

MINUTES

ELKHART COUNTY PLAN COMMISSION MEETING

HELD ON THE 12TH DAY OF JUNE 2014 AT 9:00 A.M.

MEETING ROOM - DEPARTMENT OF PUBLIC SERVICES BUILDING

4230 ELKHART ROAD, GOSHEN, INDIANA

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Acting Chairperson, Steve Edwards, with the following members present: Tony Campanello, Jeff Burbrink, Doug Miller, Steve Edwards, Tom Stump, Frank Lucchese, and Blake Doriot. Roger Miller and Steve Warner were absent. Staff members present were: Chris Godlewski, Plan Director; Brian Mabry, Planning Manager; Mark Kanney, Planner; Duane Burrow, Planner; Kathy Wilson, Administrative Manager; and James W. Kolbus, Attorney for the Board.

2. A motion was made and seconded (*Burbrink/Doriot*) that the minutes of the regular meeting of the Elkhart County Plan Commission held on the 8th day of May 2014 be approved as submitted and the motion was carried unanimously.

3. A motion was made and seconded (*Doriot/D. Miller*) that the legal advertisements, having been published on the 31st day of May 2014 in the Goshen News and the 2nd day of June 2014 in the Elkhart Truth, be approved as read. The motion was carried with a unanimous vote.

4. A motion was made and seconded (*Burbrink/Campanello*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. With a unanimous vote, the motion was carried.

5. The application for a zone map change from M-1 and R-1 to A-1, for **Amanda E. Hatton**, on property located on the Northwest side of CR 8, 1,620 ft. South of CR 6, common address of 19647 CR 8 in Washington Township, was presented at this time.

Duane Burrow presented the Staff Report/Staff Analysis, which is attached for review as *Case #19647CR 8-140428-1*.

Amanda E. Hatton, 1811 E. Beardsley Avenue, Elkhart, was present and stated that she inherited the subject property from her grandfather upon his death. He at one time ran a business at the property, but it has since shut down, and the house, which is over 100 years old, needs to be torn down. Ms. Hatton said that she would like to build a new house in the same location as the existing one and that she is requesting agricultural zoning so that she can keep chickens and because horses have been kept at the property in the past. No large agricultural operation is desired.

There were no remonstrators present.

A motion was made and seconded (*Doriot/Burbrink*) that the public hearing be closed and the motion was carried with a unanimous vote.

The Board examined said request and after due consideration and deliberation:

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Douglas Miller, that the

Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from M-1 and R-1 to A-1 for *Amanda E. Hatton* be approved in accordance with the Staff Analysis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Blake Doriot, Douglas Miller, Frank Lucchese, Jeff Burbrink, Steven Edwards, Tom Stump, Tony Campanello.

6. *Camden Park—Reconsideration of PUD Plat*

Mr. Burrow distributed to the Board an aerial photo *[included with minutes as Staff Exhibit #1]* highlighting the area of Camden Park DPUD, R-1, Section One, whose Primary approval was recommended by the Advisory Plan Commission and whose Secondary approval was granted by the Advisory Plan Commission May 8, 2014, and said that the while the rezoning was adopted by the Wakarusa Town Council, the plat, because of technical problems, was not. A 10-lot plat is now being referred back to the Plan Commission, rather than the 11-lot one, itself a reduction by one lot, that was approved by the Plan Commission.

Lot 12, which has frontage on Washington St., and lot 11, which is adjacent to lot 12, have sewer easement problems, Mr. Burrow continued. Lot 12 was known by the Plan Commission to have sewer problems, but the Town of Wakarusa's technical review process did not draw any attention to that. As a result, the Town Council first became aware of the problems during the Council's June 3, 2014, meeting. The town now requests the Plan Commission's approval of a 10-lot plat, the result of a minor change to the PUD, and Brads-Ko will separately plat lots 11 and 12 upon creation of a comprehensive easement plan.

Mr. Doriot clarified that the town seeks approval from the Plan Commission of a Section One plat reduced in size by two lots, and Mr. Burrow agreed. Mr. Kolbus and Mr. Doriot then agreed that a condition of a minor change is that the use not be intensified. Tony Campanello then asked whether any conditions were placed on the Plan Commission's approval of the rezoning and platting. Mr. Burbrink mentioned that the Commission required that any drainage tiles found be rerouted, and Mr. Burrow reminded the Commission that the tile statements made did not result in a condition but were more of a representation that they would take care of that issue. Mr. Burrow also mentioned that while the GPUD originally called for an interior street, the Town Council decided against additional dedicated roads.

