



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, June 25, 2018

7:00 P.M.

1. **INVOCATION- SENIOR PASTOR GARY MCCALLUM- HEROES CAMP**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**
SPECIAL RESOLUTION HONORING CHANCELLOR TERRY ALLISON, INDIANA UNIVERSITY SOUTH BEND

LIMEBIKE UPDATE- NATHAN HASSE, OPERATIONS MANAGER
6. **REPORTS FROM CITY OFFICES**
7. **COMMITTEE OF THE WHOLE** **TIME:** _____
BILL NO.

14-18 PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 1619 S MICHIGAN STREET, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

23-18 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 17, ARTICLE 2, DIVISION 3, SECTION 17-8 (f) TO REVISE LOCAL PRETREATMENT STANDARDS FOR THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

24-18 PUBLIC HEARING ON AN ORDINANCE INITIATED BY THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 2 RESIDENTIAL DISTRICTS, ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS, AND

ARTICLE 7 GENERAL REGULATIONS TO REVISE OFF-STREET PARKING REGULATIONS

[27-18](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 9 OF THE SOUTH BEND MUNICIPAL CODE TO ADD SECTION 2-131.1 TO REQUIRE PERIODIC SEXUAL HARASSMENT AWARENESS AND PREVENTION TRAINING FOR ALL CITY OF SOUTH BEND EMPLOYEES, ALL CITY OF SOUTH BEND ELECTED OFFICIALS, AND ALL CITY OF SOUTH BEND APPOINTED OFFICIALS

8. **BILLS ON THIRD READING**

TIME:_____

BILL NO.

[14-18](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 1619 S MICHIGAN STREET, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

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9. **RESOLUTIONS**

BILL NO.

[18-15](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 122 MILTON STREET

[18-23](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 117 S WILLIAM STREET

[18-24](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 112 E INDIANA AVENUE

10. **BILLS ON FIRST READING**

BILL NO.

[28-18](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2018

[29-18](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2018 OF \$304,000 FROM GENERAL FUND (#101), (\$135,887) FROM PARKS & RECREATION FUND (#201), \$6,000 FROM MOTOR VEHICLE HIGHWAY FUND (#202), \$123,769 FROM RECREATION NONREVERTING (#203), (\$2,733) FROM GIFT DONATION BEQUEST FUND (#217), \$25,425 FROM LIABILITY INSURANCE PREMIUM RESERVE (#226), \$330,000 FROM LOCAL ROADS & STREETS (#251), \$100,000 FROM LOIT 2016 SPECIAL DISTRIBUTION (#257), \$595,304 FROM 2017 PARKS BOND DEBT SERVICE (#312), (\$626,302) FROM HALL OF FAME DEBT SERVICE (#313), \$275,000 COUNTY OPTION INCOME TAX (#401), \$25,000 FROM PARK NONREVERTING CAPITAL (#405), \$146,250 FROM ECONOMIC DEVELOPMENT INCOME TAX (#408), \$74,600 FROM MORRIS CAPITAL IMPROVEMENT (#416), AND \$1,867,115 FROM EQUIPMENT/VEHICLE LEASING (#750).

[30-18](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2018 OF \$311,276 FROM EMS CAPITAL FUND (#287), \$219,930 FROM SEWAGE WORKS OPERATING (#641), \$150 FROM 2011 SEWER BOND (#659), AND \$7,500 FROM 2012 SEWER BOND (#661).

11. **UNFINISHED BUSINESS**
BILL NO.

18-26 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1235 W NAPIER

12. **NEW BUSINESS**

13. **PRIVILEGE OF THE FLOOR**

14. **ADJOURNMENT**

TIME: _____

Notice for Hearing and Sight Impaired Persons
Auxiliary Aid Or Other Services Are Available Upon Request At No Charge.
Please Give Reasonable Advance Request When Possible.

In the interest of providing greater public access and to promote greater transparency, the South Bend Common Council agenda has been translated into Spanish. All agendas are available online from the Council's website, and also in paper format in the Office of the City Clerk, 4th Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the official text is the English version. Any discrepancies which may be created in the translation, are not binding. Such translations do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the Common Council or the City of South Bend, Indiana.



OFFICE OF THE CITY CLERK
KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
DATE: JUNE 21, 2018
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, JUNE 25, 2018:**

Council Informal Meeting Room
4th Floor County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

- 3:30 P.M.** **PERSONNEL & FINANCE** **KAREN L. WHITE, CHAIRPERSON**
1. [Bill No. 27-18](#)- City Employees, Elected and Appointed Officials Sexual Harassment Awareness Training
- 4:00 P.M.** **PARC** **SHARON L. MCBRIDE, CHAIRPERSON**
1. **Update**- Ecological Advocacy Committee (EAC), Aaron Perri and Steve Sass
2. **Update**- Charles Black Center, Aaron Perri- Venues, Parks & Arts
- 4:20 P.M.** **UTILITIES** **JAKE TESHKA, CHAIRPERSON**
1. [Bill No. 23-18](#)- Request for Amendment of Local Standard Regulations in the South Bend Municipal Code
- 4:35 P.M.** **ZONING & ANNEXATION** **OLIVER J. DAVIS, CHAIRPERSON**
1. **Update**- Zoning Ordinance: Subdivisions- Michael Divita
2. [Bill No. 24-18](#)- Revise Off-Street Parking Regulations
3. [Bill No. 18-15](#)- 122 Milton Street- Special Exception Use
4. [Bill No. 18-23](#)- 117 S. William Street- Special Exception Use
5. [Bill No. 18-24](#)- 112 E. Indiana Ave- Special Exception Use
6. [Bill No. 14-18](#)- Rezoning for 1619 S. Michigan Street

Council President Tim Scott has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Zoning & Annexation Committee Meeting.

INFORMAL MEETING OF THE COMMON COUNCIL

TIM SCOTT, PRESIDENT

1. Discussion of Council Agenda
2. Update and Announcements
3. Adjournment

INTEGRITY | SERVICE | ACCESSIBILITY

JENNIFER M. COFFMAN
CHIEF DEPUTY/DIRECTOR OF OPERATIONS

BIANCA L. TIRADO
DEPUTY/DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

455 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9221 | f 574.235.9173 | www.southbendin.gov



cc: Mayor Pete Buttigieg
Committee Meeting List
Media

NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS
Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible



2018 COMMON COUNCIL STANDING COMMITTEES (Rev. 06-14-18)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real and personal tax abatement requests and works closely with the Business Development Team.

Gavin Ferlic, Chairperson

Regina Williams-Preston, Vice-Chairperson

Oliver J. Davis, Member

Sharon L. McBride, Member

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Engagement and Economic Empowerment, Neighborhood Development, and Community Resources Teams within the City's Department of CI and is charged with facilitating partnerships and ongoing communications with other public and private entities operating within the City.

Regina Williams-Preston, Chairperson

Sharon L. McBride, Vice-Chairperson

Jake Teshka, Member

Karen L. White, Member

COUNCIL RULES COMMITTEE

Oversees the regulations governing the overall operation of the Common Council, as well as all matters of public trust. Its duties are set forth in detail in Section 2-10.1 of the *South Bend Municipal Code*.

Tim Scott, Member

Jake Teshka, Member

Gavin Ferlic, Member

Karen L. White, Member

HEALTH AND PUBLIC SAFETY COMMITTEE

Oversees the various activities performed by the Fire and Police Departments, EMS, Department of Code Enforcement, ordinance violations, and related health and public safety matters.

Jo M. Broden, Chairperson

John Voorde, Vice-Chairperson

Oliver J. Davis, Member

Karen L. White, Member

INFORMATION AND TECHNOLOGY COMMITTEE- Innovation

Oversees the various activities of the City's Department of Innovation, which includes the Divisions of Information Technology and 311 so that the City of South Bend remains competitive and on the cutting edge of developments in this area. Reviewing and proposing upgrades to computer systems and web sites, developing availability and access to GIS data and related technologies are just some of its many activities.

Tim Scott, Chairperson

Jake Teshka, Vice-Chairperson

Gavin Ferlic, Member

Sharon L. McBride, Member

PARC COMMITTEE- Venues Parks and Arts (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Four Winds Stadium, Morris Performing Arts Center, Studebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, My SB Trails, DTSB relations, and the many recreational and leisure activities offered by the Department of Venues Parks and Arts.

Sharon L. McBride, Chairperson

Gavin Ferlic, Vice-Chairperson

Oliver J. Davis, Member

John Voorde, Member



2018 COMMON COUNCIL STANDING COMMITTEES (Rev. 06-14-18)

PERSONNEL AND FINANCE COMMITTEE

Oversees the activities performed by the Department of Administration and Finance, and reviews all proposed salaries, budgets, appropriations and other fiscal matters, as well as personnel policies, health benefits and related matters.

Karen L. White, Chairperson
Gavin Ferlic, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

Oversees the various activities performed by the Building Department, the Department of Public Works and related public works and property vacation issues.

John Voorde, Chairperson
Sharon L. McBride, Vice-Chairperson

Jo M. Broden, Member
Gavin Ferlic, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

Oversees the various activities and issues related to neighborhood development and enhancement.

Karen L. White, Chairperson
Jo M. Broden, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

UTILITIES COMMITTEE

Oversees the activities of all enterprise entities including but not limited to the Bureau of Waterworks, Bureau of Sewers and all related matters.

Jake Teshka, Chairperson
Oliver J. Davis, Vice-Chairperson

Sharon L. McBride, Member
Regina Williams-Preston, Member

ZONING AND ANNEXATION COMMITTEE

Oversees the activities related to the Board of Zoning Appeals, recommendations from the Area Plan Commission and the Historic Preservation Commission, as well as all related matters addressing annexation and zoning.

Oliver J. Davis, Chairperson
John Voorde, Vice-Chairperson

Gavin Ferlic, Member
Jo M. Broden, Member

SUB-COMMITTEE ON MINUTES

Reviews the minutes prepared by the Office of the City Clerk of the regular, special and informal meetings of the Common Council and makes a recommendation on their approval/modification to the Council

Tim Scott
Jake Teshka



2018 COMMON COUNCIL STANDING COMMITTEES (Rev.02-26-18)

TIM SCOTT, 1ST District Council Member

President

Information and Technology, Chairperson

Council Rules Committee, Member
Sub-Committee on Minutes, Member

REGINA WILLIAMS-PRESTON 2nd District Council Member

Community Relations Committee, Chairperson
Community Investment Committee, Vice-Chairperson

Residential Neighborhood Committee, Member
Personnel & Finance Committee, Member
Utilities Committee, Member

SHARON L. MCBRIDE, 3rd District Council Member

PARC Committee, Chairperson
Community Relations Committee, Vice Chairperson
Public Works & Property Vacation, Vice Chair

Community Investment Committee, Member
Information & Technology Committee, Member
Utilities Committee, Member

JO M. BRODEN, 4TH District Council Member

Health and Public Safety Committee, Chairperson
Residential Neighborhood Committee, Vice-Chairperson

Public Works & Property Vacation, Member
Zoning & Annexation Committee, Member

JAKE TESHKA, 5TH District Council Member

Utilities Committee, Chairperson
Information and Technology Committee, Vice-Chairperson

Council Rules Committee, Member
Sub-Committee on Minutes, Member
Community Relations Committee

OLIVER J. DAVIS, 6TH District Council Member

Vice President

Zoning & Annexation Committee, Chairperson
Utilities Committee, Vice-Chairperson

Community Investment Committee, Member
Health & Public Safety Committee, Member
PARC Committee, Member

GAVIN FERLIC, AT LARGE Council Member

Chairperson, Committee of the Whole

Community Investment Committee, Chairperson
PARC Committee, Vice-Chairperson
Personnel & Finance Committee, Vice-Chairperson

Information & Technology Committee, Member
Public Works & Property Vacation, Member
Zoning & Annexation Committee, Member
Council Rules Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhood Committee, Chairperson
Personnel & Finance Committee, Chairperson

Community Relations Committee, Member
Council Rules Committee, Member
Health & Public Safety Committee, Member

JOHN VOORDE, AT LARGE Council Member

Public Works & Property Vacation, Chairperson
Health and Public Safety, Vice-Chairperson
Zoning & Annexation Committee, Vice-Chairperson

Residential Neighborhood Committee, Member
PARC Committee, Member
Personnel & Finance Committee, Member



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

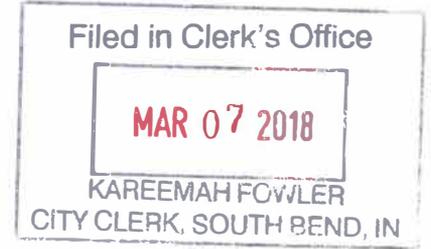
Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

March 6, 2018

Honorable Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: 1619 South Michigan Street
APC# 2865-18



Dear Council Members:

Enclosed in an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your March 12, 2018 Council meeting, and set it for public hearing at your April 23, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the April 17, 2018 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Jordan Wyatt". The signature is written over a dashed horizontal line.

Jordan Wyatt
Planner

CC: Bob Palmer



LAWRENCE P. MAGLIOZZI

EXECUTIVE DIRECTOR

Angela M. Smith

Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

Wednesday, May 16, 2018

The Honorable Council of the City of South Bend
4th Floor, County-City Building
South Bend, IN 46601

RE: A proposed ordinance of Delta One Properties, LLC to zone from LB Local Business District to CB Community Business District and seeking a Special Exception Use to allow automobile sales, property located at 1619 South Michigan Street, City of South Bend – APC# 2865-18.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Delta One Properties, LLC was legally advertised on May 3, 2018 and that the Area Plan Commission at its public hearing on May 15, 2018 took the following action:

Upon a motion by John McNamara, being seconded by Matthew Peterson and unanimously carried, a proposed ordinance of Delta One Properties, LLC to zone from LB Local Business District to CB Community Business District, property located at 1619 South Michigan Street, City of South Bend, is sent to the Common Council with a UNFAVORABLE recommendation. Rezoning this property to CB Community Business District could lead to development that is out of character for this section of Michigan Street and create an environment that opposes the community's vision outlined in the Comprehensive Plan.

Upon a motion by John McNamara, being seconded by Oliver Davis and unanimously carried, a Special Exception Use for automobile sales property located at 1619 South Michigan Street, City of South Bend, was sent to the Common Council with an UNFAVORABLE recommendation.

The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

A handwritten signature in black ink that reads 'L. P. Magliozzi'.

Lawrence P. Magliozzi

Attachment

CC: Delta One Properties, LLC
Lang, Feeny & Associates
Michiana Auto Sales Attn: Jay Amer & Amjad Ahmed

Staff Report

5/4/2018

APC # 2865-18
Owner: Delta One Properties, LLC
Location: 1619 South Michigan Street
Jurisdiction: City of South Bend
Public Hearing Date: 5/15/2018

Requested Action:

The petitioner is requesting a zone change from LB Local Business District to CB Community Business District, seeking a Special Exception Use and seeking 4 variances from the development standards.

Land Uses and Zoning:

- On site: On site is a carry out restaurant.
- North: To the north, across an alley, is a vacant business zoned LB Local Business District.
- East: To the east, across Michigan Street, are single-family homes zoned MU Mixed Use District.
- South: To the south is a Family Dollar zoned LB Local Business District.
- West: To the west, across an alley, are properties zoned LI Light Industrial District.

District Uses and Development Standards:

The CB - Community Business District is established to provide a location for high volume and high intensity commercial uses. Activities in this district are often large space users which may include limited amounts of outdoor sales or outdoor operations. Developments within the CB District shall be coordinated to facilitate vehicular and pedestrian access from nearby residential districts.

Site Plan Description:

The site plan shows that the building and parking lot will remain. The parking lot will be used for parking for the restaurant and display spaces for the car dealership.

Zoning and Land Use History And Trends:

The properties across Michigan Street were rezoned with the adoption of the MU Mixed Use District in 2004.

Traffic and Transportation Considerations:

The site is adjacent to an alley on the north and west. Michigan Street is two lanes, with on-street parking and a center turn lane.

Utilities:

The site is served by municipal water and sewer.

Agency Comments:

The Department of Community Investment offers an unfavorable recommendation of the rezoning. This section of Michigan Street should feature fairly walkable land uses

compatible with an urban neighborhood. The proposed zoning is inconsistent and more intense than all of the neighboring properties. Development standards of the proposed zone, including sign regulations, could lead to disjointed development. Should the Commission or Council approve the rezoning and variances, DCI recommends the following to mitigate any negative impacts: 1) Offer a written commitment to limit the number of vehicles to 27 as shown on the site plan; 2) In lieu of providing foundation landscaping, add 1-2 replacement trees in the public tree lawn; 3) In lieu of providing full parking lot screening, provide landscaped areas with 3' hedges at the northeast corner of building and the northeast corner of the lot; 4) Install landscaped island to separate the restaurant spaces from the display spaces along the north property line; and 5) Bring the fence into compliance which is a maximum 4' in height and no barbed wire.

Commitments:

The petitioner is not proposing any written commitments.

Criteria to be considered in reviewing rezoning requests, per IC 36-7-4-603:

1. Comprehensive Plan:

Policy Plan:

The proposed rezoning is inconsistent with City Plan, South Bend Comprehensive Plan (2006) Policy UD 4: Improve the character of the community's entryways and corridors and Policy LU 2.3: Ensure coordination of land uses among adjacent area-specific plans.

Land Use Plan:

The Future Land Use Plan identifies this area for mixed use development.

Plan Implementation/Other Plans:

The Southeast Neighborhood Master Plan (2015) calls for commercial uses to be located along major corridors. Strategy 1 states: Create pedestrian-friendly streetscapes along community corridors.

2. Current Conditions and Character:

Michigan Street has been a major commercial corridor for the neighborhoods south of downtown, with a mix of commercial and residential uses.

3. Most Desirable Use:

The most desirable use for this site would be low intensity commercial developments that serve the needs of the surrounding neighborhood.

4. Conservation of Property Values:

The approval of this rezoning for a car dealership would not conserve the value of the surrounding properties.

5. Responsible Development And Growth:

It is not responsible development and growth to approve this rezoning. The proposed zone has development standards and uses that are out of character for this neighborhood.

Combined Public Hearing

This is a combined public hearing procedure, which includes a rezoning, a Special Exception Use, and 4 variances from the development standards. The Commission will forward the

rezoning and Special Exception Use to the Council with or without a recommendation and either approve or deny the variances.

The petitioner is seeking a Special Use to allow:

automobile sales

A Special Exception may only be granted upon making a written determination based upon the evidence presented at a public hearing, that:

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;

The use would negativley affect adjacent property values by creating an auto oriented use in a district design for pedestrian friendly development.

(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;

The approval of the Special Exception Use would be out of character of adjacent area. The zoning if surrounding properties along and across Michigan Street permit uses that are designed to be low intensity and provide for the needs of an urban neighborhood.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.

