



## **Goshen Common Council**

**6:00 p.m., August 7, 2023 Regular Meeting**

***Council Chamber, Police & Court Building, 111 East Jefferson Street, Goshen, IN***

**Call to Order by Mayor Gina Leichty**

**Pledge of Allegiance**

**Roll Call:**

**Megan Eichorn** (District 4)

**Julia King** (At-Large)

**Doug Nisley** (District 2)

**Gilberto Pérez, Jr.** (District 5)

**Donald Riegsecker** (District 1)

**Matt Schrock** (District 3)

**Council President Brett Weddell** (At-Large)

**Youth Adviser Jessica Velazquez Valdes** (Non-voting)

**Approval of Minutes** – July 17, 2023 Regular Meeting

**Approval of Meeting Agenda**

**Privilege of the Floor**

**1) Environmental Resilience presentation:** AmeriCorps, a Year of Service in Goshen

**2) Ordinance 5162** - An Amendment to Goshen Zoning Ordinance 3011

**3) Resolution 2023-16** – Category Transfer (for the Legal Department)

**Elected Official Reports**

***Adjournment***



## GOSHEN COMMON COUNCIL

### Minutes of the July 17, 2023 Regular Meeting

*Convened in the Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana*

Mayor Gina M. Leichty called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Mayor Leichty asked the Clerk-Treasurer to conduct the roll call.

**Present:** Megan Eichorn (District 4)      Julia King (At-Large)      Doug Nisley (District 2)  
Gilberto Pérez Jr. (District 5)      Donald Riegsecker (District 1)  
Matt Schrock (District 3)      Council President Brett Weddell (At-Large)  
Youth Adviser Jessica Velazquez Valdes (Non-voting)

**Absent:** None

#### Approval of Minutes:

Mayor Leichty asked the Council's wishes regarding the minutes of the June 26, 2023 Regular Meeting. Councilor Nisley made a motion to accept the June 26, 2023 minutes as presented. Councilor Pérez seconded the motion. The motion passed 7-0 on a voice vote.

#### Approval of Meeting Agenda:

Mayor Leichty presented the agenda as submitted by the Clerk-Treasurer. Councilor King moved to approve the agenda as suggested. Councilor Eichorn seconded the motion. The motion passed 7-0 on a voice vote.

#### Privilege of the Floor:

At 6:02 p.m., Mayor Leichty invited public comments on matters not on the agenda.

Mike Burk of Goshen said the City was supposed to replace the drain near his home. He asked for a timeline on the work. City Director of Public Works & Utilities Dustin Sailor said an agreement was approved with Abonmarche Consultants for surveying and design services for a drywell at 1327 and 1329 East Reynolds Street. After the design is completed, Sailor said the City will follow up with construction. Burk said he had understood that the old dry well was being installed. Sailor said that there will be new design work, which Burk said was satisfactory.

Burk also asked about a hole in the asphalt pavement on the south side of Reynolds Street. He said City staff keeps filling the hole with sand and dirt and it keeps being displaced. He said he wishes it could be fixed with asphalt.

Sailor said he didn't know anything about that. Burk said he just wanted to bring this to the City's attention.

Mayor Leichty thanked Burk for his comments and for raising the street issue.

There were no further comments, so Mayor Leichty closed Privilege of the Floor at 6:04 p.m.

#### 1) Resolution 2023-13 – Interlocal Agreement with the County of Elkhart for Public Drainage Infrastructure Project

Mayor Leichty called for the introduction of Resolution 2023-10, *Interlocal Agreement with the County of Elkhart for Public Drainage Infrastructure Project*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2023-13 by title only, which was done.

Weddell/Schrock moved to approve Resolution 2023-13.



**BACKGROUND:**

**Resolution 2023-13, would approve the terms and conditions of a negotiated Interlocal Agreement with the County of Elkhart for improvements to a public drainage infrastructure project along College Avenue on the east side of the City of Goshen.**

The 10-page **Interlocal Agreement**, which was attached to the Council agenda packet, set forth the terms and conditions of the agreement for the project between the City Common Council, the Board of Works & Safety and Redevelopment Commission and the Elkhart County Board of Commissioners, County Council and Drainage Board. **The agreement established that a “substantial industrial construction project is underway along College Avenue on the east side of the City of Goshen that requires initial improvements to public drainage infrastructure in the area of the construction project.”**

**The City plans to undertake a reconstruction of College Avenue in 2027. The City and the County plan to cooperate while each makes further improvements to public drainage infrastructure as part of the current industrial development and planned road reconstruction project in 2027.** And the City and County will memorialize their agreement for initial and future improvements to the public drainage infrastructure necessitated by the industrial construction project along College Avenue.

**Scope of the project:** The purpose of this agreement is to coordinate the construction of public drainage infrastructure along College Avenue and County Road 36. The obligations of the City and County were outlined in Exhibit A, which was attached to the agreement. Exhibit A also contained the current details of the public drainage infrastructure project.

**JULY 17, 2023 COUNCIL DISCUSSION AND APPROVAL OF RESOLUTION 2023-13:**

**Mayor Leichy** asked if there were any Council questions or comments. **Council President Weddell** asked for an explanation of Resolution 2023-13.

**City Redevelopment Director Becky Hutsell** provided the background and context of Resolution 2023-13.

**Hutsell** explained that when work began on the East College Avenue Industrial Project, the city anticipated widening the roadway at the same time. As the project was designed and evolved, Hutsell said the City decided to apply to the Michiana Area Council of Governments (MACOG) for funding to extend the roadway to the City limits. She said the City was awarded MACOG funding and design work has begun, but construction won't begin until 2027.

So, **Hutsell** said the City is entering into an interlocal agreement with Elkhart County to memorialize the drainage measures being taken now to ensure that the site adequately drains between now and 2027 as well as the improvements that will come as a result of the MACOG-funded project.

**There were no additional Council comments, so at 6:05 p.m., Mayor Leichy invited public comments on Resolution 2023-13. There were none.**

**Council President Weddell indicated that Councilors were ready to vote.**

**On a voice vote, Councilors approved Resolution 2023-13, Interlocal Agreement with the County of Elkhart for Public Drainage Infrastructure Project, by a 7-0 margin, with all Councilors present voting “yes” at 6:06 p.m.**



## **2) Resolution 2023-14 – Adoption of Statute Authorizing Use of Public-Private Agreements**

Mayor Leichty called for the introduction of Resolution 2023-14, *Adoption of Statute Authorizing Use of Public-Private Agreements*. Council President Weddell asked the Clerk-Treasurer to read Resolution 2023-14 by title only, which was done.

**Weddell/Eichorn moved to approve Resolution 2023-14.**

### **BACKGROUND:**

Resolution 2023-14 would allow the City of Goshen to *authorize the use of public-private agreements*. It set forth the following:

- Indiana Code § 5-23 permits a political subdivision to enter into a **public-private agreement with an operator** pursuant to the terms of Indiana Code § 5-23;
- **A public-private agreement includes an agreement for the operation, maintenance, repair or management of a public facility (commonly referred to as an “Operating agreement”), or an agreement to construct, operate and maintain a public facility and to transfer the public facility back to the governmental entity at an established future date** (commonly referred to as a “Build Operate Transfer (BOT) Agreement”);
- In order for any governmental body in the City to enter into a public-private agreement, Indiana Code § 5-23-1-1 **requires that the legislative body for the City, i.e., the Common Council, adopt the provisions of Indiana Code § 5-23 by ordinance or resolution, and;**
- **The City finds that it is in the best interests of the City to make available the option to use public-private agreements in future projects involving a public facility** pursuant to Indiana Code § 5-23.

By adopting the provisions of Indiana Code § 5-23, the **Common Council would be authorizing governmental bodies of the City of Goshen to enter into public-private agreements with operators for projects involving public facilities** upon the terms provided in such agreements.

### **JULY 17, 2023 COUNCIL DISCUSSION AND APPROVAL OF RESOLUTION 2023-14:**

Mayor Leichty invited **City Attorney Bodie Stegelmann** to present Resolution 2023-14.

**City Attorney Stegelmann** provided the background and context of Resolution 2023-14.

**Stegelmann** explained that public works projects typically involve a design, a bid and build procedure; typically the City contracts for the design of a project, whether a road or building, it goes through the legal requirements for a bidding, and the City is required to go with the lowest responsible and responsive bidder.

**Stegelmann** said there now are options in state statutes for these public works projects that are relatively new – perhaps 20 years ago – where the City can issues Requests for Proposals (RFPs), have different operators submit proposals to the City for a building or renovation or a road where the City gives the operator the criteria the City is looking for. He said the operator then makes proposals to the City with a definite cost and the City can award the job to the operator. Stegelmann said the operator finishes the design, hires contractors to bid, they complete the project and when they are done, they turn it over to the City.

**Stegelmann** said City staff is considering this option for the renovation of the City Annex Building, a new Fire station and a few other projects. However, he said in order to use this process, the City must adopt this statute, adding, “It’s as simple as that. We’re not saying we’ll actually use it. But we’re just saying it’s something that we’re going to look at, study, investigate and maybe use it in the future.”



**Councilor King** asked if any such possible partnerships would come before Council for review. **City Attorney Stegelmann** said they would.

**Councilor Riegsecker** asked if this was like a design-build project. **Stegelmann** said it was similar. **Councilor Riegsecker** asked if a single developer would be involved. **Stegelmann** said the City would seek proposals from multiple developers. They would submit proposals and a City committee would select the best one based on the City's criteria.

**Councilor Riegsecker** asked if the developer essentially would "own" the project until it was completed and it would then be turned over to the City after passing required inspections. **Stegelmann** said that was correct. **Councilor Pérez** said using this system, the City could ensure oversight by City staff.

**Stegelmann** said supporters of this approach argue that one benefit is that the City would know early on the maximum price of a project and whomever was selected to oversee the project would need to stay under that price. The developer would hire the subcontractors; the City would not need to go through the bidding process. He said the developer would have more control over costs and could commit to the cost early on.

**Councilor Riegsecker** asked how many City team members would make the determination which developer would get a project. **Stegelmann** said it would be a committee made up of City staff, but he didn't know the number.

**Council President Weddell** said there are often change orders that increase the cost for Redevelopment Commission projects. He asked if this new process would no longer prompt change orders and higher costs.

**City Redevelopment Director Becky Hutsell** answered "yes." She added this approach ensures that the designer and contractor work as a team from the beginning so they can identify cost savings and issues earlier. She said City staff believes this approach will ensure more people are working together to prevent cost overruns in the future.

**Mayor Leichty** said these type of agreements often have a contingency threshold that is built into the agreement because there may be unanticipated issues and costs. **Hutsell** said that was correct.

**Council President Weddell** described a past trail project that had higher costs because an engineering firm was unfamiliar with a local site and designed a project that could not be built for the amount budgeted. Under this system, Council President Weddell said, there would be fewer such problems. **Hutsell** agreed.

**Councilor King** said using this approach, the developer would be motivated "to get it right."

**Councilor Pérez** said liked the idea of public-private partnerships. He commended City staff for bringing forth this proposal.