Returning to the sewer problem, Mr. Burrow said that the sewer lines of the existing homes South of lot 12 are thought to run through the area of lot 12 to a main. The existing homes South of lot 11 connect to the main in a manner unknown to the town's engineer. Mr. Burbrink and Mr. Doriot then said that the consideration of the change as minor made sense.

Mr. Stump asked for clarification concerning the deletion of the interior road, and Mr. Doriot responded that the town did not want an interior road, the homeowners along the South side of Waterford St. did not want the backs of the new homes facing their homes, and, in consideration of the existing homes East of the subject property and the town's 35 mph speed limit, the uniform orientation of homes along the North side of Waterford St. was considered desirable. Mr. Stump then asked what was going to happen to lots 1610, and Mr. Doriot responded that they would all reach Werntz Ditch. Mr. Burrow commented that while Mr. Schrock lost approximately eight lots

along the ditch because of the deletion of interior roads, he did not pursue the interior-road concept further and thus will not have to install cul-de-sacs.

Mr. Stump then asked about access to the portion of the GPUD North of the subject property, and Mr. Burrow's response was that access would be via Washington St. The original GPUD called for single-family attached homes, duplexes, and single-family detached homes in that portion, but planning for that portion cannot move forward until problems concerning the flood plain are addressed. Proposed solutions involve a two-stage ditch and additional retention. Mr. Campanello asked whether the proposed solutions would address flood problems experienced by homes North of lot 12, and Mr. Burrow responded that the sewer lines running across the area of lot 12 need to be considered and that "the low density of it should allow for a little more capacity onsite."

Mr. Doriot asked Mr. Burrow whether the action needed was a vote to approve platting of 10 lots, and Mr. Burrow agreed, adding that the Board needs to approve the change as a minor one.

Following Board examination of the deletion of two lots from Camden Park DPUD, R-1, Section One and consideration of the nature of the change to the plat as summarized above:

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Jeff Burbrink, that the deletion of lots 11 and 12 from Camden Park DPUD, R-1, Section One be considered a minor change by the Advisory Plan Commission.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Blake Doriot, Douglas Miller, Frank Lucchese, Jeff Burbrink, Steven Edwards, Tom Stump, Tony Campanello.

Motion: Action: Approve, **Moved by** Blake Doriot, **Seconded by** Frank Lucchese, that the Advisory Plan Commission approve the 10-lot plat, reduced from 12 lots, for Camden Park DPUD, R-1, Section One.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Blake Doriot, Douglas Miller, Frank Lucchese, Jeff Burbrink, Steven Edwards, Tom Stump, Tony Campanello.

7. *County Comparison Table*

Brian Mabry called Board attention to the county comparison table included in the Commissioners' packets. The table is the product of interest in knowing how other counties handle various planning problems and research of various characteristics (including education level of the population, median household income, and presence of colleges and universities) of counties similar to Elkhart County in Indiana and surrounding states. Mr. Mabry said the table would be handy in cases where the planning practices of counties similar to Elkhart County need to be considered when problems within Elkhart County are encountered.

Mr. Campanello asked for an example of a question that the table would help address, and Mr. Mabry said, "Which of these counties has a business district like our E-1 or E-2, and what kinds of regulations do they have for that business park district?" Another question might be, how do they regulate duplexes? Any question relating to zoning or subdivision could be approached with the practices of similar counties in mind, Mr. Mabry concluded.

8. ***Zoning Ordinance Module 3 Introduction—Chris Godlewski, Brian Mabry***

Mr. Mabry distributed to the Board two packets showing article changes and highlights *[included with minutes as Staff Exhibit #2a and Staff Exhibit #2b]*, and Chris Godlewski began discussion by stating that Mr. Mabry would provide an introduction to articles 6 and 7 of module 3, future Plan Commission meetings would be followed by more detailed discussion of module 3 sections, and the policy committee has received an overview similar to that to be presented to the Plan Commission today. The staff committee has already reviewed articles 6 and 7, and the policy committee is now reviewing them.