The proposed rezoning is inconsitant with City Plan, South Bend Comprehensive Plan (2006) Policy UD 4: Improve the character of the community's entryways and corridors and Policy ED 7.3: Support neighborhood-based economic opportunities as identified in area-specific plans, specifically the Southeast Neighborhood Master Plan which encourages creating pedestrian-friendly streetscapes along community corridors.

The petitioner is seeking the following variance(s):

- 1) from the required foundation landscaping to none
- 2) from the required parking lot screening to none
- 3) from the required interior off-street parking area landscaping to none;
- 4) from the maximum allowed 4' fence to 6' fence with barbed wire

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community;

The approval of the variances will not be injurious to the public health, safety, moral and general welfare of the community.

(2) The use and value of the area adjacent to the property included in the variance

will not be affected in a substantially adverse manner;

The value of adjacent properties would be negatively affected if approval of these variances were granted, giving permission to develop a site with intense use and without proper screening and buffering.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

Strict application of the development standards for parking lot landscaping and fencing would not impose any practical difficulties in the use of this property. Strict application of the foundation landscaping would impose practical difficulties on the property owner.

Staff Comments:

The staff has no additional comments at this time.

Recommendation:

Based on information available prior to the public hearing, the staff recommends the rezoning and Special Exception Use be sent to the Common Council with an unfavorable recommendation. Staff recommends denial of the variances.

Analysis:

Rezoning this property to CB Community Business District could lead to development that is out of character for this section of Michigan Street and create an environment that opposes the community's vision outlined in the Comprehensive Plan.

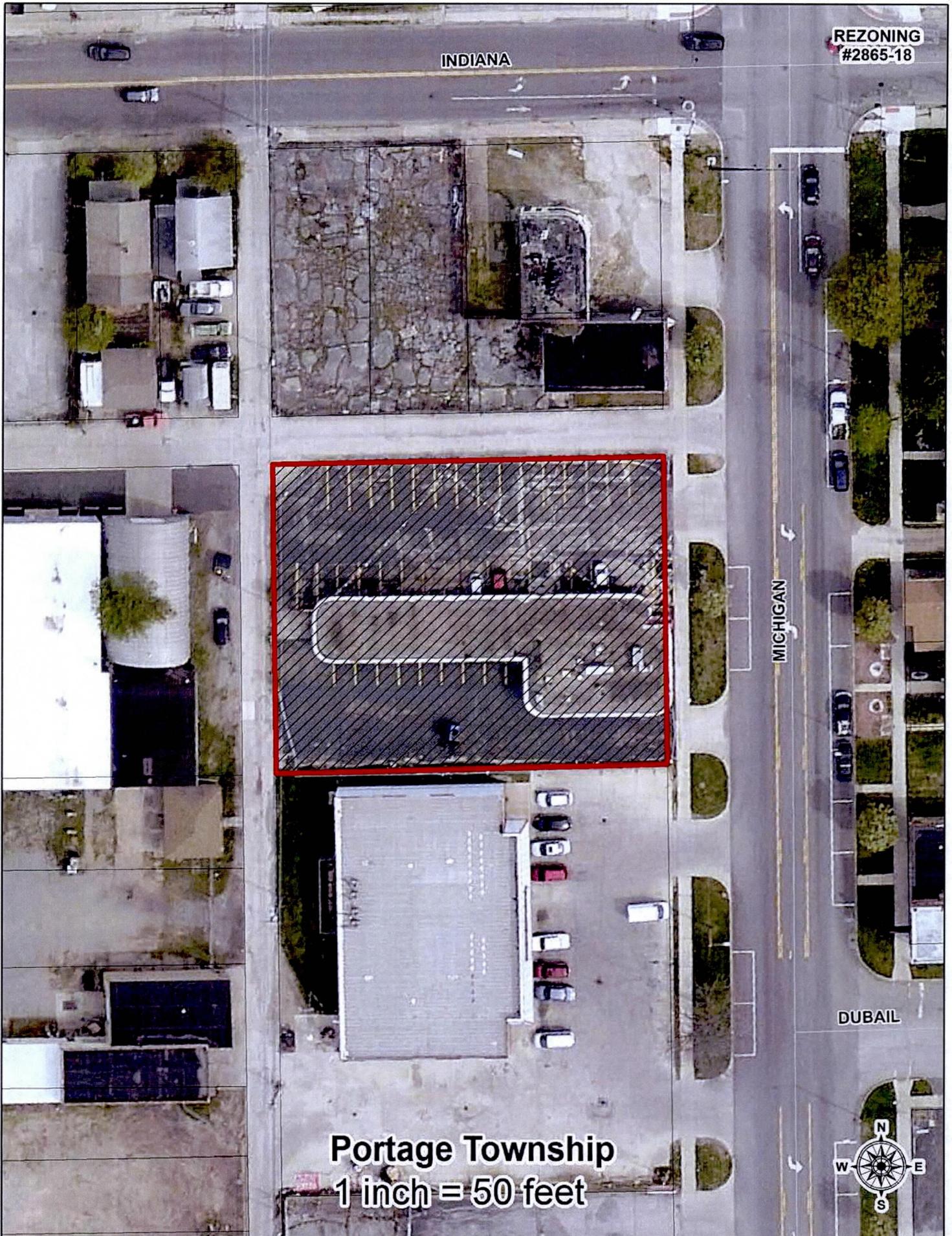
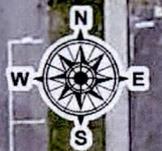
REZONING
#2865-18

INDIANA

MICHIGAN

DUBAIL

Portage Township
1 inch = 50 feet



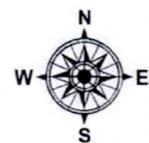


Rezoning from: CITY OF SOUTH BEND

LB: LOCAL BUSINESS DISTRICT to CB: COMMUNITY BUSINESS DISTRICT

MASTER ZONING KEY

-  SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "MU" MIXED USE DISTRICT
-  SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
-  SOUTH BEND "GB" GENERAL BUSINESS DISTRICT
-  SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 100 feet

APC # 2865-18



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

May 16, 2018

Honorable South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: Bill #14-18
Rezoning: APC #2865-18 – 1619 South Michigan Street

Dear Council Members:

The Area Plan Commission held a public hearing on May 15, 2018 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, May 29, 2018.

Ordinance & Petition Amendments:

The petition was updated to add a variance request for fence height and barbed wire.

Public Hearing Summary:

There was no one to speak in favor or against this petition.

If you have any further questions, please feel free to contact me at (574) 235-9571.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jordan Wyatt', written over a horizontal dashed line.

Jordan Wyatt
Zoning Planner

CC: Bob Palmer

IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

- 1) A variance from the required foundation landscaping to no foundation landscaping;
A variance from the required parking lot screening to no parking lot screening;
A variance from the required interior parking lot landscaped islands to no interior parking lot landscaped islands; and
A variance to allow the existing 6' chain link fence to remain in place.
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: we will not be changing any property lines, building or the parking lot
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: The use of the said parcel will be an automobile sales and a carry out restaurant that will use the existing building and parking lot.
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: by not letting the property owners to benefit from the most applicable use of their property.

IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

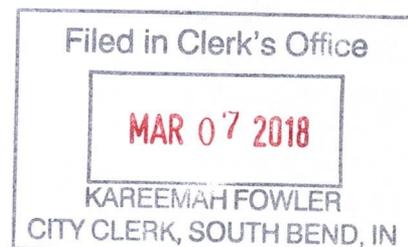
- 1) The Special Exception Use(s) being requested: to have an automobile sales on said parcel
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: as there is no request being made of any purpose other than to use the existing parking lot and building for a automobile sales and a carry out restaurant
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: there will be no changes made to said parcel, the parking lot will exist as it is and the building will be a carry out restaurant and small office spaces.
 - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: by allowing the existing building and parking lot to remain.
 - (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. No property lines will be changed and there are no property line encroachments exist or are proposed.

* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

Lang, Feeney & Associates, INC
715 South Michigan Street
South Bend, Indiana 46613
574-233-1841

BILL NO. 14-18
ORDINANCE NO. _____



AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 1619 S MICHIGAN STREET, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from LB to CB for automobile sales and carry-out restaurant.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

Part of the West half of the Southwest Quarter of Section 13, Township 37 North, Range 2 East, St. Joseph County, Indiana being more particularly described as follows: Commencing at a point on the West line of Michigan Street, 163 feet South of the North line of said West half of the Southwest Quarter of Section 13 for the Point of beginning; Thence running West along the South line of a 20 foot alley to the East line of a 14 foot alley, a distance of 165 feet; Thence South, along the East line of said 14 foot alley, a distance of 132 feet; Thence East, parallel with the South line of said 20 foot alley to the West line of said Michigan Street, a distance of 165 feet; Thence North, along the West line of said Michigan Street, a distance of 132 feet to the
Point of beginning

Containing 0.50 acres more or less, subject to all legal easements.

be and the same is hereby established as CB: Community Business District.

SECTION II. That a Special Exception Use for *Automobile Sales* in a *CB: Community Business District* is hereby granted subject to a site development plan hereby attached and made a part of this Ordinance and which site plan contains and lists all conditions, if any, of approval.

SECTION III. This ordinance is and shall be subject to commitments as provided by Chapter 21-

09.02(d) Commitments, if applicable.

SECTION IV. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and legal publication, and full execution of any conditions or Commitments placed upon the approval.

Tim Scott, Council President
South Bend Common Council

Attest:

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

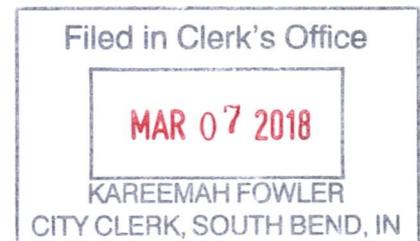
- 1) The property sought to be rezoned is located at: 1619 South Michigan Street, South Bend, Indiana 46613
- 2) The property Tax Key Number(s) is/are: 018-8008-039101
- 3) Legal Descriptions:

Part of the West half of the Southwest Quarter of Section 13, Township 37 North, Range 2 East, St. Joseph County, Indiana being more particularly described as follows: Commencing at a point on the West line of Michigan Street, 163 feet South of the North line of said West half of the Southwest Quarter of Section 13 for the Point of beginning; Thence running West along the South line of a 20 foot alley to the East line of a 14 foot alley, a distance of 165 feet; Thence South, along the East line of said 14 foot alley, a distance of 132 feet; Thence East, parallel with the South line of said 20 foot alley to the West line of said Michigan Street, a distance of 165 feet; Thence North, along the West line of said Michigan Street, a distance of 132 feet to the Point of beginning
Containing 0.50 acres more or less, subject to all legal easements.

- 4) Total Site Area: 0.50 acres
- 5) Name and address of property owner(s) of the petition site:

Delta One Properties, LLC
1619 South Michigan Street
South Bend, Indiana 46613

Name and address of additional property owners, if applicable:



- 6) Name and address of contingent purchaser(s), if applicable:

Jay Amer & Amjad Ahmed
Michiana Auto Sales
1619 South Michigan Street
South Bend, Indiana 46613
574-326-46613

Name and address of additional property owners, if applicable:



- 7) It is desired and requested that this property be rezoned:

From: LB Local Business District

To: CB Community Business District

- 8) This rezoning is requested to allow the following use(s): Automobile Sales And Carry-out Restaurant

IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

- 1) A variance from the required foundation landscaping to no foundation landscaping
A variance from the required parking lot screening to no parking lot screening
A variance from the required interior parking lot landscaped islands to no interior parking lot landscaped islands
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: we will not be changing any property lines, building or the parking lot
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: The use of the said parcel will be an automobile sales and a carry out restaurant that will use the existing building and parking lot.
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: by not letting the property owners to benefit from the most applicable use of their property.

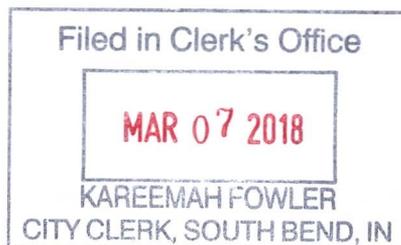
IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) The Special Exception Use(s) being requested: to have an automobile sales on said parcel
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: as there is no request being made of any purpose other than to use the existing parking lot and building for a automobile sales and a carry out restaurant
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: there will be no changes made to said parcel, the parking lot will exist as it is and the building will be a carry out restaurant and small office spaces.
 - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: by allowing the existing building and parking lot to remain.
 - (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. No property lines will be changed and there are no property line encroachments exist or are proposed.

* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

Lang, Feeney & Associates, INC
715 South Michigan Street
South Bend, Indiana 46613
574-233-1841



BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):

~~Amjad~~ Amjad ahmed
Amjad ahmed

Delta One Properties, LLC

Filed in Clerk's Office
MAR 07 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

-FILED-
MAR 05 2018
AREA PLAN COMMISSION
Application# 286578

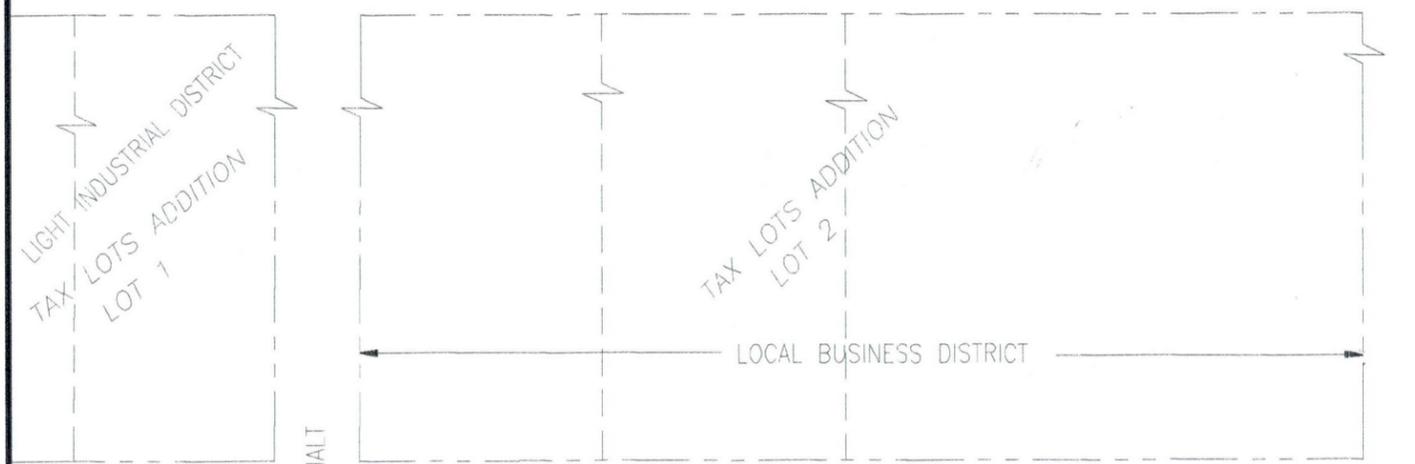
INDIANA AVENUE

(60' R/W)

REZONING

PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH,
RANGE 2 EAST, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA
FOR

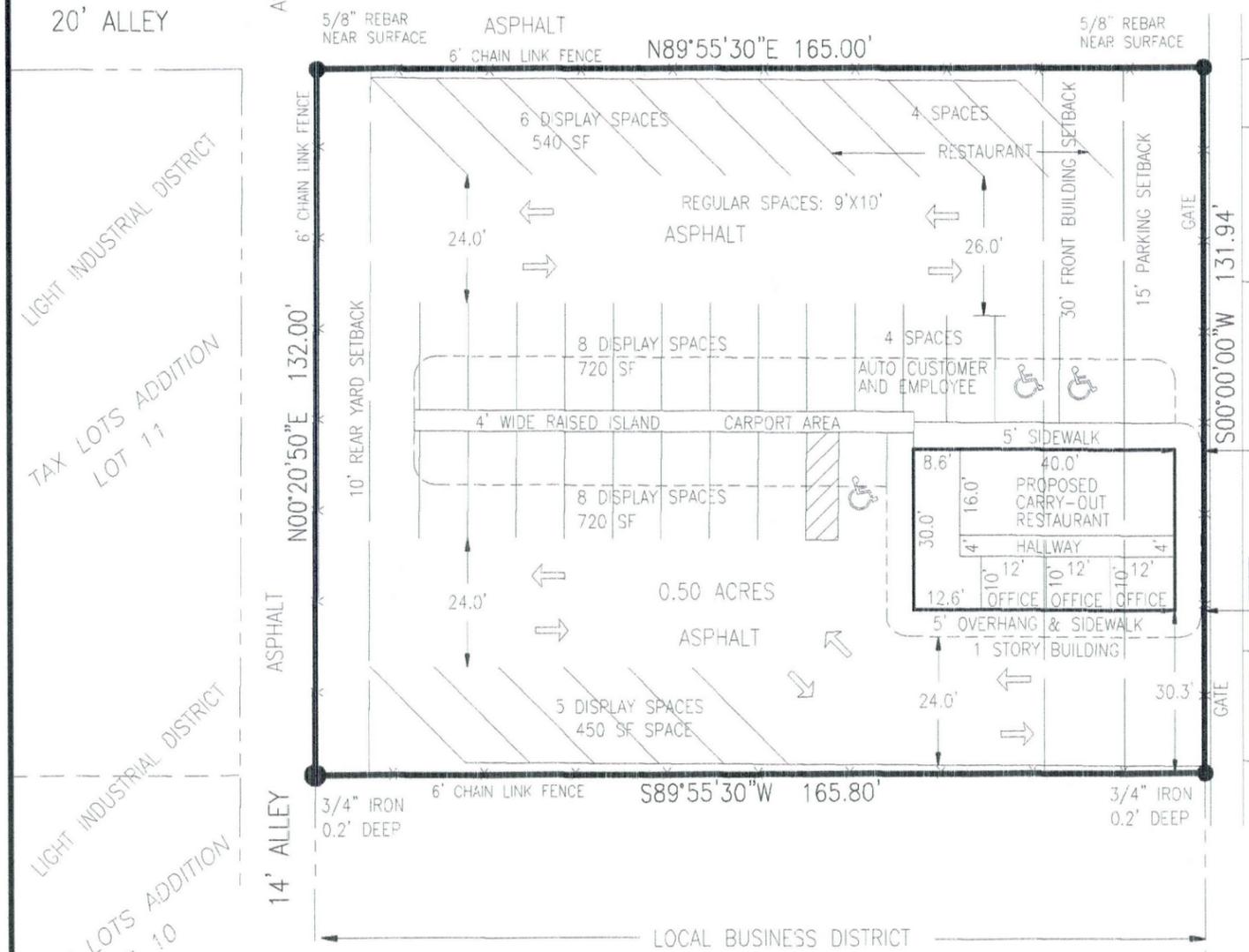
1619 SOUTH MICHIGAN STREET
SOUTH BEND, INDIANA 46613
C/O MICHIANA AUTO SALES
JAY AMER & AMJAD AHMED



NOTE:
THIS BUILDING IS SERVED BY MUNICIPAL WATER AND
SANITARY SEWER

PARKING:
DRIVE-IN RESTAURANT: ONE SPACE PER EMPLOYEE (MIN 5
SPACES)
3 EMPLOYEES = 5 SPACES SUPPLIED (4 REGULAR, 1 HC)

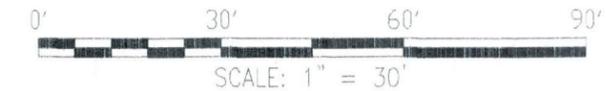
AUTO SALES ONE SPACES PER 300 SF OF SALES FLOOR
AREA IN EXCESS OF 1000 SF (NONE)
PLUS ONE SPACES PER 2000 SF OF OPEN AREA.
2430 SF OPEN AREA = 2 SPACES REQUIRED
5 SPACES SUPPLIED (4 REGULAR, 1 HC)



MICHIGAN STREET
(100' R/W)

LEGEND

- IRON FOUND
- (M) MEASURED
- x— FENCE



LEGAL DESCRIPTION:

PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 2 EAST, ST. JOSEPH COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF MICHIGAN STREET, 163 FEET SOUTH OF THE NORTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 13 FOR THE POINT OF BEGINNING; THENCE RUNNING WEST ALONG THE SOUTH LINE OF A 20 FOOT ALLEY TO THE EAST LINE OF A 14 FOOT ALLEY, A DISTANCE OF 165 FEET; THENCE SOUTH, ALONG THE EAST LINE OF SAID 14 FOOT ALLEY, A DISTANCE OF 132 FEET; THENCE EAST, PARALLEL WITH THE SOUTH LINE OF SAID 20 FOOT ALLEY TO THE WEST LINE OF SAID MICHIGAN STREET, A DISTANCE OF 165 FEET; THENCE NORTH, ALONG THE WEST LINE OF SAID MICHIGAN STREET, A DISTANCE OF 132 FEET TO THE POINT OF BEGINNING CONTAINING 0.50 ACRES MORE OR LESS, SUBJECT TO ALL LEGAL EASEMENTS.

