



Union, Jackson and Benton, but excluding the jurisdictions of the City of Goshen, the City of Elkhart, and the Town of Nappanee.

**PUBLIC MEETING ITEMS** *(time of review at the discretion of the Plan Commission)*

**STAFF/BOARD ITEMS** *(time of review at the discretion of the Plan Commission)*

- *Board of County Commissioners Approvals Following Plan Commission Recommendations.*
- *An amendment to consolidated SR 15 Economic Development Area.*
- *Minor change request for CLOVERLEAF FINISHING DPUD.*
- *Agreement for Legal Services for Barkes, Kolbus, Rife, & Shuler effective July 1, 2025-July 1, 2026.*

**ADJOURNMENT**

The Elkhart County Plan Committee is meeting on Thursday April 10, 2025, at **9:30 am** in Rooms 104, 106 & 108 of the Administration Building, Goshen, Indiana. Pursuant to advice of the Indiana Public Access Counselor, general public comment will not be permitted at this public meeting on non-public hearing matters. To the extent you wish to make comment remotely during any public hearings scheduled during this public meeting, please call (574) 971-4678 to learn how to remotely submit your public comment for the public hearing. The public is encouraged to attend the meeting remotely by going to [www.elkhartcountyplanninganddevelopment.com](http://www.elkhartcountyplanninganddevelopment.com) at **9:30 am** on April 10, 2025. If you have further questions regarding how to remotely attend the public meeting please call (574) 971-4678.

**PLAN MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 13TH DAY OF MARCH 2025 AT 9:30 A.M. IN THE**  
**MEETING ROOM OF THE ADMINISTRATION BUILDING**  
**117 N. 2<sup>ND</sup> ST., GOSHEN, INDIANA**

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Chairman, Lori Snyder. The following staff members were present: Mae Kratzer, Plan Director; Jason Auvil, Planning Manager; Danny Dean, Planner; Danielle Richards, Planner; Laura Gilbert, Administrative Manager; and James W. Kolbus, Attorney for the Board.

**Roll Call.**

**Present:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steven Clark, Dan Carlson, Brad Rogers.

**Absent:** Roger Miller, Brian Dickerson.

2. A motion was made and seconded (*Edwards/Barker*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 13th day of February 2025, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Warner/Edwards*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. The motion was carried with a unanimous vote.

4. The application for a zone map change from B-3 to R-1, for Lori D. Martin (Buyer) & Christ B. Yoder and Sarah E. Yoder, Husband and Wife (Sellers) on property located on the north side of E. Waterford St., 565 ft. west of SR 19, common address of 908 E. Waterford St. in Olive Township, zoned B-3, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0035-2025*.

Linda Martin, 64394 SR 19 Goshen, was present to represent the petitioner. She stated the reason for the rezoning is for her daughter to be able to live on this property. Mrs. Martin mentioned she has a letter from the Wakarusa Town Board, which was presented to the board. [*Attached to file as Petitioner Exhibit # 1*]. Mr. Rogers asked the reason for the business zoning. Mrs. Richards stated it was connected to the saw mill. Mrs. Snyder asked to make sure the buyer is aware the property is surrounded by multiple mixed zones.

Sara Yoder, 908 E. Waterford St., Wakarusa, was present in support of this rezoning.

A motion was made and seconded (*Rogers/Clark*) 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** Brad Rogers, **Seconded by** Phil Barker that the Advisory Plan Commission recommend to the Wakarusa Town Council that this request for a zone map change from B-3 to R-1 be approved in accordance with the Staff Analysis.

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

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steven Clark, Dan Carlson, Brad Rogers

5. The application for a zone map change from R-2 & R-3 to A-1, for Robert D. Astling and Jacqueline Astling, Husband and Wife on property located on the west side of E. County Line Rd., 2,780 ft. south of CR 2, common address of 51601 E. County Line Rd. in York Township, zoned R-2 & R-3, was presented at this time.

Danny Dean presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0046-2025*. Mr. Dean presented an email to the board from the landowner. *[Attached to file as Staff Exhibit #1]*

Jacqueline Trump Astling, 51601 E. County Line Rd., Middlebury, was present representing as the petitioner. She mentioned that the property has been in the family for generations and has always been used as agricultural land. Mr. Rogers asked for clarification of the properties being rezoned on the map. Mr. Dean explained which property the petitioner owns. Mrs. Astling stated all of the neighboring properties are in agreement with the zone change. She further stated that the future goal for the property is to put up a pole barn and take down the smaller buildings.

There were no remonstrators present.

A motion was made and seconded (*Rogers/Barker*) 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** Brad Rogers, **Seconded by** Steven Clark that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from R-2 & R-3 to A-1 be approved in accordance with the Staff Analysis.

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

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steven Clark, Dan Carlson, Brad Rogers

6. The application for a zone map change from R-1 to B-3, for Lynda Kay Awald on property located on the west side of Pleasant Plain Ave., 1,000 ft. north of Mishawaka Rd. (CR 20), common address of 3401 Pleasant Plain Ave. in Concord Township, zoned R-1, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0048-2025*.

Linda Awald, 3401 Pleasant Plain Ave., Elkhart, was present as the petitioner. She stated she is requesting the rezoning for the economic value of the resale of the property.

There were no remonstrators present.

A motion was made and seconded (*Rogers/Clark*) 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** Brad Rogers, **Seconded by** Steven Clark that the Advisory

Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from R-1 to B-3 be approved in accordance with the Staff Analysis.

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

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Steven Clark, Dan Carlson, Brad Rogers.

7. The application for a zone map change from A-1 to M-2, for Board of Commissioners Elkhart County on property located on the east side of CR 7, 2,500 ft. north of CR 26, common address of 59530 CR 7 in Concord Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0058-2025*.

John Bowers, 59530 CR 7, Elkhart, was present for this request. He mentioned there are state requirements and setbacks that the landfill will have to comply with. He explained that the entire pink-lined area cannot be used for trash and to keep that in mind. Mr. Warner asked the estimated life span of the landfill. Mr. Bowers stated the current landfill is permitted for another 50-60 years. He mentioned the timeline depends on the amount of trash and flow.

There were no remonstrators present.

A motion was made and seconded (*Rogers/Clark*) 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** Brad Rogers, **Seconded by** Phil Barker that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to M-2 be approved in accordance with the Staff Analysis.

**Vote: Motion passed (summary: Yes = 6, No = 1, Abstain = 0).**

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Dan Carlson, Brad Rogers.

**No:** Steven Clark.

#### ***8. Board of County Commissioners Approvals Following Plan Commission Recommendations***

Jason Auvil reported on the February 17, 2025 County Commissioners Meeting approvals and tabled item.

9. Mae Kratzer presented the 8 pages that have been reviewed and the changes in the Developmental Ordinance.

10. A motion was made and seconded (*Warner/Rogers*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:02 a.m.

Respectfully submitted,

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Amber Weiss, Recording Secretary

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Lori Snyder, Chairman

# Plan Commission Staff Report

Prepared by the Department of Planning and Development

**Hearing Date:** April 10, 2025

**Transaction Number:** DPUD-0131-2025.

**Parcel Number(s):** 20-04-13-451-006.000-032.

**Existing Zoning:** R-2.

**Petition:** For a zone map change from R-2 to DPUD B-3 and R-2 and for primary approval of a 2-lot minor subdivision to be known as MILLER'S COUNTY ROAD 4 DPUD MINOR SUBDIVISION.

**Petitioner:** Nathan D. Miller & Lori B. Miller, Husband & Wife, represented by Land and Boundary LLC.

**Location:** North side of CR 4, 1,990 ft. west of East County Line Rd., in York Township.

**Adjacent Zoning and Land Uses:** The following table shows the zoning and current land use for the subject property and adjacent sites.

	Zoning	Current Land Use
<b>Subject Property</b>	R-2	Residential
<b>North</b>	R-2	Residential
<b>South</b>	A-1	Agricultural and Residential
<b>East</b>	R-2	Residential
<b>West</b>	R-2	Residential

**Site Description:** The subject property consists of one parcel totaling 5 acres. There is an existing 2,432 sq. ft. house and 1,728 sq. ft. barn. Proposed lot 1 will be 1.25 acres for commercial use and includes a proposed 4,661 sq. ft. new commercial building. Proposed lot 2 will be 3.75 acres and remain residential with the existing house and barn.

**History and General Notes:**

- The R-2 zoning is from the original zoning from 1959.

**Zoning District Purpose Statements:** The purpose of the B-3, Heavy Business, zoning district is to accommodate higher-impact community and regional developments. The district also accommodates uses related to vehicular travel, interstate commerce, heavy equipment, trucking, and outdoor storage. The zoning district is appropriately applied adjacent to interstates and major state or county highways. The purpose of the DPUD, Detailed Planned Unit Development, zoning district is to allow an applicant the benefit of flexibility in development in exchange for increased public or private amenities that go beyond the requirements of this Development Ordinance.

**Staff Analysis:** The purpose of this rezoning petition is to develop a two-lot mixed-use residential and commercial development. The commercial lot will be used for the purposes of receiving and shipping warehouse for RV water system parts.

# ***Plan Commission Staff Report (Continued)***

*Hearing Date:* April 10, 2025

The staff, after reviewing this petition, recommends **APPROVAL** of this rezoning for the following reasons:

1. The requested Zoning Map Amendment complies with the Comprehensive Plan. Elkhart County will manage growth through orderly development. Tools like the DPUD allow for mixed-use developments which would ordinarily not be allowed in conventional zoning districts.
2. The request is in character with current conditions, structures, and uses on the subject property and in its surroundings. The size of the proposed commercial building is in character with structures found in a large-parcel residential and agricultural area.
3. The most desirable use of the subject property is agricultural, residential, and/or other supporting and comparable uses.
4. The request conserves property values. The proposed commercial development has the required setbacks and has met the buffering requirements for the B-3 zoning district.
5. The proposed rezoning promotes responsible growth and development. The DPUD limits the scope and scale of the proposed mixed-use development.

*Staff Analysis Continued:* The staff, after reviewing this petition with the assistance of the Elkhart County Technical Committee, recommends **APPROVAL** of this DPUD and of this primary plat, as the development meets all pertinent standards.

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Detailed PUD - Rezoning, Plat & Site Plan

DPUD-0131-2025

Date: 03/04/2025

Meeting Date:

April 10, 2025  
Plan Commission Hearing (PUD)

Transaction #:

DPUD-0131-2025

Description: For a Zone Map Change from R-2 to DPUD B-3 and R-2, and for Primary Approval of a 2-Lot Minor Subdivision to be known as Miller's County Road 4 DPUD Minor Subdivision

Contacts: Applicant

Land And Boundary Llc  
401 S 3Rd Street  
Goshen, IN 46526

Land Owner

Nathan D & Lori B Miller  
10361 County Road 4  
Middlebury, IN 46540

Private Surveyor

Land And Boundary Llc  
401 S 3Rd Street  
Goshen, IN 46526

Site Address: 10361 County Road 4  
Middlebury, IN 46540

Parcel Number: 20-04-13-451-006.000-032

Township: York

Location: North Side Of County Road 4, 1,990 Ft. West Of East County Line Road

Subdivision:

Lot #

Lot Area: 5.01 Frontage: 341.00 Depth: 627.00

Zoning: R-2

NPO List:

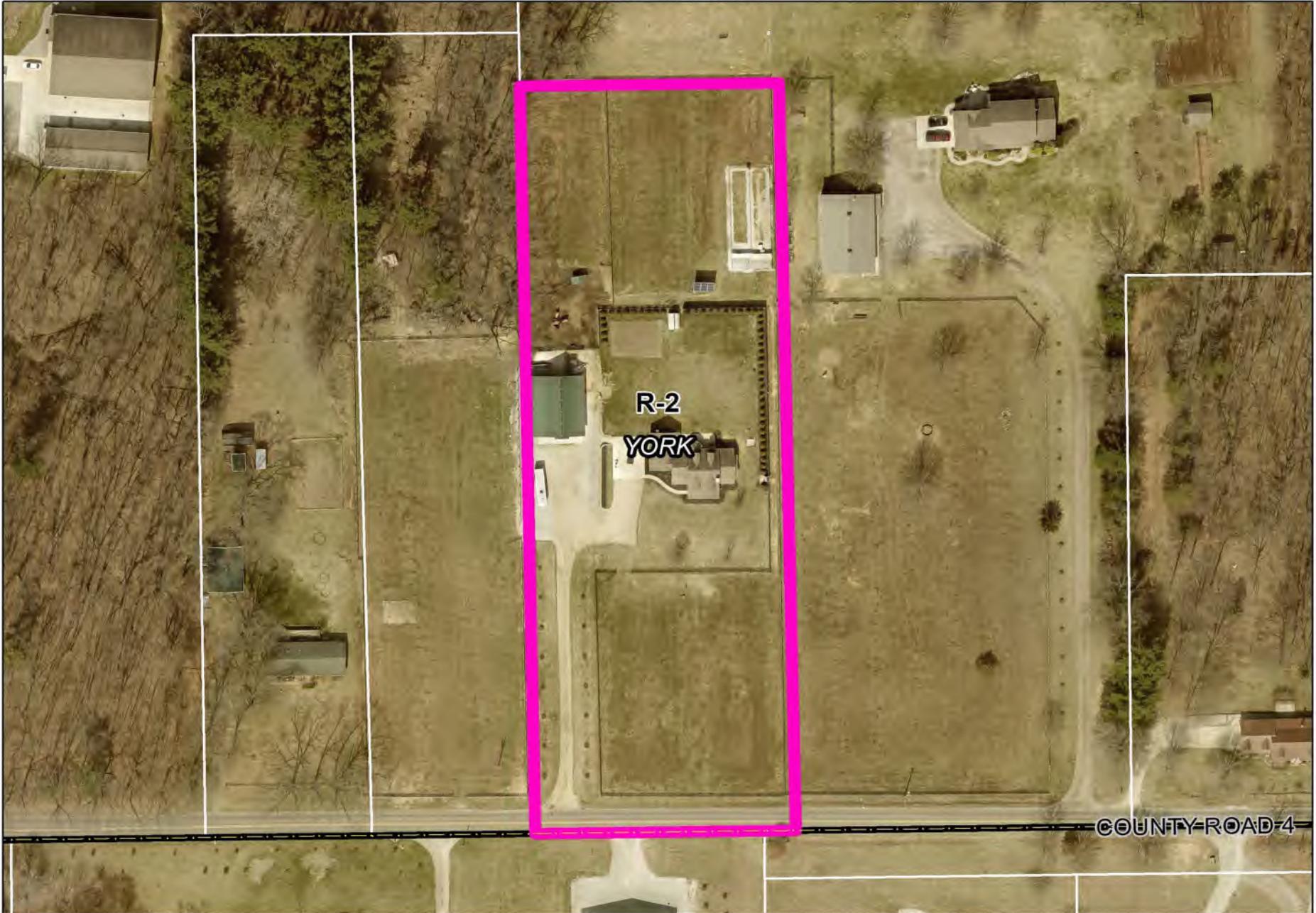
Present Use of Property: RESIDENTIAL AND VACANT LAND

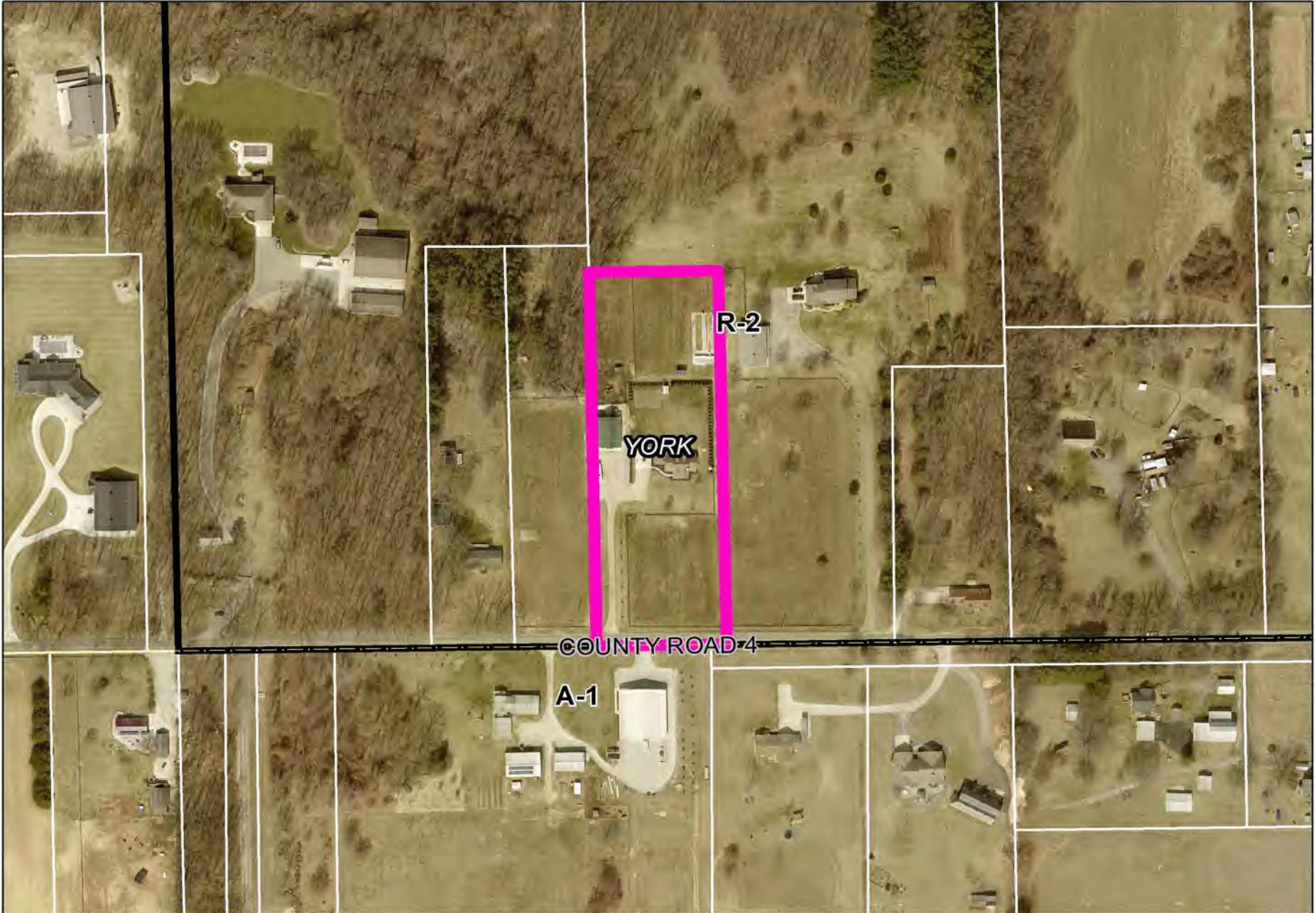
Legal Description:

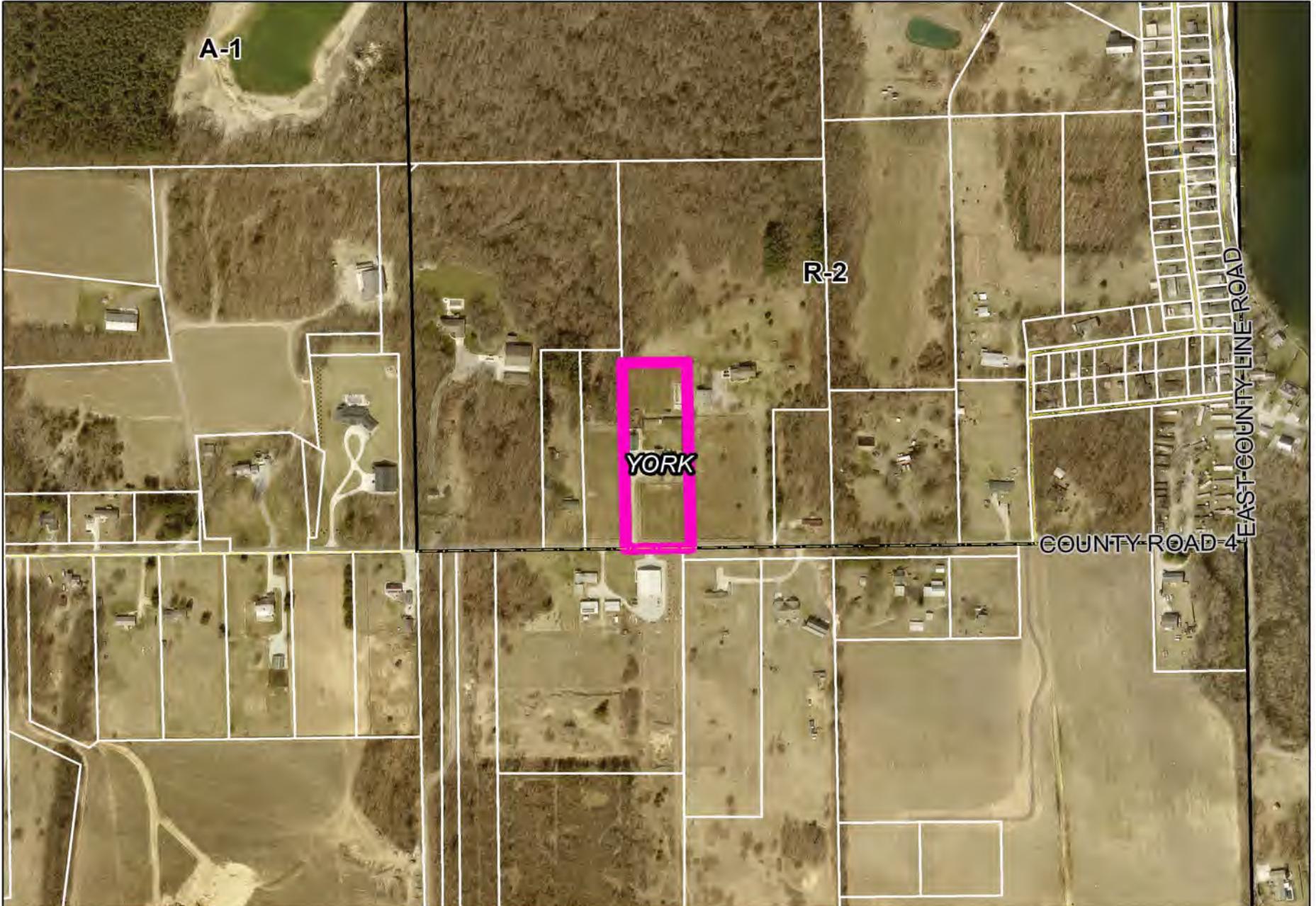
Comments: ENTERED INCORRECTLY AS REZONING - SEE #RZ-0127-2025 - FEES PAID ON THAT PLAN  
OPEN PERMIT #BR-2404-2024 FOR ACCESSORY BUILDING WITH NO INSPECTIONS.

Applicant Signature:

Department Signature:









**Land Description**

Part of the Southeast Quarter of Section 13, Township 38 North, Range 7 East, York Township, Elkhart County, State of Indiana, surveyed by Travis R. Shetler, Registration Number LS21800008 with Land and Boundary LLC, as shown on a survey drawing for Project No. 250101, certified on February 09, 2025 and being more particularly described as follows:

Commencing at a Harrison monument marking the Southwest corner of the Southeast Quarter of Section 13; thence South 90°00'00" East along the South line of the Southeast Quarter of said Section a distance of 536.13 feet to the Southwest corner of land conveyed to Nathan D. and Lori B. Miller in Document Number 2024-20345 and recorded in the Office of the Recorder of Elkhart County, Indiana said land referred to as Miller land hereon and being marked by a survey spike with washer inscribed "LANDMARK" said point being the Point of Beginning of this description; thence North 00°32'59" West along the West line of said Miller land a distance of 60.00 feet to the Northwest corner of said Miller land; thence South 90°00'00" East along the North line of said Miller land a distance of 132.00 feet to a Northern corner of said Miller land being marked by a rebar with cap inscribed "Progressive"; thence South 00°32'59" East a distance of 33.00 feet; thence South 90°00'00" East along a Northerly line of said Miller land a distance of 209.00 feet to the Northeast corner of said Miller land; thence South 00°32'59" East along the East line of said Miller land a distance of 627.00 feet to the Southeast corner of said Miller land on the South line of the Southeast Quarter of Section 13 being marked by a survey spike with washer inscribed "JUSTICE"; thence North 00°00'00" West along the South line of said Southeast Quarter a distance of 341.00 feet to the Point of Beginning of this description.

Containing 3.00 acres, more or less.

**Description to be Re-Zoned from R-2 to DPUD B-3**

Commencing at a Harrison monument marking the Southwest corner of the Southeast Quarter of Section 13; thence South 90°00'00" East along the South line of the Southeast Quarter of said Section 13 a distance of 536.13 feet to the Southwest corner of land deeded to Nathan D. and Lori B. Miller in Document No. 2024-20345 and recorded in the Office of the Recorder of Elkhart County, Indiana said point being the Point of Beginning of this description; thence North 00°32'59" West along the West line of said Miller land a distance of 412.12 feet; thence South 90°00'00" East parallel with the South line of the Southeast Quarter of said Section 13 a distance of 132.00 feet; thence South 00°32'59" East parallel with the West line of said Miller land a distance of 412.12 feet to a point on the South line of the Southeast Quarter of said Section 13; thence North 90°00'00" West along the South line of the Southeast Quarter of said Section 13 a distance of 132.00 feet to the Point of Beginning of this description.