**There were no further Council comments or questions, so at 6:13 p.m., Mayor Leichty invited public comments on Resolution 2023-114, Adoption of Statute Authorizing Use of Public-Private Agreements, from members of the public. There were none.**

**There were no further questions or comments from Councilors. Council President Weddell indicated that Councilors were ready to vote.**

**On a voice vote, Councilors approved Resolution 2023-14, Adoption of Statute Authorizing Use of Public-Private Agreements, by a 7-0 margin, with all Councilors present voting "yes" at 6:14 p.m.**



**3) Ordinance 5161 – Ordinance Authorizing the City of Goshen, Indiana to issue its “[Taxable} Economic Development Revenue Bonds, Series 2023 (Ariel Project)” and Approving Other Actions in Respect Thereto (First Reading)**

Mayor Leichty called for the introduction of Ordinance 5161, *Ordinance Authorizing the City of Goshen, Indiana to issue its “[Taxable} Economic Development Revenue Bonds, Series 2023 (Ariel Project)” and Approving Other Actions in Respect Thereto* on First Reading. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5161 by title only, which was done.

**Weddell/Pérez moved to approve Ordinance 5161 on First Reading.**

**BACKGROUND:**

Ordinance 5161, which was before the Common Council for approval, would authorize the Council and Mayor to authorize the City of Goshen to issue “[Taxable} Economic Development Revenue Bonds, Series 2023 (Ariel Project)” and approve other actions in respect thereto.

In a memorandum to the Common Council, **City Redevelopment Director Becky Hutsell** wrote that **Ordinance 5161 was being presented to the City Council on July 17, 2023 for first reading.** A copy of the ordinance, along with all of the draft financing documents as exhibits, was included in the Council’s meeting packet.

**Hutsell wrote that this ordinance would authorize the City to issue a taxable Economic Development Revenue bond specifically for the Ariel Cycleworks Apartment Project and the issued bonds would be purchased by the developer, or their bank, to fund infrastructure components for their project.**

**Hutsell** indicated that an Economic Development Commission (EDC) meeting was being planned for Monday, Aug.7, 2023. She said she intended to then bring Ordinance 5161 back to the Council that same evening for the second reading. Between now and then, she said the City would be working with the City’s bond counsel, Ice Miller, the City’s financial advisors, Baker Tilly, and the developer to finalize the financing documents.

**Hutsell wrote that the issuance of this bond, and all terms associated with it, are in line with the Development Agreement that was approved by the City Redevelopment Commission, the City Council and Board of Works & Safety last summer, including the agreement to provide 100% TIF reimbursement for 25 years.**

**JULY 17, 2023 COUNCIL DISCUSSION AND APPROVAL OF ORDINANCE 5161:**

**Mayor Leichty** invited a staff presentation on Ordinance 5160.

**City Redevelopment Director Becky Hutsell** provided an overview of Ordinance 5161; which she noted was before the Common Council for approval on First Reading. She summarized the 98 pages of material she had provided to the Council, and which was part of the meeting agenda packet, and included a memorandum (dated July 17, 2023), draft Ordinance 5161 and the financing document (trust indenture) and numerous exhibits.

In summarizing her memorandum, **Hutsell said Ordinance 5161 would authorize the City’s issuance of a taxable Economic Development Revenue bond specifically for the Ariel Cycleworks Apartment Project and the issued bonds would be purchased by the developer, or their bank, to fund infrastructure components for their project.**

Assuming Ordinance 5161 was approved tonight by the Council tonight, **Hutsell** said that she **would be bringing the ordinance back to the Council for final approval on Aug. 7 following approval by the City Economic Development Commission.**

**Hutsell** said that in the meantime, City staff would be working with the City’s bond counsel, Ice Miller, the City’s financial advisors, Baker Tilly, and the developer to finalize the financing documents.





**Hutsell** concluded by stating that the issuance of this bond and all the terms associated with it are in line with the Development Agreement that was approved by the Goshen Redevelopment Commission, City Council and Board of Works & Safety last summer, including the agreement to provide 100% TIF reimbursement for 25 years.

**Mayor Leichthy invited questions or comments from the Council.**

Noting that the ordinance and agreement were almost 100 pages, **Councilor Riegsecker** asked if it was “standard boilerplate” language or if there was anything that the Council needed to know or that it had not come across before. **Hutsell** said, no, and that the provisions were similar to those approved for other projects, including the Indiana Avenue apartments, the East College Avenue industrial project or what the Council will see for the Cherry Creek housing project. **Councilor Riegsecker** said he had skimmed through the document and “assumed it was just legalese.”

**Councilor King** said she appreciated the question.

**Mayor Leichthy** asked if **City Attorney Bodie Stegelmann** wanted to add anything. Stegelmann said the ordinance was “substantially the same as ones we saw before.”

**Councilor Eichorn** asked about the expected groundbreaking of the project. **Hutsell** said the developer is working with the U.S. Department of Housing and Urban Development (HUD), which will provide financing. She said HUD officials are concerned about the train quiet zone proceeding and want it to be in place prior to occupancy.

**Hutsell** said the City recently reached a contract with American Structurepoint, Inc. to help keep the project moving forward. She said there was a recent meeting concerning Madison Street and work is continuing with federal railroad officials to keep the project moving forward. While continuing with the bond, Hutsell said the developer also is advancing the closing so that when HUD is satisfied that all the pieces are in place for the quiet zone, the developer can close with the funding.

Asked by **Councilor King** if there was a timetable for the quiet zone, **Hutsell** said the Madison Street improvements are due to be completed by May 2024. She said the goal is to have the other improvements completed so the City can submit its final report in hopes of action soon afterward.

**Councilor Schrock** asked if the 10<sup>th</sup> Street improvements will be completed before the project starts. **Hutsell** said it’s a complicated situation because the gas line between Plymouth and Douglas streets is very shallow, so the City is working with NIPSCO and Niblock Excavating to address the issue this fall and winter.

Asked by **Councilor Riegsecker** to clarify the purpose of the bond and the tracking of expenditures, **Hutsell** said the developer will purchase the bond said will have to submit claims to the Bank of New York Mellon, which is similar to the process for the Indiana Avenue apartments, where expenses were documented. She said claims will need to be submitted prior to disbursement. She added the developer will buy the bond, but it will remain with a trustee and funds will be drawn down as claims are paid. Hutsell said City staff will review claims before payment for infrastructure costs.

In response to another question from **Councilor Riegsecker**, **Hutsell** said the developer will only be paid for documented expenses and will only be reimbursed for expenses up to the maximum amount of the bond.

**There were no other questions or comments from Councilors, so at 6:21 p.m., Mayor Leichthy opened the public hearing on Ordinance 5161. There were no public comments.**

**There were no further Council comments or questions. Councilors also indicated that they were ready to vote.**



**On a voice vote, Councilors unanimously approved Ordinance 5161, *Ordinance Authorizing the City of Goshen, Indiana to issue its “[Taxable] Economic Development Revenue Bonds, Series 2023 (Ariel Project)” and Approving Other Actions in Respect Thereto on First Reading, by a 7-0 margin, with all Councilors present voting “yes” at 6:21 p.m.***

**Council President Weddell asked if the second reading of Ordinance 5161 was needed immediately or if the Council needed to wait. Hutsell said the Council needed to wait until after the (Aug. 7) meeting of the City Economic Development Commission.**

### **Elected Official Reports:**

**Councilor Schrock thanked the Parks & Recreation employees responsible for the Abshire Park water slide.** He said it “was a great thing for that side of town, to bring people out who wouldn’t normally go to that side of town.” He said he visited the park Friday, Saturday and Sunday and everyone appeared to be having a good time. He added that he was already looking forward to the return of the water slide next year. **Mayor Leichty** said she could confirm that it was amazing. She also indicated she went down the slide.

**Councilor King reported that today’s meeting of the City Parks and Recreation Board was cancelled due to the lack of a quorum. Council President Weddell said the same happened with the Traffic Commission. Councilor King** said maybe that happened because it’s July.

**Council President Weddell** said that at its last meeting, the **City Redevelopment Commission approved an agreement for about \$47,000 with American Structurepoint for the Marion Line Railroad Quiet Zone.** He said the company will initiate a series of meetings and work to finish that process.

**Council President Weddell** said the **Aerial Cycleworks project had a court challenge that had been pending, but that hurdle has now been cleared with the dismissal of the case.** He said that will allow the developer to move forward.

**Council President Weddell complimented organizers for the successful 4<sup>th</sup> of July firework show at the Black Squirrel Golf Club.** He said there was huge community involvement and he appreciated those who made the event possible as well as the first responders who handled the traffic afterward.

**Council President Weddell asked Clerk-Treasurer Aguirre to give Councilors a report on the annual state audit that began last week.**

**Clerk-Treasurer Aguirre** explained this is an annual process; the City of Goshen’s financial records and federal grant awards are audited by the State Board of Accounts (SBOA). As the audit began, the Mayor, the Council President, the City Attorney, the Water & Sewer Office Manager and the Deputy Clerk-Treasurer were invited to attend an “entrance conference” with four SBOA staff members.

**Aguirre** said as many as four auditors will work four days a week in the basement of City Hall to review the City’s Annual Financial Report and grant records. He said auditors can review anything from personnel and payroll records to claims as well as minutes of Council and Board of Works meetings. He noted that auditors have not asked for clarification of the Clerk-Treasurer’s detailed minutes, which was good.





**Clerk-Treasurer Aguirre** said that over the past few years, there have not been any significant audit findings, and the Clerk-Treasurer doesn't anticipate that there will be any this year.

However, **Aguirre** said the City won't know for sure until the audit is concluded, perhaps in November. He said the City has no control over the cost of the audit. Aguirre said the SBOA indicated the cost of the audit is expected to double this year due to action by the Indiana Legislative Assembly, which decided local government entities should pay more. He said the SBOA takes the funds directly from City accounts, but will inform the City

**Aguirre** said the annual audit is a time-consuming process with as many as six detailed requests for certain types of records per day, with many follow-up questions. Aguirre concluded, "It's just something we have to grin and bear. They are here to make sure we're following the law, and obviously we would always want to do that."

**Council President Weddell** thanked **Aguirre** for the report. **Aguirre** thanked the Council President for asking.

**Councilor Nisley** said the **City Board of Aviation met earlier today**. He reported that the recent "**Rotors 'n Ribs Fly-in,**" on **July 15 and 16, went well**. He said it was well attended, there was a great drone show and the fireworks were good. He said there also will be a drone show for three nights at the Elkhart County 4H Fair. Councilor Nisley also said an attempt to set a new world record for the number of hovering helicopters fell short, but that 16 helicopters participated.

**Councilor Nisley** also noted that a **few of the airport hangers are old (one was built in 1947) and will need repairs**. So, he wanted to notify Councilors about an **upcoming appropriation request for that repair work**.

**Councilor Eichorn** said the **City Community Relations Commission met July 11 and heard a report from Goshen Police Officer James Ballard about Ordinance 5158**, which the Common Council passed on May 15 and which prohibits camping and the storage of personal property on public property. She said Officer Ballard explained the rationale for the ordinance and his presentation was well received by Commissioners. She added that she appreciated Officer Ballard's presence at the meeting.

**Councilor Pérez** said earlier in the day he attended the Board of Works & Safety meeting and two things stood out. He said **Fire Chief Danny Sink** presented the retirement of **Sergeant Jason Miller**, which was approved by the Board. He also said **Police Chief Jose Miller** presented the resignation of **Officer Matthew Whelchel**. In his letter of resignation, Officer Whelchel said he was resigning because of the high stress of the job.