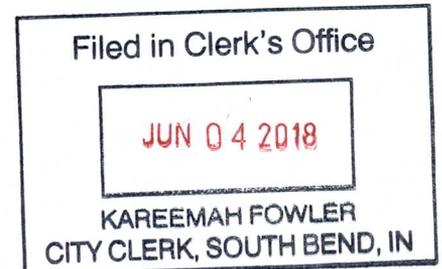
Filed in Clerk's Office
MAR 07 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

-FILED-
MAR 05 2018
AREA PLAN COMMISSION
Application # 2865-18



Lang, Feeney & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46601
Phone (574) 233-1841

| | |
|----------------------------------|-----------------------------------------------------|
| Land Surveyors • Soil Scientists | |
| Scale 1" = 30' | Drawn KAW |
| Date 3/01/18 | Job Name MichianaAutoSalesMichiganStreet-Res zoning |
| Rev. - | Job No. - |
| Rev. - | - |



CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF PUBLIC WORKS
Eric Horvath, Director

May 24, 2018

Common Council
227 West Jefferson Blvd.
Suite 400 S
South Bend, Indiana 46601

RE: Request for Amendment of Local Standard Regulations in the South Bend Municipal Code

Dear Common Council Members:

Per the City of South Bend Wastewater Treatment Plant's (City) NPDES Permit No. IN0024520, the City is required by the federal Environmental Protection Agency (EPA) to conduct a technical re-evaluation of its Local Standards for use of the public sewers no less than every five-year permit cycle. The City has completed the re-evaluation, and thus requests to amend Chapter 17, Article 2, Division 3, Section 17-8 (f) of the South Bend Municipal Code to include a Monthly Maximum Allowable Industrial Load (MAIL) requirement, distinct from the existing Daily MAIL.

The City's recommended modification of the Municipal Code is compliant with federal law and has been tentatively approved by the EPA. In accordance with an EPA letter dated May 15, 2018, prior to submittal for formal EPA approval, the City must formally adopt the proposed revision to Section 17-8 (f) of the South Bend Municipal Code. We are submitting this amended Section of the South Bend Municipal Code for your approval, so to comply with EPA's requirement.

If you should have any questions, please don't hesitate to contact me at 574-235-9251 or by email at ehorvath@southbendin.gov

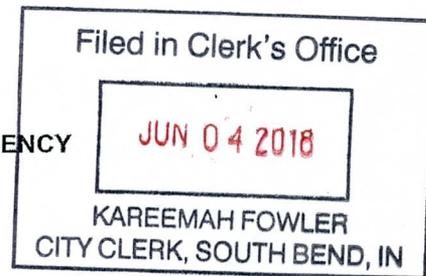
Sincerely,

Eric Horvath
Executive Director
Department of Public Works
227 West Jefferson Blvd. Suite 1300 N
South Bend, Indiana 46601



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 15 2018



REPLY TO THE ATTENTION OF:

WN-15J

Mr. Al Greek
Director of Utilities
City of South Bend
Division of Public Works
3113 Riverside Drive
South Bend, Indiana 46628

Re: Tentative Approval of Local Limits Modification for Pretreatment Program for the City of South Bend Wastewater Treatment Plant, South Bend, Indiana, NPDES Permit No. IN0024520

Dear Mr. Greek:

The U.S. Environmental Protection Agency (EPA) has reviewed the proposed Local Limits (LL) modification submitted by the City of South Bend Wastewater Treatment Plant (City) on July 31, 2017, and subsequent supporting document in response to EPA's comments received on August 3, September 15 and November 14, 2017. The proposed LL modification was public noticed on March 30, 2018, in the South Bend Tribune; and there were no public comments received during the comment period. In accordance with 40 CFR Section 403.18 of the General Pretreatment Regulations, I am pleased to inform you that based on our evaluation of the information provided, the modifications are consistent with federal requirements and approvable.

Before EPA can formally approve of any modifications to the pretreatment program, the City must first formally adopt changes to its Sewer Use Ordinance (SUO) and then the City must submit the final and city-approved versions of the City's SUO request for EPA approval.

Please submit the adopted SUO and supporting documents within ^{7/14}60 days from the date of this letter. Thank you for your continued commitment to protect our nation's water resource. If you have any questions, please contact David Soong at (312) 886-0136 or at soong.david@epa.gov.

Sincerely,

Kevin M. Pierard, Chief
NPDES Programs Branch

cc: Natalie Maupin, IDEM, electronically
Lauran Trapp, City of South Bend, electronically

Filed in Clerk's Office

JUN 04 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 23-18

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 17, ARTICLE 2, DIVISION 3, SECTION 17-8 (f) TO REVISE LOCAL PRETREATMENT STANDARDS FOR THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

STATEMENT OF PURPOSE AND INTENT

In order for the City of South Bend to discharge pollutants into the St. Joseph River as one of the "waters of the United States," the federal Clean Water Act of 1972 requires the City to possess a National Pollutant Discharge Elimination System (NPDES) Permit. As one condition of the City's maintenance of its NPDES Permit, the City is required by the federal Environmental Protection Agency (EPA) not less than every five years to review and update its Local Standards for general use of the public sewers and pretreatment of waste. These regulations are codified at Chapter 17, Article 2, Division 3, Section 17-8 of the South Bend Municipal Code.

The City through its Division of Environmental Services has performed the requisite review and wishes to revise Section 17-8 (f) to add a Monthly Maximum Allowable Industrial Load (MAIL) requirement, distinguished from a Daily MAIL. The City's recommended revision of the Municipal Code is in compliance with federal law and is expected to be approved by the EPA.

It is in the best interest of the City that this ordinance be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. Chapter 17, Article 2, Division 3, Section 17-8(f) of the South Bend Municipal Code shall be amended to read in its entirety as follows:

Sec. 17-8 – General purpose; prohibited discharges; discharge standards.

(f) *Local Standards.*

(1) The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c) to protect the objectives specified in Sec. 17-8(a).

(2) The following pollutant limits are established to protect against Pass Through and Interference. No Significant Industrial User shall discharge wastewater in excess

of the following daily maximum discharge limitations: [0.00019) mg/L total mercury.

(3) The Director may, at the Director's sole discretion, implement local limits through allocation of the Daily Maximum Allowable Industrial Load (MAIL) and the Monthly MAIL to Significant Industrial Users. The Daily MAIL is the total daily loading of a pollutant available to be allocated to all Significant Industrial Users. The Monthly MAIL is the total loading of a pollutant available to be allocated to all Significant Industrial Users as a monthly average. The monthly average is calculated as the sum of the concentrations of all daily discharges measured during a calendar month divided by the number of daily discharges measured that month. Daily MAILs and Monthly MAILs for the following pollutants are hereby incorporated by reference:

Arsenic

c Cadmium

c Chromium

Copper

c Cyanide

l Lead

n Nickel

s Silver

z Zinc

(4)

Significant Industrial Users (SIU) who have not been given an allocation for one of the pollutants listed above shall notify the City of South Bend at least 90 days in advance of a change in the characteristics of their wastewater that would increase the expected concentration of that pollutant in their wastewater discharge. In addition, the City may determine at any time that an SIU wastewater discharge requires a limitation for a pollutant, regardless of the concentration levels listed below, and may then develop a limit based on the MAIL. In any case, SIU discharge that is found to contain in excess of the following concentrations will be reviewed for the need for a limit. The Director may require more sensitive analysis when results are reported as less than the following concentrations or less than greater concentrations:

Arsenic—0.2 mg/L

Cadmium—0.1 mg/L

Chromium—2.0 mg/L

Copper—0.3 mg/L

Lead—0.3 mg/L

Nickel—0.3 mg/L

Silver—0.2 mg/L

Zinc—0.3 mg/L

Cyanide—0.1 mg/L

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval of the Mayor and any publication required by law.

Tim Scott, Council President
South Bend Common Council

Attest:

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

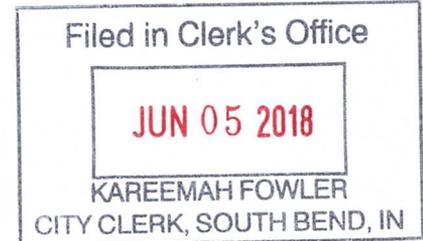
Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

June 5, 2018

Honorable Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: Text Amendment
APC# 2872-18



Dear Council Members:

Enclosed is an Ordinance for the proposed Zoning Ordinance Amendment. Please include the attached Ordinance on the Council agenda for first reading at your June 11th, 2018 Council meeting, and set it for public hearing at your June 25th, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the June 19th, 2018 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

If you have any questions, please feel free to contact our office.

Sincerely,

Angela M. Smith
Angela M. Smith
Deputy Director

CC: Bob Palmer

Filed in Clerk's Office

JUN 05 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 24-18

ORDINANCE NO. _____

AN ORDINANCE INITIATED BY THE AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 2 RESIDENTIAL DISTRICTS, ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS, AND ARTICLE 7 GENERAL REGULATIONS TO REVISE OFF-STREET PARKING REGULATIONS

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance that went into effect on May 7, 2004. Experience in using the Ordinance's provisions for off-street parking has shown that these regulations have led to the overbuilding of vehicle parking lots while not promoting the use of active transportation modes. This ordinance revises required parking count and parking design standards to reduce the amount of unnecessary off-street parking and to encourage infill and reuse of existing properties.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION I. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Residential Districts, Section 21-02.03 (b) Development Standards, is hereby amended as follows:

- (11) Parking – See Section 21-07.04 – Off-Street Parking Regulations; ~~provided, however, a *project* in the MF1 District may include *on-street parking* located immediately adjacent to the *project*, if such adjacent *on-street parking* is approved by the Department of Public Works and the design of the *on-street parking* is approved by the Department of Public Works. If *on-street parking* is provided, the amount of *off-street parking* required by this Ordinance for the *project* shall be deemed to be reduced by the number of *on-street parking spaces* provided immediately adjacent to the *project*.~~

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Commercial / Mixed Use Districts, Section 21-03.01 (b) Development Standards, is hereby amended as follows:

- (10) Parking – See Section 21-07.04 – Off-Street Parking Regulations; ~~provided, however, *on-street parking* located immediately adjacent to the site may be permitted if the design and location of the *on-street parking* is approved by the Board of Public Works. If *on-street parking* is provided, the amount of *off-*~~

~~street parking~~ required by this Ordinance shall be deemed to be reduced by the number of ~~on-street parking spaces~~ provided immediately adjacent to the site.

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 General Regulations, Section 21-07.04 Off-Street Parking Regulations, is hereby deleted and replaced with a new Section 21-07.04 as follows:

Section 21-07.04 Off-Street Parking Regulations.

Intent – These Off-Street Parking Regulations are intended to provide for the provision of *off-street parking areas* which are adequate to support the needs of proposed *uses* and future *uses* of a site while at the same time assuring that the design and construction of such *off-street parking areas* meet minimum design standards necessary to promote efficient circulation and prevent undue traffic congestion. These Regulations are also intended to support active transportation modes.

(a) General Regulations.

(1) Applicability.

(A) Parking for Buildings, Structures or Uses.

All new development, additions to *buildings* or *structures*, or conversions of *use* for which an *improvement location permit* is required by this Ordinance in any *district* except the *MU District* or *CBD District* shall provide required *off-street parking areas* in accordance with the regulations of this Section 21-07.04 and the *development standards* of the applicable *district* of this Ordinance.

(B) Exceptions to Off-Street Parking Regulations for any MU District or CBD District.

Off-street parking areas shall not be required for any *use* located in any *MU District* or *CBD District*. Any *off-street parking areas* which are provided, even if not required, shall be developed in compliance with the design and construction standards set forth in this Section 21-07.04.

(2) Existing Parking Areas.

Existing *off-street parking areas* shall not be reduced below the minimum requirement for such *use* as required by this Ordinance. Any *off-street parking areas* existing prior to the effective date of this Ordinance which were already below the standards established by this Ordinance shall not be further reduced.

(3) Location of Parking Areas.

Off-street parking areas shall be located:

- (A) on the same *lot* as the building, structure or use served by the *off-street parking area*;
- (B) within the same integrated center, business park, or industrial park as the *building, structure* or *use* served by the *off-street parking area*; or
- (C) within five hundred (500) feet, of the *building, structure* or *use* served by the *off-street parking area*, provided that such off-site location for the *off-street parking area* is:
 - i. located within a *district* which permits the *use* for which the *off-street parking* is provided; and,
 - ii. described by a written agreement, properly drawn and executed by the parties concerned and approved as to form by the South Bend City Attorney, assuring the availability of the *off-street parking area* and filed with the *Zoning Administrator* as part of the request for approval of an *Improvement Location Permit*.
- (D) In addition to the above location requirements, the location of *off-street parking areas* in residential districts shall not be located in violation of the provisions set forth in Section 21-02.11 (e).

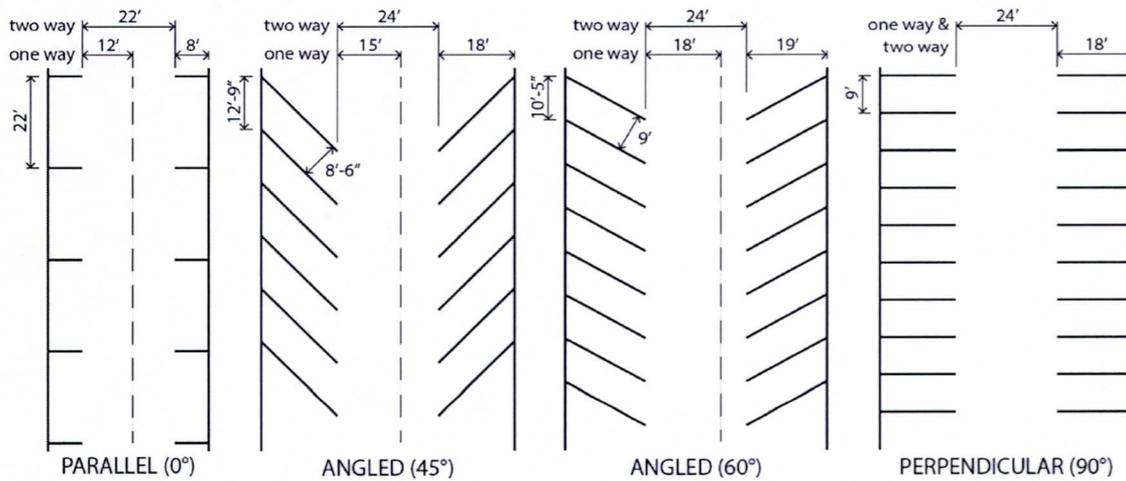
(b) Vehicle Parking.

(1) Design and Construction of *Off-Street Parking Areas*.

The design and construction of all required *off-street parking areas* shall be in compliance with the stricter of the regulations contained in this Section 21-07.04 (b)(1) or the minimum specifications prescribed by the Board of Public Works.

- (A) Design of Parking Areas.
 - i. The layout of all *off-street parking areas* shall be in compliance with Table 21.07.04 A: Parking Lot Design. An *alley* adjacent to the *lot* may be used to meet the requirement for drive aisle width.

| Table 21-07.04 A: Parking Lot Design | | | | | |
|--------------------------------------|-------------|-------------------|------------|----------------------------|----------------------------|
| Space Angle | Space Width | Parking Row Depth | Curb Width | Drive Aisle Width: One-Way | Drive Aisle Width: Two-Way |
| Parallel (0°) | 8' | 8' | 22' | 12' | 22' |
| 45° | 8'-6" | 18' | 12'-9" | 15' | 24' |
| 60° | 9' | 19' | 10'-5" | 18' | 24' |
| Perpendicular (90°) | 9' | 18' | 9' | 24' | 24' |



- ii. Except for individual *single family dwellings* or *two family dwellings*, the landscaping of all *off-street parking areas* shall comply with the regulations contained in Section 21-07.01.

- iii. Except for individual *single family dwellings* or *two family dwellings*, all *off-street parking spaces* shall be:
 - a. identified by painted lines (minimum four inches (4") in width), raised curbs or other means to indicate individual spaces; and,
 - b. provided with a raised curb, wheel stops or other devices to ensure that motor vehicles do not encroach beyond the *off-street parking area* or into a required *yard*.

(B) Surface of *Off-Street Parking Areas*.

Off-street parking areas and any *driveway*, *interior access driveway* or *interior access drive* to and from such *off-street parking areas* shall be hard surfaced with asphalt, concrete, pervious pavement, pavers, or other material to provide a durable, dust-free surface, which meets or exceeds the minimum specifications prescribed by the Board of Public Works, provided, however, a *temporary* or seasonal *use* permitted by the *district* in which such *temporary* or seasonal *use* is located may use an unimproved or gravel surface for the duration of the *temporary* or seasonal *use*. If a temporary gravel surface is provided, such gravel shall be removed and the *off-street parking area* shall be returned to its prior condition immediately upon cessation of the *temporary* or seasonal *use*.

(2) Minimum Number of *Off-Street Parking Spaces*.