Containing 1.25 acres, more or less.

**STATEMENT OF COMPLIANCE**

THIS SUBDIVISION IS FOUND TO BE IN COMPLIANCE WITH THE ELKHART COUNTY SUBDIVISION CONTROL ORDINANCE AND THE REGULATIONS THEREON. THIS PLAN HAS HEREBY APPROVED AND ACCEPTED TO THE BENEFIT OF ELKHART COUNTY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2025.

ELKHART COUNTY PLAN COMMISSION:

BY: \_\_\_\_\_  
THE PLANNING PLAN DIRECTOR

RECEIVED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2025  
AT \_\_\_\_\_ AND RECORDED IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

WANA BAYER, RECORDER OF ELKHART COUNTY

AUTHORITY \_\_\_\_\_  
FULLY ENTERED FOR TAXATION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2025

PATRICIA A. FICKENS, AUDITOR OF ELKHART COUNTY

**DRAINAGE MAINTENANCE CERTIFICATION**

THE MAINTENANCE OF ALL DRAINAGE FACILITIES, INCLUDING CULVERTS AND SPILLS SHALL BE THE RESPONSIBILITY OF EACH LOT OWNER AND NO OWNER SHALL PERMIT ALL OR CAUSE ANY OF SAID FACILITIES TO BE OBSTRUCTED OR REMOVED OR TO IN ANY WAY IMPERE THE FLOW OF WATER ACROSS OR THROUGH SAID FACILITIES.

IN THE EVENT ANY SUCH FACILITIES BECOME DAMAGED OR IN DISREPAIR IT SHALL BE THE RESPONSIBILITY OF THE LOT OWNER TO REPAIR SUCH FACILITIES AT OWNERS EXPENSE. IN THE EVENT OF OWNERS FAILURE TO MAINTAIN SUCH DRAINAGE FACILITIES IN GOOD ORDER AND REPAIR APPROPRIATE GOVERNMENTAL AUTHORITY OF ELKHART COUNTY, INDIANA, MAY REPAIR SUCH DRAINAGE FACILITIES AND INVOICES THE COSTS OF SUCH REPAIR TO THE LATEST OWNER. ELKHART COUNTY, INDIANA, IS GRANTED AN EASEMENT ACROSS ALL OF OWNERS REAL ESTATE FOR THE PURPOSE OF MAINTAINING ANY DRAINAGE FACILITIES ON SAID LOT. OWNERS REAL ESTATE, THE AMOUNT OF ANY ASSIGNMENT FOR THE COSTS OF SUCH REPAIR AS ASSIGNED BY SAID GOVERNMENTAL AUTHORITY SHALL CONSTITUTE A LIEN UPON THE REAL ESTATE OF THE LOT OWNER AND IN ENFORCEMENT UPON THE TITLE TO SAID LOT.

ELKHART COUNTY, INDIANA, IS FURTHER GRANTED A RIGHT OF ACTION FOR THE COLLECTION OF SAID LIEN BY THE STATE FROM THE LOT OWNER AND/OR THE FORECLOSURE OF SAID LIEN IN THE MANNER IN WHICH MORTGAGES ARE FORECLOSED UNDER THE LAWS OF THE STATE OF INDIANA. ANY SUCH COLLECTION AND/OR FORECLOSURE ACTION SHALL BE MAINTAINED IN THE COURTS OF GENERAL JURISDICTION OF THE STATE OF INDIANA AND SHALL BE CONSIDERED IN ELKHART COUNTY, INDIANA.

THE BOUNDARY SURVEY FOR THIS PROPERTY IS RECORDED IN ELKHART COUNTY INSTRUMENT NUMBER \_\_\_\_\_

**DEED OF DEDICATION and OWNERS' CERTIFICATION**

THIS IS TO CERTIFY THAT WE, THE UNDERSIGNED, ARE THE OWNERS OF THE LAND DESCRIBED BY THE PLAT HEREOF, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DO HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE STYLE AND TITLE THEREON INDICATED.

WHY ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, AS PROPRIETORS, HAVE CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT OPPOSITE, THAT SAID SUBDIVISION IS TO BE KNOWN AS MILLER COUNTY ROAD 4 DPUD MINOR SUBDIVISION, THAT THE LOTS ARE NUMBERED AND HAVE THEIR RESPECTIVE DIMENSIONS GIVEN IN FEET AND DECIMAL PARTS THEREOF, AND THAT THE FACILITIES INCLUDED IN SAID SUBDIVISION ARE HEREBY DEDICATED FOR PUBLIC USE.

NATHAN D. MILLER \_\_\_\_\_

LORI B. MILLER \_\_\_\_\_

STATE OF INDIANA }  
COUNTY OF ELKHART } IN

Before me the undersigned Notary Public in and for said County and State, personally appeared NATHAN D. MILLER and LORI B. MILLER and each executed, acknowledged the foregoing instrument as their voluntary act and deed for the purposes herein expressed.

Witnessing hereon and Hereon Sealed this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

\_\_\_\_\_  
Notary

\_\_\_\_\_  
Hobby Public's Printed Name

Resident of \_\_\_\_\_ County, My Commission Expires \_\_\_\_\_

I, TRAVIS R. SHETLER, AFFIRM UNDER THE PENALTY FOR PERJURY THAT I HAVE TAKEN REASONABLE CARE TO BE FACTUALLY ACCURATE IN THE INFORMATION I HAVE FURNISHED, UNLESS OTHERWISE NOTED.

I, TRAVIS R. SHETLER, HEREBY CERTIFY THAT I AM A LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA. I CERTIFY THAT THIS PLAN REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, IN ACCORDANCE WITH TITLE 36B, ARTICLE 1, CHAPTER 12, SECTION 1 THROUGH 41 OF THE INDIANA ADMINISTRATIVE CODE. THAT ALL MONUMENTS ARE INSTALLED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ORDINANCE OF ELKHART COUNTY, INDIANA.

*Travis R. Shetler*  
TRAVIS R. SHETLER, PS & LS # 21400008 3-3-2025



**Miller's County Road 4 DPUD Minor Subdivision**  
**Site Plan/Support Drawing/Primary Plat**  
Part of the Southeast Quarter (SE 1/4) of Section 13,  
Township 38 North, Range 7 East,  
York Township, Elkhart County  
State of Indiana

	487 SOUTH-3RD STREET, SUITE 101, INDIANAPOLIS, IN 46202 TEL: 317-447-0000 FAX: 317-447-0001 WWW.LANDANDBOUNDARY.COM	PROJECT NUMBER: 250101	SHEET NUMBER: 1 OF 1
	DATE OF PLAT RECORDING: 3-3-2025	SCALE: AS SHOWN	AUTHORIZED BY: TRS

# **Miller's County Road 4 DPUD**

## **March 3, 2025**

Current Owner  
Nathan D. and Lori B. Miller  
10361 County Road 4  
Middlebury, Indiana 46540

Prepared By:

**Land and Boundary, LLC**  
401 South 3rd Street  
Goshen, Indiana 46526

# Miller's County Road 4 DPUD

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# Miller's County Road 4 DPUD

## **1.0 Introduction**

### **1.1 Project Summary**

The Miller's County Road 4 DPUD is a proposed two lot minor subdivision with a zone map change. Lot 1 will change from R-2 to DPUD B-3. Lot 1 will be used as a receiving and shipping warehouse for RV water system parts. The hours of operation are as follows: Monday thru Friday 8AM to 5PM. There will be between 2-4 trucks/vehicles per day and between 3-5 employees and/or visitors per day. The zone and use of Lot 2 will remain unchanged and continue as residential by the current owner.

The following information should serve as a guideline for development of the proposed DPUD. The site location is shown on the included site plan support drawing.

### **1.2 Land Use**

The proposed DPUD B-3 zoning classification provides the correct zoning for the proposed development. The improvements and activities proposed for the site should have no adverse impact on the surrounding areas.

Proposed Building and Parking – 30.1%

Open Spaces –69.9%

### **1.3 Protections of Surrounding Areas**

A Class II Types A and B buffers between surrounding residential properties and this property will be in place per the Elkhart County Zoning Ordinance.

# Miller's County Road 4 DPUD

## **2. Development Project Details**

### **2.1 Site Improvements and Changes**

Site improvements and changes are noted on the site plan/support drawing.

### **2.2 Project Phasing**

Phase 1, the developer intends on starting construction in the Spring of 2025 following approvals by Elkhart County and other governing bodies. The main building, drive/parking, and all site grading to be completed. There is a proposed 12'x16' shed with no foundation that will store a backup power generator. Phase 2: future addition of solar panels to the roof of the main building, along with storing a battery bank in the generator shed. Date of phase 2 construction to be determined.

### **2.3 Site Access**

A commercial drive will be constructed per Elkhart County Highway minimum standards. There is no future plan to create any new entrances to access the site.

### **2.4 Ownership Intentions**

Nathan Miller is the current owner of the land and an RV water filter and water system parts supplier business. This site is being developed by constructing a pole barn with parking for storage and shipping of said business. Filters will be dropped off and stored inside the barn and picked up or shipped out as needed.

### **2.5 Overview of Stormwater Plan**

The storm water runoff from this site shall remain how it is currently. A detention area North of the proposed building site will have the adequate size to assure no offsite impacts to the adjoining land or downstream areas.

# Miller’s County Road 4 DPUD

## 3.0 Deviations from Zoning Ordinances

### 3.1 Descriptions for Rezoning Areas

#### Lot 1 Zoning Map Change from R-2 to DPUD B-3

Commencing at a Harrison monument marking the Southwest corner of the Southeast Quarter of Section 13; thence South 90°00'00" East along the South line of the Southeast Quarter of said Section 13 a distance of 536.13 feet to the Southwest corner of land deeded to Nathan D. and Lori B. Miller in Document No. 2024-20345 and recorded in the Office of the Recorder of Elkhart County, Indiana said point being the Point of Beginning of this description; thence North 00°32'59" West along the West line of said Miller land a distance of 388.62 feet; thence South 90°00'00" East parallel with the South line of the Southeast Quarter of said Section 13 a distance of 132.00 feet; thence South 00°32'59" East parallel with the West line of said Miller land a distance of 388.62 feet to a point on the South line of the Southeast Quarter of said Section 13; thence North 90°00'00" West along the South line of the Southeast Quarter of said Section 13 a distance of 132.00 feet to the Point of Beginning of this description.

Containing 1.18 Acres of Land.

## 4.0 Soil Data

Surface level soil conditions are considered to be suitable for the planned project. Soil boundaries are shown on the DPUD site plan. Soil data sheets received from the Web Soil Survey website are included with this submittal, see Exhibit “A”.

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
CnbB	Coloma sand, 2 to 5 percent slopes	6.9	79.0%
CnbC	Coloma sand, 5 to 10 percent slopes	1.3	14.7%
OmgA	Osolo loamy sand, 0 to 1 percent slopes	0.5	6.3%
<b>Totals for Area of Interest</b>		<b>8.7</b>	<b>100.0%</b>

# Miller's County Road 4 DPUD

## **5.0 Traffic Data**

### **5.1 Sight Distances**

Sight distance to the East is 610 feet plus. The nearest intersection is 1,966 feet, more or less, to East County Line Road. Sight distance to the West is 610 feet plus. The nearest intersection 4,050 feet, more or less, to State Road 13.

## **6.0 Storm Water Management Report**

The storm water runoff from this site will be kept as it is currently with the creation of a detention area along the North side of the Lot 1 to capture water as it drains towards the South side of Lot 1.

### **6.1 Off-Site Water Shed Impacts**

The site improvements planned will include adequate storm water features to assure no offsite impacts to the adjoining land or downstream areas.

## **7.0 Water and Sanitary Systems**

Lot 1 will have a proposed private well and a proposed private septic system, to be designed by others.