**Councilor Pérez** said he knows the Indiana Legislative Assembly has allocated more money for mental health treatment. **He asked Chief Miller or Mayor Leichty what the Council can do to help police officers better handle the stress and complexity of their jobs as the next budget process begins.**

**Chief Miller** said in the next budget, he plans to request more funding for the **New Avenues mental health counseling program**. The program was funded last year for the first time. He said he has received a preliminary report on the outcomes. He said the services will cost more than anticipated, but "it's a minor expense for a big benefit." Chief Miller thanked the City and Councilors for their support.

**Councilor Pérez** said he wants to make sure the City is doing all it can to support police and other staff members.

**Clerk-Treasurer Aguirre** said that perhaps **Chief Miller** could discuss the **new peer counseling program**.

**Chief Miller** said the Police Department began a program to respond to critical response incidents. A team made up of mentor officers, chaplains and mental health professionals come in and have a discussion with officers involved in high-stress incidents to debrief the situation. Chief Miller said this program has already been utilized once this year successfully. He added that in the past "officers were so used to holding everything in and now they've got this opportunity to discuss it with people who were there and people who can discuss what they're feeling."



**Councilor Nisley** said that during the upcoming budget process for the Police and Fire departments, he wants to “make sure that we have enough personnel hired to cover the positions that we have so we don’t have to have our officers, either Fire or Police, working so much overtime because I think that adds to the stress on them and I think we need to look at that make and sure we have enough manpower to take care of that.”

**Councilor Schrock** and there also needs to be “competitive wages” for the Police and Fire departments.

**Mayor Leichty** thanked the two **Councilors** for their comments.

**Councilor Riegsecker** said the **Elkhart County 4H Fair** begins Friday and will continue through next week to the following Saturday. He said everyone can expect an uptick in traffic. **Councilor Riegsecker** also expressed appreciation to City staff for all they do to the help the fair run smoothly every year.

**Mayor Leichty** thanked **Councilor Riegsecker** for his comment.

There were no further comments by elected officials.

**Adjournment:**

**Councilor Nisley** made a motion to adjourn the meeting. **Councilor Pérez** seconded the motion. **Councilors** unanimously approved the motion to adjourn the meeting.

**Mayor Leichty** adjourned the meeting at 6:34 p.m.

**APPROVED:**

\_\_\_\_\_  
**Gina Leichty, Mayor of Goshen**

**ATTEST:**

\_\_\_\_\_  
**Richard R. Aguirre, City of Goshen Clerk-Treasurer**



## Department of Environmental Resilience

410 West Plymouth Avenue • Goshen, IN 46526  
Phone (574) 534-0076 • [www.goshenindiana.org](http://www.goshenindiana.org)  
*Aaron Sawatsky-Kingsley, Department Head*



To the Goshen City Council:

### AmeriCorps Service Member Presentation, August 7, 2023

Two AmeriCorps Service Members, Shae Medlen and Acadia Imhoff, have served Goshen over the past year in various ways. Though housed in the Department of Environmental Resilience, they have worked with and alongside staff from many different City Departments, focused on implementing various aspects of our Climate Action Plan. They have expanded the City's capacity to work toward the important goals of the Climate Action Plan, and have done so with a lot of energy and creativity. So much so that we plan to add four AmeriCorps positions for the coming year. Shae and Acadia have set a high bar.

Their presentation at the August 7 Council meeting will recap work from the past year and provide a brief overview of the AmeriCorps program.

Thanks,

### **Aaron Sawatsky-Kingsley**

Director, Department of Environmental Resilience /  
City Forester  
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IN-3570A  
Certified Arborist

Gina Leichty  
Mayor of Goshen

# AmeriCorps, a Year of Service

Acadia Imhof & Shae Medlen  
 Department of Environmental Resilience



## Why AmeriCorps?

- ◆ Benefits to Community:
  - ◆ 300 to 1700 hours
  - ◆ AmeriCorps members address a community's unmet needs
    - ◆ Community Orchard
    - ◆ Active Transportation

Member Term	Minimum Hours Served	Maximum Length of Term
Full Time (FT)	1,700	12 months
Half Time (HT)	900	12 or 24 months <i>(usually 12)</i>
Reduced Half Time (RHT)	675	12 months
Quarter Time (QT)	450	12 months
Minimum Time (MT)	300	12 months



## Why AmeriCorps?

- ◆ Benefits to the Member:
  - ◆ Living allowance\*
  - ◆ Health insurance\*
  - ◆ Child care
  - ◆ Professional development
  - ◆ Student loan deferment
  - ◆ Segal AmeriCorps Education Award\*

\*Dependent on service term type



## Goshen's 2023 AmeriCorps Members

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>◆ Acadia Imhof<ul style="list-style-type: none"><li>◆ November 2022</li><li>◆ Half Time</li><li>◆ Goshen Community Orchard</li></ul></li></ul> | <ul style="list-style-type: none"><li>◆ Shae Medlen<ul style="list-style-type: none"><li>◆ October 2022</li><li>◆ Full Time</li><li>◆ Active Transportation</li></ul></li></ul> |
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## Acadia Imhof

- ◇ Grew up in Eastern Pennsylvania
- ◇ School background
  - ◇ Homeschooled K-12
  - ◇ Associate of Environmental Studies from Northampton Community College, 2020
  - ◇ Bachelor of Sustainability Studies from Goshen College, 2022
- ◇ Professional background
  - ◇ Twin Sycamore Farm
  - ◇ Soapy Gnome



**AmeriCorps**



## Goshen Community Orchard

- ◇ Established in 2019 as an initiative to connect people with food
- ◇ 85 total plants and over 25 varieties as of November 2022
- ◇ Over 250 plants and upwards of 50 varieties as of August 2023
- ◇ Tasks
  - ◇ Evaluating existing plants and diversifying
  - ◇ Infrastructure
  - ◇ Maintenance
  - ◇ Education
  - ◇ Vision



**AmeriCorps**





## Climate action plan

- ◆ Net-Zero by 2035
- ◆ Strategy #7 – Tree Canopy
- ◆ Strategy #6 – Sustainable Land Use Through Resilient Ecosystems and Biodiversity
  - ◆ Goal #1 – Develop or Update long-term land-use plans for the city-owned property.
  - ◆ Goal #2 – Incorporate Canopy Goal objectives and apply appropriate tree maintenance practices on all City properties and right-of-ways.
  - ◆ Goal #3 – Develop City-Wide landscape maintenance policies on fertilizer, irrigation, mowing, and other practices, aimed at best sustainable use.
- ◆ Trees provide more than just shade!



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## Orchard Inventory and Planting

- ◆ Assessment of existing plants
- ◆ Organization and mapping
- ◆ Species research
- ◆ Purchasing for spring planting
  - ◆ Purchasing process
  - ◆ Plant list



AmeriCorps



## Research

- ◆ Grafting workshop at Merry Lea Sustainable Farm
- ◆ Purdue Fruit Growers meeting at Kercher Orchards
- ◆ Exploring orchard programs in other states and overseas
- ◆ Indiana Arborist Association conference
- ◆ Clay Bottom Farm masterclass



AmeriCorps



## Orchard Infrastructure

- ◆ Deer fence
- ◆ Permanent sign at the Orchard
- ◆ Shed for orchard maintenance tools



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## Orchard Maintenance

- ◇ Spring pruning
- ◇ Spring planting
  - ◇ Soil amendments
- ◇ Weeding
- ◇ Mulching
- ◇ Watering



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## Education

- ◇ Public unawareness
- ◇ Flyers and informational signs
- ◇ Arbor day presence
- ◇ Community conversations



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## Vision

- ◇ Connect, Grow, Share
  
- ◇ Goals
  - ◇ Create a community space that fosters relationships
  - ◇ Add to ecosystem diversity
  - ◇ Address local food insecurity
  - ◇ Promote life learning
  - ◇ Create a volunteer network
- ◇ What is a food forest?



**AmeriCorps**



## Shae Medlen

- ◇ Grew up in Middlebury
- ◇ School background
  - ◇ Associate of Applied Science in Business Administration, 2017
  - ◇ Bachelor of Science in Environmental Policy and Management, 2022
- ◇ Professional background
  - ◇ Local Credit Union



**AmeriCorps**



## Active Transportation

- ◆ Research
- ◆ Bicycle Friendly America
- ◆ Events and public education
- ◆ Trail surveying and GIS



## Climate Action Plan

- ◆ Net-Zero by 2035
- ◆ Strategy #3 and 4 – Sustainable Transportation and Infrastructure
  - ◆ Action 3.6 - Develop an education and awareness campaign to promote bicycling and identify and eliminate barriers, where possible, to employees bicycling to work.
  - ◆ Action 3.7 - Develop guidance to allow & encourage bicycling as a commuting option during the workday (where applicable), including bike storage infrastructure.
  - ◆ Action 3.8 - Start a pilot program to provide "fleet" bikes at appropriate City buildings to reduce miles driven using motorized vehicles.
  - ◆ Action 3.9 - Continue to work to achieve the goals of Goshen's Bicycle and Pedestrian Plan. Work to achieve "Silver" status as a Bicycle Friendly Community.



## Bicycle Friendly America

- ◆ Internal promotion of cycling
- ◆ Public facing education
- ◆ Collaborating with Local Businesses



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## Bicycle Friendly America

- ◆ Bicycle Friendly Business
  - ◆ City of Goshen
    - ◆ Bronze
  - ◆ Lincoln Avenue Cycling
    - ◆ Silver
  - ◆ Maple City Market
    - ◆ Silver
  - ◆ Goshen Brewing Company
    - ◆ Bronze
- ◆ Bicycle Friendly Community – Active Transportation Committee
  - ◆ Application Due August 30<sup>th</sup>



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## Active Transportation Events

- ◇ E-Bike Try-Athlon
  - ◇ May 5<sup>th</sup>
- ◇ First Fridays Bike Valet
  - ◇ May 5<sup>th</sup>
- ◇ Goshen Women's Ride
  - ◇ May 21<sup>st</sup>



## E-bike Try-Athlon

- ◇ E-bikes are available to City employees throughout their workday
- ◇ Encouraged employees to test ride the E-bikes
- ◇ 33 total people road the E-bikes
  - ◇ Three from public
- ◇ Additional bikes requested/added



## Bike Valet

- ◇ Bicycle parking for First Fridays
- ◇ Free safety checks and minor tune-ups from Lincoln Avenue Cycling
- ◇ 29 total bikes serviced



## Goshen Women's Ride

- ◇ Women make up less than 30% of cyclists in the US
- ◇ Offer safe space to cycle comfortably
- ◇ Offer a unique element
  - ◇ Historical tour
- ◇ 28 people signed up
  - ◇ 55 people showed up



## Trail Surveying and GIS

- ◇ Mapped Larry Beachy Classified Forest
- ◇ Surveyed over 20 miles of trails
- ◇ Abshire Park Trail Tracker



## Additional Service Highlights

- ◇ Member collaboration
- ◇ Professional development
  - ◇ AmeriCorps Service Week
  - ◇ AmeriCorps National Service Training
  - ◇ Indiana Arborist Association Conference
- ◇ Forestry





## Additional Service Highlights Cont.

- ◆ Mirth Tree
- ◆ Bathroom flyer
  - ◆ Ten total
    - ◆ November-August
- ◆ Planting native flowers in stormwater basin



## AmeriCorps Pledge

I will get things done for America – to make our people safer, smarter, and healthier.