Off-street parking for all *uses* shall be provided in accordance with the minimum requirements set forth in Table 21-07.04 B: Required Off-Street Parking Table. When the computation of required *off-street parking spaces* results in a fraction of one-half (1/2) or greater, the number of required *off-street parking spaces* shall be rounded up to the next whole number. Except for residential uses, any individual, non-related and separately operated *use* shall provide no less than two (2) *parking spaces*.

| Table 21-07.04 B: Required Off-Street Parking | |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Use</i> | Minimum Number of <i>Parking Spaces</i> per One Thousand (1,000) Square Feet of <i>Gross Floor Area</i> of <i>Buildings</i> (except as noted) |
| Automobile Sales, Service, & Related <i>Uses</i> | 2 |
| Commercial: Hotels, Motels, & Other Sleeping Establishments | 0.75, plus 2 <i>parking spaces</i> at office or registration area |
| Commercial: Retail & Service | 2 |
| Commercial: Restaurants & Bars | 8 |
| Industrial | 0.5 |
| Industrial: Warehouse or Distribution | 0.33 |
| Institutional: Schools | 0.75 |
| Institutional: Hospitals and Clinics | 2.5 |
| Office | 3 |
| Public Assembly, Civic, Religious, and Recreational Facilities | 4 |
| Residential | 1 per <i>dwelling unit</i> |

Note: For any *use* not specified above, the minimum number of *parking spaces* shall be determined by the *Zoning Administrator* and shall be based upon requirements for similar *uses*, expected demand, and traffic generated by the proposed *use*, and other information from appropriate traffic engineering and planning criteria.

(A) Units of Measurement.

Gross floor area shall be determined per the definition of *gross floor area* in Section 21-11 – Definitions.

(B) Credits to Provide Minimum Number of *Off-Street Parking Spaces*.

- i. Legal, *on-street parking spaces* located immediately adjacent to and on the same side of the *street* as the *front lot line* may be counted toward *off-street parking space* requirements.

- ii. The minimum number of *off-street parking spaces* may be reduced by ten (10) percent if the *lot* is located within one thousand (1,000) feet of a public transit line.
- iii. The required number of *off-street parking spaces* may be reduced by one (1) for every two (2) bicycle parking spaces provided above those otherwise required by Section 21-07.04 (c)(2), up to a maximum of ten (10) percent of the minimum *off-street parking space* requirement.

(C) Increase in Intensity of Use.

Additional *off-street parking spaces* shall be required whenever a change of *use*, units, or size of a *building*, *structure*, or *lot* results in an increase in the minimum number of required *off-street parking spaces* of twenty-five (25) percent or more from the number of *off-street parking spaces* existing on the effective date of this Ordinance, whether such total increase occurs at one (1) time or in successive stages.

(3) Required Parking for the Disabled.

Every *off-street parking area* and *parking garage* available to the public shall have *parking spaces* reserved for the use of physically handicapped persons as specified in Table 21-07.04 C: Minimum ADA Parking Spaces (as required by ADA Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a), published in the Federal Register, Volume 56, No. 144, dated July 26, 1991); provided, however, facilities which provide medical care and other services to persons with mobility impairments shall provide ADA Parking Spaces as follows:

- (A) Outpatient units and facilities – 10% of the total number of *off-street parking spaces* provided; and,
- (B) Units and facilities that specialize in treatment services for persons with mobility impairments – 20% of the total number of *off-street parking spaces* provided.

| Table 21-07.04 C: Minimum ADA Parking Spaces | |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Total Parking Spaces Provided | Minimum Number of Reserved Spaces |
| 1 - 25 | 1 |
| 26 - 50 | 2 |
| 51 - 75 | 3 |
| 76 - 100 | 4 |
| 101 - 150 | 5 |
| 151 - 200 | 6 |
| 201 - 300 | 7 |
| 301 - 400 | 8 |
| 401 - 500 | 9 |
| 501 - 1000 | Two percent (2%) of the total number of <i>off-street parking spaces</i> . |
| 1001 and over | Twenty (20), plus one (1) for each one hundred (100) <i>off-street parking spaces</i> over one thousand (1000). |

(c) Bicycle Parking.

- (1) Design and Construction of *Off-Street* Bicycle Parking.
 - (A) Bicycle parking shall be placed with one-hundred (100) feet of, and clearly visible from, the main entrance to the *use* served.
 - (B) All bicycle parking areas shall be hard surfaced with asphalt, concrete, pervious pavement, pavers, or other material to provide a durable, dust-free surface.
 - (C) All bicycle racks shall be
 - i. securely anchored,
 - ii. able to support the bicycle frame in at least two places to prevent the bicycle from falling over, and
 - iii. configured to allow the locking of the frame and at least one wheel with a U-lock.

- (2) Minimum Number of Required *Off-Street* Bicycle Parking Spaces.
- (A) The number of bicycle parking spaces, not the number of bicycle parking fixtures, is used to determine bicycle parking. For example, a single bicycle rack that is designed for parking two bicycles is counted as two bicycle parking spaces.
- (B) Any *use* that requires at least ten (10) vehicle *parking spaces* (per the provisions of Section 21-07.04 (b)(2)) shall provide one (1) bicycle parking space for every ten (10) required vehicle *parking spaces* or fraction thereof. No more than sixteen (16) bicycle parking spaces shall be required.

SECTION IV. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Tim Scott, Council President
South Bend Common Council

Attest:

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m

Pete Buttigieg, Mayor
City of South Bend, India



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

Wednesday, June 20, 2018

The Honorable Council of the City of South Bend
4th Floor, County-City Building
South Bend, IN 46601

RE: An ordinance initiated by the Area Plan Commission of St. Joseph County, Indiana, amending Chapter 21 of the South Bend Municipal Code, Article 2 Residential Districts, Article 3 Commercial / Mixed Use Districts, and Article 7 General Regulations to revise off-street parking regulations - APC# 2872-18.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Initiated by the Area Plan Commission was legally advertised on June 7, 2018 and that the Area Plan Commission at its public hearing on June 19, 2018 took the following action:

Upon a motion by John McNamara, being seconded by Robert Hawley and unanimously carried, a proposed ordinance initiated by the Area Plan Commission of St. Joseph County, Indiana, amending Chapter 21 of the South Bend Municipal Code, Article 2 Residential Districts, Article 3 Commercial / Mixed Use Districts, and Article 7 General Regulations to revise off-street parking regulations, is sent to the Common Council with a FAVORABLE recommendation. Updating the parking requirements to reflect current best practices and more accurately align with parking demands will promote smart development and strengthen the urban character of the City.

The deliberations of the Area Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. P. Magliozzi', written over a horizontal line.

Lawrence P. Magliozzi

Attachment

Staff Report

6/12/2018

APC # 2872-18
Owner: Initiated by the Area Plan Commission
Location: Off-Street Parking Regulations
Jurisdiction: City of South Bend
Public Hearing Date: 6/19/2018

Requested Action:

The petitioner is requesting a zoning ordinance amendment to update parking standards within the City of South Bend.

Staff Comments:

Since the adoption of the Ordinance in 2004, the parking requirements have proven to be overly burdensome on development in an urban setting. The proposed amendment simplifies the parking table for minimum parking requirements, adjusts requirements to better align with best practices and current demand, recognizes on-street parking, and promotes transportation alternatives such as transit and bicycle transportation. The proposed changes include:

- * Eliminating redundant language in existing districts that currently have allowances for on-street parking;
- * Simplifies the process by which development can utilize nearby parking areas;
- * Simplifies parking design standards per current best practices;
- * Clarifies that decorative and storm water sensitive materials satisfy hard surface requirements;
- * Promotes the re-use of existing properties by increasing change of use allowance from 15% to 25%;
- * Simplifies the parking requirements by standardizing most requirements to a gross floor area requirement;
- * Removes reduction of combined parking area;
- * Clarifies ADA parking provisions;
- * Updates bicycle parking requirements to better reflect current best practices;
- * Simplifies the minimum parking table to more accurately reflect current trends and demands;
- * Allows on-street parking and other alternatives such as reductions for proximity to bus routes and substitution of bicycle parking

Recommendation:

Based on information available prior to the public hearing, the staff recommends the Zoning Ordinance Amendment be sent to the Common Council with a favorable recommendation.

Analysis:

Updating the parking requirements to reflect current best practices and more accurately align with parking demands will promote smart development and strengthen the urban character of the City.

Zoning Quick Fixes
 Reform to Off-Street Parking Regulations
 Last updated May 23, 2018

| Ordinance Section | Item | Current Standard | Proposed Standard | Notes |
|--------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 21-02.03 (b)(11) | On-Street Parking in MF1 District | Allows on-street parking to be counted toward off-street parking requirement in MF1 district | Eliminates provision | As legal on-street parking is proposed to be counted toward off-street parking requirements in all districts, removes redundant language |
| 21-03.01 (b)(10) | On-Street Parking in OB District | Allows on-street parking to be counted toward off-street parking requirement in OB district | Eliminates provision | As legal on-street parking is proposed to be counted toward off-street parking requirements in all districts, removes redundant language |
| 21-07.04 (c)(3) | Location of Off-Site Parking Areas | Off-street parking may be provided off-site within 500 feet of the use through a written agreement with a special exception | Off-street parking may be provided off-site within 500 feet of the use through a written agreement filed administratively | Simplifies providing off-site off-street parking by no longer requiring a special exception |
| 21-07.04 (d)(1)(A) | Design of Parking Areas | Provides two options for parking space dimensions | Creates a single set of parking space dimension standards with improved graphics; allows alley to be used to meet drive aisle width requirement | Simplifies parking space/lot design standards per current best practice |
| 21-07.04 (d)(2) | Surface of Off-Street Parking Areas | Lists asphalt, concrete as example materials for providing a durable surface | Adds pervious pavement, pavers as example materials for providing a durable surface | Clarifies that decorative and stormwater sensitive materials can be used to pave parking areas |
| 21-07.04 (e)(1) | Increase in Intensity of Use | Requires additional parking spaces to be provided when a change in use requires a 15% or more increase in off-street parking spaces | Requires additional parking spaces to be provided when a change in use requires a 25% or more increase in off-street parking spaces | Promotes re-use of existing properties |
| 21-07.04 (e)(2) | Units of Measurement | Required parking based on employees, gross floor area, seating capacity, or housing unit count | Required parking based on gross floor area or housing unit count | Simplifies administration of ordinance and provides clearer standard to calculate required parking |
| 21-07.04 (e)(3) | Reduction for Combined Off-Street Parking Areas | Permits sharing of parking for uses with dissimilar peak time parking demands | Eliminates provision | Provision never used, and it becomes less valuable with reductions in required minimum parking |
| 21-07.04 (f) | Required Parking for the Disabled | Ambiguous whether required ADA parking space count is based on the number of parking spaces required or provided | Clarifies that required ADA parking space count is based on the number of parking spaces provided | Clarifies ADA parking space provision, consistent with Federal law |
| 21-07.04 (g) | Bicycle Racks | Requires parking for 10 bicycles if a parking lot provides over 50 spaces; no standard for bicycle rack design or placement | Requires bicycle parking at a rate of one space per 10 required vehicle parking spaces (up to 16 bicycle parking spaces) for any use requiring at least 10 vehicle parking spaces; adds basic standards for bicycle rack design and placement | Encourages bicycling as a means of transportation |
| Table 21-07.04 E | Required Off-Street Parking | Provides off-street parking minimums for 53 use categories | Provides off-street parking minimums for 11 use categories; generally reduces the minimum parking requirement | Simplifies administration of ordinance; eliminates building of unnecessary parking (also see Table revision summary) |
| New | Credits to Provide Minimum Number of Off-Street Parking Spaces | Allows on-street parking to be counted toward off-street parking requirement in MF1 and OB districts | Allows on-street parking to be counted toward off-street parking requirement in all districts; reduces parking requirement for areas near bus routes; allows extra bicycle parking to be substituted for vehicle parking | Promotes development of in-fill sites; reduces parking requirement where other modes of transportation are common; promotes use of bicycle transportation |

Zoning Quick Fixes
 Reform to Off-Street Parking Regulations
 Last updated April 18, 2018

Former Table 21-07.04 E

| Proposed Use | | Proposed Standard | Current Use | Current Standard |
|-------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Automobile Sales, Service, & Related Uses | | Two (2) parking spaces per one thousand (1,000) square feet of gross floor area | Automobile, motorcycle, truck, bus, RV and boat sales | One (1) parking space per three-hundred (300) square feet of sales floor area in excess of one-thousand (1000) square feet plus one (1) parking space per two-thousand (2000) square feet of open area |
| | | | Automotive repair or service facility | Five (5) parking spaces per one-thousand (1,000) square feet of gross floor area devoted to retail sales of automotive supplies or parts, plus two (2) parking spaces per service bay, (a service bay shall not be considered a parking space), plus three (3) customer parking spaces |
| Commercial: Hotels, Motels, & Other Sleeping Establishments | | | Car washes | Stacking spaces per wash bay, as required for a drive-through facility, plus three and one-half (3.5) parking spaces per one-thousand (1,000) square feet of gross floor area devoted to office or retail sales |
| | | | Gasoline stations and public garages | One (1) parking space per each employee, plus two (2) parking spaces for each service bay |
| | | | Boarding Houses | One (1) parking space per two (2) guest rooms plus one (1) parking space for owner or manager |
| | | Three-quarters (0.75) parking spaces per guest room, plus two (2) parking spaces at office or registration area | Hotels and motels | One (1) parking space per guest room, plus two (2) parking spaces at office or registration area. If, in addition to guest rooms, there are other uses or accessory uses located within or operated in conjunction with the hotel or motel, such as ballrooms, meeting rooms, dining areas, retail stores, auditoriums, bars, restaurants, taverns, nightclubs, and the like, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of gross leasable floor area for such uses located within or operated in conjunction with the hotel or motel) |
| | | Private clubs, dormitories, fraternities, sororities and lodges – with sleeping rooms | Two (2) parking spaces per every three (3) sleeping rooms or one (1) parking space per every (5) members, whichever is greater | |

| Proposed Use | Proposed Standard | Current Use | Current Standard |
|------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Commercial: Retail & Service | Two (2) parking spaces per one thousand (1,000) square feet of gross floor area | <p>Barber Shop / Beauty Shop / Hair Salon / Manicure Shop / Tanning Salon</p> <p>Child care centers</p> <p>Financial Institutions / Banks</p> <p>Financial Institutions / Banks – Freestanding Bank Machines, Walk-up or Drive-through</p> <p>Grocery store</p> <p>Hardware / Paint / Home Improvement Store</p> <p>Laundromats</p> <p>Publishing establishments, newspaper or printing shops</p> <p>Retail – Single Use Sites</p> | <p>Three (3) parking spaces per each customer seat or service station</p> <p>One (1) parking space per employee plus three (3) additional parking space</p> <p>One (1) parking space per two-hundred (200) square feet of gross floor area, plus parking spaces as required for each walk-up, drive-through or freestanding bank machine</p> <p>One (1) parking space for each walk-up, drive-through or freestanding bank machine, plus stacking spaces as required for a drive-through facility for any drive-through or freestanding bank machine accessible from an automobile</p> <p>Five (5) parking spaces per one-thousand (1,000) square feet of gross floor area</p> <p>Five (5) parking spaces per one-thousand (1,000) square feet of gross floor area</p> <p>One (1) parking space per every two (2) washing machines, plus one (1) parking space per every two (2) employees</p> <p>Two (2) parking spaces per one-thousand (1,000) square feet of gross floor area, plus three and one half (3.5) parking spaces per one-thousand (1000) square feet devoted to office or related retail activities</p> <p>< 100,000 Sq. Ft. – Three and one half (3.5) parking spaces per one-thousand (1000) square feet of gross floor area, provided, however, that in no case shall any individual use provide less than a total of five (5) parking spaces. 100,000 Sq. Ft. and Over – Two and one half (2.5) parking spaces per one-thousand (1000) square feet of gross floor area</p> <p>< 400,000 Sq. Ft. – If the total gross leasable floor area of an integrated center is less than 400,000 square feet, four (4) parking spaces per one thousand (1,000) square feet of gross leasable floor area shall be required. 400,000 – 600,000 Sq. Ft. – If the total gross leasable floor area of an integrated center is greater than 400,000 square feet, but less than 600,000 square feet, four and one half (4.5) parking spaces per one thousand (1,000) square feet of gross leasable floor area shall be required. > 600,000 Sq. Ft. – If the total gross leasable floor area of an integrated center is greater than 600,000 square feet, five (5) parking spaces per one thousand (1,000) square feet of gross leasable floor area shall be required. Provided, however: (1) in no case shall any integrated center provide less than five (5) parking spaces; and, (2) the following individual uses: grocery store; hardware / paint / home improvement store; theaters; bowling alley; bar; tavern; nightclub; cabarets; or, other establishments for the sale of beer or intoxicating liquor for consumption on the premises, shall provide parking spaces as required for the individual use by this Section and such calculation shall be separate from the calculation of the gross leasable floor area calculation of the integrated center.</p> |
| | | Retail – Integrated Centers | Three and one half (3.5) parking spaces per every one-thousand (1,000) square feet of gross floor area |
| | | Service or repair establishments | |