# TRAFFIC IMPACT VEHICULAR STUDY (TIVE)

Location of Project: 10361 County Road 4 Middlebury, In 46540

Description of Project: RV Water System parts Warehouse

Nearest Existing Intersections:  
North: I 80/90 East: East County Line Road  
South: \_\_\_\_\_ West: \_\_\_\_\_

## EXISTING TRAFFIC DATA

### **Access Point Location**

County road name or number: County Road 4

Existing AADT of County Road (EADT): 627 vpd Horizon Year: 2024

Undeveloped AADT at Horizon Year: 638 vpd (apply 2% growth rate)

AM Peak Hour Traffic Count: 103 vph Time: 9:00 AM

PM Peak Hour Traffic Count: 182 vph Time: 3:00 PM

Directional Distribution: 48.16 % Direction: East

51.83 % Direction: West

## DEVELOPMENT TRAFFIC DATA

### **Trip Generation**

ITE Classification: Proposed use is for RV Water System parts warehouse

Projected Total Weekday Traffic (PADT): 4 vpd 75 % of trucks

Projected AM Peak Hour Generated: 2 vph

Entering: 2 vph 50 %

Exiting: 2 vph 50 %

Projected PM Peak Hour Generated: 2 vph

Entering: 2 vph 50 %

Exiting: 2 vph 50 %

Attach AM and PM peak traffic flow diagram at intersection of entrance with county road at full build-out of the development.

## CONCLUSIONS

Projected AADT at Full Build-Out: 631 vpd (EADT +PADT)

Deceleration Lane Required? YES NO > 3500 vpd  
Passing Lane Required? YES NO > 1000 vpd for commercial development (or)  
> 3000 vpd for residential development (or)  
> 20 left turns during design hour

Submitted By: \_\_\_\_\_

Company: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_ Fax: \_\_\_\_\_

# *Plan Commission Staff Report*

*Prepared by the Department of Planning and Development*

*Hearing Date:* April 10, 2025

*Transaction Number:* MI-0053-2025.

*Parcel Number(s):* 20-03-14-301-003.000-030.

*Existing Zoning:* A-1.

*Petition:* For an appeal from the primary approval of a 2-lot minor subdivision to be known as 102 MINOR.

*Petitioner:* CRN Real Estate LLC, represented by Niblock Excavating.

*Location:* South side of CR 102, 985 ft. west of CR 25, in Washington Township.

*Site Description:* Proposed lots 1 and 2 are both 22,492 sq. ft., rectangular in shape, with an existing residence and a proposed residence.

*History and General Notes:*

- **March 13, 2025** – The Plat Committee approved the 2-lot minor subdivision to be known as 102 Minor.
- **March 19, 2025** – An appeal of the Plat Committee’s decision was filed.

*Staff Analysis:* The staff, after reviewing this appeal, finds that all requirements of the Development Ordinance were met.

Staff therefore recommends that the primary approval be **AFFIRMED**.

# PLAN COMMISSION & BOARD OF ZONING APPEALS

Elkhart County Planning & Development  
Public Services Building

4230 Elkhart Road, Goshen, Indiana, 46526

Phone - (574) 971-4678

Fax - (574) 971-4578

Minor Subdivision - Primary

MI-0053-2025

Date: 01/31/2025 Meeting Date: April 10, 2025  
Plan Commission Hearing (Subdivision) Transaction #: MI-0053-2025

Description: for primary approval of a 2-lot minor subdivision to be known as 102 MINOR (APPEALED 3-19-25)

<u>Applicant</u>	<u>Complainant</u>	<u>Land Owner</u>	<u>Private Surveyor</u>
Niblock Excavating, Inc. 906 Maple Street Bristol, IN 46507	Gary Middleton 17810 County Road 102 Bristol, IN 46507	Crn Real Estate Llc Po Box 211 Bristol, IN 46507	Niblock Excavating, Inc. 906 Maple Street Bristol, IN 46507

Site Address: 17900 County Road 102 Bristol, IN 46507	Parcel Number: 20-03-14-301-003.000-030
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Township: Washington  
Location: SOUTH SIDE OF CR 102, 985 FT. WEST OF CR 25

Subdivision:	Lot #
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Lot Area:	Frontage:	Depth:
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Zoning: A-1	NPO List:
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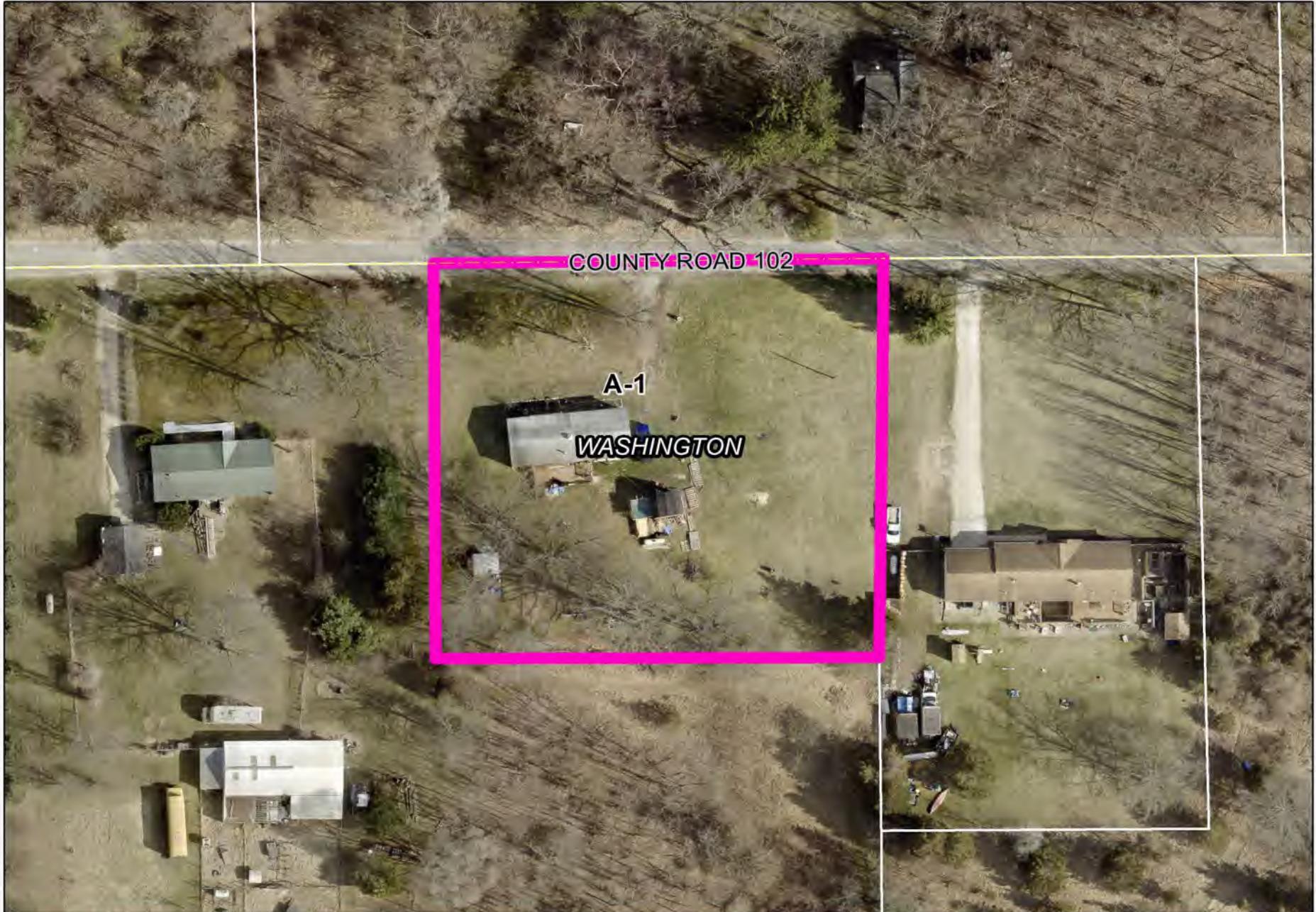
Present Use of Property:

Legal Description:

Comments: ON 3-19-2025 GARY MIDDLETON FILED AN APPEAL TO THE APPROVAL OF MI-0053-2025 AND WILL BE SCHEDULED FOR PLAT MEETING ON 4-10-2025.

Applicant Signature:

Department Signature:







ED AND A NEW PROPERTIES PERPETUALLY  
 O ANY  
 M TO BE  
 ENTIAL CONSTRUCTION.

OWN REAL ESTATE, LLC  
 P.O. BOX 211  
 BRISTOL, IN 46807

NW 1/4 of Sec. 14  
 N89°22'44"E 579.94'

SITE BENCH MARK  
 TOP OF SURVEY SPIKE FOUND IN PAVEMENT  
 ELEV. -770.00 NAVD83  
 P.O.B.

County Road 102 (40' RW)  
 N Line of the SW 1/4 of Sec. 14

S89°22'44"W 225.00'

20' Right-Of-Way

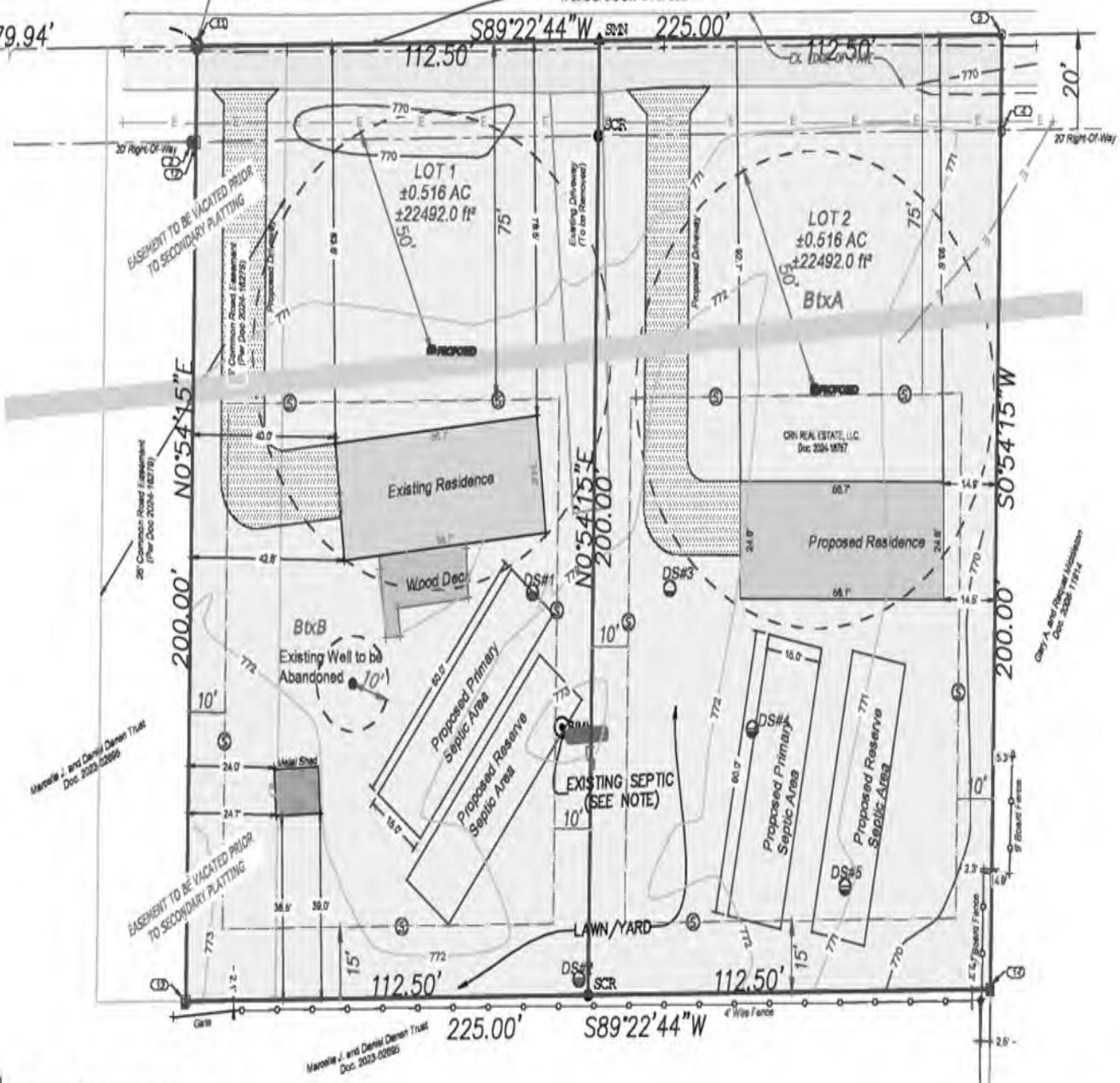
PROFESSIONAL SURVEYOR:  
 DUANE M. MAST  
 906 MAPLE ST.  
 BRISTOL, IN. 46507  
 574-848-4437

RUNOFF  
 INCREASE  
 TIONS RESULT IN AN

TH AND SOUTHEAST,  
 A CORRECTIONS,  
 S WHICH WOULD BE

AY.

