City of Elkhart

INSTRUCTIONS AND FILING PROCEDURE FOR MAJOR PLANNED UNIT DEVELOPMENT (PUD) AMENDMENTS

The City of Elkhart Plan Commission and the City of Elkhart Common Council shall consider all applications for Major Planned Unit Development (PUD) Amendments. The Plan Commission conducts a public hearing at its regular meeting and makes a recommendation to the City Council. The City Council considers the Plan Commission recommendation and makes the final decision. Major PUD Amendment petitions shall be filed by a property owner(s) or a property owner'(s) attorney. The following information is provided as a guide for filing petitions.

Full responsibility for handling and following through on a petition rests with the individual(s) filing the petition. The importance of verifying and submitting a correct legal description, as well as all other required information pertinent to the consideration of the petition cannot be over-emphasized.

The Planning & Zoning Department staff will gladly answer any questions you may have. Please note it is **not** the staff's function to prepare the petition. If you are unable or do not feel comfortable preparing your petition, we would strongly recommend that you consult or hire an attorney to prepare it for you.

A complete Major PUD Amendment 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 Plan Commission calendar, and with all required signatures in permanent ink.

2026 CITY OF ELKHART PLAN COMMISSION CALENDAR

File by Date	Meeting Date
Wednesday, November 26, 2025	Monday, January 5, 2026
Friday, December 26, 2026	Monday, February 2, 2026
Friday, January 30, 2026	Monday, March 2, 2026
Friday, February 27, 2026	Monday, April 6, 2026
Friday, March 27, 2026	Monday, May 4, 2026
Friday, April 24, 2026	Monday, June 1, 2026
Friday, May 29, 2026	Monday, July 6, 2026
Friday, June 26, 2026	Monday, August 3, 2026
Friday, July 31, 2026	**Tuesday, September 8, 2026**
Friday, August 28, 2026	Monday, October 5, 2026
Friday, September 25, 2026	Monday, November 2, 2026
Friday, October 30, 2026	Monday, December 7, 2026
Wednesday, November 25, 2026	Monday, January 4, 2027

All meetings are held at 1:45 p.m. in the Council Chambers, 2nd floor, City Municipal Building on the 1st Monday of each month unless indicated in **bold**.

APPLICANT CHECKLIST – MAJOR PUD AMENDMENT PETITION

A complete Major PUD Amendment Petition must contain the following information:

1. _____ **A Major PUD Amendment appeal letter patterned after the sample form on page 5** and including such data and/or information with a detailed explanation of why the property should be a Planned Unit Development. The petition must address and discuss each of **the applicable standards contained in Section 20 of the Zoning Ordinance (see page 4)** that the Commission must use to make a judgment. Please include any other pertinent data that will assist the Commission in their decision.

2. _____ A completed **Petition form (see pages 6 & 7)** 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.

3. _____ A full and accurate legal description of the property for which the Major PUD Amendment 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 Carla.Lipsey@coei.org.

4. _____ One (1) to scale drawing of the property, measuring 11" x 17" or smaller showing the dimensions of the property, buildings, yard setbacks, parking layouts, distances to adjoining buildings, and any other information that is pertinent to your petition. If drawing is larger than 11" x 17", 25 copies of the site plan must be provided. **Site Plans for all new commercial construction must be submitted to Public Works for Technical Review.**

5. _____ All additional information that is required for your specific Major PUD Amendment Petition (see page 3)

6. _____ Any supplemental information you wish to provide to the Plan Commission and City Council.

7. _____ A filing fee of **$200.00** (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.

Planned Unit Development (PUD) Petitions

1. **Conceptual PUD Petitions must include the following:**
   - General site plan, including but not limited to: property boundaries, existing natural features on or adjacent to the site, general street layout, proposed uses, individual parcels, setbacks and/or buffers from adjoining properties, and a general on-site drainage plan.
   - Written documentation explaining the nature and purpose of the PUD and providing supplemental information for the site plan, including any restrictive covenants.