| Proposed Use | Proposed Standard | Current Use | Current Standard |
|---------------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Commercial: Restaurants & Bars | Eight (8) parking spaces per one thousand (1,000) square feet of gross floor area | Bar, Tavern, Nightclub, Cabaret, and other establishments for the sale of beer or intoxicating liquor for consumption on the premises Restaurants: Family restaurant, Family restaurant with lounge, Fast food restaurant Restaurants: Drive-In Restaurant Restaurants: Drive-Through only (no seating) | One (1) parking space per every three (3) persons based upon the maximum number of persons that can be accommodated at the same time in accordance with design capacity One (1) parking space per each three (3) customer seats based upon the maximum number of persons that can be accommodated at the same time in accordance with design capacity (including outdoor seating areas) (minimum of five (5) parking spaces required) One (1) parking space per customer service unit, plus ten (10) parking spaces per one thousand (1,000) square feet of gross floor area (minimum of four (4) additional parking spaces required) One (1) parking space per one employee (minimum of five (5) parking spaces required) |
| Industrial | One-half (0.5) parking spaces per one thousand (1,000) square feet of gross floor area | Ambulance and Armored Care Service | One (1) parking space per vehicle plus one (1) parking space per on-duty employee |
| Industrial: Warehouse or Distribution | One-third (0.33) parking spaces per one thousand (1,000) square feet of gross floor area | Industrial: Assembly or Manufacturing Refuse dumps or landfills Industrial: Warehouse or Distribution | One (1) parking space for each one thousand (1,000) square feet of gross floor area devoted to such use. If, in addition, there is space devoted to office, retail or other uses specified elsewhere in these regulations, parking required for such additional use shall also be provided One (1) parking space per employee One (1) parking space for each three thousand (3,000) square feet of gross floor area. If, in addition, there is space devoted to office, retail or other uses specified elsewhere in these regulations, parking required for such additional use shall also be provided |
| Institutional: Schools | Three-quarters (0.75) parking spaces per one thousand (1,000) square feet of gross floor area | College / University Commercial, trade or business schools Schools: Nursery, elementary and junior high schools Schools: Senior high schools | One (1) parking space per two (2) employees, plus one (1) parking space per every (10) students based upon the maximum number of students that can be accommodated in accordance with the design capacity, or one (1) parking space per five (5) seats in the main auditorium, whichever is greater Forty (40) parking space per each one-thousand (1,000) square feet of classrooms One (1) parking space per classroom and office or one (1) parking space per every ten (10) seats in auditorium, whichever is greater One (1) parking space per every ten (10) classroom seats, plus one (1) parking space per every two (2) staff members |
| Institutional: Hospitals and Clinics | Two and one-half (2.5) parking spaces per one thousand (1,000) square feet of gross floor area | Hospitals, sanitariums, rehabilitation centers and emergency medical care service centers Medical and dental clinics Nursing, convalescent, rest homes, residential facilities for the developmentally disabled and other health homes and institutions Veterinary hospitals, animal kennels and pounds | One (1) parking space per every (4) patient beds, plus one (1) parking space per every two (2) employees, plus one (1) parking space per staff doctor Five (5) parking spaces per each doctor One (1) parking space per every four (4) beds plus one (1) parking space per every two (2) employees, plus one (1) parking space per staff doctor |
| Office | Three (3) parking spaces per one thousand (1,000) square feet of gross floor area | Broadcasting, movie or video producing or recording studios Offices and office buildings | One (1) parking space per every four-hundred (400) square feet of gross floor area One (1) parking space per two-hundred (200) square feet of gross floor area Three and one half (3.5) parking spaces per one-thousand (1000) square feet of gross floor area |

| Proposed Use | Proposed Standard | Current Use | Current Standard |
|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Amusement centers, skating rinks, pools, natatoriums, exhibition halls | | Amusement centers, skating rinks, pools, natatoriums, exhibition halls | One (1) parking space per one-hundred (100) square feet of floor area in public use |
| Amusement Park | | Amusement Park | Five (5) parking spaces per one-thousand (1,000) square feet of gross floor area within buildings plus one and one-half (1.5) parking spaces per one-thousand (1,000) square feet of site area accessible to the public, exclusive of the parking area |
| Assembly facilities without fixed seats, including dance halls, martial arts schools, aerobic and exercise centers, and similar studios or centers | | Assembly facilities without fixed seats, including dance halls, martial arts schools, aerobic and exercise centers, and similar studios or centers | One (1) parking space per every twenty-five (25) square feet of floor area in public use |
| Bowling alleys | | Bowling alleys | Five (5) parking spaces per alley. If, in addition, there are other uses or accessory uses located within or operated in conjunction with the bowling alley, such as restaurants, bars, taverns, nightclubs, and the like, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of gross leasable floor area for such uses located within or operated in conjunction with the bowling alley) |
| Casinos, approved hotels or buildings wherein gambling games are conducted | Four (4) parking spaces per one thousand (1,000) square feet of gross floor area | Casinos, approved hotels or buildings wherein gambling games are conducted | One (1) parking space per each employee plus one (1) parking space per each three (3) persons based upon the maximum number of persons that can be accommodated at the same time in accordance with the design capacity |
| Funeral homes and mortuaries | | Funeral homes and mortuaries | One (1) parking space per every fifty (50) square feet of gross floor area in service rooms |
| Gun clubs, skeet, target or archery ranges | | Gun clubs, skeet, target or archery ranges | One (1) parking space per every two (2) employees, plus one (1) parking space per shooting position |
| Libraries, museums and art galleries | | Libraries, museums and art galleries | Ten (10) parking spaces, plus one (1) parking space per every three-hundred (300) square feet of gross floor area over two-thousand (2000) square feet |
| Off-track pari-mutual wagering facility | | Off-track pari-mutual wagering facility | One (1) parking space per each employee, plus one (1) parking space per every three (3) persons based upon the maximum number of persons that can be accommodated at the same time in accordance with the design capacity |
| Private clubs, fraternities, sororities and lodges – no sleeping rooms | | Private clubs, fraternities, sororities and lodges – no sleeping rooms | One (1) parking space per every five (5) members |
| Railroad or motor bus passenger stations or heliports | | Railroad or motor bus passenger stations or heliports | One (1) parking space per every (50) square feet of gross floor area, plus one (1) parking space per every two (2) employees |
| Religious Uses – Churches or temples | | Religious Uses – Churches or temples | One (1) parking space per every four (4) seats in the main sanctuary, auditorium or assembly room |
| Theatres, auditoriums, gymnasiums, stadiums, arenas, convention halls, and places of assembly with fixed seats | | Theatres, auditoriums, gymnasiums, stadiums, arenas, convention halls, and places of assembly with fixed seats | One (1) parking space per every five (5) seats, plus one (1) parking space per every two (2) employees |
| Mobile home parks | | Mobile home parks | One and one-half (1 ½) parking spaces per mobile home park lot plus there shall be a conveniently located area for visitor parking at a ratio of one-half (½) space per lot; provided, however, in no case shall there be less than twenty-five (25) parking spaces provided per mobile home park |
| Residential: Single Family | One (1) parking space per dwelling unit | Residential: Single Family | One (1) parking space per dwelling unit |
| Residential: Multifamily, including apartment houses | | Residential: Multifamily, including apartment houses | Two (2) parking space per dwelling unit. Note: In the CBD District, apartment houses containing one-hundred (100) or more dwelling units may provide a minimum of two (2) parking spaces for every three (3) dwelling units |
| Residential: Two Family | | Residential: Two Family | Two (2) parking space per dwelling unit |



City of South Bend Common Council

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Tim Scott
President

June 20, 2018

Oliver Davis
Vice-President

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

Gavin Ferlic
Chairperson, Committee
of the Whole

Tim Scott
First District

Regina Williams-Preston
Second District

Sharon L. McBride
Third District

Jo M. Broden
Fourth District

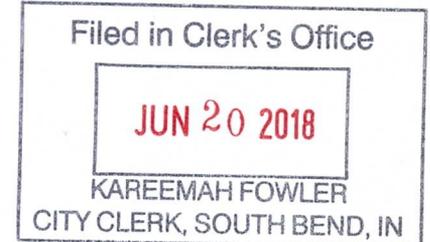
Jake Teshka
Fifth District

Oliver Davis
Sixth District

Gavin Ferlic
At Large

John Voorde
At Large

Karen White
At Large



Re: Substitute Bill No. 27-18 Regarding an Ordinance to Require Periodic Sexual Harassment Awareness and Prevention Training for all City of South Bend Employees, all City of South Bend Elected Officials, and certain Appointed Officials of the City of South Bend

Dear Council Members:

I am attaching the proposed substitute Bill No. 27-18, which amends the Municipal Code to require period sexual harassment awareness and prevention training for all employees, elected officials of the City of South Bend and certain appointed officials. The original Bill had first reading on June 11, 2018, and second and third readings and public hearings are scheduled for June 25, 2018.

The substitute Bill addresses several questions raised subsequent to the filing of the original Bill, including several issues raised by the City Administration through the City's legal department. The substitute Bill incorporates many of the issues raised in those discussions, and suggestions made by the City's legal department

In summary, the revisions contained in the substitute Bill reflect the following:

1. The substitute Bill removes the proposed Ordinance from the South Bend Human Rights Ordinance as originally proposed, and adds a new section to Section 2, Article 8 of the Municipal Code dealing with City officers and employees. Upon careful reflection, I believe that the proposed Ordinance more appropriately fits with other Ordinances addressing the rights and obligations of City Officers and employees.
2. Subsection (a) of the proposed Ordinance clarifies the definition of "employee" to include all regular full and part-time employees, and officials appointed by the City of South Bend Administration or the South Bend Common Council if those appointed officials receive separate compensation



City of South Bend Common Council

441 County-City Building • 227 W. Jefferson Blvd
South Bend, Indiana 46601

(574) 235-9321
Fax (574) 235-9173
TDD (574) 235-5567
<http://www.southbendin.gov>

from the City for the appointed positions. The appointed officials who are not separately compensated by the City of their appointed positions are encouraged to attend non-supervisory training sessions, but are not required to do so. The revised definition of "employee" excludes interns and seasonal, or temporary, personnel.

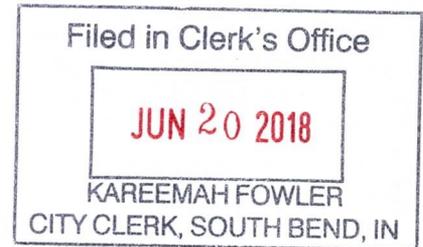
3. Subsection (c) clarifies the definition of "supervisory employee" as generally including any full or part-time employee with authority to hire, fire, demote, promote, transfer, or discipline an employee.
4. Subsection (f) addressing the topics to be covered in the training program is revised to eliminate possible redundancies.
5. Subsection (g) has been revised to eliminate the requirement that the Department of Human Resources shall annually report the names of any City employee who fail to timely complete the training program.
6. Finally, subsection (i) changes the time requirement for training new employees from sixty days to six months after the employment begins.

I request that this substitute Bill be accepted by the Committee for Personnel and Finance on June 25, 2018, and submitted for second and third readings and public hearing at the Council meeting later that evening.

Thank you for consideration.

Sincerely Yours,

Oliver Davis, Jr.
South Bend Common Council Member,
District 6



SUBSTITUTE BILL NO. 27-18

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 8 OF THE SOUTH BEND MUNICIPAL CODE TO ADD A NEW SECTION 2-125.2 TO REQUIRE PERIODIC SEXUAL HARRASSMENT AWARENESS AND PREVENTION TRAINING FOR ALL CITY OF SOUTH BEND EMPLOYESS AND CERTAIN APPOINTEES.

STATEMENT OF PURPOSE AND INTENT

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, 42 U.S.C 2000e *et seq.* and the Indiana Civil Rights Law, Ind.Code 22-9-1-2 *et seq.* Recent events across the nation have demonstrated that sexual harassment in the workplace remains a significant problem with devastating effects on its victims. It is the intention of the City of South Bend to require its employees and elected and appointed officials to receive periodic training regarding sexual harassment awareness and prevention.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

Section I. Chapter 2, Article 8, is amended to add new Section 2-2-125.2 to read as follows:

Sec. 2-125.2 Sexual Harassment Awareness and Prevention Training for City of South Bend Elected and Appointed Officials and Employees

In order to promote a culture of respect, dignity, and equal employment opportunity in the workplace, City of South Bend employees shall complete periodic sexual harassment awareness and prevention training.

- (a) For the purposes of this section, "employee" refers to all regular full and part-time City of South Bend employees, including all directors, supervisors, officials, and all elected officials or officials appointed by the City of South Bend Administration or the South Bend Common Council if those appointed officials receive separate compensation from the City for the appointed positions. Appointed officials who are not separately compensated by the City for an appointed position are encouraged to attend the non-supervisory training sessions, but are not required to do so. "Employee" under this section does not include seasonal or temporary personnel.
- (b) The Department of Human Resources shall prepare and implement a program to provide, on a periodic basis, sexual harassment awareness and prevention training to City employees as defined above.

- (c) Each supervisory employee is required to complete a minimum of two hours of interactive sexual harassment awareness and prevention training every two calendar years. "Supervisory employees" for purposes of this Section will be identified by employee's Department and Human Resources, and generally includes any full or part-time employee with authority to hire, fire, demote, promote, transfer, or discipline an employee.
- (d) Each full or part-time non-supervisory employee is required to complete a minimum of one hour of sexual harassment awareness and prevention training each calendar year.
- (e) The training required by this section shall provide department heads, directors, supervisors, officials, and all full and part-time employees with the knowledge and skills needed to address instances of workplace harassment. This includes information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment in employment. The training shall also include practical examples aimed at instructing employees in the prevention of harassment, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment.
- (f) The sexual harassment awareness and prevention training shall, at a minimum, include the following topics:
 - (1) Definition of sexual harassment and examples of types of conduct that meet the definition;
 - (2) The manner in which an individual can report an allegation of sexual harassment, including making a report to a supervisor, manager, or Human Resources;
 - (3) The legal prohibition against retaliation against anyone who reports a sexual harassment allegation;
 - (4) Information regarding the consequences of sexual harassment as well as the consequences for knowingly making a false report of sexual harassment;
 - (5) Strategies to prevent sexual harassment in the workplace;
 - (6) An explanation about the limited confidentiality of the complaint process;
 - (7) Resources for victims of harassment;
 - (8) The employer's obligation to conduct an effective workplace investigation of a harassment complaint and to take appropriate remedial measures to correct harassing behavior;
 - (9) A supervisor's obligation to report any complaints of sexual harassment, of which they are aware, to the appropriate person in an effort to resolve the claim internally;
 - (10) For supervisor training, what the supervisor should do if he or she is personally

accused of harassment.

- (g) The Department of Human Resources shall maintain a record of employee compliance with the training requirements.
- (h) The training required by this section shall begin in calendar year 2019.
- (i) Beginning January 1, 2019, the training required by this section shall be completed by any new employee within six months after the employment begins.

SECTION II. This Ordinance shall take effect on January 1, 2019 after passage by this Common Council, approval by the Mayor, and any publication required by law.

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana this _____ day of _____, 2018.

Tim Scott, Council President
South Bend Common Council

Attest:

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ .m.

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana



City of South Bend Common Council

441 County-City Building • 227 W. Jefferson Blvd
South Bend, Indiana 46601

(574) 235-9321
Fax (574) 235-9173
TDD (574) 235-5567
<http://www.southbendin.gov>

Tim Scott
President

June 6, 2018

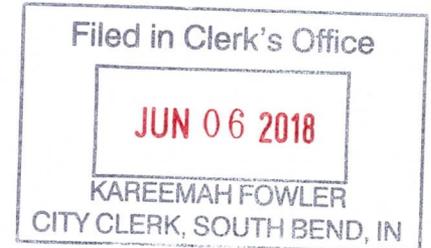
Oliver Davis
Vice-President

South Bend Common Council

Gavin Ferlic
Chairperson, Committee
of the Whole

4th Floor, County-City Building

South Bend, IN 46601



Tim Scott
First District

Re: *An Ordinance of The Common Council of The City of South Bend, Indiana, Amending Chapter 2, Article 9 of The South Bend Municipal Code to Add Section 2-131.1 to Require Periodic Sexual Harassment Awareness and Prevention Training for all City of South Bend Employees, all City of South Bend Elected Officials, and all City of South Bend Appointed Officials*

Regina Williams-Preston
Second District

Sharon L. McBride
Third District

Jo M. Broden
Fourth District

Dear Council Members:

Dr. David Varner
Fifth District

I am filing the attached proposed amendment to the Human Rights Ordinance. The proposed amendment provides for mandatory, periodic sexual harassment awareness and prevention training for all employees, elected and appointed officials of the City of South Bend. The amendment adds Section 2-131-1 to Chapter 2, Article 9 of the South Bend Municipal Code. A similar bill has already been approved by the State of Indiana.

Oliver Davis
Sixth District

I am filing this ordinance for first reading by the Common Council on June 11, 2018 with second and third readings in public hearing scheduled for June 25, 2018.

Gavin Ferlic
At Large

Thank you for your consideration.

John Voorde
At Large

Karen White
At Large

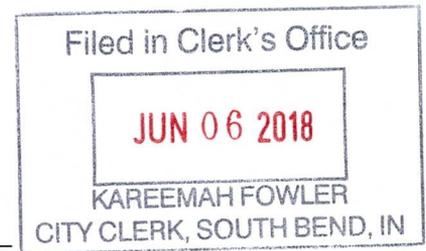
Sincerely Yours,

Oliver Davis, Jr.

South Bend Common Council Member, District 6

Bill No. 27-18

ORDINANCE NO. _____



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 9 OF THE SOUTH BEND MUNICIPAL CODE TO ADD SECTION 2-131.1 TO REQUIRE PERIODIC SEXUAL HARASSMENT AWARENESS AND PREVENTION TRAINING FOR ALL CITY OF SOUTH BEND EMPLOYEES, ALL CITY OF SOUTH BEND ELECTED OFFICIALS, AND ALL CITY OF SOUTH BEND APPOINTED OFFICIALS

STATEMENT OF PURPOSE AND INTENT

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, 42 U.S.C 2000e *et seq.* and the Indiana Civil Rights Law, Ind.Code 22-9-1-2 *et seq.* Recent events across the nation have demonstrated that sexual harassment in the workplace remains a significant problem with devastating effects on its victims. It is the intention of the City of South Bend to require each of its employees and elected and appointed officials to receive periodic training regarding sexual harassment awareness and prevention to assist the South Bend Human Rights Commission in fulfilling its powers and duties under Sec. 2-131 of the South Bend Municipal Code

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

Section I. Chapter 2, Article 9, is amended to add Section 2-131.1 to read as follows:

Sec. 2-131.1 Sexual Harassment Awareness and Prevention Training for City of South Bend Elected and Appointed Officials and Employees

In order to assist the South Bend Human Rights Commission in fulfilling its powers and duties related to employment discrimination based on sex, each employee of the City of South Bend shall complete periodic sexual harassment awareness and prevention training.

- (a) For the purposes of this section, "employee" refers to all City of South Bend employees, including all directors, supervisors, officials, and interns, both paid and unpaid and all elected or appointed officials.
- (b) The Department of Human Resources shall prepare and implement a policy to provide, on a periodic basis, sexual harassment awareness and prevention training to all City employees.
- (c) Each supervisory employee is required to complete a minimum of two hours of interactive sexual harassment awareness and prevention training every two calendar years;

- (d) Each non-supervisory employee is required to complete a minimum of one hour of sexual harassment awareness and prevention training each calendar year.
- (e) The training required by this section shall provide department heads, directors, supervisors, officials, and all employees the knowledge and skills needed to address instances of workplace harassment. This includes information and practical guidance regarding the Federal and State statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and remedies available to victims of sexual harassment in employment. The training shall also include practical examples aimed at instructing employees in the prevention of harassment, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment.
- (f) The sexual harassment awareness and prevention training shall, at a minimum, include the following topics:
 - (1) Definition of sexual harassment and examples of types of conduct that meet the definition;
 - (2) The manner in which an individual can report an allegation of sexual harassment, including making a confidential report to a supervisor or someone with Human Resources authority within the City and how to file a complaint with the South Bend Human Rights Commission;
 - (3) The legal prohibition against retaliation against anyone who reports a sexual harassment allegation;
 - (4) Information regarding the consequences of sexual harassment as well as the consequences for knowingly making a false report of sexual harassment;
 - (5) Remedies available for sexual harassment victims in civil actions and potential employer or individual liabilities;
 - (6) Strategies to prevent sexual harassment in the workplace;
 - (7) An explanation about the limited confidentiality of the complaint process;
 - (8) Resources for victims of harassment;
 - (9) The employer's obligation to conduct an effective workplace investigation of a harassment complaint and to take remedial measures to correct harassing behavior;
 - (10) A supervisor's obligation to report any complaints of sexual harassment, of which they are aware, to the appropriate person in an effort to resolve the claim internally;
 - (11) Information on how to prevent abusive conduct;
 - (12) What the supervisor should do if he or she is personally accused of harassment;

- (g) The Department of Human Resources shall maintain a record of employee compliance with the training requirements and shall annually report the names of any City employee who fails to timely complete the sexual harassment awareness and prevention training to the Common Council of the City of South Bend and to the office of the Mayor.
- (h) The training required by this section shall begin in no calendar year 2019.
- (i) Beginning January 1, 2019, the training required by this section shall be completed by any new employee within sixty days after the employment begins.