S OF COR-



Marenda J. and Daniel Darnell Trust  
 Doc. 2023-02696

EASEMENT TO BE VACATED PRIOR  
 TO SECONDARY PLATTING

Marenda J. and Daniel Darnell Trust  
 Doc. 2023-02696

Clay A. and Patricia Hershberger  
 Doc. 2023-11814

**PRIMARY PLAT  
102 MINOR**

**A 2 LOT MINOR SUBDIVISION BEING  
A PART OF THE SOUTHWEST QUARTER (SW 1/4)  
OF SECTION 14, TOWNSHIP 38 NORTH,  
RANGE 6 EAST, WASHINGTON TOWNSHIP,  
ELKHART COUNTY, INDIANA**

PROPERTY CORNER 4-1  
ADJACENT CORNER 4-1  
TOTAL AREA = 25.000 AC.  
LOT 1 = 22.916 AC.  
LOT 2 = 2.084 AC.

LOT 1 BENE  
LOT 2 BENE  
LOT 2 PROPOSED = 478

LINE OF 330.00 FEET DISTANCES FROM EXISTING DRIVEWAY AND FROM PROPOSED DRIVEWAY

ADJUSTED COUNTRY ROAD SPEED LIMIT = 35 MPH

10.0'± GREATER THAN 705 FEET OF VISIBILITY TO THE EAST

GREATER THAN 100 FEET OF VISIBILITY TO THE WEST

COUNTY ROAD 428 HAS A SURFACE TRAFFIC COUNTY (ATD) OF 81 VEHICLES

THE PROPOSED DRIVEWAYS ARE SURVEILLED BY DISTING DRIVES TO THE EAST AND WEST AND ALSO TO THE NORTH

STOPPING DISTANCE VISIBILITY EXCEEDED 600 FEET IN BOTH TRAVEL DIRECTIONS. NO VISIBILITY ISSUES ARE NOTED

CONSIDERING MONITORING DRIVEWAY ON EXISTING COUNTY ROAD. THESE ARE IN ACCORD TO THE LOCAL JURISDICTION.

SEPTIC

LOT 1 HAS AN EXISTING SEPTIC SYSTEM. IN FUTURE CONDITIONS, THE EXISTING SEPTIC SYSTEM CURRENTLY USE

WITHIN THE LIMITS OF PROPOSED LOT 2 BOUNDARY. THE EXISTING SEPTIC SYSTEMS WILL NEED TO BE VACATED AND A NEW

SEPTIC SYSTEM PER ELKHART COUNTY REGULATIONS AND PROCEDURES IS TO BE INSTALLED ON LOT 1 PRIOR TO ANY

CONSTRUCTION WORKING ON PROPOSED LOT 2. PROPOSED LOT 1 TO HAVE A COMMERCIAL SEPTIC SYSTEM TO BE

INSTALLED PER COUNTY HEALTH DEPARTMENT REGULATIONS AND PROCEDURES DURING THE COURSE OF RESIDENTIAL CONSTRUCTION.

WATER SERVICES

ALL LOTS WILL HAVE PRIVATE WELLS/BOYS ON SITE (LOT 1 EXISTING WELL TO BE

RELOCATED PRIOR TO DEVELOPMENT OF LOT 2)

UTIL

2" DIA. 3" DIA. 4" DIA. 6" DIA. 8" DIA. 10" DIA. 12" DIA. 14" DIA. 16" DIA. 18" DIA. 20" DIA. 24" DIA. 30" DIA. 36" DIA. 42" DIA. 48" DIA. 54" DIA. 60" DIA. 72" DIA. 84" DIA. 96" DIA. 108" DIA. 120" DIA. 144" DIA. 168" DIA. 192" DIA. 216" DIA. 240" DIA. 270" DIA. 300" DIA. 324" DIA. 360" DIA. 408" DIA. 456" DIA. 504" DIA. 576" DIA. 648" DIA. 720" DIA. 800" DIA. 864" DIA. 936" DIA. 1008" DIA. 1080" DIA. 1152" DIA. 1224" DIA. 1296" DIA. 1368" DIA. 1440" DIA. 1512" DIA. 1584" DIA. 1656" DIA. 1728" DIA. 1800" DIA. 1872" DIA. 1944" DIA. 2016" DIA. 2088" DIA. 2160" DIA. 2232" DIA. 2304" DIA. 2376" DIA. 2448" DIA. 2520" DIA. 2592" DIA. 2664" DIA. 2736" DIA. 2808" DIA. 2880" DIA. 2952" DIA. 3024" DIA. 3096" DIA. 3168" DIA. 3240" DIA. 3312" DIA. 3384" DIA. 3456" DIA. 3528" DIA. 3600" DIA. 3672" DIA. 3744" DIA. 3816" DIA. 3888" DIA. 3960" DIA. 4032" DIA. 4104" DIA. 4176" DIA. 4248" DIA. 4320" DIA. 4392" DIA. 4464" DIA. 4536" DIA. 4608" DIA. 4680" DIA. 4752" DIA. 4824" DIA. 4896" DIA. 4968" DIA. 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# ELKHART COUNTY DEVELOPMENT ORDINANCE

ELKHART  
COUNTY  
INDIANA



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## 158.06 BUFFERING AND SCREENING

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### 158.06(A) Purpose

The purpose of this Article is to require buffering and screening that will:

- (1) Mitigate the negative effects of noise and glare from buildings, uses, vehicle lights, and outdoor lighting on the public right-of-way and neighboring property;
- (2) Conserve and stabilize neighboring property values; and
- (3) Otherwise facilitate the maintenance and creation of an attractive and prosperous community.

### 158.06(B) Applicability

This Section applies in the following circumstances:

- (1) New nonresidential development or change in use from residential to nonresidential;
- (2) For existing structures and land uses when expanding the use, the areas required to comply with Buffering and Screening are the yards adjacent to the expansion or to the areas disturbed during the expansion;

### 158.06(C) General

- (1) A buffer is a specified land area, located parallel to and within the outer perimeter of a property and extending to the property line, together with the plantings required within the buffer. A buffer may also contain a barrier such as a wall or fence where additional screening is necessary to achieve the required level of buffering.
- (2) A screening device is a set of living evergreen plantings or man-made fences or walls of required height and material. Screening devices hide certain outdoor appearances from the public right-of-way and neighboring private property.
- (3) Water, sanitary sewer, electrical, telephone, natural gas, cable, storm drainage or other service lines are permitted within buffers. Monument signs, as established in [Sec. 158.06](#), are allowed within parking buffers.

- (4) The parking of vehicles as well as the outdoor storage, display and sales of merchandise are prohibited in a required buffer.
- (5) A required buffer may not encroach into required on-site drainage. In addition, a required buffer may not be placed within the 75-foot setback required of County-regulated drains unless approved by the Elkhart County Drainage Board.

### (6) Installation and Maintenance

- (a) All required buffers and landscaped areas must be maintained to the standard to which they were designed and installed. Areas must be maintained free of trash and weeds and must not deteriorate into an unsafe condition. All plantings must be installed so that they may be maintained without trespassing onto the adjacent property.
- (b) Wherever a buffer or landscaping is required adjacent to a parking space, such landscaping must be protected by bumper blocks, posts or curbing to avoid damage to the buffer or landscaping by vehicles.

~~(c) Required buffers or landscaping must be installed sometime this planning season or the start of any construction of the development unless otherwise required by the Zoning Administrator.~~

- (c) If there is construction as part of the development, the required buffers or landscaping must be installed within 1 year of the completion of the final building inspections, unless otherwise required by the Zoning Administrator.

### (7) Alternative Compliance with Buffer Requirements

The buffer requirements may be modified with approval by the Zoning Administrator upon a finding that:

- (a) A modification would be consistent with the purpose of this Ordinance and of this Section;
- (b) Such modification would not adversely affect the land use compatibility or public interest;
- (c) Financial hardship is not the justification for the alternative compliance request; and
- (d) The subject site or modified buffer complies with one or more of the following criteria:
  - ~~1. The buffer is parallel and adjacent to an existing utility or drainage easement of at least 10 feet in width.~~
  1. The buffer is parallel and adjacent to property that is undevelopable due to access to public roadways, topography, ~~shape or easement~~ or property shape;
  2. The buffer is between uses that are to be developed under a Detailed Planned Unit Development; or
  3. The buffer is parallel and adjacent to an existing railroad right-of-way.

**158.06(F) Boundary Buffer Specifications****(1) Width**

The width of a buffer may be narrower than required by a maximum of one-half of the required width provided that the average width of the entire buffer is the minimum required.

**(2) Trees**

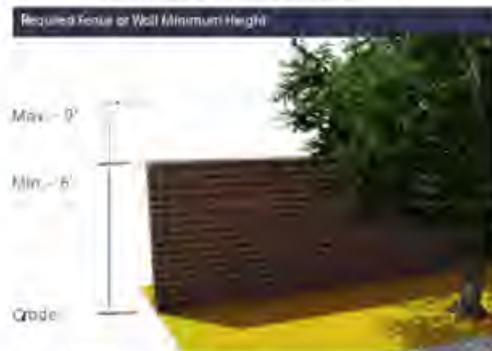
- (a) Required trees in a buffer must be a minimum of 8 feet in height from ground level to top of crown at installation and may be planted at regular intervals or in a meandering manner.
- (b) Existing trees on site that are greater than eight feet in height may be preserved within a buffer for credit.
- (c) Buffers planted below overhead utility lines must contain tree species that do not exceed 20 feet in height at maturity.

**(3) Shrubs**

Required shrubs in a buffer must be a minimum of 4 feet in height from ground level to top of crown at installation, evergreen, and may be planted at regular intervals or in a meandering manner.

**(4) Fences and Walls**

- (a) Required fences and walls must be a minimum of 6 feet and a maximum of 9 feet in height.
- (b) Wooden posts in opaque fences must be set in a masonry support column every 40 feet.
- (c) A non-opaque fence may consist of wrought iron, vinyl, or other material acceptable to the Zoning Administrator.
- (d) Breaks in a fence may be provided for pedestrian connections to adjacent developments.

**(5) Berms**

- (a) Required shrubs and fences, but not required trees or walls, in a buffer may be replaced with a berm or series of berms.
- (b) Berms must have a minimum height of 4 feet with an average height of 6 feet per 100-foot buffer segment.

- (c) Side slopes may not be less than 4 feet horizontal for each 1-foot vertical with at least a 2-foot flat area on the top.
- (d) In order to accommodate a berm, the buffer may need to be wider than required in the table above.

**(6) Federal/State Highway or Major Road**

Where a boundary buffer is required adjacent to a Federal/State Highway or Major Road, the buffer may be reduced by one class, except that a required Class 1 buffer may not be reduced.

**158.06(G) Trash & Recycling Service Area Screening**

- (1) Trash collection, trash compaction, recycling collection and other similar service areas must be located on the side or rear of the building and be effectively screened from view from residential properties or public rights-of-way, not including an alley.
- (2) Screening enclosures must consist of an opaque fence or wall compatible with the dominant material of the primary structure. Enclosures must be a minimum of 6 feet in height.
- (3) All refuse and recycling service areas must be located a minimum of 25 feet away from any abutting residentially used or zoned property. This distance may be reduced to 10 feet if the service area is screened by a masonry wall.

**158.06(H) Loading Dock Screening**

- (1) Loading docks must be completely screened from residentially zoned or used properties.
- (2) Screening must consist of walls or plant material totaling 8 feet in height at installation. Wall materials must be compatible with the dominant material of the primary structure.
- (3) Loading docks not in the B-3, M-1 or M-2 zoning district must be located to the side or rear of buildings, unless the loading docks is wholly within an enclosed building.

**158.06(I) Outdoor Storage Screening**

- (a) Commercial, nonagricultural outdoor storage, as defined in Article 2, is prohibited in the A-1, A-3, A-4, B-1, B-2, B-3, R-1, R-2, R-3, and R-4 zoning districts.
- (b) No outside storage is permitted within the following areas:
  - i. Required front or side setbacks; or
  - ii. Required off-street parking areas or fire lanes.
- (c) The following types of outdoor storage are exempt from screening requirements:
  - i. Commercial vehicles related to a permitted business on-site; and
  - ii. Finished recreational vehicles, automobiles, portable buildings, boats, trailers, manufactured homes and other similar vehicles or equipment produced or sold by a permitted use on-site.

**158.06(J) Lighting**

- (1) All exterior lighting shall be designed in a consistent and coordinated manner for the entire site.
- (2) All exterior lighting shall be shielded to avoid casting light above three-tenths (0.3) foot candles or glare upon any property located in a residentially zoned district or used for residential purposes.
- (3) All exterior lighting shall be shielded to avoid casting light above five-tenths (0.5) foot candles or glare upon any property located in a non-residentially zoned district.
- (4) Exterior lighting whose light source is visible from off-site shall be prohibited on properties commercial or industrial in use. Specialized or decorative parking, site, and pedestrian lighting with a visible light source is permitted with the approval of the Zoning Administrator.
- (5) All exterior lighting shall be shielded so as to not cause fugitive light on street right-of-way.