I will bring Americans together to strengthen our communities.

Faced with apathy, I will take action.

Faced with conflict, I will seek common ground.

Faced with adversity, I will persevere.

I will carry this commitment with me this year and beyond.

I am an AmeriCorps member, and I will get things done.





Rhonda L. Yoder, AICP  
PLANNING & ZONING DEPARTMENT, CITY OF GOSHEN  
204 East Jefferson Street, Suite 4 • Goshen, IN 46528-3405

Phone (574) 537-3815 • Fax (574) 533-8626 • TDD (574) 534-3185  
rhodayoder@goshencity.com • www.goshenindiana.org

## MEMORANDUM

TO: Goshen Common Council  
FROM: Rhonda L. Yoder, City Planner  
DATE: August 7, 2023  
RE: Ordinance 5162

The Goshen Plan Commission met on July 18, 2023, in regular session and considered a request for a text amendment to the Goshen Zoning Ordinance, Ordinance 3011, to make routine corrections and edits, including to delete swallowtail streamers as a sign type, to update tourist home definition and allow as a permitted use rather than a conditional use, to delete minimum building size in the R-4 District per recent State law change, to update B-4 District to allow outside display as in B-3 District, to add allowance for awning valance lettering, to allow up to 75% of sign area for an electronic message center (EMC) sign, to allow administrative review for bufferyard landscaping changes when utilities or utility easements are present, to update the conditional use section to delete all PUD District references and to generally exclude fences as a structure that requires an increased setback, to remove drive-in establishment as a conditional use in B-2 District, to add fee for a request to modify commitment, to delete PUD and Historic District columns from Table of Permitted Uses, to add two uses to the Table of Permitted Uses that are currently in Table of Parking Requirements only, to allow business offices in M-1 and M-2 Districts, and to add corporate offices as a new use, conditional in the B-1 District and permitted in B-2, B-3, B-4, M-1 and M-2 Districts, with the following outcome:

*Forwarded to the Goshen Common Council with a favorable recommendation by a vote of 6-0.*

The proposed changes are summarized in an attached memo and shown in the attached red-lined document.

The Planning office received no comments/questions prior to the Plan Commission meeting, and at the Plan Commission meeting there were no comments/questions from the public.

**ORDINANCE 5162**

**AN AMENDMENT TO GOSHEN ZONING ORDINANCE 3011**

WHEREAS, the Goshen City Plan Commission from time to time finds it necessary to amend the Goshen Zoning Ordinance, and did after proper legal notice conduct a hearing on said Ordinance as provided by law on the 18th day of July 2023, and did recommend the adoption of an amendment to the Goshen Zoning Ordinance, by a unanimous vote of 6-0.

WHEREAS, the proposed amendment continues the stated purpose of the current Zoning Ordinance;

WHEREAS, the proposed amendment is intended to make routine edits, address several discrepancies, and make changes to streamline the zoning review process;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Goshen, Indiana, that the following changes shall be made to the Goshen Zoning Ordinance as indicated:

**ARTICLE II. DEFINITIONS**

Section 2110                    Definitions of Words and Phrases.

Sign, Structural Types.

*Delete point S, Streamers, Swallowtail, and reorder accordingly.*

*Replace Tourist Home existing definition as follows:*

Tourist Home. An occupied dwelling in which sleeping rooms are provided or offered to transient guests for compensation. Tourist home does not include a short term rental (as defined by Indiana Code), hotel, apartment hotel or motel.

**ARTICLE IV. ESTABLISHMENT OF ZONING DISTRICTS**

Section 4180                    R-4: Residential (Mobile Home Subdivisions and Mobile Home Parks) District Regulations.

*Delete Section 4180.4 and reorder accordingly.*

Section 4220                    B-4: Commercial (Planned Shopping Center) District Regulations.

Section 4220.11                Miscellaneous Requirements.

*Replace Section 4220.11.G as follows:*

G. All business shall be conducted in a completely enclosed building. No storage will be permitted outside; however, outside display of merchandise for sale on site will be permitted when part of and related to an active principal use. Outside display shall maintain the same setbacks as primary structures.



Section 4250                    Planned Unit Development District Regulations.

Section 4250.11                Supplemental Regulations.

*Delete Section 4250.11.I.*

Section 4280                    Historic Commercial District (Overlay District).

Section 4280.2                Permitted Sign Types.

*Add new point e to Section 4280.2.B.1 as follows:*

B.        Wall Signs

1. Number. A maximum of one (1) wall sign per street frontage per establishment shall be permitted, except that:
  - e. In addition to the permitted wall sign(s), the valance of an awning is permitted to have lettering without signable wall area review. The valance shall maintain a minimum clearance of eight feet (8') from finished grade to the lower edge of the valance.

*Replace Section 4280.2.B.4 as follows:*

4. Percentage of Area. The area of a wall sign shall not exceed the maximum percentage of signable wall area as specified in the Table of Sign Requirements. The maximum wall sign area shall not exceed seventy-five (75) square feet.

*Replace Section 4280.2.G.3 as follows:*

G.        Electronic Message Center Signs. Electronic message center (EMC) signs shall be permitted in the non-core Historic District only, as shown in Appendix I, provided that:

3. No more than seventy-five percent (75%) of the sign area may be EMC sign, and EMC signs are counted as part of the total sign area.

Section 4280.7                Abandoned Signs.

*Replace Section 4280.7.A as follows:*

A.        Any sign which is located on property which becomes vacant for greater than sixty (60) days shall be presumed to have been abandoned.

## ARTICLE V.    SUPPLEMENTAL REGULATIONS

Section 5000                    Landscape Regulations for Development.

Section 5000.1                General Landscaping Provisions.

*Replace Section 5000.1, Table 1, as follows:*

TABLE 1 – LOCATION OF LANDSCAPING BY ZONING DISTRICT													
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2	PUD
Streetside Landscaping	X	X	X	X	X	X	X	X	X	X	X	X	X
Bufferyard Landscaping		X		X	X		X		X	X	X	X	X
Foundation Landscaping					O*		O*		O*	O*			O*
Off Street Parking Area Landscaping	X	X	X	X	X	X	X	X	X	X	X	X	X

\*O (optional)

Section 5000.3 Bufferyard Landscaping.

*Replace Section 5000.3.C as follows:*

- C. Utility Easement Landscaping – In those instances where overhead utility lines are located within perimeter or residential bufferyards, plant material selections shall be limited to small trees, which typically do not exceed twenty-five (25) feet in height at maturity. Appropriate utility easement plant materials may include: ornamental trees or, coniferous trees (narrow spread). When utilities and/or utility easements are located in areas where bufferyard landscaping is required, the Zoning Administrator may approve revised planting locations, provided the number of required trees and plant material is not reduced and provided the revised location fulfills the intent of the required bufferyard.

Section 5100 Signs.

Section 5100.2 Permitted Sign Types.

*Replace Section 5100.2.B.2.i as follows:*

- B. Changeable Copy and Electronic Message Center Signs

2. Electronic message center signs are subject to the following:
  - i. No more than seventy-five percent (75%) of the sign area may be electronic message center.

*Replace Sections 5100.2.E.2, 3 and 5 as follows:*

- E. Temporary and Mobile Signs

2. Temporary or mobile signs shall not exceed 50 square feet in area, excluding temporary pennants.
3. Temporary pennants shall be for temporary use only, not to exceed 120 days in a twelve month period of time following the issuance of a zoning clearance and sign permit by the Goshen Building Department, if required. Temporary pennants shall be displayed for a minimum interval of 60 days, no more than two times in a twelve month period of time.
5. A mobile or temporary sign shall be for temporary use only, not to exceed a total of 60 days in a twelve month period of time following the issuance of a zoning clearance, and sign permit by Goshen Building Department if required.

Section 5100.6            Sign Permits.

*Replace Section 5100.6.B as follows:*

- B.        Temporary signs shall be issued with a temporary sign permit for a period not to exceed 60 days.

Section 5190            Screening Requirements.

*Replace Section 5190.C as follows:*

- C.        Where plant materials are used, said materials shall be of a species that is suited to local climatic and soil conditions and shall be not less than four feet high and which at maturity are not less than eight feet high.

Section 5200            Conditional Uses.

Conditional Use (list of uses)

*Delete Tourist Homes from list.*

*Replace the listed Conditional Use sections as follows, retaining all other existing information:*

Animal Clinics & Hospitals (Veterinary Clinics).

- C.        The buildings or structures, excluding fences, shall be located a minimum of 50 feet from adjacent side and rear property lines, except where the adjacent uses are residential or are residentially zoned. Then the side and rear yards shall be increased to 100 feet.

Cemeteries.

- C.        Building or structures, excluding fences, located in the cemeteries shall be set back a minimum of 50 feet from all property lines.

Child Care Homes.

Child care homes shall be permitted in the A-1 Agricultural District, the R-1, R-1S, R-2, R-3, and R-4 Residential Districts, and in the B-1 and B-2 Commercial Districts, provided they meet the following requirements:

Churches, Chapels, Temples, Synagogues, etc.

- B.        Buildings or structures, excluding fences, shall be set back a minimum of 50 feet from all residential uses or residential zoning district boundary.

Community Centers.

Community centers shall be permitted in the R-1, R-1S, R-2, R-3, and R-4 Residential Districts provided that they meet the following requirements:

- A.        Building and structures, excluding fences, shall be located a minimum of 50 feet from all residential uses or residential zoning district boundary.

Contractors Materials & Supplies (outside storage included).

- A.        Building and structures, excluding fences, shall be located a minimum of 50 feet from an adjacent residential use or residential zoning district boundary.

Convents and Monasteries.

- B. All buildings or structures, excluding fences, shall be set back a minimum distance of 50 feet from all adjacent residential uses or residential zoning district boundary. However, dormitories or group housing quarters located on the premises, heating or air conditioning equipment, laundry and kitchen facilities and parking areas, shall be located a minimum of 100 feet from an adjacent residential use.

Drive-In Establishment.

Drive-in establishments shall be permitted in the B-3 Commercial District provided that they meet the following requirements:

Electrical and Plumbing Sales, Wholesale (outside storage included).

- A. Buildings and structures, excluding fences, shall be located a minimum of 50 feet from an adjacent residential use or residential zoning district boundary.

Farm Implement Sales & Service (including outside storage).

- B. Buildings and structures, excluding fences, shall be located a minimum of 50 feet from the side and rear property lines when they are adjacent to a residential use or a residential zoning boundary.

Gasoline Service Stations.

- A. Gasoline Service Stations (Major Repair).
  - 4. Buildings or structures, excluding fences, shall be located a minimum of 25 feet from the nearest property line of an adjacent residential use or residential district or boundary line.
- B. Gasoline Service Stations (Minor Repair Only).
  - 4. Buildings or structures, excluding fences, shall be located a minimum of 25 feet from the nearest property line of an adjacent residential use or residential district boundary line.

Golf Courses (Quasi-Public).

- A. Buildings, structures (excluding fences), and parking areas shall be located a minimum distance of 50 feet from any adjacent residential use or residential zoning district boundary lines.