SECTION II. This Ordinance shall take effect upon passage by this Common Council, approval by the Mayor, and any publication required by law.

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana this _____ day of _____, 2018.

Tim Scott, Council President
South Bend Common Council

Attest:

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

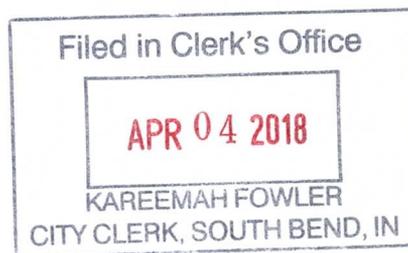
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

April 4, 2018

Honorable County Council
4th Floor, County-City Building
South Bend, IN 46601



RE: 122 Milton Street – Special Exception Use

Dear Council Members:

Enclosed in an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Resolution on the Council agenda for first reading at your April 9th, 2018 Council meeting, and set it for public hearing at your April 23rd, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the April 11th, 2018 Area Board of Zoning Appeals meeting. The recommendation of the Area Board of Zoning Appeals will be forwarded to your office following the public hearing.

If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Angela M. Smith".

Angela M. Smith
Deputy Director

CC: Bob Palmer

BILL NO. 18-15

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
SOUTH BEND, INDIANA, APPROVING A PETITION OF
THE AREA BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT
122 MILTON STREET**

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4; and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

122 MILTON STREET

In order to permit insert a Two Family Dwelling.

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

2. The proposed use will not injure or adversely affect the use of the adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals or Common Council, which are on file in the office of the City Clerk.

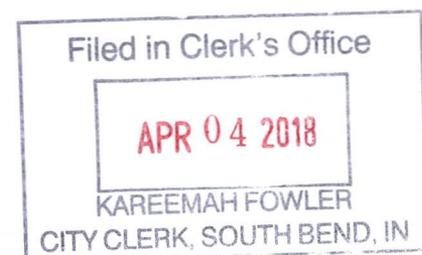
SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Tim Scott, Council President
South Bend Common Council

~~PRESENTED~~

~~NOT APPROVED~~

~~ADOPTED~~



CITY OF SOUTH BEND
PETITION FOR VARIANCE and/or SPECIAL EXCEPTION USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 018-7034-1333

The property address:

122 Milton St, South Bend, IN 46613



If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area: n/a

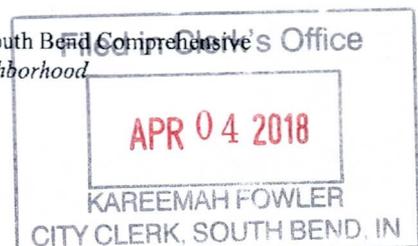
VARIANCE INFORMATION:

List each variance being requested. The variance request must specifically list the requirement and the desired request (e.g. From the required [enter requirement] to [enter request going to]) Additional examples can be found on our website. Please contact the Staff if you need assistance.

- 1) 1 Variance consisting of minimum 4 required off street parking spaces to 1
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *The property contains a one car garage along with a driveway for an extra vehicle. There is also two undeveloped lots directly across the street.*
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *After the rehab of the existing structure into a well kept property, the property value will go up for this home and others in the area.*
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *This Property will not cause a parking problem on the street due empty lots across the street and ample distance between houses. Parking is consistently available on this street.*

SPECIAL EXCEPTION USE INFORMATION (if the petition does not include a Special Exception Use, please skip to next section):

- 1) The Special Exception Use(s) being requested : *I would like to convert the house back into a two family dwelling.*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *This property will beautify and thus improve the community with a well maintained house replacing the current dilapidated property*
 - (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: *The current structure is dilapidated. The rehab will increase property values on the street.*
 - (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: *There is a variety of housing types in the area and this was previously a duplex. The House has two kitche I have extensive rehab experience in the neighborhood so the property will be up the area standards*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *The city would like to rehab the many dilapidated houses in this neighborhood*



PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:

*Brian Horwitz/ BH Investments
2269 Chestnut St #280
San Francisco, CA 94123
949-910-8691
ticketshop@gmail.com*

-FILED-
MAR 06 2018

Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the petitioner):

Name and address of additional property owners, if applicable:

CONTACT PERSON:

*Cindy Hendrick
1921 S Lafayette St
South Bend, IN 46613
949-910-8691
ticketshop@Gmail.com*

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS RELATED TO THIS PETITION.

Signature(s) of all property owner(s):

Brian Horwitz

Filed in Clerk's Office
APR 04 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



018-7043-1886

40

35

35

35

MILTON

52

45

45

45

45

SOUTH BEND

018-103-1335

018-783-1100

018-7034-1338

64-1332

64-7034-1330

6-7034-1341

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64.5

128:9

64.5

LOWELL CITY BELL

MAYNARD CITY POLICE



1 in = 20 feet

Date: 3/5/2018

Information shown on this map is not warranted for accuracy or merchantability. Reproduction of this material is not possible without the written permission of St. Joseph County, Indiana.

AREA BOARD OF ZONING APPEALS

1140 County-City Building
227 W. Jefferson Boulevard
South Bend, IN 46601
www.sjcindiana.com
Phone - 574-235-9571 - Fax - 574-235-9813

Thursday, April 12, 2018

Common Council
227 W. Jefferson Boulevard
South Bend, IN 46601

RE: The petition of BH INVESTMENTS LLC seeking a Special Use for a two family dwelling in the SF2 Single Family & Two Family District for property located at 122 MILTON ST, City of South Bend

Dear Council Members:

I hereby Certify that the above referenced ordinance of BH INVESTMENTS LLC was legally advertised on March 29, 2018 and that the Area Board of Zoning Appeals at its public hearing on April 11, 2018 took the following action:

Upon a motion by Michael Urbanski, being seconded by Kathy Schuth and unanimously carried, a petition by BH INVESTMENTS LLC seeking a Special Use for a two family dwelling for property located at 122 MILTON ST, City of South Bend, was sent to the Council with no recommendation, and will issue written Findings of Fact.

The deliberations of the Area Board of Zoning Appeals and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,


Lawrence P. Magliozzi, Executive Director

Attachment

CC: BH INVESTMENTS LLC
Cindy Hendrick



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

The following comments are being made concerning items to be heard at the Area Board of Zoning Appeals meeting on APRIL 11, 2018.

Special Exception / Special Use

A special exception use / special use may only be granted upon making a written determination and adopting appropriate Findings of Fact, based upon the evidence presented at a public hearing, that:

- (1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- (2) *The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;*
- (3) *The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;*
- (4) *The proposed use is compatible with the recommendations of the Comprehensive Plan*

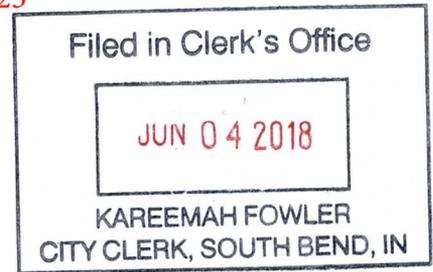
Petition of BH Investments LLC

Based on information available prior to the public hearing, the staff recommends the Special Exception Use be sent to the Common Council with a favorable recommendation.

- (1) *The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.*
The proposed use is residential. I should not be injurious to the public health, safety, or general welfare of the community.
- (2) *The proposed use will not injure or adversely affect the use of the adjacent area or property values therein.*
Because of the residential nature of the proposed two-family dwelling, it would not affect the use or value of the adjacent property values.
- (3) *The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein.*
The proposed two-family dwelling is consistent with the character of the area and the SF2 Single Family & Two Family District. This area is in a medium density residential area with close proximity to a major commercial corridor.
- (4) *The proposed use is compatible with the recommendations of the Comprehensive Plan.*
The proposed use is consistent with the City Plan, South Bend Comprehensive Plan (November 2006): Objective H1: Ensure that an adequate supply of housing is available to meet the needs, preference, and financial capability of households now and in the future.

AREA BOARD OF ZONING APPEALS

1140 County-City Building
227 W. Jefferson Boulevard
South Bend, IN 46601
www.sjcindiana.com
Phone - 574-235-9571 - Fax - 574-235-9813



Thursday, May 10, 2018

Common Council
227 W. Jefferson Boulevard
South Bend, IN 46601

RE: The petition of MARY COYNE INVESTMENTS, LLC c/o MIKE COYNE seeking a Special Use for a commercial parking lot in the MU Mixed Use District (South Bend) for property located at 117 S WILLIAM ST, City of South Bend

Dear Council Members:

I hereby Certify that the above referenced ordinance of MARY COYNE INVESTMENTS, LLC c/o MIKE COYNE was legally advertised on April 26, 2018 and that the Area Board of Zoning Appeals at its public hearing on May 9, 2018 took the following action:

Upon a motion by Kathy Schuth, being seconded by John Leszczynski and unanimously carried, a petition by MARY COYNE INVESTMENTS, LLC c/o MIKE COYNE seeking a Special Use for a commercial parking lot for property located at 117 S WILLIAM ST, City of South Bend, was sent to the Council with a favorable recommendation, and will issue written Findings of Fact.

The deliberations of the Area Board of Zoning Appeals and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,

A handwritten signature in black ink, appearing to read "L. P. Magliozzi".

Lawrence P. Magliozzi, Executive Director

Attachment

CC: MARY COYNE INVESTMENTS, LLC c/o MIKE COYNE

JUN 04 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 18-23

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 117 S WILLIAM STREET

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4; and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

117 S WILLIAM STREET

In order to permit insert a COMMERCIAL PARKING LOT

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

2. The proposed use will not injure or adversely affect the use of the adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Tim Scott, Council President
South Bend Common Council



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 233-9571

Special Exception / Special Use

A special exception use / special use may only be granted upon making a written determination and adopting appropriate Findings of Fact, based upon the evidence presented at a public hearing, that:

- (1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- (2) *The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;*
- (3) *The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;*
- (4) *The proposed use is compatible with the recommendations of the Comprehensive Plan*

15. Petition of Mary Coyne Investments, LLC

Based on information available prior to the public hearing, the staff recommends the Special Exception Use be sent to the Common Council with a favorable recommendation. The staff recommends the variance for parking area screening be denied.

- (1) *The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.*

The proposed use is located in a mixed-use area with other parking facilities nearby, therefore The use should not affect the public health, safety, or general welfare of the community.

- (2) *The proposed use will not injure or adversely affect the use of the adjacent area or property values therein.*

Because the use has been in existence for several years and is in a mixed-use area near the central business district, the proposed parking lot should not adversely affect the use or value of the adjacent properties.

- (3) *The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein.*

The proposed use is consistent with the character of the area with other parking facilities nearby.

- (4) *The proposed use is compatible with the recommendations of the Comprehensive Plan.*

The City Plan, South Bend Comprehensive Plan (November 2006) makes no specific reference to this use or area.

Filed in Clerk's Office

JUN 04 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

APR 13 2018

PETITION FOR VARIANCE and/or SPECIAL EXCEPTION USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 018-3010-0325, 0327, and 0328

The property address:

117 S Williams Street
South Bend, Indiana 46601

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area: Lots 5, 6 and 7 of Block Two in Vails Subdivision as shown in Plat Book 1, Page 30

VARIANCE INFORMATION:

- 1) *A special exception use to allow for a commercial parking lot; a variance from the required 12' front yard setback for parking to zero; a variance from the required parking lot landscape screening to none; a variance from the required 4 interior off-street parking area landscape islands to none; a variance from the required 24' parking lot maneuvering aisle to 22'; a variance from the required 20' parking space depth to 16'; and a variance from the required wheel stops for individual spaces to none.*
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community:
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and:
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property:

SPECIAL EXCEPTION USE INFORMATION (if the petition does not include a Special Exception Use, please skip to next section):

- 1) The Special Exception Use(s) being requested : *To allow for the existing parking lot to continue in existence.*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *This parking lot has been functioning for over 10 years; there no changes to existing physical features.*
 - (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: *This parking lot shall not deduct from the use and value of adjacent properties, as it currently serve the adjacent properties*
 - (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: *The site shall continue to serve the adjacent properties as a parking lot.*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *The parking lot has been existence for over 10 years.*

* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:

*Mary Coyne Investments, LLC c/o Mike Coyne
1428 Hamilton Avenue
Cleveland, OH 44114
216-857-0262
MFCLPA@aol.com*

Name and address of additional property owners, if applicable: n/a

Name and address of petitioner(s), if different than the petitioner):

n/a

Name and address of additional property owners, if applicable:

CONTACT PERSON:

*Lang, Feeney & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.com*

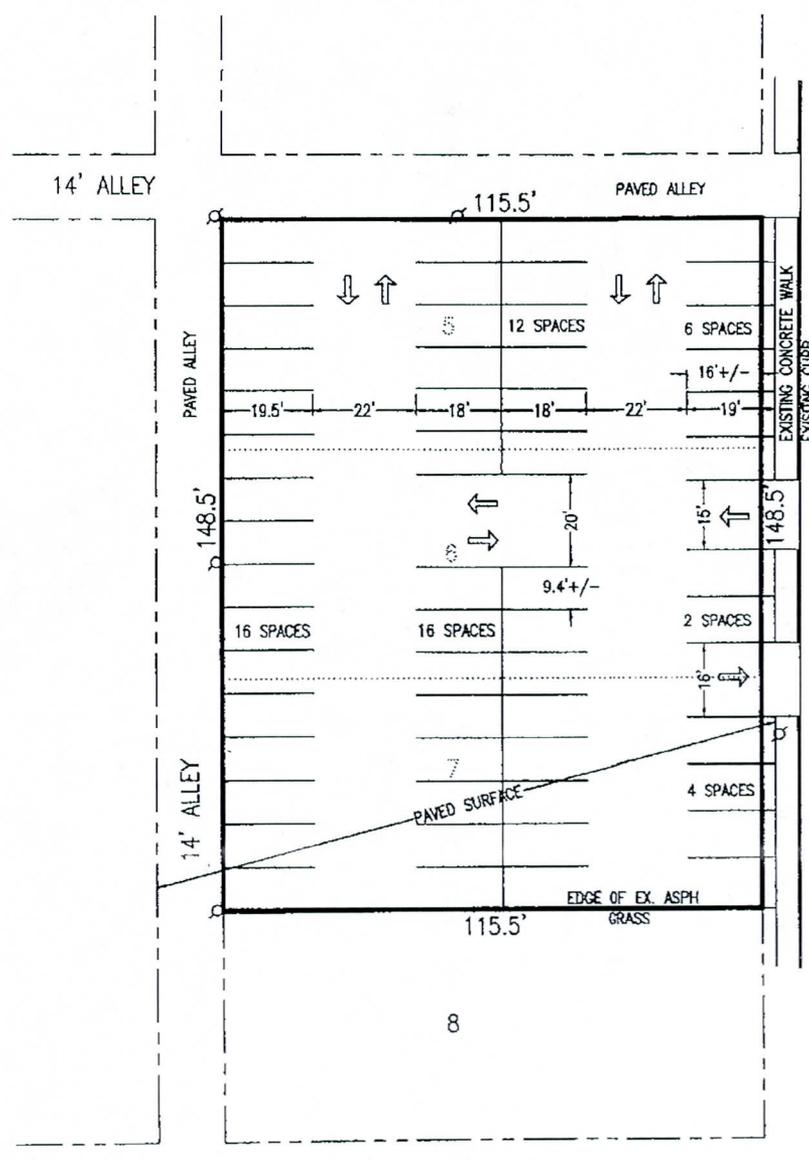
BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s):

Michael F. Coyne

MICHAEL F. COYNE

APR 13 2018



Filed in Clerk's Office

JUN 04 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

LEGEND
○ UTILITY POLE

JEFFERSON BOULEVARD 82.5'R/W

APR 18 2018

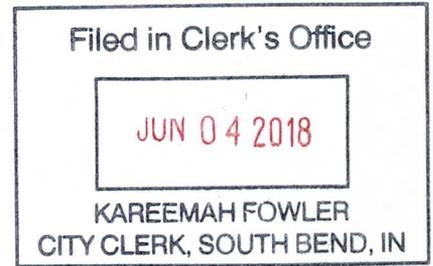
AREA BOARD OF ZONING APPEALS
SITE PLAN
FOR
MARY COYNE INVESTMENTS, LLC.

Lang, Feeney & Associates, Inc.
Land Surveyors, Construction Engineers & Soil Scientists
715 South Michigan Street
South Bend, Indiana 46601
Phone 574-233-1841 Fax 574-674-0374

| | | |
|----------------------------|-----------------|-------------------|
| File Name Coyne BZA.dwg | Drawn By JMS | Scale 1" = 30' |
| Date 4-10-18 | Rev. Date | Drawing No. |

AREA BOARD OF ZONING APPEALS

1140 County-City Building
227 W. Jefferson Boulevard
South Bend, IN 46601
www.sjcindiana.com
Phone - 574-235-9571 - Fax - 574-235-9813



Thursday, May 10, 2018

Common Council
227 W. Jefferson Boulevard
South Bend, IN 46601

RE: The petition of BH INVESTMENTS LLC seeking a Special Use for a two family dwelling in the SF2 Single Family & Two Family District (South Bend) for property located at 112 E INDIANA AVE, City of South Bend

Dear Council Members:

I hereby Certify that the above referenced ordinance of BH INVESTMENTS LLC was legally advertised on April 26, 2018 and that the Area Board of Zoning Appeals at its public hearing on May 9, 2018 took the following action:

Upon a motion by Kathy Schuth, being seconded by Michael Urbanski and unanimously carried, a petition by BH INVESTMENTS LLC seeking a Special Use for a two family dwelling for property located at 112 E INDIANA AVE, City of South Bend, was sent to the Council with a favorable recommendation, and will issue written Findings of Fact.

The deliberations of the Area Board of Zoning Appeals and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

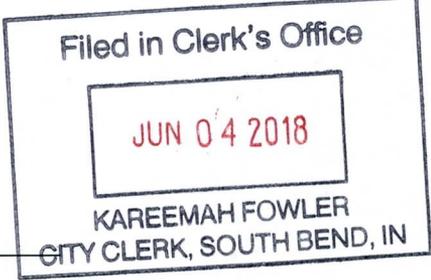
Sincerely,

A handwritten signature in black ink, appearing to read "L. P. Magliozzi".