In response to Mr. Doriot's question about recent policy committee attendance, Mr. Godlewski said that three of the original 15 members have left because they had not attended for a long time, and only four members appeared for the last meeting, the result of a possible communication error for which Mr. Godlewski accepted responsibility. Mr. Kolbus said that poor attendance is unusual, and Mr. Doriot agreed.

Mr. Godlewski then said he expected the conclusion of policy committee discussions on June 30, 2014, staff review of the last module in July 2014, and the policy committee and Plan Commission's receipt of all changes and a complete draft in August 2014. Mr. Godlewski warned that the review of the whole document could take time but said the current Planning intern is doing a great job on graphics.

Mr. Mabry called Board attention to the two packets, which contain tables enumerating selected changes made to module 3 (or articles 6 and 7) and edits made to articles 165, and reviewed the manner in which changes are communicated in the drafts. He also reminded the Board that zoning is the set of laws that implement the policies of a comprehensive plan, which comprises the big-picture policies, goals, and objectives of a growing community. Zoning comprises land use and its impact and should reflect community character. Platting, or subdivision, is the laying out of public infrastructure, and permitting is administrative review of compliance with zoning ordinance standards.

Continuing, Mr. Mabry said that article 6 contains the special-purpose zoning districts, which include A-3, A-4, A-5, E-1, and E-2, and wellhead protection overlay information, whose addition to the draft the policy committee favored. Article 6 lacks an airport overlay. Mr. Doriot asked about wellhead protection notification, and Mr. Mabry responded that the draft now requires that 50 percent of people in a recharge area sign on to an application to enable its appearance before the Plan Commission. The policy committee has considered increasing the percentage to 100 and continues to debate the percentage, Mr. Godlewski said.

Article 7 contains parking, buffering, sign, and flood control standards, and Mr. Mabry reminded the Board that the draft they currently have does not reflect tech committee feedback.

E-1 and E-2 are the two business park zoning districts, reduced from three, and further reduction to only one is under consideration, in an effort to make the business park a more useful and attractive zone. Rezoning to E-1 or E-2 currently requires submittal of a DPUD, but current edits remove the requirement, also in an effort to make business park zoning more attractive. E-1 and E-2 rezoning would rely, then, only on the standards set forth by the district. Outdoor storage, provided that screening is used, is also now allowed in the E districts, as is substitution of shrubs for trees in screening placement.

Another E district change concerns building exterior standards, Mr. Mabry said. The current ordinance wording provides vaguely that building exterior be taken into consideration as part of DPUD review. If the submittal of a DPUD is no longer required, the standards for E-district building exterior need to be defined. The draft now states, for example, that 80 percent of primary building facade must incorporate a combination of seven or eight listed building materials, but if primary facade standards are to remain in the draft at all, the percentage will change to 30 or 40, which will add flexibility for applicants' selection of materials. Primary facade, Mr. Mabry added, is defined only as walls visible from a right-of-way or a residential zone. The percentage of primary facade that must incorporate a combination of listed materials may be permitted to decrease even further if features of architectural interest, such as canopies or outdoor plazas, are added.

Mr. Mabry returned to the subject of narrowing of the number of E districts to only one, and commented that the current business park districts are similar but that two differences are E-2's permission of residential uses and permission of more commercial activity. The proposal is that apartments be the residential use permitted in the single E district and that the E-2 level of commercial activity be the level permitted by the single district.

Mr. Burbrink asked how many instances of E-district zoning occur now, and Mr. Mabry said only one, Elkhart East. American Countryside, once an E district, has undergone rezoning. Mr. Kolbus asked which E district Elkhart East is, and Mr. Godlewski responded E-3. Mr. Kolbus then asked whether the final, single E district could be called E-3 to avoid having to change Elkhart East's district, and Mr. Mabry said yes.

Focusing on the section of the draft addressing GPUD and DPUD overlays, Mr. Mabry said that while GPUDs and DPUDs are not thought of as overlays, they are, as they are districts that are applied on top of a base zoning district such as M-1 or R-1. Two issues that have arisen concerning GPUDs and DPUDs are whether standards apart from Highway's concerning circulation and access should be added and whether standards apart from Highway's concerning drainage should be added. In defense of Planning's own standards for drainage, Mr. Mabry contended that Highway's standards address right-of-way while Planning's standards would address private uses.

