" East a distance of 30.00 feet to the "POINT OF BEGINNING".*

2. The above-described real estate presently has a present zoning classification of PUD.
3. The Petitioner desires to amend the PUD as shown on the included subdivision plat to create 13 residential parcels for development and construct a new roadway and cul-de-sac with city of Elkhart water and sewer utilities. The following deviations from the standards are requested as part of this PUD submittal:
  - a) Variance to allow 50' of right-of-way for the cul-de-sac to match the existing development.
  - b) Variance for minimum lot frontage to be less than 75'. Lot frontage sizes are noted on the subdivision plat. The existing residential subdivision has lot frontages less than 30' on Woodland Court
  - c) Variance for no sidewalk to be constructed as part of this development as the existing development does not have any sidewalks.
  - d) Variance to allow for Lot 68 to be created with no legal frontage. This lot is to be transferred to the south property owner upon completion of the development.
4. Petitioner desires to rezone said real estate to PUD and R-1 as shown. Lot's 65, 66, 67, 68, 69, 71, 74, 75, 76 & 77 will remain as PUD and be subject to the same covenants as the existing Woodland Estates Development. The petitioner is seeking to rezone Lots 70, 73 and 72 to R1 and these properties will not be subject to the Woodland Estates covenants.
5. The proposed PUD amendment is in accordance with the Comprehensive Plan.
6. The proposed PUD amendment encourages innovations in development.
7. The proposed PUD will foster the save, efficient and economic use of the land, transportation, public facilities and services.
8. The proposed PUD amendment facilitates the provision of adequate public services such as transportation, water, sewer, storm, drainage, electricity and public parks.
9. The proposed PUD amendment avoids the inappropriate development of lands and provides adequate drainage and reduction of flood damage.
10. The proposed PUD amendment encourages patterns of land use which decrease trip length of automobile travel and encourage trip consolidation.
11. The proposed PUD amendment minimizes adverse environmental impacts of the development.
12. The proposed PUD amendment improves the design, quality and character of the development.

13. The proposed PUD amendment fosters a more rational pattern of relationship between residential uses.
14. The proposed PUD amendment protects existing neighborhoods from a harmful encroachment by intrusive or disruptive development.

WHEREFORE, Petitioner prays and respectfully requests a hearing on this PUD amendment and that after such hearing, the Plan Commission make a do pass recommendation and the Council, after hearing, pass on appropriate ordinance amending the PUD as described in the petition of land located in the city of Elkhart.

Signature of Property Owner: David J. Myers

Printed Name: David J. Myers

Second Property Owner: Elizabeth A. Myers

Printed Name: ELIZABETH A. MYERS

Contact Person: Matt Schuster w/ Jones Petrie Rafinski

Address: 325 S. Lafayette Blvd., South Bend, IN 46601

Ph: (

Email:





City of Elkhart

# Staff Report

Planning & Zoning

- Petition:** 26-SUB-04
- Petition Type:** Subdivision
- Date:** July 6, 2026
- Petitioner:** David Myers & Elizabeth Myers
- Site Location:** East side of undeveloped Woodland Estates (02-27-301-005)
- Request:** Per Article 4 of the Subdivision Ordinance, approval of a Preliminary Plat for a 13-lot, +/- 10.44 acre major subdivision, to be known as Woodland Estates Phase 3; a part of the Southwest Quarter of Section 27, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.
- Existing Zoning:** PUD, Planned Unit Development
- Size:** +/- 10.44 Acres
- Thoroughfares:** Osolo Road and Henke Street
- School District:** Elkhart Community Schools
- Utilities:** Available and provided to site.
- Plan Commission Action:** Approval or disapproval with conditions; Final Plat submitted to Plat Committee for final approval.

**Surrounding Land Use & Zoning:**

The subject property is surrounded by residential uses. Land to the north, east and west are residential zoned R-1, One Family Dwelling.

**Applicable Sections of the Zoning Ordinance:**

Article 4 of the Subdivision Ordinance

**Comprehensive Plan:**

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



# Staff Recommendation

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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 a Preliminary Plat for a 13-lot, +/- 10.44 acre major subdivision, to be known as Woodland Estates Phase 3; a part of the Southwest Quarter of Section 27, Township 38 North, Range 5 East, Osolo Township, Elkhart County, Indiana.

The lots meet the minimum lot area requirements for the R-1, One-Family Dwelling District;

- 1) Lots proposed for single-family development meet all of the bulk standards of the R-1 Zoning District, One-Family Dwelling District, specifically, minimum lot size, and property development setbacks;
- 2) The proposed subdivision meets the stormwater requirements by establishing a drainage easement area across parts of Lots 70, 72 and 73;
- 3) In review of the proposed preliminary plat for a new major subdivision, Staff finds the petitioner has demonstrated compliance with all the enacted regulations of both the City of Elkhart Zoning and Subdivision Control Ordinance.

## 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) Subsequent approvals may be required from the appropriate City Departments. Those approvals may include plans for water supply, storm water retention, sewage disposal, grading, roadway construction and other infrastructure prior to final plat approval.
- 3) 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.
- 4) The project must be reviewed and approved through the City's Technical Review process prior to the submission of the final plat to the Plat Committee.

# Photos

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## Attachments

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Petition and primary plat.

PETITION #: 26-sub-04

FILING FEE: \$ 500.00

**PETITION to the PLAN COMMISSION**

**PETITION TYPE: MAJOR SUBDIVISION**

Property Owner(s): Myers David J. and Elizabeth A. Myers, H and W, 54% Etal

Mailing Address: [REDACTED]

Phone # [REDACTED] Email: [REDACTED]

Contact Person: Jeffrey S. Barnes, PS, w/ Jones Petrie Rafinski

Mailing Address: 325 South Lafayette Blvd, South Bend, IN 46601

Phone # [REDACTED] Email: [REDACTED]

Subject Property Address: No address assigned, Parcel No. 20-02-27-301-005.000-027

Zoning: PUD

Present Use: Vacant Land Proposed Use: Residential Lots

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): David J. Myers ELIZABETH A. MYERS

SIGNATURE(S): David J. Myers Elizabeth A. Myers DATE: 5-27-2026

**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: 05/27/2026

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:

Wooland Estates Phase 3

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

ORDINANCE NO. PC 92-32

AN ORDINANCE TO AMEND COUNTY CODE 36-7-4-600 KNOWN AS THE COMPREHENSIVE PLAN OF ZONING FOR ELKHART COUNTY, INDIANA BY AUTHORIZING A RESIDENTIAL PLANNED UNIT DEVELOPMENT AND SITE PLAN.