Group Care Homes (7 to 12 Occupants).

Group care shall be permitted in the A-1 Agricultural District and all Residential Districts provided that they meet the following requirements:

Group Housing Quarters (Dormitories, etc.).

Group housing quarters, which shall include, but not be limited to, fraternity and sorority houses and nurses residences, shall be permitted in the R-1S and R-3 Residential Districts provided that they meet the following requirements:

- A. Buildings and structures, excluding fences, shall be located a minimum of 50 feet from an adjacent residential use or residential zoning district boundary.

Hospitals, Institutions, and Sanitariums.

- B. Buildings or structures, excluding fences, but including heating and air conditioning equipment and laundry and kitchen facilities shall be located a minimum of 100 feet from any adjacent residential use or residential zoning district boundary.

Meat & Poultry Packing & Processing.

- B. Buildings and structures, excluding fences, shall be located 100 feet from any property line except when the use is adjacent to residential uses or a residential zoning district boundary line. Then the use shall be 500 feet from the side and rear property lines.

Model Home (Sales Office), Temporary.

Model Homes or Temporary Sales Offices shall be permitted in the R-1, R-1S, R-2, R-3, and R-4 Residential Districts provided that they meet the following requirements:

Offices.

Offices shall be permitted in the B-1 Commercial District, provided that they meet the following requirements:

Paper Products Manufacturing.

- A. Buildings and structures, excluding fences, shall be located a minimum of 300 feet from all property lines, except when adjacent to residential uses or residential zoning district boundary lines. Then the side and rear setback lines shall be a minimum of 500 feet.

Parks, Playgrounds, Tot Lots, and Golf Courses (Public).

- A. No building or structure, excluding fences, shall be located closer than 50 feet from any residential use or residential zoning district boundary line.

Schools (Elementary, Middle, and High).

Said uses shall be permitted in the A-1 Agricultural District, the R-1, R-1S, R-2, R-3, and R-4 Residential District, provided that they meet the following requirements:

- A. Buildings and structures, excluding fences, shall be located a minimum of 50 feet from all property lines when adjacent to residential uses or residential zoning district boundary lines. Buildings used for musical instruction, power houses, heating and air conditioning units, and athletic fields and stadiums shall be located 100 feet from said residential uses or zoning districts.

Social Rehabilitation Centers.

Social rehabilitation centers shall be permitted in R-1S, and R-3 Residential Districts, provided that they meet the following requirements:

Storage, Inside (Involving Fire or Explosive Hazards, Radioactivity).

- C. Buildings or structures, excluding fences, shall be located a minimum of 100 feet from all property lines, except when adjacent to a residential use or residential zoning boundary line. Then the uses shall be located 500 feet from the side and rear property lines.

Swimming Pools (Quasi-Public).

Swimming pools shall be permitted in the R-1, R-1S, R-2, R-3, and R-4 Residential Districts provided that they meet the following requirements:

- D. No building or structure, excluding fences, but including pumps, filters, and other similar equipment, shall be located closer than 50 feet from an adjacent residential use or residential zoning district boundary line.

Swimming Pools (Private).

Private swimming pools shall be permitted in the A-1 Agricultural District, the R-1, R-1S, R-2, R-3, and R-4 Residential Districts, provided that they meet the following requirements:

Tennis Courts (Quasi-Public).

Quasi-public tennis courts shall be permitted in the R-1, R-1S, R-2, R-3 and R-4 Residential Districts, provided that they meet the following requirements:

Tennis Courts (Private).

Private tennis courts shall be permitted in the A-1 Agricultural District, the R-1, R-1S, R-2, R-3, and R-4 Residential Districts, provided that they meet the following requirements:



Tower, Data Communication.

Data communication towers shall be permitted in the B-2, B-3 and B-4 Commercial Districts, in the M-1 and M-2 Industrial Districts, provided they meet the following requirements:

*Delete Tourist Homes section.*

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

Section 6230 Variance.

*Replace existing Section 6230 as follows:*

The Board of Zoning Appeals may decide variations of the provisions of this ordinance in harmony with its general purpose and intent, and may vary them only in specific instances hereinafter set forth. The Board of Zoning Appeals, based on standards hereinafter prescribed and after hearing, may decide, by a majority vote of all members of the Board of Zoning Appeals, that there are practical difficulties or particular hardship in the way of carrying out the strict letter of the regulations of this ordinance.

Section 6250 Non-Conforming Lots of Record, Structures and Uses.

Section 6250.2 Non-Conforming Uses of Land.

*Replace Section 6250.2.A as follows:*

- A. No such non-conforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of this ordinance.

Section 6260 Violation and Penalty.

*Replace Section 6260.D as follows:*

- D. The Board of Zoning Appeals or the Plan Commission may institute a suit for injunction in a court of competent jurisdiction to restrain any person from violating this ordinance. A suit for mandatory injunction may be instituted in a court of competent jurisdiction directing a person to remove a structure erected in violation of this ordinance.

APPENDICES

APPENDIX B Fee Schedule

*Add new case and fee to end of existing list as follows:*

Request to Modify Commitment	\$125.00
------------------------------	----------

Appendix E Table of Permitted Uses

*Delete PUD and Historic District columns from Table of Permitted Uses.*

*Add new uses as follows:*

TABLE OF PERMITTED USES (P = Permitted Use; C = Conditional Use)														
USE	DISTRICT													
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2		WCSL OVERLAY DISTRICT
Automobile Parts and Supplies Sales									P		P	P		
Mobile Home, Manufactured Home and Recreational Vehicle Sales and Service									P		P	P		
Offices, Corporate							C	P	P	P	P	P		

Amend Offices, Business and Tourists Homes uses as follows:

TABLE OF PERMITTED USES (P = Permitted Use; C = Conditional Use)														
USE	DISTRICT													
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2		WCSL OVERLAY DISTRICT
Offices, Business							C	P	P	P	P	P		
Tourists Homes	P	P	P	P	P			P						

PASSED by the Common Council of the City of Goshen on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Presiding Officer

Attest:

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on \_\_\_\_\_, 2023 at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

APPROVED AND ADOPTED by the Mayor of the City of Goshen on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Gina Leichty, Mayor



Rhonda L. Yoder, AICP  
PLANNING & ZONING DEPARTMENT, CITY OF GOSHEN  
204 East Jefferson Street, Suite 4 • Goshen, IN 46528-3405

Phone (574) 537-3815 • Fax (574) 533-8626 • TDD (574) 534-3185  
rhodayoder@goshencity.com • www.goshenindiana.org

## MEMORANDUM

TO: Goshen City Plan Commission/Goshen Common Council

FROM: Rhonda L. Yoder, City Planner

DATE: July 18, 2023

RE: Goshen Zoning Ordinance Text Amendment: Proposed Changes

- Definitions
  - Swallowtail Streamers – Delete, as in practice they are the same as fringe streamers.
  - Tourist Home – Update to occupied dwelling and exclude short term rental, which are regulated by Indiana Code.
- R-4 District (Mobile Home Subdivisions/Parks)
  - Delete minimum building size requirement, based on recent State law change that prohibits regulating minimum building size in mobile home communities.
- B-4 District (Planned Shopping Center)
  - Remove BZA approval requirement for outside display/sale of merchandise, and allow outside display/sale of merchandise the same as in B-3 District (General Commercial).
- Planned Unit Development (PUD) District
  - Edit to remove home occupation reference that should have been removed at the time home occupation regulations were updated.
- Historic Commercial District (Signs)
  - Add allowance for awning valance lettering as part of permitted wall signs.
  - Update wall sign percentage of area to make less confusing.
  - Allow electronic message center (EMC) sign area up to 75% of total sign area.
  - Edit abandoned sign language to add missing word.
- Landscape Regulations
  - Edit Table 1 to add required locations of landscaping that are missing from the table.
  - Add administrative review option where there are utilities or utility easements in areas where bufferyard landscaping is required.
- Signs
  - Allow electronic message center (EMC) sign area up to 75% of total sign area.
  - Delete swallowtail streamer references.
  - Update temporary sign days to reflect the total 60 allowed days, without reference to separate 30-day approvals (in two locations).
- Screening Requirements
  - Correct typo.
- Conditional Uses
  - Delete all references to PUD District, as the PUD District is not a stand-alone district, and the PUD District regulations define how to establish permitted uses and does not reference conditional use as a type of use.
  - Tourist Homes – Delete (to be added as a permitted use).

- Conditional Uses (continued)
  - Exclude fences as a structure that requires an increased setback. This is being updated in multiple conditional uses, but does not apply to all conditional uses.
  - Drive-In Establishment – Remove B-2 District, to address discrepancy where Table of Permitted Uses does not allow specific drive-in uses in the B-2 District, such as restaurants with drive-through. The exception is banks (Offices, Financial) which are permitted with drive-through in the B-2 District.
- Administration & Enforcement
  - Correct two typos.
  - Update court reference.
- Fee Schedule
  - Request to Modify Commitment - Add with a fee of \$125. Both Plan Commission and Board of Zoning Appeals include a public hearing process to modify a commitment, but no fee has been established. The proposed \$125 fee is similar to the existing \$125 fee for appeals and amendments.
- Table of Permitted Uses
  - Delete PUD column and all info in column
  - Delete Historic District column
  - Automobile Parts and Supplies Sales – Add use, permitted in B-3, M-1 and M-2 Districts, similar to other auto-related uses. This use is currently in the Table of Parking Requirements, but not in the Table of Permitted Uses.
  - Drive-In Establishments – Remove C (conditional use) from B-2 District, per prior explanation.
  - Mobile Home, Manufactured Home and Recreational Vehicle Sales and Service – Add use, permitted in B-3, M-1 and M-2 Districts. This use is currently in the Table of Parking Requirements, but not in the Table of Permitted Uses.
  - Offices, Business – Allow in M-1 and M-2 Districts in addition to existing permitted districts.
  - Offices, Corporate – Add new use, conditional in B-1 and permitted in B-2, B-3, B-4, M-1 and M-2 Districts.
  - Tourist Homes – Add A-1, R-1, R-1S and R-2 as permitted districts and delete B-3 District.

2023 Zoning Ordinance Amendment: Proposed Changes

ARTICLE II. DEFINITIONS

Section 2110 Definitions of Words and Phrases.

Sign, Structural Types.

S. ~~Streamers, Swallowtail is a temporary sign, with or without characters, letters, numbers, illustrations, symbols or other graphic elements, made of flexible plastic or fabric of any kind, swallowtail shaped, usually brightly colored, strung between buildings and/or structures.~~

Tourist Home. An occupied dwelling in which sleeping rooms are provided or offered to transient guests for compensation. Tourist home does not include a short term rental (as defined by Indiana Code), hotel, apartment hotel or motel.

ARTICLE IV. ESTABLISHMENT OF ZONING DISTRICTS

Section 4180 R-4: Residential (Mobile Home Subdivisions and Mobile Home Parks) District Regulations.

~~Section 4180.4 ——— Building Size.~~

~~No mobile home shall be placed in a mobile home subdivision or a mobile home park that has less than 320 square feet of occupied space.~~

Renumber remaining sections.

Section 4220 B-4: Commercial (Planned Shopping Center) District Regulations.

Section 4220.11 Miscellaneous Requirements.