The only E-1 material surviving in the draft is that of the wellhead protection overlay, Mr. Mabry continued, and the overlay would cover a five-year recharge area. Mr. Godlewski indicated that no figure for typical recharge area acreage has been determined yet, and Mr. Doriot said the acreage is based on the aquifer, adding that if the area is incalculable, IDEM assigns an area. Mr. Mabry went on to say that the draft currently requires that 50 percent of property owners sign on, but the percentage may increase to 100 if allowed by statute, so that no property owner is forced into the district. The adoption of the overlay would not be retroactive; no existing wellhead would be assigned an overlay without warning. Overlays would be brought in by property owners.

Mr. Stump mentioned that Goshen uses wellhead protection overlays, but they are not subject to vote by those covered by the districts. The overlays are simply EPA mandated. Mr. Doriot, familiar with Nappanee's overlays but not Goshen's, commented that Elkhart, which went outside city limits in locating its new well field, imposed restrictions on property owners in that well field's recharge area. Mr. Stump said that their approval was not sought, and Mr. Doriot agreed. Mr. Doriot then said that Elkhart County's ordinance draft, rather, might provide that anyone seeking to place a wellhead must approach all property owners within the five-year recharge area saying, "This is what we're doing, and this is why." Mr. Stump pointed out that one of Goshen's wellhead

protection overlays is in an industrial park and carries strict regulations, which address retention areas, asphalt, above-ground storage, and fuel storage, among other things, Mr. Doriot added. Mr. Stump asked how the county's new ordinance can require that 50 percent of covered property owners agree to an overlay while Goshen's overlays are mandated. Mr. Doriot responded that if property owners do not sign on, the applicant must either seek another well location or make plan adjustments that placate the property owners.

Mr. Stump then asked whether the wellhead protection overlays would cover municipal and agricultural wells, and Mr. Doriot said they would cover "any community water source," including those for mobile home parks and factories, whose recharge areas may have to extend past their own boundaries if they cannot be kept entirely onsite. Mr. Stump called severe the resultant requirement that factories interested in moving to Elkhart County seek approval from property owners within their boundary-crossing recharge areas, and Mr. Doriot agreed. Mr. Doriot asked for the number of people on a water system that triggers IDEM regulation, and Mr. Godlewski said 25. Mr. Godlewski added that IDEM and the municipalities in question have a degree of autonomy, that overlay guidelines in the draft will provide protection and guidance to overlay applicants, but that the permit and application process is still a municipality-run and state-run process.

Mr. Doriot responded that a wellhead is a regulated use, as is placement of a factory in an A zone, and requires rezoning and the requisite public hearing, and Mr. Mabry agreed. Mr. Doriot then said that a property owner facing property use restrictions resulting from a nearby municipality's desire to place a wellhead near or even a half mile away from his or her property will indeed have a "day in court." In response to Mr. Stump's question about what would happen in the event the wellhead is to be placed within the limits of the municipality in question, Mr. Doriot said, "[W]e don't have a leg to stand on. . . . If that well is within the municipality, I think they can put it down. I don't think they have to [rezone] if it extends out into the county," but indicated that placement of the well itself in the county would be a different matter.

Mr. Godlewski could not confirm Mr. Doriot's representations but mentioned two people on the policy committee who are wellhead experts. He also said that the wellhead protection overlay to be featured in the ordinance will parallel what will be enacted by municipalities and the state and will seek the voice of residents via rezoning hearings.

Mr. Stump commented that he was not sure whether the overlay will place undue restrictions on residents and raised the example of current development at the intersection of US 20 and SR 15, which is on well water but not a community well, asking whether each of such developments will need to present a wellhead protection program. Mr. Godlewski said that the answer depends on scale and that there are only approximately 25 instances of wellhead protection in the whole county. Those instances are water towers, or municipal wells, and we are not talking about industrial building-size wells but about municipal wells, Mr. Godlewski said. Mr. Stump then indicated agreement, and Mr. Doriot and Mr. Godlewski agreed that the wells at question would be those that serve community purposes such as mobile home parks and schools.

Mr. Godlewski returned to the subject of approval from affected property owners, repeating that the rezoning approval percentage would likely increase from 50 to 100. He said that such unanimity would be hard for a city to achieve and that it might have to buy the land in question if it wanted a recharge area, and Mr. Doriot commented that some recharge areas are not that large and can often fit within a 160-acre farm.