WHEREAS, Holladay Corporation submitted an application for a Planned Unit Development and after proper legal notice a hearing was held as provided by law, and the Plan Commission did on the 6th day of June, 1992 find that the elements of the Law have been complied with for approval of a Planned Unit Development and filed their recommendation for adoption of this Ordinance with the Board of County Commissioners of Elkhart County, Indiana and

WHEREAS, the Elkhart County Plan Commission submitted said development plan together with its report and recommendation and,

WHEREAS, said report and recommendations indicate that the appropriate use of the property adjacent to the area included in the plan will be fully safeguarded and the plan is consistent with the intent of the Master Plan of Elkhart County to promote the Health, Safety and General Welfare.

BE IT THEREFORE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELKHART COUNTY, INDIANA THAT:

Legal Description

See Attachment A

Section 1

That the request by Holladay Corporation for a Planned Unit Development known as Woodland Estates be granted for the above described real estate in accordance with the site development plan as attached and made a part of this Ordinance by reference thereto.

Section 2

That the authorization of this residential Planned Unit Development effective immediately, and the zone maps dated October 30, 1959 and made a part of Article II Section 2 of the Master Plan of Zoning for Elkhart County, Indiana be amended and ordered amended and changed to reflect the said Planned Unit Development authorization of said real estate for single family residential.

Section 3

That no change be made in the approved plan during construction of the Planned Unit Development except as follows:

- a. Minor changes in the location, siting and height of buildings and improvements may be authorized by the Plan Commission if required by circumstances not foreseen at the time the plan was approved.
- b. All other changes in use, rearrangement of lots, blocks, building locations, streets, parking areas, open space, or other changes in the approved plan must be made by the Board of County Commissioners under the procedures authorized by the Elkhart County Zoning Ordinance or amendments to said Ordinance.

Section 4

That the subdivision of this Planned Unit Development must be accomplished as per the terms of the Elkhart County Subdivision Ordinance and meet all existing regulations unless expressly amended by this ordinance, also that primary approval is granted for sixty-one (61) lots with the following conditions to be met prior to secondary:

1. Corrections of preliminary plat check list items.
2. A non-access easement to CR #11 and CR #106.
3. That retention area issue be resolved.
4. Meet Street Standards.

Section 5

That lots 44, 43, 31, 30, 23 and 22 be permitted one zero side lot line deviation from the standard as typified on the site development plan.

Section 6

That, if no construction has begun on the facilities to be developed as part of the Planned Unit Development, or in the absence of plans for construction of such improvements, if the use of the aforescribed real estate herein set forth has not been established within 2 years from the date of the approval represented by this Ordinance, the Planned Unit Development, and the approval herein stated, shall lapse, and be of no further force or effect. If the plan lapses under the conditions of this Section, the zoning applicable to the aforesaid property prior to the date of this approval of the Planned Unit Development may, at the discretion of the Board of County Commissioners of Elkhart County, Indiana, be reinstated through formal proceedings; provided, however, that the Elkhart County Plan Commission, in its sole discretion, for good cause shown, may extend for an additional period of time the commencement of construction or the establishment of the use necessary to avoid the lapse of the Planned Unit Development. To extend the effective time period within which construction or the establishment of the use must commence, the Elkhart County Plan Commission must consider such extension at one of its formal, public meetings, and must in writing submit written confirmation of any extension it might grant to the Board of Commissioners of Elkhart County, Indiana, for entry in the formal minutes of said Board. The procedure herein set forth for extending the time period within which the construction for use establishment must commence may be followed by the Elkhart County Plan Commission a maximum of two (2) times from and after the date of this Ordinance.

Section 7

Prior to the issuance of an Improvement Location and/or Building Permit, a copy of this ordinance shall be recorded in the Office of the Recorder of Elkhart County, Indiana, by the owners of land described herein.

Section 8

In the event any covenant, restriction or section of this Ordinance or any portion thereof is declared invalid or void, such invalidity shall in no way affect any other covenant, restriction or section.

Section 9

This Ordinance shall be in full force and effect from and after its passage and approval according to Law.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 5<sup>th</sup> DAY OF October, 1992.

BY Marsha S. Meyer  
Marsha S. Meyer

BY David L. Hess  
David L. Hess

BY Patsy Ronzone  
Patsy Ronzone

ORDINANCE # PC 92-34

AN ORDINANCE TO AMEND COUNTY CODE 36-7-4-600 KNOWN AS THE COMPREHENSIVE PLAN OF ZONING FOR ELKHART COUNTY, INDIANA BY AMENDING SPECIFICALLY ORDINANCE NUMBER PC 92-32 ADOPTED OCTOBER 5, 1992.

WHEREAS, Holladay Corporation submitted a request to amend an existing Planned Unit Development. By submitting an amended site development plan for consideration.

WHEREAS, the Plan Commission after proper legal notice held a public hearing on November 12, 1992 and did find that the elements of the law have been complied with to recommend to the County Commissioners of Elkhart County Approval of this requested Amendment.

BE IT THEREFORE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELKHART COUNTY, INDIANA THAT:

- Section 1. That all sections of PC 92-32 be enforced unless specifically deleted or modified.
- Section 2. That Section 5 be deleted in its entirety.
- Section 3. That Section 1 be amended by this ordinance, more specifically the site development Plan Attachment "A" of this ordinance supercede the site development plan of Ordinance No. #92-32; and that all deviation from the development standard noted on the site plan be permitted.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR ELKHART COUNTY, INDIANA THIS 14<sup>th</sup> DAY OF December, 1992.

