

City of Elkhart

INSTRUCTIONS AND FILING PROCEDURE FOR WIRELESS COMMUNICATION FACILITY (WCF) (STRUCTURES OVER 70 FEET IN HEIGHT)

1. A petition for Wireless Communication Facility 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 or the Board of Zoning Appeals calendars (see page 3).** Petitions are submitted to the Plan Commission or the Board of Zoning Appeals, depending on the location's zoning district, through the Planning & Zoning Department. A complete Wireless Communication Facility Petition includes the following:

- A completed Petition form (see page 4).
- The Application for Wireless Communication Facility (see page 5) including Affidavits (see page 6).
- 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.
- Any drawings describing the project.
- A filing fee of **\$300.00** (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. Wireless Communication Facility 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 or 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).
- A staff report is prepared by the Planning and Zoning Department staff.
- 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 Plan Commission or Board of Zoning Appeals meeting/public hearing is held. Planning & Zoning Department staff (and independent consultant if necessary) presents the staff report and the Plan Commission or Board of Zoning Appeals makes a final vote for approval or denial of the Wireless Communication Facility.

4. Permitting Process:

- A Zoning Clearance form is filled out and a representative for the owner signs the Certificate of Occupancy statement on the reverse side of the Zoning Clearance form.
- 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 Building Permit and Zoning Clearance 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.

2023 CITY OF ELKHART PLAN COMMISSION CALENDAR

File by Date

Friday, December 9, 2022
Friday, December 30, 2022
Friday, February 3, 2023
Friday, March 3, 2023
Friday, March 31, 2023
Friday, April 28, 2023
Friday, June 2, 2023
Friday, June 30, 2023
Friday, August 4, 2023
Friday, September 1, 2023
Friday, September 29, 2023
Friday, November 3, 2023
Friday, December 1, 2023

Meeting Date

Tuesday, January 3, 2023
Monday, February 6, 2023
Monday, March 6, 2023
Monday, April 3, 2023
Monday, May 1, 2023
Monday, June 5, 2023
Monday, July 3, 2023
Monday, August 7, 2023
Tuesday, September 5, 2023
Monday, October 2, 2023
Monday, November 6, 2023
Monday, December 4, 2023
Tuesday, January 2, 2024

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

2023 CITY OF ELKHART BOARD OF ZONING APPEALS CALENDAR

File by Date

Friday, December 9, 2022
Friday, January 6, 2023
Friday, February 3, 2023
Friday, March 3, 2023
Thursday, April 6, 2023
Friday, May 5, 2023
Friday, June 2, 2023
Friday, July 7, 2023
Friday, August 4, 2023
Friday, September 8, 2023
Friday, October 6, 2023
Friday, November 3, 2023
Friday, December 8, 2023

Meeting Date

Thursday, January 12, 2023
Thursday, February 9, 2023
Thursday, March 9, 2023
Thursday, April 13, 2023
Thursday, May 11, 2023
Thursday, June 8, 2023
Thursday, July 13, 2023
Thursday, August 10, 2023
Thursday, September 14, 2023
Thursday, October 12, 2023
Thursday, November 9, 2023
Thursday, December 14, 2023
Thursday, January 11, 2024

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

PETITION #: _____

FILING FEE: \$ _____

PETITION to the PLAN COMMISSION

PETITION TYPE: WIRELESS COMMUNICATIONS 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 Plan Commission 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 Plan Commission): _____

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 Plan Commission 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 PLAN COMMISSION

WIRELESS PETITION NO.

AFFIDAVIT OF

_____, authorized representative of _____,
petitioner before the Elkhart City Plan Commission 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

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 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.