Mr. Burbrink questioned whether residents' sign-off was in fact necessary, but Mr. Doriot expressed concern over the placing of restrictions on property owners because of others' well placement. Mr. Stump asked whether the establishment and advertisement of well protection areas are enforceable EPA requirements, and Mr. Doriot's answer was that anyone placing a well that will serve a municipality or a mobile home park must consider affected property owners. Mr. Campanello commented that no well can ever be installed if approval of 100 percent of affected property owners is required. Mr. D. Miller asked whether the five-year recharge would run in perpetuity, and Mr. Doriot answered that the five-year recharge area is placed to allow time for problem mitigation. Manner and amount of fuel and chemical storage are limited, and if a spill happens, the responsible person has five years to find another well location or filter out the material.

Mr. Mabry said that application of a wellhead overlay to a five-year recharge area would annul some uses normally permitted by the underlying zoning district, and the ordinance draft lists approximately 15 such uses and lists standards addressing chemical application and storage tanks. In response to a question from Mr. Burbrink about farming, Mr. Doriot said corn could be grown over a recharge area as long as the standards are met, and Mr. Mabry said crop growing itself is not a prohibited use.

Mr. Campanello raised the examples of York Elementary School and Eby's Pines Campground and asked whether Eby's Pines is under any spraying regulations. Mr. Godlewski said it is not under any county-imposed regulations, but Mr. Doriot said it is under EPA-imposed regulations. Mr. Campanello asked whether this was because of the existing wellhead established for the school, and Mr. Doriot said yes. Mr. D. Miller, returning to the subject of a municipality's need to go beyond city limits, asked whether a city like Elkhart could take land outside city limits for a wellhead via eminent domain, and Mr. Doriot said no. Mr. Godlewski responded, though, that Don Shuler has said such taking of land is a possibility. Mr. D. Miller asked about the water tower on CR 15 North of the toll road, and Mr. Godlewski said the new wellhead protection district would not apply because that tower is not part of a new project but confirmed that the district would apply to a new water tower project.

Mr. Kolbus mentioned that municipalities do have some rights to place utilities outside their boundaries but that those rights would have to be acquired and paid for. He also asked whether the county even needs its own wellhead protection districts if the EPA is imposing its own requirements, and Mr. Doriot clarified that the EPA imposes restrictions on landowners regardless of the resulting hardships. "It's giving a local oversight instead of a state and federal oversight," he said. Mr. Mabry commented that the protection district could be thought of as a gatekeeper before well installation. Without it, a well that conforms to EPA regulations could be still be installed, but the district provides the prerequisite of public notification. Mr. Burbrink disputed the need for both public notification and 50 percent sign-off. Mr. Doriot agreed and insisted that affected property owners "need to have their day in court."

Article 6, the special-purpose article, said Mr. Mabry, contains three A districts: A-3, A-4, and A-5. Whether to combine them in some way and whether to adjust the threshold livestock numbers have been subjects of policy committee discussion and input from a representative of a large chicken farm. As it stands, the A-3, A-4, and A-5 content of the new ordinance draft is no different from that of the current ordinance. Combination of the districts has been proposed because of the infrequency of their use; there are no current instances of A-5, there is only one instance of A-

4, and there are only two or three instances of A-3. Mr. Kolbus mentioned that the subject of consolidation should be reraised at the next policy committee meeting, when better attendance is expected.

Mr. Burbrink said that disuse of districts has to be investigated. The use of A-3, A-4, and A-5 is rare despite the change to voluntary use, and Mr. Doriot added that no applications were received even during the period when free rezoning was offered. Mr. Godlewski then commented that A-1 does permit very large farming operations and that nobody meets the special-purpose thresholds, and Mr. Burbrink said no applications will be received unless the districts can be shown to offer some kind of protection to applicants. In response to Mr. Doriot's concern over wet and dry manure, Mr. Burbrink said that manure type did not come up during policy committee discussion. Mr. Godlewski said that manure type can be addressed when the committee considers setbacks and that greater setbacks for wet manure than dry can be imposed.