BY Marsha S. Meyer  
Marsha S. Meyer

BY David L. Hess  
David L. Hess

BY Patsy Ronzone  
Patsy Ronzone



City of Elkhart

# Staff Report

Planning & Zoning

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<b><u>Petition:</u></b>	26-TXT-03
<b><u>Petition Type:</u></b>	Text Amendment
<b><u>Date:</u></b>	July 6, 2026
<b><u>Petitioner:</u></b>	City of Elkhart, Indiana
<b><u>Site Location:</u></b>	All properties located within the City of Elkhart
<b><u>Request:</u></b>	<p>The City of Elkhart seeks the review and adoption of updated language found in Unified Development Ordinance (UDO).</p> <p>The following terms are being amended or added to Chapter 17 Language Rules and Definitions – Backup Generator; Brownfield; Data Center (Principal); Data Center Campus; Data Center, Accessory; Data Hall; Electrical Substation, Accessory; Mechanical Yard; Sensitive Receptor; Solar Energy System; Solar, Community Scale; Solar, Large-Scale; and Solar, Small-Scale Accessory.</p> <p>Update Chapter 4 Use Specific Conditions to amend or add the following uses to Table 4.2-1 as well as amend or add the use specific conditions in Sections 4.8, 4.9, and 4.10 – Data Center (Principal); Data Center Campus; Data Center, Accessory; Solar, Community Scale; Solar, Large-Scale; and Solar, Small-Scale Accessory. Update numbering for headings and subheadings throughout Chapters 4 and 17.</p> <p>Update cross references throughout the UDO to reflect changes to Chapters 4 and 17.</p>
<b><u>Plan Commission Action:</u></b>	Recommendation to Common Council.

# Staff Analysis

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Subsequent to the Plan Commission approval of the Unified Development Ordinance, based on changes in state law, there were additional terms that were not mentioned in the definitions Chapter 17, previously. The goal is to update existing definitions and add new ones related to emerging technologies.

The additional terms being added to Chapter 17 Language Rules and Definitions are as follows:

Backup Generator; Brownfield; Data Center (Principal); Data Center Campus; Data Center, Accessory; Data Hall; Electrical Substation, Accessory; Mechanical Yard; Sensitive Receptor; Solar Energy System; Solar, Community Scale; Solar, Large-Scale; and Solar, Small-Scale Accessory.

The second part of this amendment is to Update Use Specific Conditions in Chapter 4 to amend or add the following uses to Table 4.2-1 as well as amend or add the use specific conditions in Sections 4.8, 4.9, and 4.10 based on emerging technologies. Those use conditions included - Data Center (Principal); Data Center Campus; Data Center, Accessory; Solar, Community Scale; Solar, Large-Scale; and Solar, Small-Scale Accessory. Finally, update numbering for headings and subheadings throughout Chapters 4 and 17. To also update cross references throughout the UDO to reflect changes to Chapters 4 and 17.

Data centers and solar arrays are emerging technologies that evoke strong feelings and pose tremendous concern with residents and adjacent neighboring property owners as these uses are introduced and asked to be approved within communities. Environmental, public health, safety, property values and conformance to development standards are all important considerations to properly review and consider as the development process works through the prescribed process review. That is why staff felt it was important to develop, along with our consultant, development regulations that protect the city and its residents should a proposal be submitted for review.

# Recommendation

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Staff recommends approval of case 26-TXT-03, the proposed zoning ordinance text amendment to the Unified Development Ordinance (UDO), as described above and send to the Common Council with a “Do Pass” recommendation.

# Attachments

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

TABLE 4.2-1: USE MATRIX																		
USES BY DISTRICT	BASE DISTRICTS													OVERLAY DISTRICTS				
	SUB-R	COM-R	URB-R	MIX-R	MHP	INST	NEI-B	COM-B	REG-B	CBD	R&D-I	MAN-I	PUD	AO	DTWN	RD	HD	BN
P = Permitted by Right   S = Special Exception   C = Conditional   A = Accessory   T = Temporary																		
Manufactured Home Sales					P		P			P	P							
Medical & Dental Offices & Clinics							P	P		P					P	P	P	P
Motor Vehicle Service Stations								P	P		P	P		S				
Motor Vehicle Wash								P	P									
Office: Business, Professional, or Governmental						P	P	P	P	P	P			P	P	P	P	P
Outdoor Recreation	S	S	S	S				S					S	S		S		
Outpatient Substance Abuse Treatment								S										
Parking Lot as a Primary Use				S				P	P	S	P	P		P	S	S		S
Parking Structures as a Primary Use				S				P		P				P	P	P		P
Pawn Shops								P										
Personal Care Services								P	P		P							
Pharmacy								P	P		P				P	P	P	P
Restaurant								P	P	P	P	A	A	S	P	P	P	P
Retail, General								S	P	P	P			S	P	P	P	P
Service Business								S	P	S				S			P	P
Tattoo Parlors								S	S			S	S					
Therapeutic Massage								P	P		P	P			P	P	P	P
Wholesale Business								P	P		P	P						
<b>Industrial Uses</b>																		
Automobile and Truck Repair or Vehicle Conversion Shops											P	P		S				
Battery Energy Storage Systems (BESS)												S						
Bulk Fuel Storage, Petroleum Tank Farm, & Other Bulk Storage of Solids or Liquids										P	P		S					
Bulk Storage Tanks including materials that do not require filing a Tier 1 or 2 SARA report or those that do not exceed and NFPA classification of 2								S			S	S		S				
Cement & Lime Manufacturing Facilities												S						
Commercial Laundry											P							
Contractor's Yard								S	P		P	P						
Data Center						A	A	A	A	A	A	S	S	A	A	A	A	A
Distribution, Warehouse, Wholesale Facility											P	P		S				

TABLE 4.2-1: USE MATRIX																		
USES BY DISTRICT	BASE DISTRICTS													OVERLAY DISTRICTS				
	SUB-R	COM-R	URB-R	MIX-R	MHP	INST	NEI-B	COM-B	REG-B	CBD	R&D-I	MAN-I	PUD	AO	DTWN	RD	HD	BN
P = Permitted by Right   S = Special Exception   C = Conditional   A = Accessory   T = Temporary																		
Excavation Areas and Gravel Pits											S	S						
Food Production or Processing												P						
Hazardous Waste Disposal, Generators, and Facilities												S						
Manufacture of Gases, Acids, Chemicals, and Poisons												S						
Manufacturing, Artisan										S	P	P			S	S	S	S
Manufacturing, Heavy												P						
Manufacturing, Light											P	P						
Motor Freight Terminals											S	P		S				
Quarries												S						
Railroad Facilities								S			S	S						
Recycling Centers											S	P						
Research and Development Services								S	S		P	P		S				
Salvage Yards												S						
Self-Storage Facilities								S			P	P						
Sewage Treatment Facilities								S				P						
Solar, Community Scale												S		S				
Solar, Large-Scale												S		S				
Steel Mills												P						
Utility Substation and Transmission Facilities											P	P		S				
Vehicle Impound and Towing												P						
Wind Energy, Large												S						
Wireless Communications Facility							A	P	A	A	P	P		S	A	A		A
Accessory Uses and Structures																		
Accessory Dwelling Unit (ADU)	A, S	A, S	A, S	A, S									A, S				A, S	A, S
Accessory Structure, General	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A
Amateur Radio Tower, Accessory	A	A	A	A				A, S			A, S	A, S						
Antennas & Satellite Dishes	A	A	A	A	A	A	A	A	A	A	A	A	A	A, S	A	A	A	A
Decks	A	A	A	A	A								A		A	A	A	A
Drive-Through, Accessory								A	A	A					A	A		A
Office Uses Related to Industrial Uses											A	A		A				
Outdoor Sales, Accessory							A	A										A
Outdoor Seating								A	A	A					A	A	A	A
Outdoor Storage Facilities											A	A		A, S				

