

# City of Elkhart

## INSTRUCTIONS AND FILING PROCEDURE FOR MAJOR SUBDIVISION APPROVAL (MORE THAN 3 LOTS)

1. A petition for Major Subdivision Approval 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 on the Plan Commission calendar (see page 2).** A complete Major Subdivision Approval Petition includes the following:

- A completed Petition form (see page 3)
- The Application for Approval of a New Subdivision (see page 4)
- A full and accurate legal description of the property. **(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 [PlanningAndZoning@coei.org](mailto:PlanningAndZoning@coei.org).
- The Preliminary Plat
- All required application materials (see pages 5 & 6)
- A filing fee of **\$500.00** (the amount listed in Section 29.12 of the Zoning Ordinance). The Permit Center accepts Visa, Mastercard, and Discover credit cards 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.**

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

- Legal advertisement is prepared and sent to The Elkhart Truth to be published 10 days prior to the Plan Commission meeting.
- Public letters are sent to all property owners within 300 feet of proposed action. A Reminder letter is sent to the petitioner and/or property owner(s).
- A staff report is prepared by the Planning and Zoning Department staff.

3. A Plan Commission meeting/public hearing is held. Planning & Zoning Department staff presents the staff report and the Plan Commission makes a final vote for approval or denial of the Major Subdivision.

4. A second Subdivision application, Final Plat drawing, and Petition form are submitted to the Plat Committee at the Planning & Zoning Department office for review of the Final Plat according to submittal requirements in the Subdivision Ordinance (see page 5).

5. The Plat Committee meets and reviews the Final Plat request (this is not a public hearing; the meeting is scheduled as needed). If all requirements have been met, then the Plat Committee members sign the Final Plat.

6. The signed plat is recorded at the Elkhart County Recorder's Office.

7. Two copies of the signed and recorded plat are delivered to the Planning & Zoning Department. The Planning & Zoning Department will then route a copy to the Office of Public Works & Utilities.

## **2022 CITY OF ELKHART PLAN COMMISSION CALENDAR**

### **File by Date**

Friday, December 10, 2021  
Friday, January 7, 2022  
Friday, February 11, 2022  
Friday, March 11, 2022  
Friday, April 8, 2022  
Friday, May 6, 2022  
Friday, June 10, 2022  
Friday, July 8, 2022  
Friday, August 5, 2022  
Friday, September 9, 2022  
Friday, October 7, 2022  
**Thursday, November 10, 2022**  
Friday, December 9, 2022

### **Meeting Date**

Monday, January 3, 2022  
Monday, February 7, 2022  
Monday, March 7, 2022  
Monday, April 4, 2022  
Monday, May 2, 2022  
Monday, June 6, 2022  
**Tuesday, July 5, 2022**  
Monday, August 1, 2022  
**Tuesday, September 6, 2022**  
Monday, October 3, 2022  
Monday, November 7, 2022  
Monday, December 5, 2022  
**Tuesday, January 3, 2023**

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

# City of Elkhart

## **Application for Approval of a New Subdivision in the City of Elkhart**

Date: \_\_\_\_\_

City of Elkhart Plan Commission  
Municipal Building  
229 S. Second Street  
Elkhart, Indiana 46516

Dear Plan Commission:

Preliminary approval is hereby requested for a subdivision to be known as:

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Said Subdivision is legally described as follows: (attach legal description).

**PETITION #:** \_\_\_\_\_

**FILING FEE: \$** \_\_\_\_\_

**PETITION to the PLAN COMMISSION**

**PETITION TYPE: MAJOR SUBDIVISION**

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) (PRINT): \_\_\_\_\_

SIGNATURE(S): \_\_\_\_\_ DATE: \_\_\_\_\_

**STAFF USE ONLY:**

Staff Checklist for the applicant's submittal of a complete Petition to the Plan Commission docket:

- \_\_\_\_\_ A completed Petition form signed by the legal owner of record.
- \_\_\_\_\_ A completed Application for Approval of a New Subdivision.
- \_\_\_\_\_ 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. If larger than 11" x 17", 12 copies must be submitted.
- \_\_\_\_\_ One copy of the Appeal Letter signed in ink by the owner of the property. (Optional)
- \_\_\_\_\_ Any other information listed in the Instructions and Filing Procedure for this type of Petition.