2. **Standard PUD Petitions must include the following:**
   - A detailed site plan including proposed dimensional layout to scale of any streets, buildings, building elevations (if available), open space, lots, parking areas, signage, on-site drainage, landscaping, and other elements basic to the development; and proposed locations, densities, and types of uses within the area of the development.
   - Any written documentation providing supplemental information for the site plan, including any restrictive covenants.
   - Any additional information deemed necessary by the Planning Department staff.

PUD Amendment Petitions

1. **Minor PUD Amendments** are defined in the Zoning Ordinance as the following:
   - Modifications, such as minor relocation of a building, parking lot, or other site element, due to unforeseen site conditions, can be reviewed and approved by the Planning Department staff. An adverse decision by the Planning Department staff may be appealed to the Plan Commission as per the below bullet point.
   - All other modifications, except those deemed major as defined below, shall be presented in writing to the Plan Commission. The Commission shall review and reject or approve the proposed changes without a public hearing.

2. **Major PUD Amendments** are defined in the Zoning Ordinance as the following:
   - Change the land area of the PUD;
   - Change the density of use of the PUD;
   - Allow a use previously not permitted in the PUD; or
   - Constitute a change which, in the sole discretion of the Plan Commission, should be considered by the City Council as a new proposed development.

NOTE: Major PUD Amendments shall be deemed a new application for approval of a Planned Unit Development and shall follow the procedures previously described in these instructions.

PUD & PUD AMENDMENT PROCEDURE

Petitions for PUDs and Major PUD Amendments are reviewed by the Planning Department staff prior to the public hearing and decision of the Plan Commission. After the hearing the Commission will send their recommendation (do pass or do not pass) to the public hearing and final decision of the City Council.

You or your designated representative must be present at both the Plan Commission meeting and the City Council meeting to make a presentation and answer any questions that may arise. The presentation must include sufficient evidence relating to the **standards listed below** (as well as any other information you feel is pertinent to your petition) to persuade the Commission and Council to grant your request.

After you have completed your presentation, public comments are heard for or against your petition.

You may be allowed to respond to any comments or answer any questions which may arise concerning your petition; this is at the discretion of the Commission Chairman or Council Chairman.

Standards that must be considered for a PUD: The City of Elkhart Zoning Ordinance section 20.1 Purpose (of PUD) contains the standards that must be considered by the Plan Commission and Council for a Planned Unit Development: The proposed PUD or Major PUD amendment

1. Is in accordance with the Comprehensive Plan;
2. Encourages innovations in development and/or redevelopment;
3. Fosters the safe, efficient, and economic use of the land, transportation, public facilities, and services;
4. Facilitates the provision of adequate public services such as transportation, water, sewer, storm, drainage, electricity, and public parks;
5. Avoids the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;
6. Encourages patterns of land use which decrease trip length of automobile travel and encourage trip consolidation;
7. Minimizes adverse environmental impacts of development;
8. Improves the design, quality, and character of new development;
9. Fosters a more rational pattern of relationship between residential, business, and industrial uses;
10. Protects existing neighborhoods from harmful encroachment by intrusive or disruptive development;

The Planning Department staff will consider these standards when making a recommendation to the Plan Commission. You **must** address these standards within the body of your appeal letter (see page 5).

Notice of the public hearings are prepared by Staff and published in the newspaper 10 days prior to both meetings. Please refer to the Plan Commission calendar (see page 1) for filing deadlines and the meeting location, time and dates. The Plan Commission recommendations are sent to the City Council for hearing and final action. Please refer to the City Council calendar (see page 8) for the meeting location, time and dates.

Once the recommendation is sent to the City Council, the following occurs:

1. The Council has first reading of the proposed ordinance (your request) and then passed on for second and third reading. Public comment is not accepted and you do not need to attend the first meeting.
2. The second and third readings are normally held at the next regularly scheduled Council meeting. The public hearing takes place at this meeting and comments will be heard. **You must attend this meeting in order to make a presentation to the Council or no action will be taken.** It is your responsibility to check with the Council Secretary at 574.294.5471 ext. 1053 to verify the date and time that this meeting will take place. No personal notification is given for Council public hearings.