Ch. 1  
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Ch. 15  
Ch. 16  
Ch. 17

BESS in a way not Intended at the time the Special Exception was granted, or as subsequently amended, shall require a new Special Exception. The Applicant or authorized representative, shall apply for an amended Special Exception prior to any modification of the Solar, Community Scale Facility.

4.8.8 Data Centers

A. Applicability

1. A Data Center (Principal) shall only be permitted as a special exception, subject to the conditions of this section.
2. Accessory Data Centers
  - a. Accessory data centers are permitted as an accessory use subject to an Administrative Approval by the Planning Staff.
  - b. An accessory data center is limited to an area of 2,000 square feet or less and an aggregate electrical power capacity of less than 5 megawatts.
  - c. Accessory data centers as described in this UDO shall be exempt from the requirements of subsections 4.8.8 B through H below.
3. If any Data Center has an accessory electrical substation, solar energy system, or battery energy storage system, such accessory use shall be subject to the requirements of its use conditions.

4.8.3 Bulk Fuel Storage, Petroleum Tank Farm, and Other Bulk Storage of Solids or Liquids

- A. The subject use is prohibited on any lot adjacent to a residential district.
- B. Above ground storage tanks and other storage shall be protected by bollards or other methods approved by Indiana Building Codes.

4.8.4 Bulk Storage Tanks, including materials that do not require filing a Tier 1 or 2 SARA report, or those that do not exceed NFPA classification of 2

- A. Must be 100 feet from any residential district.
- B. Subject to all standards in Section 4.9.10 Bulk Fuel Storage, Petroleum Tank Farm, and Other Bulk Storage of Solids and Liquids.

4.8.5 Cement and Lime Manufacturing

- A. Accessory outdoor storage is not permitted within an established front or corner side yard. See Section 4.9.10 for outdoor storage regulations.

4.8.6 Commercial Laundry

- A. Loading and unloading areas must be accessed from an arterial street. Loading bays may not be on a building's front façade or in the front yard.

4.8.7 Contractors' Yard

- A. Outdoor storage is not permitted within an established front or corner yard. See Section 4.9.10 for outdoor storage regulations.

- B. A letter confirming the site's status as a Brownfield by the Redevelopment Commission shall accompany all applications for a special exception.

C. Separation between Uses

1. Any data center or part of a data center campus, including mechanical yards, shall have a required setback of 500 feet from any use defined as a sensitive receptor.
2. If an interstate roadway, state highway, or major arterial road borders the property line, the required distance between the development and a sensitive receptor use may be reduced to 300 feet along the property line where the roadway is located.

**D. Building Placement & Orientation**

1. All principal and accessory structures associated with a Data Center shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. In general, Data Centers that visually approximate commercial office buildings are encouraged.
2. Buildings shall be sited and oriented to:
  - a. Minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets and Sensitive Receptor areas.
  - b. Provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at security gates.
  - c. Accommodate adequate parking.
  - d. Minimize impacts to natural resources.
3. Data Center campuses containing more than one building are encouraged to provide a variety in building size, massing, siting, and appearance by transitioning from smaller or lower buildings along street frontages to larger and taller structures on the interior of the site. Consideration of topography shall be given to avoid placement of larger, taller, or more massive buildings in a prominent location on the property or along a public street.

**E. Site Design**

1. A special exception for a data center shall be subject to a site plan and building elevations as approved by the Plan Commission.
2. The minimum lot area for a data center shall be 5 acres.
3. All principal buildings, accessory structures, and Data Center Electric

Utility Substations must be set back at least 150 feet from all property lines.

4. Unless physically impossible, energy substations, generators, HVAC units, and other noise and odor creators shall be oriented away from abutting Sensitive Receptors and screened by a fence and/or evergreen vegetation.
5. Landscaping and buffers shall be required in accordance with the requirements in Chapter 8: Landscaping, Buffers, and Open Space.

**F. Noise and Vibration**

1. The Community Noise Equivalent Level (CNEL)
  - a. The CNEL at the boundary of the property containing a Sensitive Receptor shall not exceed 60 dBA.
  - b. The CNEL at the boundary of any developed property not containing a Sensitive Receptor shall not exceed 70 dBA.
  - c. Sound that is produced for not more than a cumulative period of 1 minute in any hour may exceed the standards above by up to 10 dBA.
  - d. The maximum sound levels listed above do not apply to emergency alerts, emergency work to provide electricity, water, or other public utilities when public health or safety is involved, snow removal, or road repair.
  - e. In addition to dBA levels, the developer will need to be able to show that C-weighted noise (dBC) and Octave Bands (dBZ) will also be maintained at acceptable levels.
2. A noise reduction barrier or device may be required at the discretion of the Planning Staff when it is

inconclusive that noise level tests do not conform to acceptable noise levels.