G. All business shall be conducted in a completely enclosed building. No storage will be permitted outside; however, outside display of merchandise for sale on site will be permitted when part of and related to an active principal use. Outside display shall maintain the same setbacks as primary structures. ~~and no merchandise will be displayed outside except by permission of the BZA. This permission will only be granted for a limited time and shall be in conjunction with displays done with other businesses.~~

Section 4250 Planned Unit Development District Regulations.

Section 4250.11 Supplemental Regulations.

~~I. ——— Home Occupations. Home occupations as regulated in section 5200 of this ordinance.~~

Section 4280 Historic Commercial District (Overlay District).

Section 4280.2 Permitted Sign Types.



B. Wall Signs

1. Number. A maximum of one (1) wall sign per street frontage per establishment shall be permitted, except that:
  - e. In addition to the permitted wall sign(s), the valance of an awning is permitted to have lettering without signable wall area review. The valance shall maintain a minimum clearance of eight feet (8') from finished grade to the lower edge of the valance.
4. Percentage of Area. The area of a wall sign shall not exceed the maximum percentage of signable wall area as specified in the Table of Sign Requirements. ~~or ten (10) square feet, whichever is greater, however,~~ The maximum wall sign area shall not exceed seventy-five (75) square feet.

G. Electronic Message Center Signs. Electronic message center (EMC) signs shall be permitted in the non-core Historic District only, as shown in Appendix I, provided that:

3. No more than ~~seventy-five percent (75%)~~ ~~fifty percent (50%)~~ of the sign area may be EMC sign, and EMC signs are counted as part of the total sign area.

**Section 4280.7**            **Abandoned Signs.**

- A. Any sign which is located on property which becomes vacant for greater than sixty (60) days shall be presumed to have been abandoned.

**ARTICLE V. SUPPLEMENTAL REGULATIONS**

**Section 5000**            **Landscape Regulations for Development.**

**Section 5000.1**        **General Landscaping Provisions.**

TABLE 1 – LOCATION OF LANDSCAPING BY ZONING DISTRICT													
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2	PUD
Streetside Landscaping	X	X	X	X	X	X	X	X	X	X	X	X	X
Bufferyard Landscaping		X		X	X		X	X	X	X	X	X	X
Foundation Landscaping					O*		O*		O*	O*			O*
Off Street Parking Area Landscaping	X	X	X	X	X	X	X	X	X	X	X	X	X

\*O (optional)

**Section 5000.3**        **Bufferyard Landscaping.**

- C. Utility Easement Landscaping – In those instances where overhead utility lines are located within perimeter or residential bufferyards, plant material selections shall be limited to small trees, which typically do not exceed twenty-five (25) feet in height at maturity. Appropriate utility easement plant materials may include: ornamental trees or, coniferous trees (narrow spread.) **When utilities and/or utility**

easements are located in areas where bufferyard landscaping is required, the Zoning Administrator may approve revised planting locations, provided the number of required trees and plant material is not reduced and provided the revised location fulfills the intent of the required bufferyard.

**Section 5100**            **Signs.**

**Section 5100.2**        **Permitted Sign Types.**

B.        Changeable Copy and Electronic Message Center Signs

2. Electronic message center signs are subject to the following:

- i. No more than ~~seventy-five percent (75%)~~ ~~fifty percent (50%)~~ of the sign area may be electronic message center.

E.        Temporary and Mobile Signs

2. Temporary or mobile signs shall not exceed 50 square feet in area, excluding ~~swallowtail streamers or~~ temporary pennants.
3. Temporary pennants ~~and swallowtail streamers~~ shall be for temporary use only, not to exceed 120 days in a twelve month period of time following the issuance of a zoning clearance and sign permit by the Goshen Building Department, if required. Temporary pennants ~~and swallowtail streamers~~ shall be displayed for a minimum interval of 60 days, no more than two times in a twelve month period of time.
5. A mobile or temporary sign shall be for temporary use only, not to exceed a total of ~~60~~ ~~30~~ days in a twelve month period of time following the issuance of a zoning clearance, and sign permit by Goshen Building Department if required. ~~provided, the holder of said mobile or temporary sign permit may apply for a 30 day extension.~~

**Section 5100.6**        **Sign Permits.**

- B.        Temporary signs shall be issued with a temporary sign permit for a period not to exceed ~~60~~ ~~30~~ days. ~~The holder of a temporary sign permit may apply through the Zoning Administrator for a 30 day extension on the permit within ten working days of the expiration date. A temporary sign permit shall be renewed only once, after which time the permit shall be null and void.~~

**Section 5190**            **Screening Requirements.**

- C.        Where plant materials are used, said materials shall be of a species that is suited to local climatic and soil conditions and shall be not less ~~that~~ ~~than~~ four feet high and which at maturity are not less than eight feet high.

**Section 5200**            **Conditional Uses.**

**Conditional Use** (*list of uses*)

~~Tourist Homes~~

**Animal Clinics & Hospitals (Veterinary Clinics).**

- C. The buildings or structures, **excluding fences**, shall be located a minimum of 50 feet from adjacent side and rear property lines, except where the adjacent uses are residential or are residentially zoned. Then the side and rear yards shall be increased to 100 feet.

**Cemeteries.**

- C. Building or structures, **excluding fences**, located in the cemeteries shall be set back a minimum of 50 feet from all property lines.

**Child Care Homes.**

Child care homes shall be permitted in the A-1 Agricultural District, the R-1, R-1S, R-2, R-3, and R-4 Residential Districts, **and** in the B-1 and B-2 Commercial Districts, ~~and in the PUD District~~, provided they meet the following requirements:

**Churches, Chapels, Temples, Synagogues, etc.**

- B. Buildings or structures, **excluding fences**, shall be set back a minimum of 50 feet from all residential uses or residential zoning district boundary.

**Community Centers.**

Community centers shall be permitted in the R-1, R-1S, R-2, R-3, and R-4 Residential Districts ~~and in the PUD District~~ provided that they meet the following requirements:

- A. Building and structures, **excluding fences**, shall be located a minimum of 50 feet from all residential uses or residential zoning district boundary.

**Contractors Materials & Supplies (outside storage included).**

- A. Building and structures, **excluding fences**, shall be located a minimum of 50 feet from an adjacent residential use or residential zoning district boundary.

**Convents and Monasteries.**

- B. All buildings or structures, **excluding fences**, shall be set back a minimum distance of 50 feet from all adjacent residential uses or residential zoning district boundary. However, dormitories or group housing quarters located on the premises, heating or air conditioning equipment, laundry and kitchen facilities and parking areas, shall be located a minimum of 100 feet from an adjacent residential use.

**Drive-In Establishment.**

Drive-in establishments shall be permitted in the ~~B-2 and~~ B-3 Commercial Districts provided that they meet the following requirements:

**Electrical and Plumbing Sales, Wholesale (outside storage included).**

- A. Buildings and structures, **excluding fences**, shall be located a minimum of 50 feet from an adjacent residential use or residential zoning district boundary.

**Farm Implement Sales & Service (including outside storage).**

- B. Buildings and structures, **excluding fences**, shall be located a minimum of 50 feet from the side and rear property lines when they are adjacent to a residential use or a residential zoning boundary.

**Gasoline Service Stations.**

**A. Gasoline Service Stations (Major Repair).**

4. Buildings or structures, **excluding fences**, shall be located a minimum of 25 feet from the nearest property line of an adjacent residential use or residential district or boundary line.

**B. Gasoline Service Stations (Minor Repair Only).**

4. Buildings or structures, **excluding fences**, shall be located a minimum of 25 feet from the nearest property line of an adjacent residential use or residential district boundary line.

**Golf Courses (Quasi-Public).**

- A. Buildings, structures (**excluding fences**), and parking areas shall be located a minimum distance of 50 feet from any adjacent residential use or residential zoning district boundary lines.

**Group Care Homes (7 to 12 Occupants).**

Group care shall be permitted in the A-1 Agricultural District and all Residential Districts ~~and the PUD District~~ provided that they meet the following requirements:

**Group Housing Quarters (Dormitories, etc.).**

Group housing quarters, which shall include, but not be limited to, fraternity and sorority houses and nurses residences, shall be permitted in the R-1S and R-3 Residential Districts ~~and PUD Districts~~ provided that they meet the following requirements:

- A. Buildings and structures, **excluding fences**, shall be located a minimum of 50 feet from an adjacent residential use or residential zoning district boundary.

**Hospitals, Institutions, and Sanitariums.**

- B. Buildings or structures, **excluding fences**, **but** including heating and air conditioning equipment and laundry and kitchen facilities shall be located a minimum of 100 feet from any adjacent residential use or residential zoning district boundary.

**Meat & Poultry Packing & Processing.**

- B. Buildings and structures, **excluding fences**, shall be located 100 feet from any property line except when the use is adjacent to residential uses or a residential zoning district boundary line. Then the use shall be 500 feet from the side and rear property lines.

**Model Home (Sales Office), Temporary.**

Model Homes or Temporary Sales Offices shall be permitted in the R-1, R-1S, R-2, R-3, and R-4 Residential Districts ~~and in the PUD District~~, provided that they meet the following requirements:

**Offices.**

Offices shall be permitted in the B-1 Commercial District ~~and PUD District~~, provided that they meet the following requirements:

**Paper Products Manufacturing.**

- A. Buildings and structures, **excluding fences**, shall be located a minimum of 300 feet from all property lines, except when adjacent to residential uses or residential zoning district boundary lines. Then the side and rear setback lines shall be a minimum of 500 feet.

**Parks, Playgrounds, Tot Lots, and Golf Courses (Public).**

- A. No building or structure, **excluding fences**, shall be located closer than 50 feet from any residential use or residential zoning district boundary line.

**Schools (Elementary, Middle, and High).**

Said uses shall be permitted in the A-1 Agricultural District, the R-1, R-1S, R-2, R-3, and R-4 Residential District, ~~and the PUD District~~, provided that they meet the following requirements:

- A. Buildings and structures, **excluding fences**, shall be located a minimum of 50 feet from all property lines when adjacent to residential uses or residential zoning district boundary lines. Buildings used for musical instruction, power houses, heating and air conditioning units, and athletic fields and stadiums shall be located 100 feet from said residential uses or zoning districts.

**Social Rehabilitation Centers.**

Social rehabilitation centers shall be permitted in R-1S, and R-3 Residential Districts ~~and the PUD District~~, provided that they meet the following requirements:

**Storage, Inside (Involving Fire or Explosive Hazards, Radioactivity).**

- C. Buildings or structures, **excluding fences**, shall be located a minimum of 100 feet from all property lines, except when adjacent to a residential use or residential zoning boundary line. Then the uses shall be located 500 feet from the side and rear property lines.

**Swimming Pools (Quasi-Public).**

Swimming pools shall be permitted in the R-1, R-1S, R-2, R-3, and R-4 Residential Districts ~~and the PUD District~~, provided that they meet the following requirements:

- D. No building or structure, **excluding fences**, **but** including pumps, filters, and other similar equipment, shall be located closer than 50 feet from an adjacent residential use or residential zoning district boundary line.