Proceeding to article 7, which contains general development standards, Mr. Mabry called Board attention to an applicability table to be included in the new ordinance. The table shows the standards that will apply to various development and modifications. New nonresidential development, changes from residential to nonresidential use, increases in number of family units by five or more, and increases in building or parking area by 50 percent or 5,000 sq. ft. receive checkmarks for application of parking, screening, buffering, sign, and flood hazard control standards. Increases in building area by 20 percent or 2,000 sq. ft. receive checkmarks only for application of parking, sign, and flood hazard control standards. Mr. Mabry raised these examples because, though the table may seem confusing, its appearance in the ordinance will be helpful.

Focusing on parking, Mr. Mabry said that the parking table now corresponds with the use table and that calculation of number of parking spaces is no longer based on the number of employees on the largest shift. The number of employees on a shift can vary depending on time of year, and numbers can be too easily misrepresented by applicants. Overall, the new ordinance will require less parking than the old, following a trend in planning and zoning that questions the prevalence of huge parking lots that are filled to capacity only a few times a year. What matters is that applicants meet the minimum, said Mr. Mabry, and users and the market can determine how much more should be added. The draft does, however, make available the requirement that more parking be added when off-street or offsite parking begins to occur.

Alternative parking plans can be submitted, without the requirement of an approved variance, in cases where shared or nearby offsite parking is shown to be feasible. Churches, offices, and retail locations, which have different peak hours of operation, are examples of uses for which shared parking is beneficial. Alternative parking plan options also benefit small properties that cannot accommodate anticipated parking needs.

Mr. Mabry then said that while loading spaces have been treated as optional, a literal reading of the current ordinance shows that they are required, and this is another matter that should be decided by users and the market. Standards for loading areas and docks are included in the draft but are to be invoked only when a use calls for such areas. The main addition to the parking and loading section concerns stacking, or the lining up of cars near fast food drive-throughs, ATMs, car washes, and other such destinations. Stacking spaces must be set aside in these cases to avoid the lining up of cars on nearby streets. The new standards for stacking provide for numbers of stacking spaces appropriate for the use at question, and stacking spaces are the same width as parking spaces,

20 ft. long and nine ft. wide.

Section 7.2 of article 7, which addresses buffering and screening, is among the most significant additions. Buffering and screening standards have been added in an effort to protect values of adjacent properties and in further effort to lessen reliance on DPUDs, which involve lengthy processes and negotiation. Mr. Mabry began discussion by noting that the bigger the difference between adjoining uses, the bigger the buffer yard must be, and cited the examples of a house near a factory and a house near a small retail store.

A short hedgerow, berm, or retaining wall must be used to buffer parking that is within a certain distance of a public right-of-way or residential use. The buffer must be a minimum of 10 ft. wide and four ft. tall, but is unneeded in cases of an extreme difference in grade between the areas to be separated, a parking setback of 50 ft. or more, or parking occurring at the rear of a property. A boundary buffer, Mr. Mabry continued, is that along the border between zoning districts. He gave the example of a boundary between an R-1 district and an M-1 district, which would require a class 3 buffer, that of a boundary between an R-1 district and a B-1 district, which would require only a class 1 buffer, and that of a boundary between an R-1 district and a B-2 district, which would require a class 2 buffer. Generally the wider the buffer, the fewer plants needed, so a buffer that is 25 ft. wide, for example, is considered a type A buffer and would need to feature only three trees per 100 ft. segment and an opaque fence. A buffer only 15 ft. wide is a type B buffer and would need to feature one more tree per 100 ft. segment and the opaque fence. A buffer only 10 ft. wide, or a type C buffer, must feature four trees per 100 ft. segment and a masonry wall.

Mr. Mabry then returned to the example of an R-1 district adjoining an M-1 and outlined how buffer type (not class) might change along a border. Where there is more room, only a type A buffer is required, but as the border nears a parking area that is located between itself and the M-1 building and the buffer width must, as a result, decrease significantly, a type C buffer is required. With such standards in place, a user has only to research the ordinance to learn buffering requirements and can avoid submission of a DPUD, and an R-1 occupant has only to do the same to learn what protection she has. The trees in these cases must be at least eight ft. in height, a user may use discretion when planning a meandering or linear tree line, and credit is offered for existing trees. Mr. Campanello asked whether trees would still need to be eight ft. in height if planted atop a four ft. mound, and Mr. Mabry said yes, according to the draft as it is. Mr. Kolbus commented that the point should be considered, and Mr. Mabry commented that the draft can be changed, with Mr. Godlewski adding that buffering and screening standards are now appearing in the ordinance because of the many instances of remonstrance and concessions during BZA hearings and the many instances of adjoining districts.