3. The limitations of this subsection (4.8.8.F) herein shall not apply to any Sensitive Receptor that is established adjacent to the Data Center after the date of issuance of a certificate of completion or occupancy for the applicant's operation.
4. Sound Study
  - a. Any proposal for a Data Center shall include pre- and post-construction sound studies which examine all exterior utility functions of the building (rooftop and ground-mounted) that produce sound. The sound studies shall identify compliance with this subsection (4.8.XX.F.) as applicable. The sound studies shall be conducted by an Institute of Noise Control Engineering (INCE) Board Certified Engineer and shall be subject to review and approval by an engineer with experience in noise control selected by the city.
  - b. The pre-construction sound study shall be submitted with the special exception application. The pre-construction sound study shall recommend the sound reducing materials or systems required to meet the aforesaid sound limits.
  - c. The post-construction sound study shall be conducted prior to issuance of the certificate of occupancy. An as-built sound study may also be required thereafter by the city upon request. If it is determined by the as-built sound study that there is a violation of the aforesaid sound limits, the owner or occupant of the Data Center shall promptly remediate the violation to achieve compliance with the sound limits.

G. Energy Impact. Prior to approval of the certificate of completion or occupancy, the applicant shall provide written verification from the applicable service provider stating the following:

1. Adequate capacity is available on the applicable supply lines and substation to ensure that the capacity available to serve the other needs of the service area is consistent with the normal projected load growth envisioned by the provider,
2. Utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use,
3. Any system designed for cooling and operation of the facility (electricity, water, or other means) will be adequate and will not negatively impact the surrounding region,
4. The energy storage capacity of the system used (if applicable) will be defined,
5. Efforts will be made to maximize the use of renewable or clean energy,
6. The use will not cause electrical interference or fluctuations in line voltage on and off the operating premises, and
7. Prior to approval of the certification of completion or occupancy, the applicant shall provide the municipality with written verification that the electrical work has passed a third-party final inspection.

H. Cooling Method & Water Impact

1. An application for the special exception must include a disclosure of cooling method.
2. A water impact study must be submitted, reviewed, and approved by the Board of Public Works including:
  - a. estimated annual and peak-day water use;

- b. confirmation of available supply;
  - c. water efficiency plan;
  - d. reclaimed-water feasibility analysis; and
  - e. drought and emergency curtailment plan.
3. The special exception shall be subject to a commitment to provide annual reporting on the previous year's water consumption by January 31st of each calendar year to the Planning Staff.
- I. Decommissioning
1. A decommissioning plan shall accompany an application for a special exception.
  2. The applicant shall provide a bond for decommissioning to the city as a condition of the special exception approval.
- 4.8.9 Distribution, Warehouse, or Wholesale Facilities**
- A. Loading areas shall not face the street frontage except for corner lots. Where the site is a corner lot, service bays shall face the street with the lesser road function classification.
  - B. Outdoor storage is not permitted; however, transport vehicles and semi-trailers may be stored temporarily adjacent to loading areas in compliance with required setbacks.
- 4.8.10 Excavation Areas & Gravel Pits**
- A. Outdoor storage is not permitted within an established front or corner yard. See [Section 4.9.10](#) for additional outdoor storage regulations.
- 4.8.11 Food Production or Processing**
- A. Loading areas shall not face the street frontage except for corner lots. Where the site is a corner lot, service bays shall face the street with the lesser road function classification.
- B. Outdoor storage is not permitted; however, transport vehicles and semi-trailers may be stored temporarily adjacent to loading areas in compliance with required setbacks
- 4.8.12 Hazardous Waste Disposal, Generators, & Facilities**
- A. Prohibited adjacent to residential districts.
  - B. Must be located along an arterial road.
- 4.8.13 Manufacture of Gases, Acids, Chemicals, and Poisons**
- A. Prohibited adjacent to residential districts.
  - B. Outdoor storage is not permitted except for accessory Bulk Fuel Storage and Other Bulk Storage of Solids or Liquids. Refer to [Section 4.8.2](#).
- 4.8.14 Manufacturing, Artisan**
- A. Artisan manufacturing uses shall not exceed 15,000 square feet of gross floor area.
  - B. Accessory outdoor storage is subject to [Section 4.9.10](#).
  - C. Deliveries or pick-ups related to the use are limited to parcel and small freight carriers.
- 4.8.15 Manufacturing, Heavy**
- A. Accessory outdoor storage is subject to [Section 4.9.10](#).
  - B. All activities producing noise, dust, vibration, and glare shall be contained entirely within an enclosed building.
- 4.8.16 Manufacturing, Light**
- A. Accessory outdoor storage is subject to [Section 4.9.10](#).
  - B. All activities producing noise, dust, vibration, and glare shall be contained entirely within an enclosed building.
- 4.8.17 Motor Freight Terminals**
- A. Accessory outdoor storage is subject to [Section 4.9.10](#).

## 4.8.25 Solar, Community Scale

- A. Community Scale Solar Energy System shall only be permitted as a special exception.
- B. A letter confirming the site's status as a Brownfield by the Redevelopment Commission shall accompany all applications for a special exception.
- C. Community Scale Solar Energy System shall comply with the standards in IC 8-1-42 (or current statute) as applicable.
- D. Community Scale Solar Energy Systems shall have a capacity of less than 10 MW.
- E. Setback distance should be measured from the edge of the solar energy system array, excluding security fencing, screening, or berm.
- F. Solar Energy Systems shall comply with the following setbacks and height limitations:
1. Minimum site area is 5 acres.
  2. Maximum site area is 10 acres.
  3. 40 feet from the nearest right-of-way of a federal, state, or county highway.
  4. 30 feet from the nearest right-of-way of a collector road or local road.
  5. 50 feet from a non-participating property line.
  6. 250 feet from a non-participating dwelling. This setback may be reduced to no less than 50 feet upon agreement of the impacted landowner(s).
  7. Solar panels be no taller than 25 feet from grade at maximum tilt.
  8. Other related structures shall be subject to the height limitations set by their use conditions described in this chapter or their zoning district.
- G. A vegetation planting plan and maintenance plan shall accompany all applications for a special exception. The plan must include details for invasive species control and establishment deadlines. Buffers shall be installed in compliance with Section 8.8.
- H. Fencing around Solar Energy Systems shall:
1. Be at least 6 feet in height;
  2. Completely enclose the solar array system;
  3. The concept plan shall identify an access corridor for wildlife to navigate through the Solar Facility project area. The proposed wildlife corridor shall be shown on the detailed site plan. To the extent it is reasonably practical, areas between and/or along fencing shall be kept open or contain openings to allow for the movement of migratory animals and other wildlife. Setbacks from county drain tiles, transmission lines, or natural gas lines are all valid wildlife corridors;
  4. Facilities that are to be enclosed by security fencing shall have the fencing located on the interior of the buffer area. Solar facilities that do not coincide with livestock shall use wildlife-permeable fence, fencing with larger holes than a traditional chain-link fence that allows for small-to-medium-sized animals to move freely through the fence for at least 10% of the fence lines where the 10% shall be evenly distributed along each quarter mile section and at identified wildlife corridors. Wooded areas of 10 acres or greater must be incorporated into wildlife corridors so that fencing does not prevent access to the wooded area by large animals. Substation locations identified on the site plans will be allowed to use traditional chain-link fencing around the entire structure. Fencing shall be maintained in good condition for the life of the solar facility operation. Barbed wired fencing is prohibited; and