Lawrence P. Magliozzi, Executive Director

Attachment

CC: BH INVESTMENTS LLC
Cindy Hendrick



BILL NO. 18-24

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 112 E INDIANA AVENUE

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4; and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

112 E INDIANA AVENUE

In order to permit insert a TWO FAMILY DWELLING

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

2. The proposed use will not injure or adversely affect the use of the adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Tim Scott, Council President
South Bend Common Council



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 233-9571

Special Exception / Special Use

A special exception use / special use may only be granted upon making a written determination and adopting appropriate Findings of Fact, based upon the evidence presented at a public hearing, that:

- (1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- (2) *The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;*
- (3) *The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;*
- (4) *The proposed use is compatible with the recommendations of the Comprehensive Plan*

14. Petition of BH Investments LLC

Based on information available prior to the public hearing, the staff recommends the Special Exception Use be sent to the Common Council with a favorable recommendation.

- (1) *The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.*

The proposed use is residential. I should not be injurious to the public health, safety, or general welfare of the community.

- (2) *The proposed use will not injure or adversely affect the use of the adjacent area or property values therein.*

Because of the residential nature of the proposed two-family dwelling, it would not affect the use or value of the adjacent property values.

- (3) *The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein.*

The proposed two-family dwelling is consistent with the character of the area and the SF2 Single Family & Two Family District. This area is in a medium density residential area with close proximity to a major commercial corridor.

- (4) *The proposed use is compatible with the recommendations of the Comprehensive Plan.*

The proposed use is consistent with the City Plan, South Bend Comprehensive Plan (November 2006): Objective H1: Ensure that an adequate supply of housing is available to meet the needs, preference, and financial capability of households now and in the future.

SERVING ST. JOSEPH COUNTY, SOUTH BEND, LAKEVILLE, NEW CARLISLE, NORTH LIBERTY, OSCEOLA & ROSELAND

WWW.STJOSEPHCOUNTYINDIANA.COM/AREAPLAN

CITY OF SOUTH BEND
PETITION FOR VARIANCE and/or SPECIAL EXCEPTION USE

Filed in Clerk's Office

JUN 04 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

APR 12 2018

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 018-7031-~~1~~118801

The property address:

112 E Indiana Ave
South Bend IN 466113

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area:

VARIANCE INFORMATION:

List each variance being requested. The variance request must specifically list the requirement and the desired request (e.g. From the required [enter requirement] to [enter request going to]) Additional examples can be found on our website. Please contact the Staff if you need assistance.

1) From the required 4 spaces to 1

2) A statement on how each of the following standards for the granting of variances is met:

- (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *There is ample parking on the street at this location.*
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *The use will increase property value of this property as well as others in the area.*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *I have extensive experience in the neighborhood so character will remain*

SPECIAL EXCEPTION USE INFORMATION (if the petition does not include a Special Exception Use, please skip to next section):

1) The Special Exception Use(s) being requested : *Two Family Dwelling*

2) A statement on how each of the following standards for the granting of a Special Exception Use is met:

- (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *The property will beautify and thus improve the community with a well maintained house replacing the current dilapidated property*
- (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: *The use will increase property values. The current adjacent properties are MU*
- (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: *The character will remain unchanged.*
- (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *The city would like houses in this neighborhood rehabed.*

* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:

*BH Investments
2269 Chestnut St #280
San Francisco, CA 94123
949-910-8691
brian@overthemoonsf.com*

Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the petitioner):

*Name
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address*

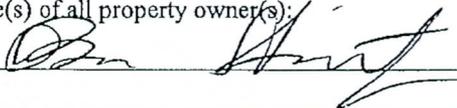
Name and address of additional property owners, if applicable:

CONTACT PERSON:

*Cindy Hendrick
1921 S Lafayette St
South Bend, IN 46613
574-267-37632
cindyhendrick@gmail.com*

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS RELATED TO THIS PETITION.

Signature(s) of all property owner(s):



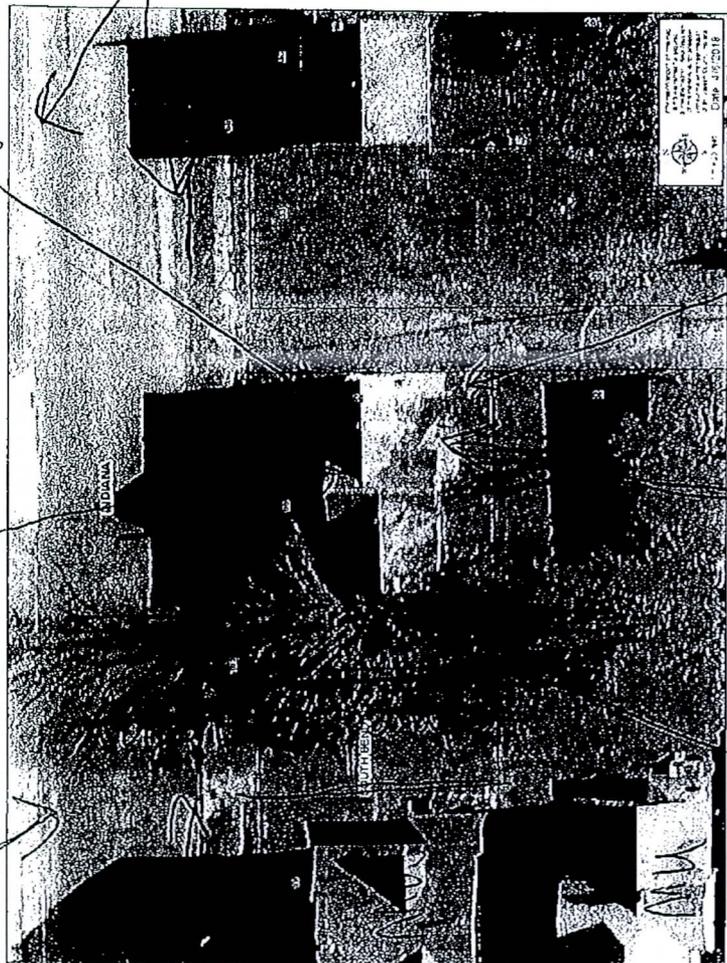
APR 12 2018

4/11/2018

Note
PARKING

- 1 200 = 100R
- 1 600 = 150R
- 1 2 400 = 200R
- 1 3 600 = 300R
- 1 4 800 = 400R

PARKING
Entrance to Studio



Entrance to 2 bed 1 bath

3 electric meter receptacles

Entrance to 1 bed 1 bath

-FILED-
APR 12 2018

Filed in Clerk's Office

JUN 04 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

#14

St. Joseph County

Property Information

Subject Property: 112 E INDIANA AV, SOUTH BEND 46613

Parcel ID: 018-7031-118801

State ID: 71-08-13-326-002.000-026

Current Owner(s): BH INVESTMENTS LLC

Mailing Address: 2790 Erringer Rd 23, Simi Valley CA 93065

Assessed Usage: RESIDENTIAL TWO FAMILY DWELLING ON A PLATTED LOT

Township: SB Portage

Municipality: SOUTH BEND

Tax District: SB Portage

Being Tax as a
2 Family Dwelling

Property Assessment Information as of Last Assessment Date

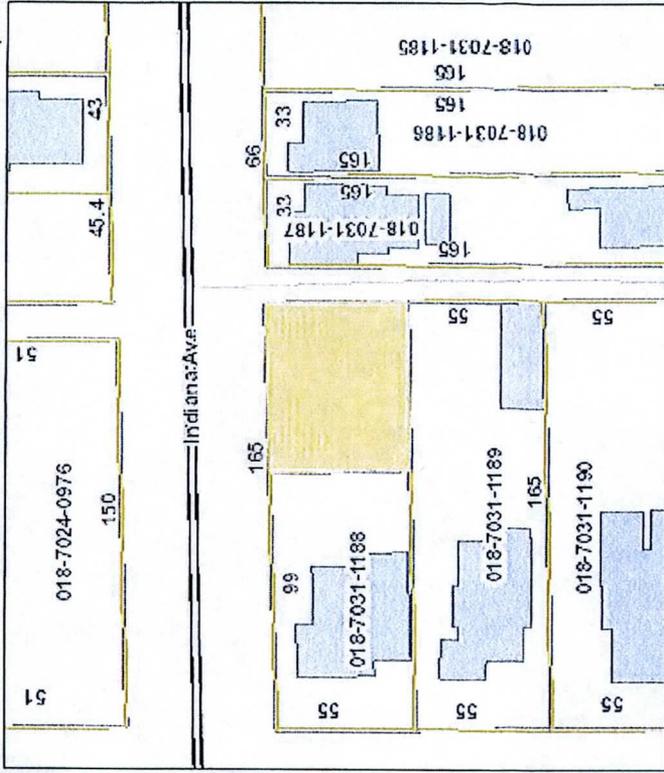
Land Value: \$4,700.00

Improved Value: \$56,500.00

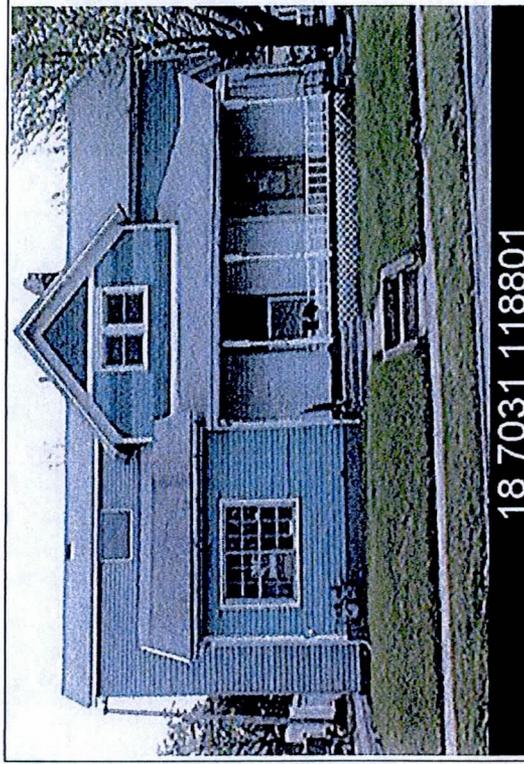
Assessed Year: 2020

Acres: 0.08

Legal Description: 66 Ft E Side Lot 52 Bowmans Place Add



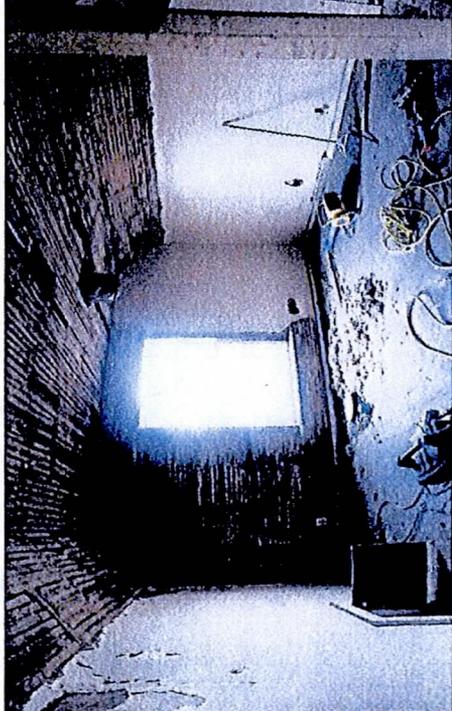
Not to Scale



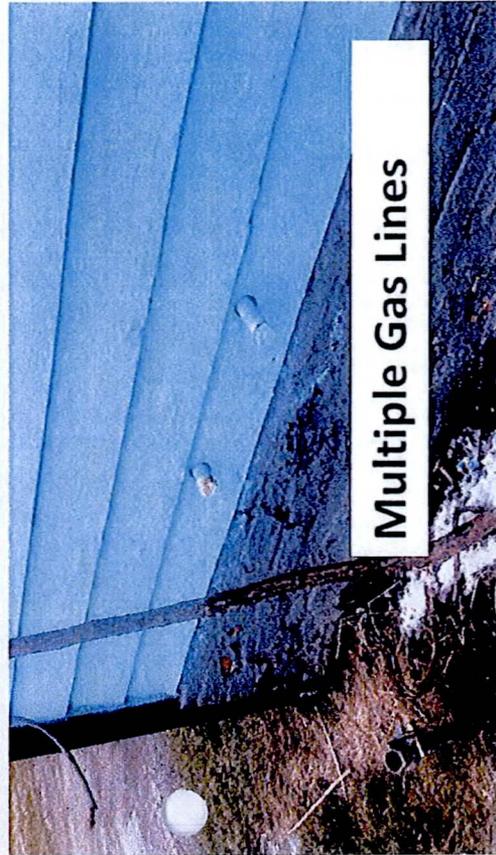
Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized.



BH Investments 112 Indiana Street pictures before rehab



Multiple Electric Meters



Multiple Gas Lines



St. Joseph County

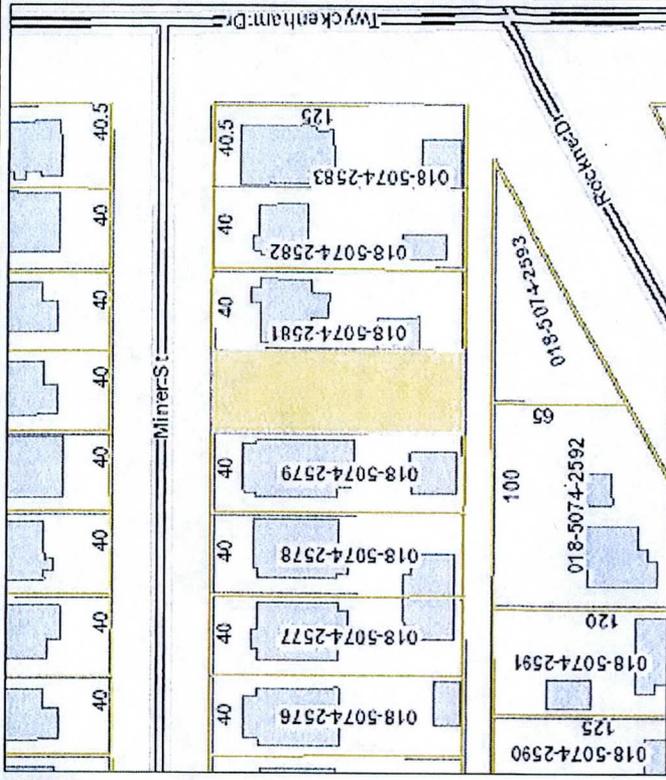
Property Information

Subject Property: 1442 E MINER ST, SOUTH BEND 46617
Parcel ID: 018-5074-2580
State ID: 71-09-06-379-011.000-026
Current Owner(s): BH INVESTMENTS LLC
Mailing Address: 2790 Erringer Rd 23, Simi Valley CA 93065
Assessed Usage: RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township: SB Portage
Municipality: SOUTH BEND
Tax District: SB Portage

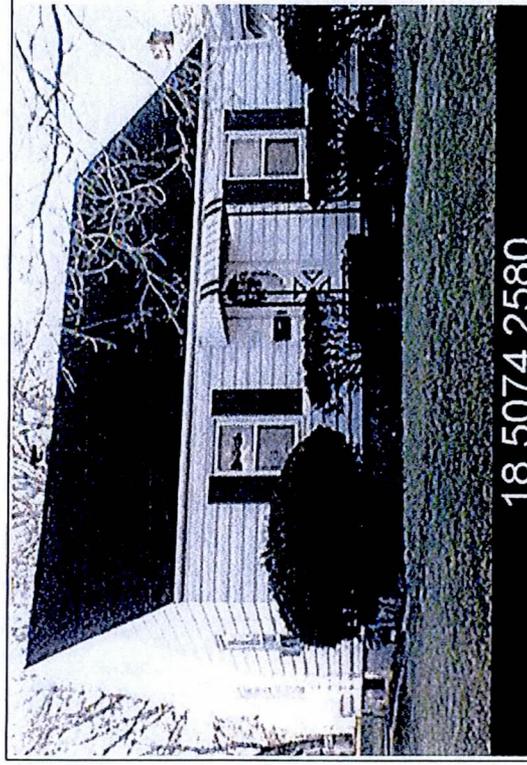
Property Assessment Information as of Last Assessment Date

Land Value: \$4,000.00
Improved Value: \$50,300.00
Assessed Year: 2020
Acres: 0.12

Legal Description: Lot 56 N Sunnyside Add



Not to Scale

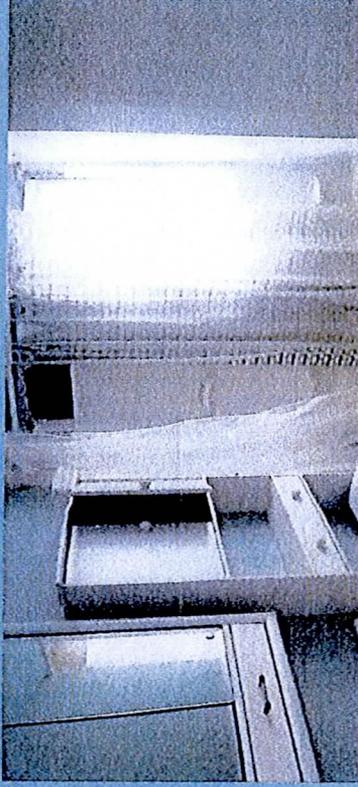


18 5074 2580

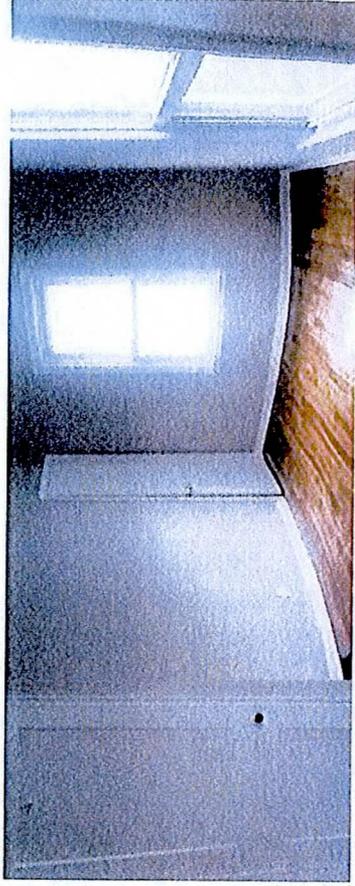
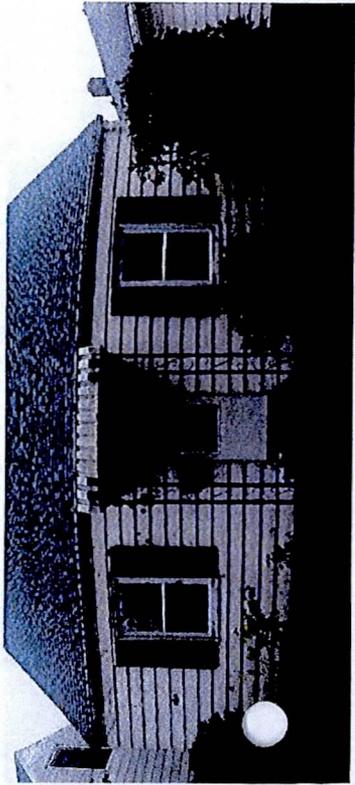
Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized.