- (iii) **Surfacing**  
Off-street parking areas and driveways must be surfaced with dust free materials such as Asphalt (Bituminous Concrete), Concrete (Cement with various sized aggregate), paving brick, gravel, permeable pavement, or other materials agreed to in writing by the Zoning Administrator, and all materials must be maintained in good condition.
- (iv) **Lighting**  
~~Any device illuminating an off-street parking area must reflect that light away from adjoining residential properties.~~  
See [Sec. 158.06\(j\)](#).

## 2) Computation of Required Parking Spaces

The minimum number of required parking spaces is obtained by calculating the sum of the requirements for the various individual uses, computed separately in accordance with this Section. Parking spaces for one use may not provide the required parking spaces for any other use in the same building or on the same lot, ~~except as allowed in by an Alternative Parking Plan in Sec. 158.07(C)(6).~~

## (3) Minimum Required Off-Street Parking Spaces

- (a) Requirements for the minimum number of required off-street parking spaces in relation to the use of the property are established in the table on the following pages. The parking requirements for any use not specified in the table below are the same as for a similar use, as determined by the Zoning Administrator based on the criteria in [Sec. 158.10\(K\)](#) (3).
- (b) The Zoning Administrator may require a land owner to provide additional off-street parking, even if the number of off-street parking spaces provided meets the minimum requirement for the established use, if customers or employees are consistently required to park on the street or other properties due to a lack of available off-street parking.

Use	Min. Required Off-Street Parking Spaces	
	NFA - Net Floor Area	sq. Ft. - Square Feet
<b>Agricultural Uses</b>		
Agri-business		1 per 400 sq. ft. retail floor area + 1 per 2,000 sq. ft. outdoor sales area
Agriculture, Field and Row Crops		None
Agriculture, Livestock		None
Concentrated animal feeding operation		See <a href="#">Sec. 158.09(T)</a>
Greenhouse, retail		1 per 1,000 sq. ft. NFA
Livestock sale or auction		1 per 4 seats
Roadside Stand, tree farm, u-pick produce		1 per 400 sq. ft. retail floor area + 1 per 2,000 sq. ft. outdoor sales area
Stable, private and noncommercial		1 per stall
Stable, public or commercial		1 per stall
Winery		1 per 400 sq. ft. retail floor area + 1 per 2,000 sq. ft. outdoor sales area
<b>Industrial Uses</b>		
Animal Processing		1 per 300 sq. ft. office space + 1 per 1,000 sq. ft. outdoor storage area + 1 per 2,500 sq. ft. indoor storage area
Bulk storage of explosives/hazardous material		1 per 300 sq. ft. office space + 1 per 1,000 sq. ft. outdoor storage area + 1 per 2,500 sq. ft. indoor storage area
Contractor Offices and Yards		1 per 300 sq. ft. office space + 1 per 1,000 sq. ft. outdoor storage area + 1 per 2,500 sq. ft. indoor storage area
Fertilizer manufacturing and storage		1 per 300 sq. ft. office space + 1 per 1,000 sq. ft. outdoor storage area + 1 per 2,500 sq. ft. indoor storage area
Heavy Industrial, Intense		1 per 300 sq. ft. office space + 1 per 1,000 sq. ft. outdoor storage area + 1 per 2,500 sq. ft. indoor storage area
Heavy Industrial, Less Intense		1 per 300 sq. ft. office space + 1 per 1,000 sq. ft. outdoor storage area + 1 per 2,500 sq. ft. indoor storage area
Light industrial		1 per 300 sq. ft. office space + 1 per 1,000 sq. ft. outdoor storage area + 1 per 2,500 sq. ft. indoor storage area
Resource Extraction		1 per employee on the largest shift
Warehousing and Freight Movement		1 per 300 sq. ft. office space + 1 per 1,000 sq. ft. outdoor storage area + 1 per 2,500 sq. ft. indoor storage area
Waste-Related Service		1 per 300 sq. ft. office space + 1 per 4 acres outdoor storage area
Welding, tool repair or machine shop		1 per 300 sq. ft. office space + 1 per 1,000 sq. ft. outdoor storage area + 1 per 2,500 sq. ft. indoor storage area

- (ii) Installing a travel trailer or recreational vehicle on a site for more than 180 days.
  - (iii) Reconstruction or repairs made to a repetitive loss structure.
  - (iii) Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the community's first floodplain ordinance.
- (b) Residential Construction
- (i) New construction or substantial improvement of any residential structures shall meet provisions described in [Sec. 158.09\(F\)\(3\)](#) and applicable general standards described in [Sec. 158.09\(E\)\(2\)](#).
  - (ii) In Zone A and Zone AE, new construction or substantial improvement of any residential structure shall have the lowest floor, including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of [Sec. 158.09\(F\)\(3\)\(b\)\(iii\)](#). Should fill be used to elevate a structure, the standards of [Sec. 158.09\(F\)\(3\)\(b\)\(iv\)](#) must be met.
  - (iii) Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:
    - (i) Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in "FEMA Technical Bulletin 1".
    - (ii) Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
      - (a) Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
      - (b) The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.
      - (c) If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
      - (d) If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.
      - (e) Doors and windows do not qualify as openings.
      - (f) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
    - (iii) The floor of such enclosed area must be at or above grade on at least one side.
  - (iv) A residential structure may be constructed on fill in accordance with the following:
    - (i) Fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
    - (ii) Fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.
    - (iii) Fill shall be protected against erosion and scour during flooding by vegetative cover, nrap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
    - (iv) Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
    - (v) Fill shall be composed of clean granular or earthen material.
  - (v) A residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.
- (c) Non-Residential Construction
- (i) New construction or substantial improvement of any non-residential structures (excludes accessory structures) shall meet provisions described in [Sec. 158.09\(F\)\(1\)](#) and applicable general standards described in [Sec. 158.09\(E\)\(2\)](#).
  - (ii) In Zone A and Zone AE, new construction, or substantial improvement of any commercial, industrial, or non-residential structure (excludes accessory structures) shall either have the lowest floor, including basement, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of [Sec. 158.09\(F\)\(3\)\(b\)\(iii\)](#). Should

security devices, and has no permanently attached additions), or  
 (i) Meet the requirements for "manufactured homes" as stated earlier in this section.

**(a) Accessory Structures**

Within SFHAs, new construction or placement of an accessory structure must meet the following standards:

- i. Shall have a floor area of 400 square feet or less.
- ii. Use shall be limited to parking of vehicles and limited storage.
- iii. Shall not be used for human habitation.
- iv. Shall be constructed of flood resistant materials.
- v. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
- vi. Shall be firmly anchored to prevent flotation.
- vii. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
- viii. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in [Sec. 158.09E\(1\)\(b\)\(ii\)](#).
- ix. Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

**(f) Free-Standing Pavilions, Gazebos, Decks, Corports, and Similar Development**

Within SFHAs, new construction or placement of free-standing pavilions, gazebos, decks, corports, and similar development must meet the following standards:

- i. Shall have open sides (having not more than one rigid wall).
- ii. Shall be anchored to prevent flotation or lateral movement.
- iii. Shall be constructed of flood resistant materials below the FPG.
- iv. Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG.
- v. Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a free-standing pavilion, gazebo, corport, or similar open-sided development.

**(g) Above-Ground Gas or Liquid Storage Tanks**

Within SFHAs, all newly placed or replacement aboveground gas or liquid storage tanks shall meet the requirements for a non-residential structure as required in [Sec. 158.09E\(1\)\(c\)](#).

**(4) Standards for Subdivision and Other New Developments**

- (a) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (c) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres, whichever is less.
- (e) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
- (f) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
- (g) Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

**(5) Standards for Critical Facilities**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

## 158.10 ADMINISTRATION

## Sections

158.10(A)	General	10-1
158.10(B)	Board of County Commissioners & Other Legislative Bodies	10-1
158.10(C)	Plan Commission	10-1
158.10(D)	Board of Zoning Appeals	10-1
158.10(E)	Hearing Officer	10-2
158.10(F)	Technical Review Committee	10-2
158.10(G)	Plan Director	10-2
158.10(H)	Zoning Administrator	10-3
158.10(I)	Building Commissioner	10-3
158.10(J)	Development Ordinance Text Amendment	10-4
158.10(K)	Written Interpretation	10-5

## 158.10(A) General

## (1) Purpose

This Section outlines the different development review bodies and assigns them their authority.

## 158.10(B) Board of County Commissioners &amp; Other Legislative Bodies

## (1) Final Action

The appropriate legislative body as outlined in the table below takes final action on the following development review applications within their respective jurisdictions:

- (a) Development Ordinance Text Amendment;
- (b) Zoning Map Amendment (Rezoning);
- (c) General Planned Unit Development; and
- (d) Detailed Planned Unit Development.

Jurisdiction	Legislative Body
Town of Bristol	Bristol Town Council
Town of Middleburg	Middleburg Town Council
Town of Middlebury	Middlebury Town Council
Town of Wakarusa	Wakarusa Town Council
Unincorporated Areas of Elkhart County	Elkhart County Board of County Commissioners

## 158.10(C) Plan Commission

## (1) Designation

The Elkhart County Plan Commission is an Advisory Plan Commission in accordance with Indiana Code Section 36-7-4-200 et seq. Any reference to the "Plan Commission" in this Ordinance is deemed to be a reference to the Elkhart County Advisory Plan Commission. The Plan Commission exercises jurisdiction over the geographic area designated in Sec. 158.01(F).

## (2) Review &amp; Recommendation

The Plan Commission reviews and makes recommendations to the appropriate legislative body as outlined in 158.10(C) on the following development review applications:

- (a) Development Ordinance Text Amendment;
- (b) Zoning Map Amendment (Rezoning);
- (c) General Planned Unit Development; and
- (d) Detailed Planned Unit Development.

## (3) Final Action

The Plan Commission takes final action on the following development review applications:

- (a) Minor and Major Subdivisions; ~~and~~
- (b) Major and minor changes to a Plan Commission approved site plan; and
- (c) Developmental Variances as part of Minor and Major Subdivision approval.

## (4) Rules of Procedure

The Plan Commission must adopt Rules of Procedure concerning matters such as the filing of development review applications, the giving of public notice and the conduct of hearings.

## 158.10(D) Board of Zoning Appeals

## (1) Designation

The Elkhart County Board of Zoning Appeals continues as an Advisory Board of Zoning Appeals under this Ordinance and in accordance with Indiana Code Section 36-7-4-900 et seq. Any reference to the "Board of Zoning Appeals" in this Ordinance is deemed to be a reference to the Elkhart County Advisory Board of Zoning Appeals.

## (2) Final Action

The Board of Zoning Appeals takes final action on the following development review applications:

- (a) Special Use Permit except for those related to mobile homes;
- (b) Use Variance;
- (c) Developmental Variance or Special Use Permit referred to the Board by the Zoning Administrator, Hearing Officer, petitioner or remonstrator in accordance with the Board of Zoning Appeals Rules of Procedure; and
- (d) Appeal of Administrative or Hearing Officer Decision.

PLAN COMMISSION ORDER 2025-\_\_

ORDER OF THE ELKHART COUNTY PLAN COMMISSION  
DETERMINING THAT A RESOLUTION AMENDING THE  
ECONOMIC DEVELOPMENT PLAN FOR THE  
CONSOLIDATED STATE ROAD 15 ECONOMIC  
DEVELOPMENT AREA CONFORMS TO THE PLAN OF  
DEVELOPMENT FOR THE TOWN OF BRISTOL, INDIANA  
AND APPROVING THE AMENDING DECLARATORY  
RESOLUTION

WHEREAS, the Elkhart County Plan Commission (the “Plan Commission”) is the body charged with the duty of developing a general plan of development for the Town of Bristol, Indiana (the “Town”);

WHEREAS, the Bristol Redevelopment Commission (the “Redevelopment Commission”) previously adopted, confirmed and amended resolutions establishing economic development areas, and subsequently consolidating such areas into the Consolidated State Road 15 Economic Development Area (the “Consolidated State Road 15 EDA”), and approving an economic development plan for the Consolidated State Road 15 EDA (the “Consolidated Plan”) pursuant to the Act;

WHEREAS, on March 6, 2025, the Redevelopment Commission adopted Resolution No. R3-6-2025-7 (the “Resolution”), as attached hereto as Exhibit A, to amend the Consolidated Plan by adopting a supplemental to the Consolidated Plan as attached thereto as Exhibit A (the “Plan Supplement”);

WHEREAS, the Redevelopment Commission has submitted the Resolution and the Plan Supplement to the Plan Commission for approval pursuant to Indiana Code 36-7-14-16; and

WHEREAS, the Plan Commission has reviewed the Resolution and the Plan Supplement and determined that the Resolution and Plan Supplement conform to the plan of development for the Town, and now desires to approve the Resolution and Plan Supplement.