5. Be subject to the fence standards in Section 8.9.
- I. Underground Cables.**
1. Collector cables up to 34.5 kV between inverter locations and substations must be underground.
  2. A utility plan shall accompany all applications for a special exception and must include:
    - a. all buried cables;
    - b. buried cable depth;
    - c. coordination with drainage tile protections; and
    - d. coordination with road crossings.
  3. Utility plan approval by the Department of Public Works shall be a condition of the special exception.
- J. Nuisance Mitigation.**
1. A solar project shall be designed and constructed to:
    - a. Minimize glare on adjacent properties and roadways;
    - b. Not interfere with vehicular traffic, including air traffic; and
    - c. Sound may not exceed 50 dbA hourly average modeled at the outer wall of an adjacent nonparticipating dwelling, unless waived.
  2. A glare analysis shall accompany all applications for a special exception and include impacts on nearby homes, major roads, rail corridors, airports, and/or sensitive receptors. Such analysis shall confirm compliance with FAA standards and demonstrate green glare compliance as established by ForgeSolar, or equivalent.
  3. A sound model analysis shall accompany all applications for a special exception and include equipment locations on the site plan and anticipated dbA at property lines. Such analysis shall confirm compliance with 4.8.25.J.c. above.
- K. Decommissioning, Abandonment, and "Force Majeure Event" Site Restoration**
1. Decommissioning, Abandonment, and "Force Majeure Event" Site Restoration shall comply with sections 18 through 20 of IC 8-1-42 (or current statute).
  2. A decommissioning plan, including restoration after decommissioning, shall accompany all applications for a special exception.
  3. The applicant shall provide a bond for decommissioning to the city as a condition of the special exception approval.
- L. Battery Energy Storage Systems (BESS) proposed alongside Solar Energy Systems are subject to Section 4.8.2.**
- 4.8.26 Solar, Large-Scale**
- A.** Large-Scale Solar Energy Systems shall only be permitted as a special exception.
  - B.** A letter confirming the site's status as a Brownfield by the Redevelopment Commission shall accompany all applications for a special exception.
  - C.** Large-Scale Solar Energy Systems shall comply with the standards in IC 8-1-42 (or current statute).
  - D.** Setback distance should be measured from the edge of the solar energy system array, excluding security fencing, screening, or berm.
  - E.** Solar Energy Systems shall comply with the following setbacks and height limitations:

1. Minimum site area is 10 acres.
  2. 40 feet from the nearest right-of-way of a federal, state, or county highway.
  3. 30 feet from the nearest right-of-way of a collector road or local road.
  4. 50 feet from a non-participating property line.
  5. 250 feet from a non-participating dwelling. This setback may be reduced to no less than 50 feet upon agreement of the impacted landowner(s).
  6. Solar panels be no taller than 25 feet from grade at maximum tilt.
  7. Other related structures shall be subject to the height limitations set by their use conditions described in this chapter or their zoning district.
- F.** A vegetation planting plan and maintenance plan shall accompany all applications for a special exception. The plan must include details for invasive species control and establishment deadlines. Buffers shall be installed in compliance with Section 8.8.
- G.** Fencing around Solar Energy Systems shall:
1. Be at least 6 feet in height;
  2. Completely enclose the solar array system;
  3. The concept plan shall identify an access corridor for wildlife to navigate through the Solar Facility project area. The proposed wildlife corridor shall be shown on the detailed site plan. To the extent it is reasonably practical, areas between and/or along fencing shall be kept open or contain openings to allow for the movement of migratory animals and other wildlife. Setbacks from county drain tiles, transmission lines, or natural gas lines are all valid wildlife corridors;
  4. Facilities that are to be enclosed by security fencing shall have the fencing located on the interior of the buffer area. Solar facilities that do not coincide with livestock shall use wildlife-permeable fence, fencing with larger holes than a traditional chain-link fence that allows for small-to-medium-sized animals to move freely through the fence for at least 10% of the fence lines where the 10% shall be evenly distributed along each quarter mile section and at identified wildlife corridors. Wooded areas of 10 acres or greater must be incorporated into wildlife corridors so that fencing does not prevent access to the wooded area by large animals. Substation locations identified on the site plans will be allowed to use traditional chain-link fencing around the entire structure. Fencing shall be maintained in good condition for the life of the solar facility operation. Barbed wired fencing is prohibited; and
  5. Be subject to the fence standards in Section 8.9.
- H.** Underground Cables.
1. Collector cables up to 34.5 kV between inverter locations and substations must be underground as feasible.
  2. A utility plan shall accompany all applications for a special exception and must include:
    - a. all buried cables;
    - b. buried cable depth;
    - c. coordination with drainage tile protections; and
    - d. coordination with road crossings.
  3. Utility plan approval by the Department of Public Works shall be a condition of the special exception.

- I. Nuisance Mitigation.
  - 1. A solar project shall be designed and constructed to:
    - a. Minimize glare on adjacent properties and roadways;
    - b. Not interfere with vehicular traffic, including air traffic; and
    - c. Sound may not exceed 50 dbA hourly average modeled at the outer wall of an adjacent nonparticipating dwelling, unless waived.
  - 2. A glare analysis shall accompany all applications for a special exception and include impacts on nearby homes, major roads, rail corridors, airports, and/or sensitive receptors. Such analysis shall confirm compliance with FAA standards and demonstrate green glare compliance as established by ForgeSolar, or equivalent.
  - 3. A sound model analysis shall accompany all applications for a special exception and include equipment locations on the site plan and anticipated dbA at property lines. Such analysis shall confirm compliance with 4.8.26.I.c. above.
  - 4. If the city determines that a specialized consultant is required to confirm compliance with any of the requirements of this section, the petitioner or property owner shall be responsible for any fees incurred.