Ordinance Requirement: Section(s): \_\_\_\_\_

Map #: \_\_\_\_\_ Area: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

## **ARTICLE 4 – PRELIMINARY PLAN APPROVAL PROCESS**

### Section 1. Filing Procedures

Any owner or subdivider of land within the corporate limits of the City of Elkhart desiring to divide said land, or to dedicate streets, alleys or other lands for public use shall submit a subdivision application to the Plan Commission Staff at least thirty (30) days prior to the Plan Commission meeting. (Applications are available in the City Planning and Development Department.) The application requirements are:

- A. An application form signed by the owner(s) of record of the land to be subdivided specifying the intent of land use, drainage, sewage disposal, water supply, street improvements, restrictions existing or to be placed on the property and the expected date of its development.
- B. Application fee in the amount listed in Section 29.12 of the Zoning Ordinance. (Please refer to the filing fee that is provided on the first page of this packet.)
- C. List of names and addresses of all interested parties.
- D. A site plan of the proposed subdivision indicating that all standards of this Ordinance have been met. The site plan shall contain the following elements:
  - 1. Proposed name of subdivision;
  - 2. Location by section, township and range, or other legal description and by a general location map;
  - 3. Names and addresses of developer and plan designer;
  - 4. Scale 1" to 100' or larger (shown graphically), date and north point;
  - 5. Boundary line of proposed subdivision and total acreage encompassed;
  - 6. Location, widths and names of all existing or prior platted streets or other public ways; railroad and utility rights-of-way, parks and other public open spaces, permanent easements, and section and corporation lines within or adjacent to the tract.
  - 7. Location of existing and proposed sewers, water mains, culverts and other underground facilities within and adjacent to the tract indicating pipe sizes and manholes;
  - 8. Boundary lines of adjacent tracts indicating ownership of interested parties;
  - 9. Existing and proposed zoning of the proposed subdivision and adjacent tracts;
  - 10. Contours at two-foot intervals, except where topography requires one-foot intervals;
  - 11. Location, width and name of all proposed streets rights-of-way, cross-walkways and easements;
  - 12. Layout, numbers and dimensions of lots with building setback lines, except for industrial subdivisions;
  - 13. Parcels of land to be dedicated or temporarily reserved for public use or set aside for use by the property owners of the subdivision;
  - 14. Location, name and characteristics of soils within the proposed subdivision;

15. Any protective covenants regulating the use and development of the lots within the subdivision;
16. General drainage plan of the area in and around the proposed subdivision, indicating retention areas, swales, ditches, storm sewers and catch basins.
17. Location of the 100-year flood plain boundary for lands identified as flood prone. (See Section 2 Flood Plain Regulations.)

## Section 2. Flood Plain Regulations

All proposed subdivisions shall be reviewed to determine if the subdivision lies within the Flood Plain District as defined in the Elkhart City Zoning Ordinance. Plans and supporting documentation of a subdivision located within the Flood Plain District shall be forwarded to the Indiana Department of Natural Resources for review and comment. The Plan Commission may require appropriate changes, modifications and incorporation of comments made by the Department of Natural Resources to insure the subdivision is consistent with the need to minimize or eliminate flood damages; all public utilities and facilities such as sewer, gas electrical and water systems are located and constructed to minimize or eliminate flood damage; adequate drainage is provided so as to reduce exposure to flood hazards and that on-site waste disposal systems, if provided, shall be located to avoid impairment of them or contamination from them during any regulatory flood.