City of Elkhart

INSTRUCTIONS AND FILING PROCEDURE FOR WIRELESS COMMUNICATION FACILITY (WCF) LOCATED IN AN AREA WITH ZONING DESIGNATION: R or B1 (STRUCTURES OVER 70 FEET IN HEIGHT)

A complete Wireless Communication Facility Petition (see page 2) must be filed with the Planning & Zoning Department located at the Permit Center at 229 S. Second Street, Elkhart, Indiana. **Petitions must be filed no later than the filing deadline dates as shown below** on the Board of Zoning Appeals calendar, and with all required signatures in permanent ink.

2026 CITY OF ELKHART BOARD OF ZONING APPEALS CALENDAR

File by Date	Meeting Date
Friday, December 5, 2025	Thursday, January 8, 2026
Friday, January 2, 2026	Thursday, February 12, 2026
Friday, February 6, 2026	Thursday, March 12, 2026
Friday, March 6, 2026	Thursday, April 9, 2026
Thursday, April 2, 2026	Thursday, May 14, 2026
Friday, May 1, 2026	Thursday, June 11, 2026
Friday, June 5, 2026	Thursday, July 9, 2026
Thursday, July 2, 2026	Thursday, August 13, 2026
Friday, August 7, 2026	Thursday, September 10, 2026
Friday, September 4, 2026	Thursday, October 8, 2026
Friday, October 2, 2026	Thursday, November 12, 2026
Friday, November 6, 2026	Thursday, December 10, 2026
Friday, December 4, 2026	Thursday, January 14, 2027

All meetings are held at 6:00 p.m. in the Council Chambers, 2nd floor, City Municipal Building on the 2nd Thursday of each month unless indicated in **bold**.

APPLICANT CHECKLIST – WIRELESS COMMUNICATION FACILITY PETITION

Wireless Communication Facility Petitions (that have a zoning designation of R or B1) are submitted to the Board of Zoning Appeals (BZA) through the Planning & Zoning Department.
A complete WCF Petition must contain the following information:

1. _____ A completed **Petition form (see page 4)** signed by the legal owner of record of the property that is the subject of the Petition. **The owner(s) of record at the time the petition is filed shall be considered the applicant and must sign the petition.** If the petition is filed by any person other than the legal owner or the owner's attorney, written authorization of the legal owner authorizing the person to act as the owner's agent for petition purposes must be filed with the petition. If the applicant is not an individual, the name(s) and title(s) of the person(s) who are authorized to execute legal documents for the applicant shall be supplied. Land Contract Purchasers or Renters cannot bring petitions without authorization from the owner of record.

2. _____ A completed **Application for Wireless Communication Facility (see page 5)**, including **Affidavits (see page 6)**.

3. _____ A full and accurate legal description of the property for which the major subdivision is being requested. **The abbreviated version shown on a tax form is NOT an acceptable legal description.** A full legal description may be found on the recorded deed or possibly on a certified survey. If the legal description is in a Word or PDF format, please email it to Raen.Levendoski@cityofelkhartin.gov.

4. _____ Drawings describing the project.

5. _____ A filing fee of **$300.00** (the amount listed in Section 29.12 of the Zoning Ordinance). The Permit Center accepts Visa, MC, and Discover credit cards, cash or a check made payable to the City of Elkhart.

Failure to meet any of the above requirements will result in your application not being accepted by the Planning Department staff until such time as said requirements are met.

WIRELESS COMMUNICATION FACILITY PROCEDURE

1. A petition for Wireless Communication Facility is submitted to the Board of Zoning Appeals via the Planning & Zoning Department, located at the Permit Center. **Petitions must be filed no later than the filing deadline dates according to the current Board of Zoning Appeals calendar (see page 1)**.

2. Case preparations are made for Public Hearing by the Planning & Zoning Department staff.

    - Legal advertisement is prepared and sent to The Elkhart Truth for publication 10 days prior to the Board of Zoning Appeals meeting.
    - Public letters are sent to all property owners within 300 feet of proposed Wireless Communication Facility.
    - A Reminder letter is sent to the petitioner and/or property owner(s).
    - Planning & Zoning Department staff prepares a Staff Report.
    - If necessary, a radio frequency and feasibility study is conducted by an independent consultant. The Planning & Zoning Department staff may require a fee of up to $3,000.00, payable to the City of Elkhart for the purposes of conducting a radio frequency and/or feasibility study with an independent consultant.

3. A Board of Zoning Appeals meeting/public hearing is held and Planning & Zoning Department staff (and independent consultant if necessary) presents the Staff Report and the Board of Zoning Appeals makes a final vote for approval or denial of the Wireless Communication Facility.