- J. Decommissioning, Abandonment, and "Force Majeure Event" Site Restoration
  - 1. Decommissioning, Abandonment, and "Force Majeure Event" Site Restoration shall comply with sections 18 through 20 of IC 8-1-42 (or current statute).
  - 2. A decommissioning plan, including restoration after decommissioning, shall accompany all applications for a special exception.

3. The applicant shall provide a bond for decommissioning to the city as a condition of the special exception approval.

K. Battery Energy Storage Systems (BESS) proposed alongside Solar Energy Systems are subject to Section 4.8.2.

**4.8.27 Steel Mills**

A. The front yard must include screening and landscaping in compliance with Chapter 8.

B. Outdoor storage must comply with the outdoor storage provisions in Section 4.9.10.

**4.8.28 Utility Substation and Transmission Facilities**

A. Utility substations and transmission facilities (not including sewer or water boost or lift stations) shall be screened with a solid fence or wall at between eight and ten feet in height and shall provide at least one tree and three shrubs per 10 linear feet of fencing to minimize the visual impact of the use on surrounding properties, public streets, and public open spaces. Required plantings shall be located on the side of the fence closest to abutting properties.

**4.8.29 Vehicle Impound and Towing**

A. Subject to landscaping standards in Section 8.9.5 Fences Around Salvage Yards or Vehicle Impound Lots.

B. The subject use is prohibited adjacent to a residential district.

**4.8.30 Wind Energy, Large Scale**

A. Large-Scale Wind Energy facilities shall only be permitted as a Special Exception.

B. Large-Scale Wind Energy facilities shall have a minimum site area of 25 acres.

C. Large-Scale Wind Energy facilities shall comply with IC 8-1-41 (or current statute).

D. Wind Energy Equipment must meet the Indiana Tall Structures Act.

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elsewhere in this section (4.9 Accessory Use Conditions).

- D. Where possible, the amenity or recreation space shall be located within a common area and maintained by the applicable Homeowners' Association or Property Management Organization.

#### 4.9.15 Residential Clubhouse or Management Office

- A. A residential clubhouse or management office shall be located wholly within an enclosed structure. The structure may be attached or detached from the principal building. The structure shall have roof pitch and exterior materials and color consistent with those of the principal building unless approved otherwise by the Planning Staff.
- B. Where within a detached structure, the residential clubhouse or management office shall comply with the dimensional standards required for a principal structure in its Zoning District.
- C. Where possible, the residential clubhouse or management office shall be located within a common area and maintained by the applicable Homeowners' Association or Property Management Organization.
- D. A residential clubhouse or management office may include residential development amenities or recreation spaces as permitted in [subsection 4.9.14](#).

#### 4.9.16 Rooftop Entertainment Areas

- A. All rooftop entertainment areas must include safety railings.

#### 4.9.17 Solar, Small Scale Accessory

- A. Solar energy systems attached to a primary or accessory structure shall be counted as part of that structure and shall not count separately towards lot coverage standards.
- B. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on any permitted surface parking lots in all districts. Such

solar carports shall be limited to 15 feet in height in any residential district and 20 feet in any nonresidential district.

- C. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties, which shall be confirmed upon final inspection.
- D. Grid-tied solar energy systems shall comply with interconnection requirements of the electrical utility. Such systems shall submit for interconnection prior to or concurrent with required permits. Off-grid systems are exempt from this requirement.
- E. Building or roof-mounted solar panels or equipment:
  1. Shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
  2. Where located on a flat roof, panels shall be screened with a parapet wall per Section 8.10.3 Screening of Roof-Mounted Mechanical Equipment.
  3. Solar panels may be installed on a pitched roof subject to all applicable approvals and permits. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than 10 inches above the roof.
- F. Ground-mounted solar energy systems:
  1. Must be in the side or rear yard subject to the setback requirements of its zoning district when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems;
  2. Planning staff may grant approval for ground-mounted solar panels or equipment to exceed a zoning district's

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lot coverage if the soil under the collector is maintained in vegetation and not compacted; and

3. Where accessory to a residential use, ground or pole-mounted solar energy systems shall not exceed 15 feet in height from grade at maximum tilt.

#### 4.9.18 Swimming Pools

- A. Swimming pools may be permitted as accessory structures to the following:
  1. Any residential use
  2. Hotel or Motel
  3. Indoor Recreation and Entertainment
  4. Outdoor Recreation
  5. Parks, Playgrounds, and Recreation Facilities
  6. Recreational Vehicle Parks and Campgrounds
- B. Swimming pool construction and operation shall meet all appropriate Local, County, or State requirements.
- C. A swimming pool may not be constructed closer than 6 feet to an adjacent property line.
- D. A swimming pool shall not be counted as part of lot coverage.
- E. Swimming pools shall not be constructed under utility lines.
- F. Residential swimming pools shall be restricted by one of the following and in accordance with IAC Title 674, Article 14-4.3-296:
  1. A swimming pool or the yard in which the pool is located, or any part thereof, shall be enclosed with a fence, 4 feet in height, measured from the natural grade on the exterior side of the fence. All gates within such a fence shall be self-closing and self-locking.
  2. Properties adjacent to the St. Joseph River may credit the sea wall as

meeting the intent of the fence requirements.

3. Other means not less than 4 feet high and deemed impenetrable by staff
4. A power safety swimming pool cover that meets state requirements.

#### 4.9.19 Vending Machines

- A. Vending machines shall be located adjacent to the structure's exterior wall.
- B. Vending machines wholly within an enclosed building are exempt from this chapter.

#### 4.9.20 Wind Energy, Small Scale

- A. Where attached to the primary structure, small scale wind energy equipment shall count towards the primary building's lot coverage.
- B. In residential districts, ground-mounted equipment must be in the side or rear yard.
- C. Wind energy equipment shall be a maximum of 35 feet tall. Approval of a Special Exception may permit an increase in height of up to 50 feet if it has been demonstrated by study that the additional height is necessary for operation of the wind energy equipment.

### 4.10 TEMPORARY USES

#### 4.10.1 Construction Trailer, Temporary

- A. Placement of construction trailer, temporary, is conditional on issuance of a related, active permit.
- B. The construction trailer must be located on-site and may not encroach into the public right-of-way unless it is issued an approval by the Public Works and Utilities Department.
- C. A construction trailer may not occupy a site for more than 6 months. Extensions may be granted subject to approval by Planning Staff.