NOW, THEREFORE, BE IT ORDERED BY THE ELKHART COUNTY PLAN COMMISSION, THAT:

1. Pursuant to Indiana Code 36-7-14-16, the Plan Commission hereby finds and determines that the Resolution and Plan Supplement conform, in all respects, to the plan of development for the Town.
2. The Resolution and Plan Supplement are hereby approved. This Resolution hereby constitutes the written order of the Plan Commission approving the Resolution and the Plan Supplement pursuant to Indiana Code 36-7-14-16.
3. The Secretary of the Plan Commission is hereby directed to file a copy of the Resolution and the Plan Supplement with the minutes of this meeting.

PASSED THIS 10<sup>TH</sup> DAY OF APRIL, 2025 BY THE ELKHART COUNTY PLAN COMMISSION, ELKHART COUNTY, INDIANA.

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Chairman,  
Elkhart County Plan Commission

ATTEST:

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Secretary,  
Elkhart County Plan Commission

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EXHIBIT A

RESOLUTION NO. R3-6-2025-7

A DECLARATORY RESOLUTION OF THE TOWN OF BRISTOL  
REDEVELOPMENT COMMISSION AMENDING THE ECONOMIC  
DEVELOPMENT PLAN FOR THE CONSOLIDATED STATE ROAD  
15 ECONOMIC DEVELOPMENT AREA

*(See Attached)*

RESOLUTION NO. R3-6-2025-7

A DECLARATORY RESOLUTION OF THE TOWN OF BRISTOL  
REDEVELOPMENT COMMISSION AMENDING THE ECONOMIC  
DEVELOPMENT PLAN FOR THE CONSOLIDATED STATE ROAD  
15 ECONOMIC DEVELOPMENT AREA

WHEREAS, the Redevelopment Commission ("Commission") of the Town of Bristol, Indiana ("Town") serves as the governing body of the Town's Redevelopment District ("District") under Indiana Code 36-7-14, as amended, (collectively, the "Act"); and

WHEREAS, the Commission previously adopted, confirmed and amended resolutions (collectively, the "Declaratory Resolutions") establishing economic development areas, and subsequently consolidating such areas into the Consolidated State Road 15 Economic Development Area (the "Consolidated State Road 15 EDA"), and approving an economic development plan for the Consolidated State Road 15 EDA (the "Consolidated Plan") pursuant to the Act; and

WHEREAS, the Commission now desires to amend the Consolidated Plan by adopting a supplemental to the Consolidated Plan attached hereto as Exhibit A (the "Plan Supplement"); and

WHEREAS, in connection with the Plan Supplement, the Commission now desires to take action for purposes of amending the Commission's parcel acquisition list and proposing the acquisition of an additional parcel of property, as set forth in Exhibit B attached hereto and made a part hereof (collectively, the "Real Estate") for local public improvements in accordance with the Act; and

WHEREAS, the Plan Supplement and supporting data were reviewed and considered at this meeting; and

WHEREAS, the Commission has caused to be prepared:

- (1) Maps and plats showing:
  - (A) the boundaries of the area in which property would be acquired by the Plan Supplement;
  - (B) the location of the various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, remediation, replatting, replanning, rezoning, or redevelopment of the area, and any parcels of property to be excluded from the acquisition or otherwise excluded from the effects of the establishment of the Plan Supplement; and
  - (C) the parts of the area acquired, if any, that are to be devoted to public ways, levees, sewerage, parks, playgrounds and other public purposes under the Plan Supplement.
- (2) A list of the Real Estate proposed to be acquired under the Plan Supplement; and

- (3) An estimate of the cost, if any, to be incurred for the acquisition and redevelopment of the Real Estate which is included in the Plan Supplement; and

WHEREAS, the Commission finds that the Plan Supplement is necessary in connection with the redevelopment of the Consolidated State Road 15 EDA, satisfies the requirements of the Act, and carries out and contemplates the development of the Consolidated State Road 15 EDA in accordance with the Consolidated Plan; and

WHEREAS, the Commission now desires to approve the Plan Supplement.

NOW, THEREFORE, BE IT RESOLVED BY THE BRISTOL REDEVELOPMENT COMMISSION THAT:

1. The Plan Supplement promotes significant opportunities for the gainful employment of the citizens of the Town, attracts major new business enterprises to the Town, retains and expands significant business enterprises in the Town, and meets other purposes of the Act, including without limitation, benefiting public health, safety and welfare, increasing economic well-being of the Town, and serving to protect and increase property values in the Town.

2. The Plan Supplement cannot be achieved by regulatory process or by the ordinary operation of private enterprise without resort to the powers allowed under the Act because of the existence of conditions that lower the value of the land below that of nearby land, multiple ownership of land, and other similar conditions.

3. The Commission hereby finds and determines that the public health and welfare will be benefited by accomplishment of the Plan Supplement.

4. The Commission hereby finds and determines that it will be of public utility and benefit to amend the Consolidated Plan by adopting the Plan Supplement.

5. As further described therein, the Plan Supplement contemplates the acquisition of certain Real Estate as part of the economic development strategy, and the Commission proposes to acquire such Real Estate within the boundaries of the Consolidated State Road 15 EDA and will follow the procedures under the Act with respect to the acquisition of such Real Estate.

6. The Commission finds that no residents of the Consolidated State Road 15 EDA will be displaced by any projects resulting from the Plan Supplement, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

7. The boundaries of the Consolidated State Road 15 EDA will remain unchanged by the adoption of the Plan Supplement. The projects set forth in the Plan Supplement will directly serve and benefit the Consolidated State Road 15 EDA and promote economic development activity in the Consolidated State Road 15 EDA, as further described in the Plan Supplement. The District will be permitted to engage in the activities necessary to complete the acquisition of the Real Estate and other activities set forth in the Plan Supplement.

8. The Commission hereby finds and determines that the Plan Supplement is reasonable and appropriate when considered in relation to the Consolidated Plan and the purposes of the Act, and that the Consolidated Plan, with the Plan Supplement, conforms to the comprehensive plan of development for the Town.

9. The Plan Supplement is hereby, in all respects, approved.

10. The establishment of the acquisition list for the Real Estate as set forth in Exhibit B attached hereto (which is designated as part of the Consolidated State Road 15 EDA) is hereby approved in all respects. The Commission estimates that the cost to acquire the Real Estate will be approximately Three Hundred Sixty-Five Thousand Four Hundred Fifty and 00/100 Dollars (\$365,450.00).

11. The presiding officer of the Commission is hereby authorized and directed to submit this Resolution to the Elkhart County Plan Commission (the "Plan Commission") and the Town Council as provided in the Act, and if approved by the Plan Commission and the Town Council shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

12. The Commission also directs the presiding officer to publish notice of the adoption and substance of this Resolution in accordance with Indiana Code 5-3-1-4 and to file notice with the Plan Commission, board of zoning appeals, works board, park board, building commissioner and any other departments, agencies or officers of the Town concerned with unit planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the Town's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project or other actions to be taken under this Resolution and will determine the public utility and benefit of the proposed project or other actions. Copies of the notice must also be filed with affected neighborhood associations and to persons owning the Real Estate that is proposed to be added to the acquisition list included in the Plan Supplement.

13. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.

14. The findings and determinations set forth in the Declaratory Resolutions and the Consolidated Plan are hereby reaffirmed.

15. The officers and representatives of the Commission are hereby authorized to make all filings necessary or desirable to carry out the purposes and intent of this Resolution.

16. The forgoing recitals are hereby incorporated by reference.

17. This Resolution shall take effect immediately upon its adoption by the Commission.

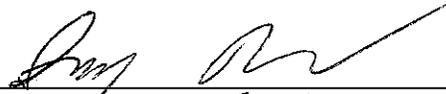
\* \* \* \* \*

Adopted this 6th day of March, 2025.

BRISTOL REDEVELOPMENT  
COMMISSION

By:   
President Doug DeSmith

ATTEST:

  
Secretary Greg Toholski

## EXHIBIT A

### Plan Supplement

This document is the Plan Supplement to the Consolidated Economic Development Plan (the “Consolidated Plan”) for the Consolidated State Road 15 Economic Development Area (the “Consolidated Area”) in the Town of Bristol, Indiana (the “Town”). This Plan Supplement to the Consolidated Plan is intended for approval by the Bristol Redevelopment Commission (the “Commission”), the Elkhart County Plan Commission, and the Bristol Town Council (the “Town Council”) in conformance with Indiana Code 36-7-14, as amended from time to time (the “Act”).

### The Project

The Consolidated Plan is hereby supplemented to include the following:

To help enhance and expand the Bristol Street Department, the Commission proposes to acquire three parcels consisting of approximately 4.29 acres of real property commonly referred to as 704 and 708 Maple Street, Bristol, Indiana (Parcel Numbers 20-03-27-403-001.000-031, 20-03-27-403-002.000-031, and 20-03-27-403-003.000-031) (the “Real Estate”). At this time, the Commission only plans to acquire the Real Estate and pay incidental expenses related to clearing portions of the Real Estate.

The Commission anticipates paying the costs to acquire and improve the Real Estate from the Commission’s South State Road 15 Allocation Areas (TIF 130 and 182) and the Commission’s East Allocation Area (TIF 148) (in accordance with Indiana Code § 36-7-14-39(b)(4)(J)). The Commission estimates the cost to not exceed Four Hundred Thousand and 00/100 Dollars (\$400,000.00).

### Acquisition of Property

The property described in Exhibit B to Resolution No. 3-6-2025-7 is to be added to the acquisition list for the Consolidated Plan for the Consolidated Area.

In the event the Commission determines to acquire additional interests in real property in the future, it shall follow procedures set forth in Section 19 of the Act.

### Statutory Findings

The Plan Supplement meets the following required findings under the Act:

- 1. The Plan Supplement promotes significant opportunities for the gainful employment of the citizens of the Town, attracts new business enterprise to the Town, retains or expands a significant business enterprise existing in the boundaries of the Town, or meets other purposes of Sections 2.5, 41 and 43 of the Act.*

As residents and commercial entities evaluate the Town as a place to relocate or remain located, they will consider the benefits from the Commission’s purchase of the Real Estate and the development of the Real Estate which is expected to provide enhanced and expanded facilities for

the Bristol Street Department which in turn will benefit the public health, safety, and welfare of the residents of the Town by providing enhance public safety throughout the Town. The enhancement and expansion of Street Department will provide cost savings to the Town, enhance quality of living in the Consolidated Area, and may provide additional employment opportunities within the Consolidated Area. As a result, the Plan Supplement generally benefits the Consolidated Area.

2. *The Plan Supplement cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of a lack of local public improvements, the existence of improvements or conditions that lower the value of the land below that of nearby land, multiple ownership of land, or other similar conditions.*

The Commission has determined that the acquisition of the Real Estate is necessary to assist with the redevelopment of the area to provide public facilities and expand public services in the Town. The Real Estate consists of a small commercial structure that is in average condition. The acquisition of the Real Estate by the Commission, as contemplated by this Plan Supplement, will be used by the Commission to redevelop the Real Estate to provide public facilities and enhanced public services which are expected to benefit the public health, safety, and welfare of the residents of the Town by providing enhance public safety throughout the Town .

3. *The public health and welfare will be benefited by accomplishment of the Plan Supplement.*

The acquisition of the Real Estate will allow the Commission the opportunity to redevelop the Real Estate to provide expanded public services through the Bristol Street Department, which are expected to benefit the public health, safety, and welfare of the residents of the Town.

4. *The Plan Supplement will be a public utility and benefit as measured by public benefits similar to the attraction or retention of permanent jobs, or increase in the property tax base, improved diversity of the economic base, or other similar public benefits.*

As described above, the acquisition of the Real Estate and expanding the facilities of the Bristol Street Department is a great importance to existing and prospective residents and commercial enterprises. By purchasing the Real Estate and relocating and expanding the Street Department's facilities, the Plan Supplement will be of public utility and benefit and allow the Town to continue to benefit the public health, safety, and welfare of the residents of the Town and to carry out the purposes of the Consolidated Plan.

5. *The Consolidated Plan, as amended by the Plan Supplement, conforms to other development and redevelopment plans for the Town.*

The Consolidated Plan, as amended by the plan Supplement, conforms with the intended development of the Consolidated Area.

