City of Elkhart

INSTRUCTIONS AND FILING PROCEDURE FOR REZONING PETITIONS

The City of Elkhart Plan Commission and the City of Elkhart Common Council shall consider all applications for rezoning. 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. Rezoning 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 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 Rezoning 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 – REZONING PETITION

A complete Rezoning Petition must contain the following information:

1. _____ **A Rezoning appeal letter patterned after the sample form on page 4** and including such data and/or information with a detailed explanation of why the property should be rezoned. The petition must address and discuss each of the applicable standards (see page 3) 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 5 & 6)** 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 rezoning 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. _____ Any supplemental information you wish to provide to the Plan Commission and City Council.

6. _____ A filing fee in 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.

*****Rezoning Fees are based on the **proposed** zoning use*****

$200.00	Rezoning to Residential
$400.00	Rezoning to Commercial or Other

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.

REZONING PROCEDURE

Petitions for Rezoning 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 Rezoning: Section 29.11 of the City of Elkhart Zoning Ordinance mandates that the Plan Commission and City Council **shall** pay reasonable regard to the following:

1. The Comprehensive Plan;
2. Current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction; and
5. Responsible growth and development.

The Planning Department staff will consider these standards when making a recommendation to the Plan Commission. You **must** address the above five standards within the body of your appeal letter (see page 4).

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 7) 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. 3052 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

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DATE:

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

RE: Rezoning

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 _____ District for that purpose.
5. Using the **standards from page 3**, 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 of land located in the City of Elkhart.

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: REZONING

This action requires final approval from the Common Council

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 REZONING 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 rezoning 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**.