THIS IS NOT A FILL-IN FORM.
It is a sample form to be used as a guide when preparing your appeal letter to the Plan Commission and Council

DATE:

TO: Honorable Members of the Plan Commission
and City Council
City of Elkhart, Indiana

RE: Major Planned Unit Development
Amendment

The undersigned petitioner respectfully shows the Plan Commission and Council:

1. I, *(insert property owner(s) name(s),* am the owner of the following described real estate located within the City of Elkhart, _____ Township, Elkhart County, State of Indiana, to-wit:

   Attach the accurate legal description and common address - a tax key number is not a legal description.

2. The above described real estate presently has a zoning classification of _____
   _____ District under the Zoning Ordinance of the City of Elkhart.

3. Petitioner presently occupies (or proposes to occupy) the above described property in the following manner: *(Explain)*.

4. Petitioner desires to rezone said real estate to Planned Unit Development District for that purpose.
   OR
   Petitioner desires to amend said PUD for that purpose.

5. Using the **standards from page 4**, address each standard. You cannot answer simply "Yes" or "No"; you must state **why** this is true (the reasons for your answer).

WHEREFORE, Petitioner prays and respectfully requests a hearing on this appeal and that after such hearing, the Plan Commission make a do pass recommendation and the Council, after hearing, pass on appropriate ordinance rezoning the above described parcel(s) of land located in the City of Elkhart to Planned Unit Development **or** amending the PUD as described in this petition.

Signature of Property Owner: _____

Printed Name: _____

Second Property Owner: _____

Printed Name: _____

Contact Person: _____

Name: _____

Address: _____

Phone Number where you can be reached: _____

Email: _____

EXAMPLE

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

PETITION to the PLAN COMMISSION

PETITION TYPE: MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT

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 Plan Commission docket:

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

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

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

_____ A full and accurate legal description of the property.

_____ One to scale drawing of the property, measuring 11" x 17" or smaller. If larger than 11" x 17", 25 copies must be submitted.

_____ Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): _____

Map #: _____ Area: _____

RECEIVED BY: _____ DATE: _____

AFFIDAVIT IN SUPPORT OF MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT PETITION

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

1. I am over eighteen (18) years of age and am competent to testify to the matters contained herein.
2. I make this affidavit in support of my Major Planned Unit Development Amendment petition filed contemporaneously herewith.
3. I am now and at all times relevant herein have been, the owner of record of the property located at _____ Elkhart, Indiana.
4. FURTHER AFFIANT SAYETH NOT.

EXECUTED on the _____ day of _____, 20_____.

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

_____

Printed: _____

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me the undersigned, a Notary Public in and for the State of Indiana, personally appeared _____, and acknowledged his/her execution of the foregoing. Subscribed and sworn to before me this _____ day of _____, 20_____.

_____

Printed: _____

My Commission Expires:

_____

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

2026 CITY OF ELKHART COUNCIL MEETINGS CALENDAR

Meeting Dates

Monday, January 5, 2026	Monday, July 6, 2026
Monday, January 12, 2026	Monday, July 20, 2026
Monday, February 2, 2026	Monday, August 3, 2026
Monday, February 9, 2026	Monday, August 17, 2026
Monday, March 2, 2026	**Monday, September 14, 2026**
Monday, March 16, 2026	Monday, September 21, 2026
Monday, April 6, 2026	Monday, October 5, 2026
Monday, April 20, 2026	Monday, October 19, 2026
Monday, May 4, 2026	Monday, November 2, 2026
Monday, May 18, 2026	Monday, November 16, 2026
Monday, June 1, 2026	Monday, December 7, 2026
Monday, June 15, 2026	Monday, December 21, 2026

All meetings are held at 6:00 p.m. in the Council Chambers, 2nd floor, City Municipal Building on the 1st and 3rd Mondays of each month unless indicated in **bold**.