**Swimming Pools (Private).**

Private swimming pools shall be permitted in the A-1 Agricultural District, the R-1, R-1S, R-2, R-3, and R-4 Residential Districts, ~~and the PUD District~~ provided that they meet the following requirements:

**Tennis Courts (Quasi-Public).**

Quasi-public tennis courts shall be permitted in the R-1, R-1S, R-2, R-3 and R-4 Residential Districts, ~~and the PUD District~~, provided that they meet the following requirements:

**Tennis Courts (Private).**

Private tennis courts shall be permitted in the A-1 Agricultural District, the R-1, R-1S, R-2, R-3, and R-4 Residential Districts, ~~and the PUD District~~, provided that they meet the following requirements:

**Tourist Homes.**

~~Tourist homes shall be permitted in the R-1S Special Residential District provided that they meet the R-3 Requirements.~~

**Tower, Data Communication.**

Data communication towers shall be permitted in the B-2, B-3 and B-4 Commercial Districts, in the M-1 and M-2 Industrial Districts, ~~and in the PUD District~~, provided they meet the following requirements:

**ARTICLE VI. ADMINISTRATION AND ENFORCEMENT**

**Section 6230            Variance.**

The Board of Zoning Appeals may decide variations of the provisions of this ordinance in harmony with its general purpose and intent, and may vary them only in specific instances hereinafter set forth. The Board of Zoning Appeals, based on standards hereinafter prescribed and after hearing, may decide, by a majority vote of all members of the Board of Zoning Appeals, that there are practical difficulties or particular hardship in the way of carrying ~~out~~ the strict letter of the regulations of this ordinance.

**Section 6250            Non-Conforming Lots of Record, Structures and Uses.**

**Section 6250.2        Non-Conforming Uses of Land.**

A.        No such non-conforming use shall be enlarged or **increased increase**, or extended to occupy a greater area of land than was occupied at the effective date of this ordinance.

**Section 6260            Violation and Penalty.**

D.        The Board of Zoning Appeals or the Plan Commission may institute a suit for injunction in **a court of competent jurisdiction the Circuit Court** to restrain any person from violating this ordinance. A suit for mandatory injunction may be instituted in **a court of competent jurisdiction the Circuit Court** directing a person to remove a structure erected in violation of this ordinance.

**APPENDICES**

**APPENDIX B            Fee Schedule**

<b>Request to Modify Commitment.....\$125.00</b>
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**Appendix E            Table of Permitted Uses**

Delete PUD and Historic District columns from Table of Permitted Uses.

TABLE OF PERMITTED USES (P = Permitted Use; C = Conditional Use)																	
USE	DISTRICT													<del>PUD</del>	WCSL OVERLAY DISTRICT	<del>HISTORIC DISTRICT</del>	
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2					
Adult Arcade									C								
Adult Bookstore, Adult Novelty Store and/or Adult Video									C								
Adult Business									C								
Adult Cabaret									C								



TABLE OF PERMITTED USES (P = Permitted Use; C = Conditional Use)																	
USE	DISTRICT														PUD	WCSL OVERLAY DISTRICT	HISTORIC DISTRICT
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2					
Adult Entertainment Center									C								
Adult Motel									C								
Adult Theater									C								
Air Cargo Services													P				
Aircraft Dealers													P				
Aircraft Maintenance and Service													P				
Aircraft Storage													P				
Airports													C				
Ambulance Services									P								
Amusement Centers (Video Arcades)									C	P							
Animal Clinics and Hospitals (No Outside Pens or Runs)									C		C	C					
Animal Clinics and Hospitals (With Outside Pens or Runs)											C	C					
Apiaries (Bee Keeping)	P																
Appliance Dealers, Household Sales and Service, Retail								P	P	P	P	P					
Armored Car Services									P		P	P					
Art Dealers								P	P	P							
Art Galleries								P	P	P							
Asphalt Product Manufacturing and/or Batch Plants													C				
Auction Houses (Agricultural and Livestock)	C																
Auction Houses (Non-Agricultural)									P		P	P					
Auditoriums (When Not Part of a School)								P	P		P	P					
Automobile Body Shops									C		P	P					
Automobile Dealers, New and Used, and Associated Services									P		P	P					
Automobile Dismantling and Impoundment Yards													C				
Automobile Glass, Installation and Sales									P		P	P					
Automobile Parts and Supplies Sales									P		P	P					
Automobile Repairs (Without Gas Pumps, Major Repair)									C		P	P					
Automobile Service Stations (See Gasoline Service Stations)																	
Automobile Washing and Waxing Facilities									P		P	P					

TABLE OF PERMITTED USES (P = Permitted Use; C = Conditional Use)																
USE	DISTRICT													WCSL OVERLAY DISTRICT	HISTORIC DISTRICT	
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2	PUD			
Bakeries, Non-Retail												P	P	P		
Bakeries, Retail							P	P	P	P				P		
Barber Shops							P	P	P	P				P		
Bars, Lounges, Taverns and Nightclubs								P	P	P						
Beauty Shops							P	P	P	P				P		
Beverage Distributors (Including Soft Drinks, Beer, Wine and Liquor)											P	P				
Bicycle Sales and Service							P	P	P	P	P	P		P		
Boarding Houses			C		P											
Boat Sales and Service										P		P	P			
Boat Storage (Inside Only)										P		P	P			
Boat Storage (Inside and Outside)											P	P				
Bottling Companies											P	P				
Broadcasting Studios								P	P		P	P				
Bus Garages											P	P				
Bus Terminals								C	C	C						
Campgrounds	C															
Catalogue Sales									P	P	P					
Cemeteries	C	C	C	C	C											
Chemical Manufacturing and/or Processing													C			
Child Care Centers	C	C	C	C	C	C	C	C	C	C	C	C		E		
Child Care Homes (In-Home Child Care)	C	C	C	C	C	C	C	C						E		
Churches, Chapels, Temples, Synagogues and Auxiliary Uses	C	C	C	C	C	C	C	C	C	C	C	C		E		
Cleaning Plants, Dry Cleaning and Laundries								P			P	P				
Cleaning Plants, Pick-up and Self- Service Laundries						P	P	P	P	P				P		
Clubs and Lodges (Not Including Gun Clubs)								P	P		P	P				
Community Centers		C	C	C	C	C								E		
Concrete Products and Bricks (Including Batch Plants, Outside Storage)													C			
Confined Feeding Operations	C															

TABLE OF PERMITTED USES (P = Permitted Use; C = Conditional Use)																
USE	DISTRICT														WCSL OVERLAY DISTRICT	HISTORIC DISTRICT
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2	PUD			
Construction Equipment, Heavy Duty, Sales and Service											P	P				
Contractors' Materials and Supplies (Inside Storage Only)									P		P	P				
Contractors' Materials and Supplies (Outside Storage)									C		P	P				
Convents and Monasteries		C	C		C											
Culture Centers								P	P							
Dairy Products and Processing											P	P				
Department Stores								P	P	P						
Drive-In Establishments (Uses not in this Table)								C	C							
Drug Stores and Pharmacies							P	P	P	P				P		
Dry Goods Stores								P	P	P						
Dwelling Units, Manufactured Home, Type I	P	P	P	P	P	P								P		
Dwelling Units, Manufactured Home, Type II						P										
Dwelling Units, Mobile Home						P										
Dwelling Units, Modular Homes	P	P	P	P	P	P								P		
Dwelling Units, Multi-Family			C		P			C						P		
Dwelling Units, Single-Family	P	P	P	P	P	P		C						P		
Dwelling Units, Single-Family, Attached			C	P	P			C						P		
Dwelling Units, Two-Family			C	P	P			C						P		
Electrical and Plumbing Sales, Retail (No Outside Storage)								P	P	P	P	P				
Electrical and Plumbing Sales, Wholesale (Including Outside Storage)									C		P	P				
Extraction and Related Industries													C			
Family Care Centers					C			C	C		C					
Family Care Homes (Six or Fewer Occupants)		C	C	C	C											
Farm Implement Sales and Service (Including Outside Storage)									C		P	P				
Farming, General	P	P	P													
Feed, Fertilizer and/or Seed Sales, Retail and Wholesale									C		P	P				

TABLE OF PERMITTED USES (P = Permitted Use; C = Conditional Use)																	
USE	DISTRICT													PUD	WCSL OVERLAY DISTRICT	HISTORIC DISTRICT	
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2					
Fertilizer Manufacturing													C				
Fire Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Fireworks, Sale of									P	P	P	P					
Floor Covering and Draperies								P	P	P	P	P					
Food Processing and Packaging											P	P					
Food Stores, Retail							P	P	P	P			P				
Foundries												P					
Freight Terminals											P	P					
Funeral Homes								P	P								
Furniture Refinishing and Stripping									P		P	P					
Furniture Stores							P	P	P	P							
Furrieries, Fur Shops and Storage								P	P	P							
Garden and Lawn Supply Stores								P	P	P	P	P					
Gas - Liquefied Petroleum, Bottled, and Bulk Storage and Manufacturing												C					
Gasoline Service Stations (Major Repair)									C		C						
Gasoline Service Stations (Minor Repair Only)								C	C	C	C						
Glass Distributors											P	P					
Glass Sales, Retail								P	P	P							
Golf Courses (Quasi-Public)	C	C	C														
Grain Elevators												P					
Grazing and Pasturage	C																
Greenhouses, Commercial	P								P		P	P					
Greenhouses, Private	C	C	C	C	C	C							C				
Grocery Stores, Retail							P	P	P	P			P				
Group Care Homes (7 to 12 Occupants)	C	C	C	C	C	C							C				
Group Housing Quarters (Dormitories, etc.)			C		C				P				C				
Gun Clubs								C	C		C	C					
Gun Sales								P	P	P	P	P					

TABLE OF PERMITTED USES (P = Permitted Use; C = Conditional Use)																	
USE	DISTRICT													PUD	WCSL OVERLAY DISTRICT	HISTORIC DISTRICT	
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2					
Gunsmith Shops (Repair Only)								P	P								
Hardware Stores								P	P	P							
Heating and Air Conditioning Sales and Service								P	P	P	P	P					
Heliports												C	C				
Home Occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Hospitals, Institutions and Sanitariums										C							
Hotels									P	P							
Hotels, Apartment									P	P							
Ice Manufacturing Plants												P	P				
Interior Decorating Stores									P	P	P						
Junkyards														C			
Kennels (With Outside Runs or Pens)	C									C		C	C				
Land Reclamation Projects	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
Landscaping Companies, Non-Retail Sales	P	P	P														
Landscaping Companies, Retail Sales										P		P	P				
Laundries, Commercial Plant									P	P		P					
Laundries, Pick-Up and Self- Service Coin-Operated						P	P	P	P	P					P		
Lawn Mower Sales and Service (Including Small Garden Tractors)										P	P	P	P				
Library, Branch		C	C	C	C	C	P				P				P		
Library, Main									P	P							
Liquor Stores (Package), Retail									P	P	P						
Locksmith Shops									P	P	P						
Lodging Houses			C		P												
Lumber Yards												P	P				
Machine Shops												P	P				
Marinas										P		P					
Massage Establishments										C							
Meat and Poultry Packing and Processing												C	C				
Metal Stamping Plants												P	P				