Mr. Mabry then continued, stating that shrubs must be four ft. high and are permitted by class 1 standards. Fences must be six to nine ft. high, and composition must be wood or masonry. Class 3 buffers require walls, and chain-link fences are no longer permitted in any case. Mr. Campanello commented that the city of Elkhart does permit chain-link fences that have factory-placed slats, which are different from user-installed slats. Mr. Mabry said that the policy committee was not in favor of chain-link fences, but Mr. Kolbus said that pictures of examples in the city should be presented to the committee for consideration.

In the interest of flexibility, the ordinance draft permits replacement of fences and walls by berms, Mr. Mabry said. The policy committee, however, has questioned the practicality of such

substitution. A berm could not be placed in a buffer area that is only 10 ft. wide, for instance, and Mr. Burbrink added that a berm cannot be placed where there are existing trees. Mr. Doriot pointed out that a class 3 option that permits an extra wide setback in exchange for less robust buffering, such as chain-link fencing, should be available for users limited by the high costs of more robust buffering such as masonry walls. Mr. Godlewski said that such an option could be offered as an exemption, but Mr. Mabry said that he would prefer to work the option into the draft. Mr. Campanello worried that wide setbacks limit available retention areas and create new problems for users, but Mr. Mabry said that the draft contains a list of nonbuffering features, including utility and stormwater-handling features, allowed in buffer yards and that the list can be expanded.

Mr. Godlewski then commented that one approach to the bordering of conflicting land uses is not to allow it at all. But since Elkhart County is a "development-friendly community," manufacturing areas frequently occur near agricultural and residential areas. The new buffering and screening material in the draft, then, provides an alternative means of addressing land use conflict. Otherwise, "we just don't allow the manufacturing next to a residential [use]. I don't think that's the way we want to go," Mr. Godlewski said. Mr. Stump replied that an owner of an intense land use who does not want to put up a barrier simply should not build in an area that requires one and should choose an area that borders a similar land use. Mr. Stump also questioned how often such conflicts arise, and Mr. Godlewski said they arise frequently, citing recent manufacturing development in the Bristol area and instances of churches to be placed near residential uses.

Screening, Mr. Mabry continued, applies to trash and recycling dumpsters, which, according to the draft, must be at the rear or sides of a property; screened from residential properties and public right-of-way with fences, walls, or plantings; and set back 25 ft. from residential properties. They may be set back only 10 ft. from such properties if screened by a wall. Loading areas follow similar screening guidelines except in the B-3 and M districts, but the policy committee questioned the practicality of the loading area guidelines, Mr. Mabry said, adding that a priority is to ensure that loading areas do not interfere with residential uses.

The ordinance draft contains only a placeholder portion for outdoor storage at this time. Elkhart County's definition of outdoor storage does not encompass vehicles, finished products, and, specifically, finished RVs, while other jurisdictions' definitions do include such items, so discussion is still needed to determine what standards addressing screening of outdoor storage, if any, should be added. Mr. Mabry also reminded the Board that screened outdoor storage is permitted in the E districts, a significant E-district change.

Guidance for sign measurement has also been added. It addresses signs with strange shapes and angular signs that appear to be double face but should be considered single. No new standards have been created, and the existing standards, which will be accompanied by photos or drawings, will be presented in table format. The new ordinance will be "content neutral," meaning it will focus only on sign structure, placement, timing, and size. Billboard treatment is also a subject of discussion. A Burkhart Media representative has asked to approach the policy committee with a billboard credit idea, Mr. Mabry said. Billboard owners would be assigned credits, and assignment of credits would result from billboard demolition as well. Credits would then be spent on new billboards, according to the idea. The idea is complicated, especially in cases where billboard regulations are absent, and the existing county sign standards have not been the subject of complaints from the public, Mr. Mabry said.

Finally, IDNR governs flood hazard control wording appearing in zoning ordinances, and attempts to make the material in the draft easier to read may have to be reversed.

9. A motion to adjourn the meeting was made by Mr. Doriot and seconded by Mr. Lucchese. With a unanimous vote, the meeting was adjourned at 10:24 a.m.

Respectfully submitted,

Daniel Dean, Recording Secretary

Steve Edwards, Acting Chairperson