4. <u>Permitting Process (all below forms may be submitted online):</u>

    - A Zoning Clearance Permit application is filled out.
    - A Building Permit application is filled out and the completed application and plans are submitted to the Building Department for Local Plan Review.
    - Applicant is referred to Public Works to determine if a driveway/curb cut permit is required; Board of Works approval of curb cut/drive locations must be given at a regular Tuesday meeting.
    - Once the proposed development has passed Local Plan Review, then the Building Permit and Zoning Clearance are issued by the Permit Center Staff and all permit fees are paid.

5. Required inspections are conducted by the Building Department and the Planning & Zoning Department staff prior to occupancy.

6. A Certificate of Occupancy (CO) is issued by the Building Department.

7. The Wireless Communications Facility may be operated.

PETITION #: _____ **FILING FEE: $**_____

PETITION to the BOARD of ZONING APPEALS

PETITION TYPE: WIRELESS COMMUNICATION FACILITY

Property Owner(s): _____

Mailing Address: _____

Phone #: _____ Email: _____

Contact Person: _____

Mailing Address: _____

Phone #: _____ Email: _____

Subject Property Address: _____

Zoning: _____

Present Use: _____ Proposed Use: _____

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

PROPERTY OWNER(S) OR REPRESENTATIVE (PRINT): _____

SIGNATURE(S): _____ DATE: _____

STAFF USE ONLY:

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

_____ A completed Petition form signed by the legal owner of record (or approved representative).

_____ A completed Application for Wireless Communication Facility including Affidavits.

_____ If any person other than the legal owner or the legal owner's attorney files the appeal, written and signed authorization from the property owner must be supplied.

_____ A full and accurate legal description of the property.

_____ One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 12 copies must be submitted.

_____ One copy of the Appeal Letter signed in ink by the owner (or representative) of the property. (Optional)

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

City of Elkhart

Application for Wireless Communication Facility

Project Name: _____

Property Address (as approved by the Board of Zoning Appeals): _____

Property Owner: _____ Phone #: _____

Property Owner's Address: _____

Lessee's Name (if applicable): _____ Phone #: _____

Lessee's Address: _____

Parcel ID (Tax key ID Number, ex. 04-22-210-009): _____

Zoning: _____ Current use of subject property: _____

Tower Enclosure Area: _____ Tower Height: _____

THE FOLLOWING INFORMATION MUST BE SUBMITTED IN ADDITION TO THE APPLICATION (CHECK ALL ITEMS THAT ACCOMPANY THIS APPLICATION):

☐ An accurate scaled site plan showing property and tower enclosure lines and dimensions, building/environmental enclosure dimensions, yard setbacks, distances to adjoining buildings, and required fencing and landscaping must be submitted. A legal description must be attached to the site plan.

☐ A collocation agreement, allowing additional users to locate on your tower if a permit is granted. This must include a general marketing plan to promote collocation of other wireless communication facility users. The plan should include methodology to determine reasonable rates to be charged to other providers.

☐ WRITTEN proof that no other collocation opportunities exist in the area of the proposed tower, including required distance separation between towers, graphical depiction of user's current antenna locations, and graphical depiction of other towers (or structures that could support an antenna) in the service area. An explanation why existing towers and structures cannot accommodate your antenna. Applicant must also provide WRITTEN proof that a good faith effort has been made to inquire about other existing tower locations, including a list of names, addresses and telephone numbers of the owners of such facilities.

☐ If the proposed tower is to be located within 20,000 feet of any Elkhart Municipal Airport runway as shown in the Elkhart Municipal Airport Master Plan, a Federal Aviation Administration (FAA) Form 7460-1 must be filed, and the tower location and height approved by the FAA, prior to Board of Zoning Appeals review (IC 8-21-10 Regulation of Tall Structures).

I have read and understand all of the above requirements and hereby certify that the information and supplements to this application are accurate.

Submitted by: _____ Date: _____

IN THE CITY OF ELKHART BOARD OF ZONING APPEALS

WIRELESS PETITION NO.

AFFIDAVIT OF

_____, authorized representative of _____, petitioner before the Elkhart City Board of Zoning Appeals for Wireless Petition No. _____, having been first duly sworn upon his/her oath, states as follows:

1. I am an adult
2. I am an authorized representative of _____ and permitted to make the representations herein on their behalf.
3. There are no other technologically feasible collocation opportunities existing within a one (1) mile radius of the base of the proposed wireless communication facility. Attached hereto as exhibit "A" is proof that a good faith effort has been made to investigate all technologically feasible collocation opportunities as shown on the map provided by the City of Elkhart's Planning & Zoning Department, including the names, addresses, and telephone numbers of all owners of wireless communication facilities to whom inquiries have been made pertaining to possible collocation of the proposed wireless facility.
4. Attached hereto as exhibit "B" is proof of _____ 's assent to allow and reasonably market collocation opportunities to other wireless communication providers, including:
    a. Our policy regarding collocation of other providers.
    b. The methodology to be used by the applicant in determining reasonable rates to be charged.

I affirm under the penalties for perjury that the foregoing representations are true and correct to the best of my knowledge.

Dated this _____ day of _____, 20_____.

_____

Authorized representative of