



# Elkhart County Planning & Development

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## Module 2 Executive Summary

DATE: May 9, 2013  
 TO: Plan Commissioners  
 FROM: Brian Mabry, AICP, Planning, Zoning, and Code Enforcement Manager  
 SUB: Module 2 Executive Summary

Module 2 of the Zoning Ordinance rewrite project consists of Article 4, Zoning Districts and Developmental Standards and Article 5, Use Standards. These two Articles establish the zoning districts for the county; provide developmental standards related to setbacks, lot widths and heights; and show what land uses are allowed in the various basic zoning districts along with what standards apply to certain specific uses.

The following are some highlights of the Module.

Citation	Page #	Heading	Comment
Sec. 4.2	4-4	Zoning District Purpose Statements	Set tone for developmental and use standards in the zoning; Considered during rezoning request
Sec. 4.4	4-20	Residential Developmental Standards	Options provided for Conventional and Cluster subdivisions; Clustering allows smaller lots in exchange for permanent set aside open space without going through a PUD process; Alternative housing types are provided to allow flexibility based on market conditions without a PUD
Sec. 5.1 & 5.2	5-1 thru 5-22	Use Table & Use Categories	Existing lists of permitted uses converted to a use table; M-2 is more of a purely Industrial district than currently; R-4 is more mixed use, allowing more uses than currently; Use Categories group similar uses together so they get treated similarly
Sec. 5.3	5-36 thru 5-45	Specific Use Standards	Standards apply only to uses with "L" and "S" in use table
Sec. 5.5	5-54 thru 5-61	Accessory Uses and Structures	Accessory dwelling units allowed by right, subject to standards; Home occupations allowed 1 outside employee; home workshop / businesses allowed 3 outside employees in A-1 with 3 acres or more (see question regarding Accessory Dwelling Units in table below)
Sec. 5.6	5-52	Temporary Uses	Provides general standards for all temporary uses; Provides specific standards for certain temporary uses; See Temporary Use Permit in Module 1: Sec. 3.12

The following are some questions or points of discussion that have emerged as the draft has been reviewed by the Technical and Policy Committees. The Committees welcome the input of the Plan Commission.

Citation	Page #	Heading	Question / Point of Discussion
4.3.5.B.2	4-12	Front Setback Location	How should we measure a front setback? From the centerline of the ROW? From the centerline of the traveled way? From the ROW line? Each has advantages and disadvantages. Current practice is to measure from the centerline of the ROW.
4.3.5.B.3	4-12	Side Setback Location	How should we measure side setback? The draft and existing ordinance say that a setback is measured from the lot line to the <u>nearest projection</u> of a structure. Some Policy Committee members say that the measurement should be from the lot line to the <u>nearest part of the foundation</u> . Note that 4.3.5.C allows setback encroachments by certain architectural features.
4.4.3	4-21 thru 4-23	Optional Housing Types	The Technical and Policy Committees have struggled with whether the various alternative single-family housing types (zero lot line, traditional dwelling, single-family attached) must be tied to public waste water service <u>OR</u> whether to allow flexibility based on technological advances in septic systems that might allow for smaller lots. Thoughts?
5.5.3	5-55 thru 5-57	Accessory Dwelling Units	Require that residents of accessory and primary unit be related (and therefore less likely to be rented out)? <u>OR</u> allow accessory to be rented out? Draft already requires that the property owner live in either the primary or accessory.  Allow in R districts? Draft allows in A-1 and R if over 1 acre in lot size. Idea from Policy Committee is to require an SUP in R-1 and allow by right in other Rs.

The next step in the project is to consolidate Modules 1 and 2, along with making edits to those modules to reflect the comments of the Technical Committee, Policy Committee and Plan Commission. Staff will produce a version showing editing marks, and a “clean” version with editing marks removed.