TABLE OF PERMITTED USES (P = Permitted Use; C = Conditional Use)																
USE	DISTRICT													PUD	WCSL OVERLAY DISTRICT	HISTORIC DISTRICT
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2				
Millwork Plants (Wood)												P	P			
Mining													C			
Mobile Home Parks						P										
Mobile Home Subdivisions						P										
Mobile/Modular Homes and Recreational Vehicle Manufacturing												P	P			
Mobile Home, Manufactured Home and Recreational Vehicle Sales and Service									P			P	P			
Model Homes (Sales Office, Temporary)		C	C	C	C	C									€	
Monument Sales (Inside Display and Storage)								P	P	P						
Monument Sales (Including Outside Display and Storage)									P			P	P			
Mortuaries								P	P							
Motels									P							
Motorcycle & Moped Sales and Service									P	P	P	P				
Non-permanent Food Vendor									C	C						
Nursing Homes			C		C				C							
Nurseries, Non-Retail Sales	P															
Offices (Except as Otherwise Provided for in this Table)																
Offices, Business							C	P	P	P	P	P	€			
Offices, Corporate							C	P	P	P	P	P	€			
Offices, Chiropractor							C	P	P	P			€			
Offices, Financial (No Drive-In Facilities)							C	P	P	P			€			
Offices, Financial (With Drive-In Facilities)								P	P	P						
Offices, Governmental							C	P	P	P			€			
Offices, Medical							C	P	P	P			€			
Offices, Organizational (Civic, Social, Service, Fraternal, Business, Labor, Professional and Religious)							C	P	P	P			€			
Offices, Professional							C	P	P	P			€			
Offices, Real Estate							C	P	P	P			€			
Package Liquor Stores, Retail								P	P	P						
Paint Stores								P	P	P						
Paper Products Manufacturing												C	C			



TABLE OF PERMITTED USES (P = Permitted Use; C = Conditional Use)																
USE	DISTRICT													PUD	WCSL OVERLAY DISTRICT	HISTORIC DISTRICT
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2				
Parking and Storage of Large Vehicles												P	P			
Parking Garages and Lots, Except for Parking and Storage of Large Vehicles, (Parking Other than that Required for Principal Use)						P		P	P			P	P			
Parks, Playgrounds, Tot Lots and Public Golf Courses	C	C	C	C	C	C	C	C	C	C	C	C	C	€		
Pawnshops and Secondhand Stores								P	P	P						
Pet Shops and Animal Grooming (Without Pet Boarding)								P	P	P						
Photo Pick-Up Stations							P	P	P	P						
Photo and Camera Supplies								P	P	P						
Photographic Studios								P	P	P						
Planned Developments														P		
Plastic Molding and Fabrication Plants												P	P			
Police Stations								P	P	P	P	P				
Poultry Dressing, Packing and Processing											C	C				
Printing (Newspapers, etc.)								P	P		P	P				
Printing and Blueprinting (Duplicating Only)							P	P	P	P				P		
Printing Plants (Full Scale Printing Operations)											P	P				
Produce Markets								P	P							
Race Tracks										C		C	C			
Radio, Television and Stereo Sales and Service								P	P	P						
Recording Studios								P	P		P	P				
Recreation Facilities (Quasi-Public and Indoor)								P	P	P	P	P				
Recreation Facilities (Quasi-Public and Outdoor, Except as Otherwise Provided in this Table)									P		P	P				
Recreational Vehicles Sales and Service									P		P	P				
Rental and Leasing Services (Including Outside Storage)									P		P	P				
Rental and Leasing Services (No Outside Storage)								P	P	P	P	P				
Repair Shops (Including Automobile, Truck, and Tractor)									C		P	P				
Repair Shops (Non-Automobile, No Outside Storage Included)							P	P	P		P	P	P			

TABLE OF PERMITTED USES (P = Permitted Use; C = Conditional Use)																
USE	DISTRICT													PUD	WCSL OVERLAY DISTRICT	HISTORIC DISTRICT
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2				
Research and Development Facilities and Laboratories (Involving Fire or Explosive Hazards, Radioactivity or Dangerous Gases)													C			
Research and Development Facilities and Laboratories (Not Involving Fire or Explosive Hazards, Radioactivity or Dangerous Gases)									P			P	P			
Restaurants (Including Drive-Ins)										P		P	P			
Restaurants (Not Including Drive-Ins)								P	P	P	P	P				
Roadside Stands	C															
Rooming Houses			C		P											
Rubber Products Manufacturing											P	P				
Sanitary Landfills											C	C				
Sawmills												P				
Schools, Art								P	P							
Schools, Aviation												P				
Schools, Business								P	P							
Schools, Colleges and Universities			P						P							
Schools, Driver Education								P	P		P	P				
Schools, Elementary	C	C	C	C	C	C							€			
Schools, Middle	C	C	C	C	C	C							€			
Schools, Secondary (High)	C	C	C	C	C	C							€			
Schools, Vocational								P	P		P	P				
Services, Commercial (Convenience Uses)							P	P	P	P	P	P	P			
Sheet Metal Work, Manufacturing											P	P				
Shoe Repair Shops							P	P	P	P						
Shoe Stores								P	P	P						
Sign Manufacturing (With Outside Storage)											P	P				
Sign Painting (No Outside Storage Included)									P		P	P				
Slaughterhouses, Meat and Poultry Packing and Processing												C				
Snowmobile Sales and Service									P		P	P				
Social Rehabilitation Centers			C		C								€			

TABLE OF PERMITTED USES (P = Permitted Use; C = Conditional Use)																	
USE	DISTRICT													WCSL OVERLAY DISTRICT	HISTORIC DISTRICT		
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2	PUD				
Specialty Shops (Except as Otherwise Provided in this Table)																	
Specialty Shops, Antiques								P	P	P							
Specialty Shops, Art and Art Supplies								P	P	P							
Specialty Shops, Books and Cards								P	P	P							
Specialty Shops, China								P	P	P							
Specialty Shops, Dairy Products							P	P	P	P					P		
Specialty Shops, Delicatessen							P	P	P	P					P		
Specialty Shops, Drafting Supplies								P	P	P							
Specialty Shops, Gifts								P	P	P							
Specialty Shops, Glassware								P	P	P							
Specialty Shops, Hobby								P	P	P							
Specialty Shops, Jewelry								P	P	P							
Specialty Shops, Leather								P	P	P							
Specialty Shops, Meat and Produce								P	P	P							
Specialty Shops, Metalware								P	P	P							
Specialty Shops, Music								P	P	P							
Specialty Shops, Record								P	P	P							
Specialty Shops, Sporting Goods								P	P	P							
Specialty Shops, Stationary and Cards								P	P	P							
Specialty Shops, Upholstery Shops and Upholsterers								P	P	P							
Stables	P																
Stereo, Radio and Television Sales and Service								P	P	P							
Storage, Inside (Involving Fire, Explosive, Hazards, Radioactivity or Dangerous Gases)											C	C					
Supermarkets								P	P	P					P		
Swimming Pools (Quasi- Public)		C	C	C	C	C									C		
Swimming Pools (Private)	C	C	C	C	C	C									C		
Tattoo Parlors									C		C						
Taxidermist								P	P								

TABLE OF PERMITTED USES (P = Permitted Use; C = Conditional Use)																	
USE	DISTRICT													PUD	WCSL OVERLAY DISTRICT	HISTORIC DISTRICT	
	A-1	R-1	R-1S	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	M-2					
Television, Radio and Stereo Sales and Service								P	P	P							
Television and Radio Stations and Towers (Over 50 Feet in Height)								P	P			P	P				
Tennis Courts (Private)	C	C	C	C	C	C										€	
Tennis Courts (Quasi-Public)		C	C	C	C	C										€	
Theaters (Not Including Drive-Ins)								P	P	P							
Theaters, Drive-Ins										C		C	C				
Tire Recapping and Retreading												P	P				
Tire Sales and Service								P	P	P		P	P				
Tool and Die Shops												P	P				
Tourists Homes	P	P	P-€	P	P			P	P								
Tower, Data Communication								C	C	C		C	C			€	
Truck Repairs, Heavy Trucks, etc.												P	P				
Truck Sales, New and Used, and Associated Services										P		P	P				
Truck Terminals												P	P				
Used or Secondhand Stores								P	P	P							
Utility Companies, Main Installation								P	P			P	P				
Utility Companies, Substations	C	C	C	C	C	C	C	C	C	C	C	C	C			€	
Variety Stores								P	P	P							
Veterinary Clinics and Hospitals (No Outside Pens or Runs)										C		C	C				
Veterinary Clinics and Hospitals (With Outside Pens or Runs)												C	C				
Warehousing, Commercial										P		P	P				
Warehousing, Mini										P		P	P				
Welding Shops												P	P				
Wholesale (Food), Non-Retail												P	P				
Wireless Facility with Wireless Support Structure																	P



City Clerk-Treasurer  
CITY OF GOSHEN

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TO: Mayor Gina Leichty and the Goshen Common Council

FROM: Richard R. Aguirre, Clerk-Treasurer

RE: Proposed Council Resolution 2023-xx, Category Transfer

DATE: August 7, 2023

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Thank you for considering Resolution 2022-xx, Category Transfer, which requests authorization from the Council and Mayor to move available resources between major categories within the City's funds. The Mayor and Clerk-Treasurer requested this resolution because the Common Council is the City's fiscal body which authorizes the City's budget and any budget adjustments.

An appropriation is "permission to spend available money" and is tied to a specific fund. Within a fund there are four spending categories and multiple accounts. The Department of Local Government Finance ("DLGF") requires Council approval to move an appropriation from one category to another. The Council can approve this when a department needs additional room to spend in one category and has available appropriations in another category.

By moving an appropriation from one category to another, the Council is only changing the category from which the City pays an expenditure. The Council is not approving any additional spending, so the fund's total appropriation remains the same.

For the proposed category transfer in Resolution 2022-xx, City Attorney Bodie Stegelmann recognized a need in one of his budget categories, reported the need to the Mayor and Clerk-Treasurer, and requested that the Council approve the transfer to continue their operations:

- The Legal Department requested a category transfer to fund services provided by Barks, Kolbus, Rife & Schuler, LLP under an amended agreement for attorney services

If the Council approves this proposed category transfer, the Clerk-Treasurer will then register the adjustment in the City's books and communicate the transfer to the department when completed. This category transfer is an adjustment that only requires Council approval to be final, and does not require notification to the DLGF.

**GOSHEN COMMON COUNCIL  
Resolution 2023-16**

**Category Transfer**

WHEREAS it is necessary to transfer funds between budget categories to cover expenses.

WHEREAS certain existing budget appropriations have unobligated funds that are available for the category transfer.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Common Council approves the transfer of funds between the following budget categories:

GENERAL FUND CATEGORY TRANSFER FROM:

Budget Category: Personnel  
Line Number: 101-510-05-411.0130  
Line Name: Legal / Full Time Personnel  
Amount of transfer: (\$30,000.00)

GENERAL FUND CATEGORY TRANSFER TO:

Budget Category: Other Services & Charges  
Line Number: 101-510-05-431.0000  
Line Name: Legal / Professional Services  
Amount of transfer: \$30,000.00  
Purpose of Transfer: To fund services provided by Barkes, Kolbus, Rife & Schuler, LLP under an amended agreement for attorney services.

PASSED by the Goshen Common Council on August \_\_\_\_\_, 2023.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on August \_\_\_\_\_, 2023, at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on August \_\_\_\_\_, 2023.

\_\_\_\_\_  
Gina Leichty, Mayor