**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.**

**Backup Generator:** a device that provides emergency power during electrical outages to protect against data loss, equipment damage, and/or life-safety.

**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.

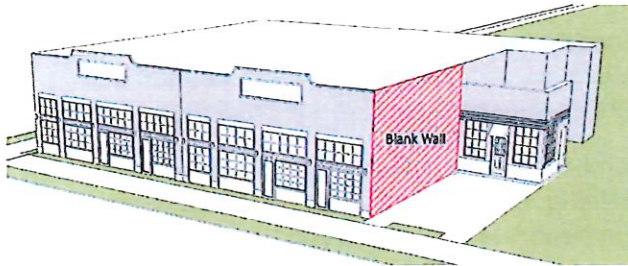
**Battery:** In regards to a BESS, a single cell or group of cells connected electrically in a series, in a parallel, or a combination of both, which can charge, discharge, and store energy electrochemically.

**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.



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 \(building or height\)](#)

**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](#)

**Brownfield:** a previously developed site that has been vacated, whose redevelopment may be complicated due to actual or potential environmental contamination.

**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,

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.**

**Data Center (Principal):** An industrial facility for the primary use of housing computer servers, networking equipment, and related infrastructure used to process, store, and transmit digital

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information. Data centers can be housed in a warehouse facility, a warehouse with office facility, or an office facility. **NAICS** 518210

**Data Center Campus:** a large-scale facility that combines data center buildings with supporting infrastructure, including but not limited to electrical substations, renewable energy facilities, cooling systems, and fiber-optic networks.

**Data Center, Accessory:** A small-scale data center, accessory to a primary use, with an area of 2,000 square feet or less and an aggregate electrical power capacity of less than 5 megawatts.

**Data Hall:** a secure, fully walled space within a data center that contains server cabinets of various sizes.

**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 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.

**Electrical Substation, Accessory:** (pertaining to use specific conditions for data centers) a facility which distributes electrical power specifically for data center(s) on the same or adjacent site.

**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.

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

**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 un-compounded medicinal chemicals and their derivatives (i.e., generally for use by pharmaceutical preparation manufacturers); grading, grinding, and milling un-compounded 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.)

**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.

**Mechanical Yard:** (pertaining to use specific conditions for data centers) a secure outdoor area that houses essential cooling infrastructure for a data center.

**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](#)

**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.**

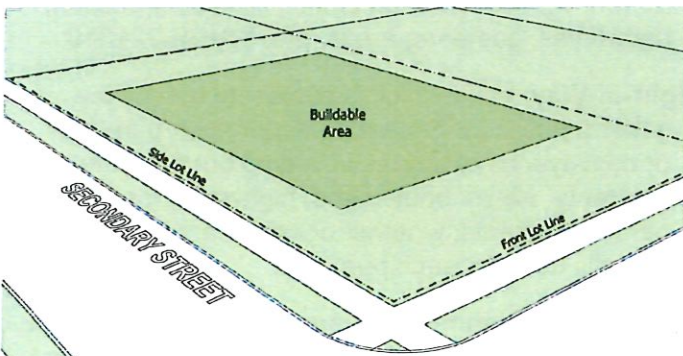
**Satellite Dish:** A bowl-shaped antenna with which signals are transmitted to or received from a communications satellite- usually used for television, radio, phone, and internet utilities.

**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.



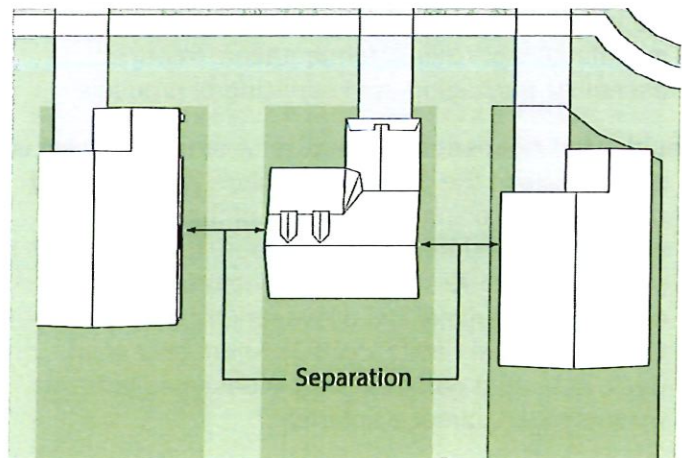
**Section 1316:** The section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body 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.

**Sensitive Receptor:** (pertaining to use specific conditions for data centers) any residential zoning district, convalescent homes, nursing homes, or hospices; dormitories; community buildings or centers; day care center; libraries; places of worship; schools and colleges; and any park, recreation, and open space use as listed in Table 4.2-1.

**Separation:** a minimum horizontal distance between uses or buildings.



**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,

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**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 commercial solar energy system that converts sunlight into electricity for the primary purpose of serving electric demands off-site from the facility, either retail or wholesale. Community-scale systems are principal uses, must be a minimum of 5 acres, and have a capacity below 10 MW. This definition shall also apply to shared solar energy systems that provide retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. NAICS 221114.

**Solar, Large-Scale:** A commercial solar energy system that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A large-scale solar energy system will have a minimum project size of 10 acres and is the principal land use for the parcel(s) on which it is located. It can include collection and feeder lines, substations, ancillary buildings, solar monitoring stations and accessory equipment or structures thereto, that capture and convert solar energy into electrical energy, primarily for use in locations other than where it is generated." NAICS 221114.

**Solar Energy System:** A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

**Solar, Small-Scale Accessory:** A solar energy system accessory to a primary use that is mounted either to the ground or to a building for on-site use. This definition does not apply to building-integrated solar energy systems, including but not limited to solar energy systems that are contained within roofing materials, windows, and awnings, which shall be considered components of the 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

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# Staff Report

Planning & Zoning

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**Petition:** 26-SI-06

**Petition Type:** Staff Item - Addressing

**Date:** July 6, 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

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

### **Residential**

217 Haines Drive                      New Single-Family Dwelling                      20-05-01-454-007.000-006

### **Residential Subdivision**

### **Commercial**

### **Industrial**

## Recommendation

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