6. *The Plan Supplement is reasonable and appropriate when considered in relation to the Declaratory Resolutions and Consolidated Plan and the purposes of the Act.*



**DATE:** March 19, 2025

**TO:** Plan Commissioners

**FROM:** Danielle Richards, Planner

**SUBJECT:** Major/Minor Change Request – Addition to existing building.

Attached is a letter and updated site plan received on 3/19/2025 from Freedom Builders, (property owner's representative) requesting to add an addition to the existing building (1,904 sq. ft.) for offices, breakroom, and storage space for Cloverleaf Finishing DPUD (DPUD-0272-2018) on property located at 14799 CR 34, Goshen, IN 46528, in Clinton Township, approved on July 16, 2018.

Staff recommends approval.

This request is a Staff item on the **April 10<sup>th</sup>, 2025**, Plan Commission agenda.



Paul D Hochstetler, Jr

54824 County Road 33

Middlebury, IN 46540

Ph. (574) 202-6505

February 18, 2025

Attn: Elkhart County Planning & Development

This is a minor change request. The proposed addition at Cloverleaf Finishing (14799 County Road 34 Goshen, IN 46528) will be used for offices, break room, and storage.

The existing approved DPUD has a total square foot of 10,024. The proposed addition is 1,904 square feet.

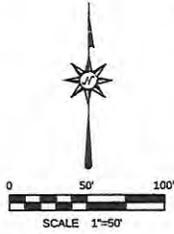
Question may be directed to Jeremiah Hochstetler. (574) 350-0078  
[jh.freedombuilders@gmail.com](mailto:jh.freedombuilders@gmail.com)

# BORKHOLDER FINISHING SDS SHEET

ONE LOT MINOR SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 8,  
TOWNSHIP 36 NORTH, RANGE 7 EAST, SECOND PRINCIPAL MERIDIAN,  
CLINTON TOWNSHIP, ELKHART COUNTY, INDIANA

PLAT BOOK \_\_\_\_\_ PAGE NO.: \_\_\_\_\_

MAR 19 2025



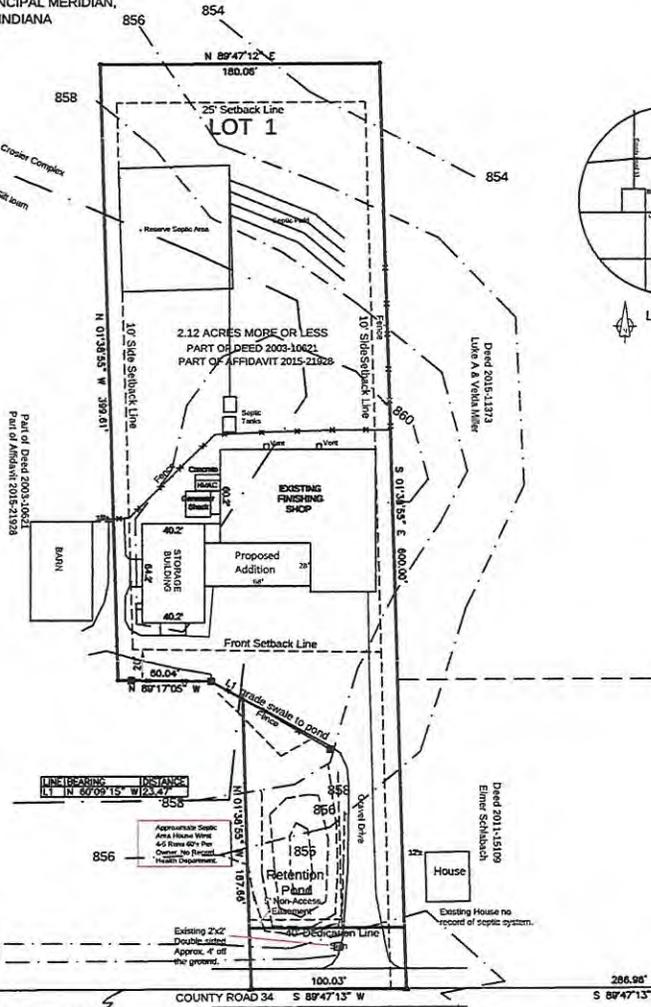
- NOTES:
- NOT IN 100 YEAR FLOOD ZONE.
  - THE CURRENT LAND USE IS ZONE M-1.
  - RESTRICTIONS & SETBACKS SHALL CONFORM TO ELKHART COUNTY PLANNING AND ZONING REGULATIONS.
  - EXISTING STREETS SHALL BE USED.
  - DEVELOPMENT SHALL BEGIN A.S.A.P.
  - SOILS ARE MAPPED AS FOLLOWS:  
Webb Willamstown Croaker Complex 2 to 5% slope- 24" SHWT  
SMA Southwest Silt loam 0 to 1% slope-24" SHWT
  - FINISH GRADE OF LOTS TO APPROXIMATE EXISTING.
  - SITE IS SERVED BY MUNICIPAL SEWER AND WATER.
  - CONTOURS PER ELKHART COUNTY GIS
  - HIGHWAY DEPARTMENT NOTES:  
-DRAINAGE PATTERN WILL REMAIN UNCHANGED.

- PLAT NOTES:
- All Irons set are #5 Iron rebar capped (DORIOT 890028) and set flush unless noted.
  - Flag marks set flush unless noted.
  - All corners and monuments that were found are flush and in good condition unless noted.
  - No information is intentionally left out unless noted.
  - All bearing basis are assumed unless noted.
  - All section corner information is per the Elkhart County Surveyor's Office.
  - All distances and bearings are measured unless noted as follows: R-Recorded, M-Measured, C-Calculated.

DESCRIPTION

A part of the West Half of the Southwest Quarter of Section 8, Township 36 North, Range 7 East, Second principal Meridian, Clinton Township, Elkhart County, Indiana, more particularly described as follows:

Commencing at a Harrison Monument at the Southwest corner of said Southwest Quarter of Section 8; thence North 89 degrees 47 minutes 13 seconds East (State Plane Bearing Bases), along the South line of said Southwest Quarter of Section 8, a distance of 927.68 feet to the POINT OF BEGINNING of this description; thence North 1 degree 38 minutes 55 seconds West, a distance of 187.66 feet; thence North 60 degrees 09 minutes 15 seconds West, a distance of 23.47 feet; thence North 89 degrees 17 minutes 05 seconds West, a distance of 60.04 feet; thence North 1 degree 38 minutes 55 seconds West, a distance of 399.61 feet; thence North 89 degrees 47 minutes 12 seconds East, a distance of 180.05 feet; thence South 1 degree 38 minutes 55 seconds East, along the East line of Deed Record 2003-10621, a distance of 600.00 feet to a point on said South line of the Southwest Quarter of Section 8; thence South 89 degree 47 minutes 13 seconds West, a distance of 100.03 feet to the POINT OF BEGINNING; said above tract contains 2.12 acres more or less.



Harrison Monument Found @ Southwest Corner of the Southwest Quarter of Sec. 8, T.36N., R.7E.      927.68'      N 89°47'13" E      187.66'      23.47'      60.04'      399.61'      180.05'      600.03'      S 89°47'13" W      100.03'      286.95'      N 89°47'13" E      1314.68'      Harrison Monument Found @ Southwest Corner of the Southwest Quarter of Sec. 8, T.36N., R.7E.

Sight Distance is in excess of 1000' East and West  
20' Asphalt Road. Speed Limit 55 MPH.

PAGE 1 OF 2	DRAWN BY:	APPROVED BY:
	FIELD CREW:	PROJ. NO. 180025
	DATE:	DWG.
	Owner: Larry J. & Alta Mae Borkholder	

## AGREEMENT FOR LEGAL SERVICES

**THIS AGREEMENT**, entered into this 10<sup>th</sup> day of April 2025 by and between the Elkhart County Plan Commission, hereafter designated as the “First Party”, and Barkes, Kolbus, Rife & Shuler, LLP, attorneys-at-law, practicing in the City of Goshen, Elkhart County, Indiana, hereafter designated as “Second Party;”

### WITNESSETH

**WHEREAS**, the parties hereto desire to enter into this written Agreement concerning the services for the First party by the Second Party as Plan Commission attorney for Elkhart County, by setting forth compensation and scope of work;

**NOW, THEREFORE**, to confirm the Agreement between the parties and in consideration of the premises, the parties AGREE:

1. The First Party shall hire the Second Party as attorney for the Plan Commission with said services covering the time period July 1, 2025, through July 1, 2026.
2. Compensation of the second party, for attendance at the First Party’s monthly meeting is set at Ten Thousand Twenty-Five Dollars and Ninety Cents (\$10,025.90) annually, with payment of said amount being made in monthly installments at the beginning of each calendar month. Compensation for all other work provided by the Second Party shall be on an hourly basis, Second Party acknowledges proper claims for compensation shall be submitted to the First Party who will process such claims in accordance with the procedures established by Elkhart County.
3. It is stipulated by First Party and Second Party that compensation herein stated is for services by second party as legal counsel to the Plan Commission as an independent contractor and not as an employee of Elkhart County.
4. Second Party may designate any attorney in Barkes, Kolbus, Rife & Shuler, LLP, to provide the services but the Second Party shall directly receive the compensation required by this Agreement. Such designation shall not increase the compensation payable to the Second Party or such designee beyond what is required by this Agreement.
5. This Agreement may be terminated by either party giving the other party written notice of termination at least sixty (60) days prior to the effective termination date. This Agreement shall be subject to and governed by the terms and provisions of Indiana law.

Executed this 10<sup>th</sup> day of April 2025.

Barkes, Kolbus, Rife & Shuler, LLP

\_\_\_\_\_  
Chairman, Plan Commission

By: \_\_\_\_\_  
Partner



TO: Plan Commission

FROM: H. Jason Auvil, Planning Manager & Zoning Administrator

SUB: Approvals of Plan Commission Recommendations

The following petition was **APPROVED** at the March 17, 2025, Elkhart County Commissioner's meeting:

- Petitioner: Steeplechase Homes LLC represented by Surveying and Mapping  
Petition: for secondary approval of a 29-lot major subdivision to be known as TERRA SUBDIVISION SECTION 2.  
Location: south end of Tasha Dr., 790 ft. south of State Line Rd., in York Township.  
Plat Committee Vote: Yes: 5; No: 0; Absent: 0 *(MA-0849-2024)*  
Remonstrators Present: None  
Development Issues: There are some construction process issues (constructed curb/drainage features inspections/repairs) that will need to be completed/resolved. before the plat is released to be recorded.

The following petitions were **DENIED** at the March 17, 2025, Elkhart County Commissioner's meeting:

- Petitioner: Mark Scarse, II represented by Lorenzo Ramirez  
Petition: for a zone map change from R-2 to M-2.  
Location: Northeast corner of CR 20 (W. Mishawaka Rd.) & Best Ave., 2,530 ft. West of SR 19, common address of 28467 CR 20 in Baugo Township.(RZ-0006-2025)  
Plan Commission Vote: Yes: 8; No: 0; Absent: 1  
Remonstrators Present: Yes  
Development Issues: There were concerns about the salvaging of vehicles on the property in terms of the number of junk vehicles & parts, the amount of increased traffic in the neighborhood, loud noises from the property at all hours of the day & night, smoke from burning materials on the property, and improper parking in the right of way and on other people's property.
- Petitioner: Dale & Melissa Shupert (Buyers) & Nichols Holding LLC (Seller)  
Petition: for a zone map change from R-1 to A-1.  
Location: north side of CR 26, 925 ft. west of CR 113, common address of 23681 CR 26 in Concord Township. *(RZ-0863-2024)*  
Plan Commission Vote: Yes:7; No: 1; Absent: 1  
Remonstrators Present: Yes  
Development Issues: There were many concerns presented by the neighbors. The current condition of the property, the number of chickens on the property, the chickens not being contained on the property; chickens on other people's property and on County Road 26, the welfare of the chickens



without a shelter in winter, the potential for ground & surface water contamination from the chicken waste, the dumping of leaves, brush, & stumps, the burning of the wood debris and dead chickens.

The following petition was **APPROVED** at the March 17, 2025, Middlebury Town Council meeting:

- Petitioner: Miller–Stewart Funeral Home represented by Abonmarche Consultants  
Petition: for a zone map change from DPUD B-3 to B-3.  
Location: West side of S. Main St. (CR 13), 495 ft. South of Industrial Parkway,  
common address of 1003 S. Main St. in Middlebury Township. (RZ-0914-2025)  
Plan Commission Vote: Yes: 8; No: 0; Absent: 1  
Remonstrators Present: None  
Development Issues: None