BH Investments 1442 Miner Street Rehab BEFORE pictures



BH Investments 1442 Miner Street Rehab AFTER pictures



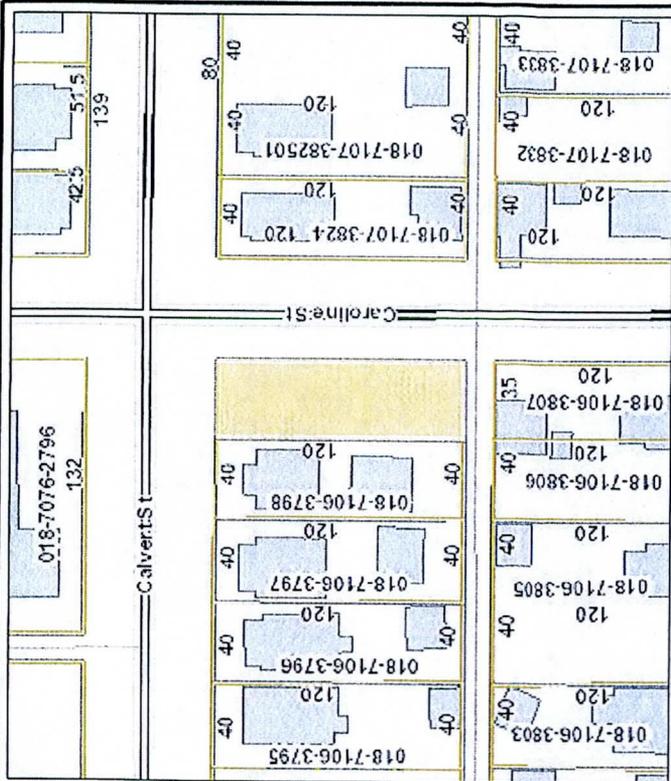
St. Joseph County

Property Information

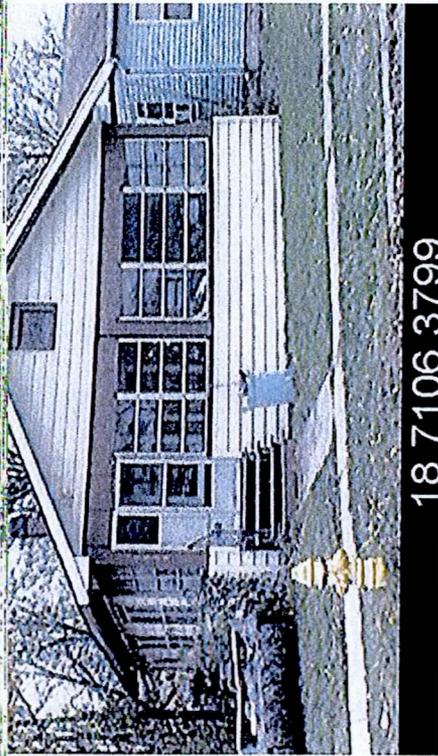
Subject Property: 1534 E CALVERT ST, SOUTH BEND 46613
Parcel ID: 018-71106-3799
State ID: 71-09-18-451-006.000-026
Current Owner(s): BH INVESTMENTS LLC
Mailing Address: 2269 Chestnut St #280 , San Francisco CA 94123
Assessed Usage: RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township: SB Portage
Municipality: SOUTH BEND
Tax District: SB Portage

Property Assessment Information as of Last Assessment Date

Assessed Year: 2020
Acres: 0.11
Legal Description: Lot 172 Roseland Park 2nd



Not to Scale

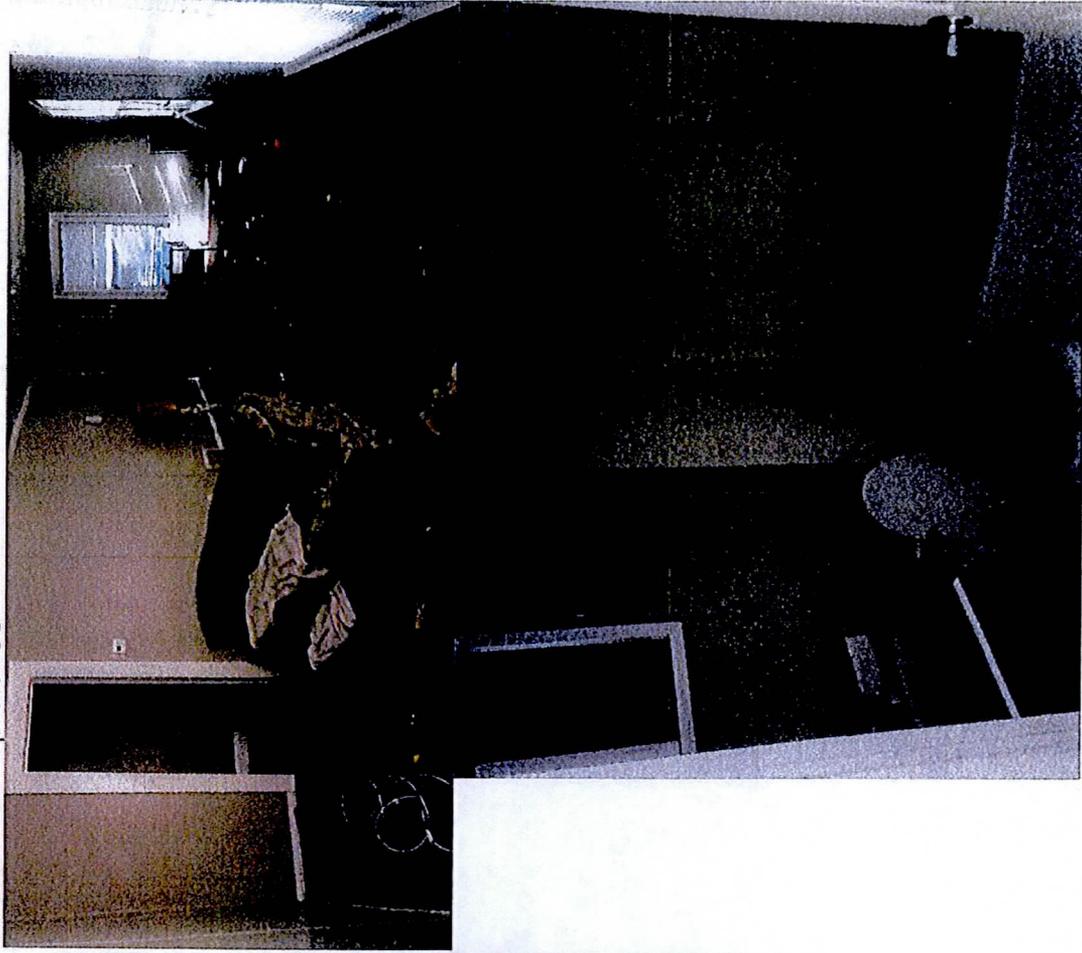


Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized.

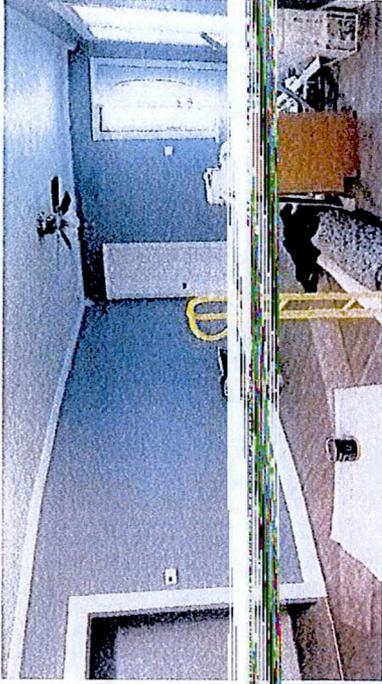
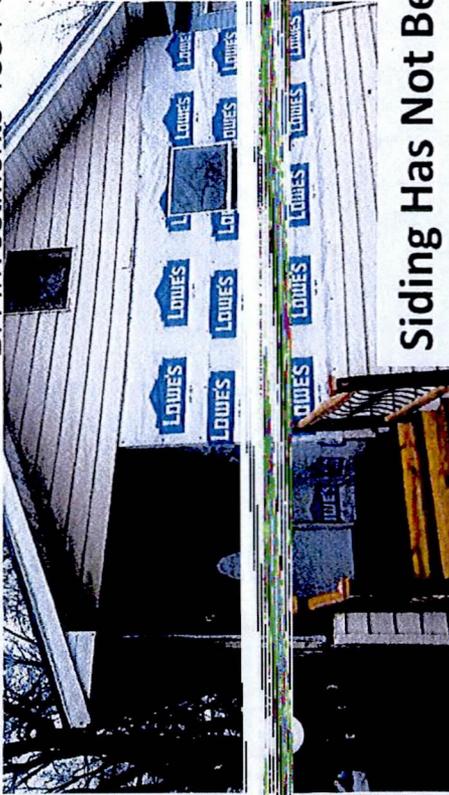


Date Printed: May 8, 2018

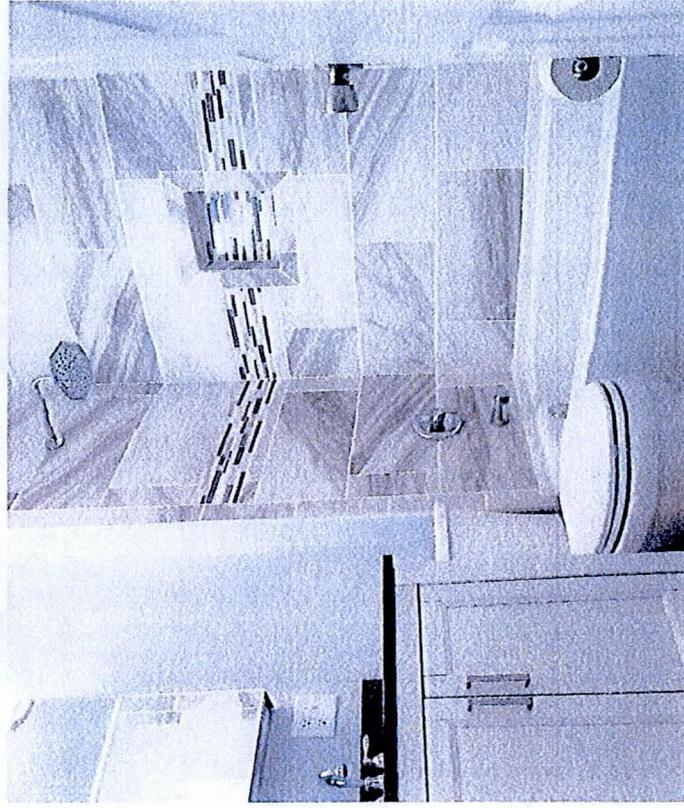
BH Investments 1534 Calvert St Rehab BEFORE pictures



BH Investments 1534 Calvert St Rehab AFTER pictures



Siding Has Not Been Completed



St. Joseph County

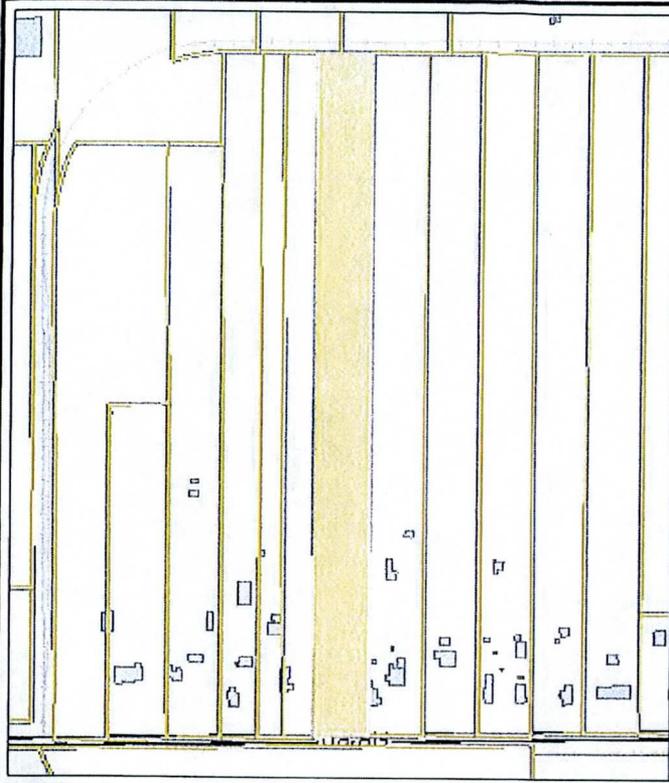
Property Information

Subject Property: 55346 FIR RD, MISHAWAKA 46545
Parcel ID: 014-1077-1984
State ID: 71-09-02-151-006.000-031
Current Owner(s): HORWITZ BRIAN
Mailing Address: 2790 Erringer Rd Unit 23 , Simi Valley CA 93065
Assessed Usage: RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT
Township: Penn
Municipality: MISHAWAKA
Tax District: Penn

Property Assessment Information as of Last Assessment Date

Land Value: \$36,500.00
Improved Value: \$144,100.00
Assessed Year: 2020
Acres: 5.07

Legal Description: Lot 13 Groff Acres



Not to Scale



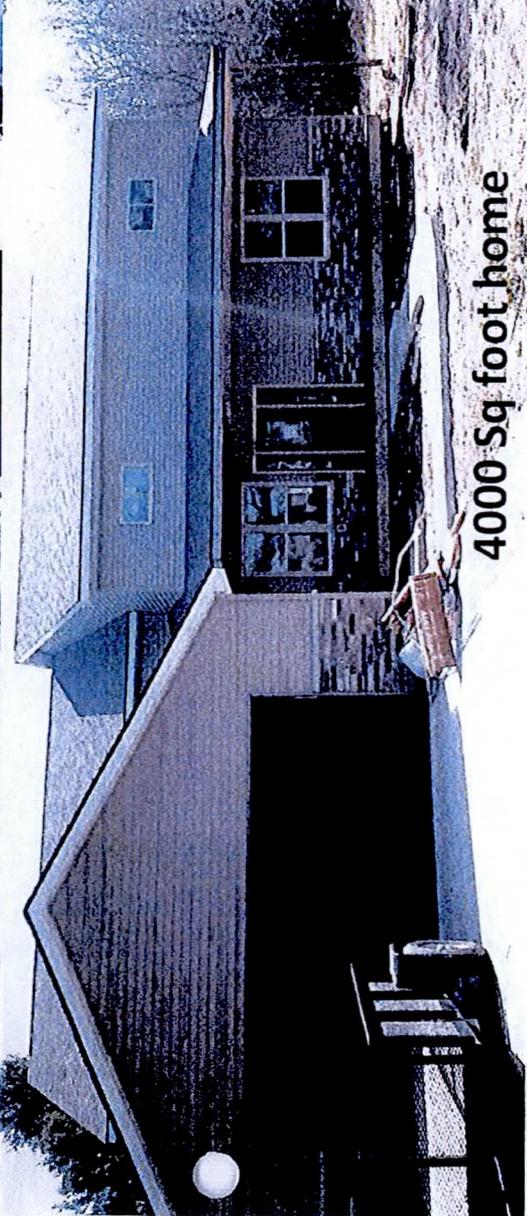
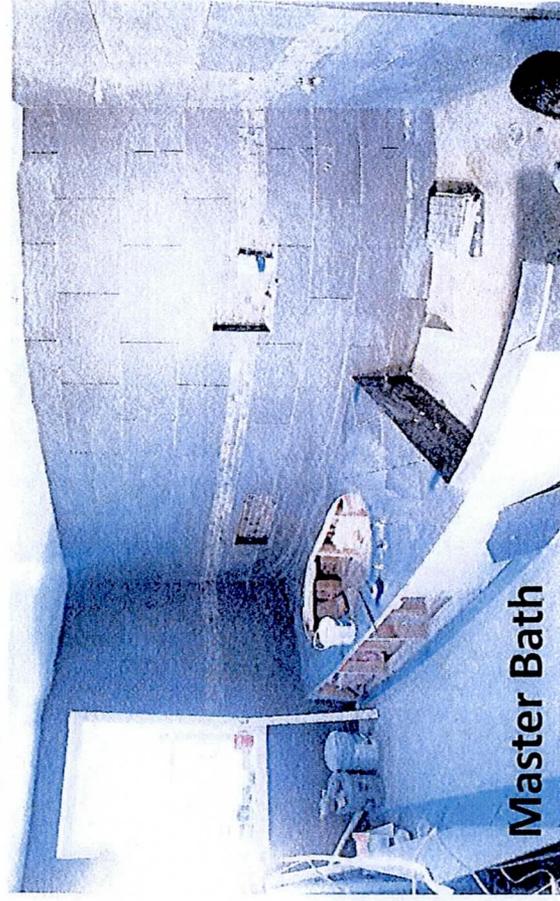
14 1077 1984

Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized.



Date Printed: May 8, 2018

BH Investments 55346 Fir Rd. Custom Built Home





BILL NO. 28-18

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF ADMINISTRATION AND FINANCE

June 18, 2018

Mr. Tim Scott, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601

RE: June 2018 Transfer Ordinance

Dear President Scott,

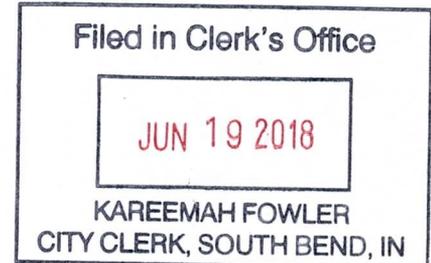
During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2018, we plan to propose adjustments during four time periods—March, June, October and December.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on June 25, 2018 with 2nd reading, public hearing and 3rd reading scheduled for July 9, 2018.

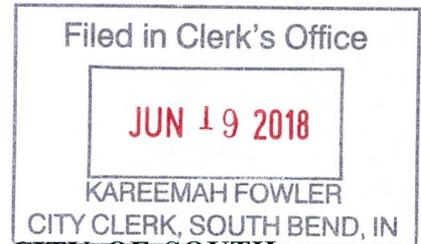
Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-9822.

Regards,

Jennifer C. Hockenull
City Controller



BILL NO. 28-18
ORDINANCE NO. _____



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2018

STATEMENT OF PURPOSE AND INTENT

Unforeseen conditions have developed since the adoption of the existing budgets (Ordinances #10499-17 and 10537-17 passed on October 23, 2017) which necessitate the increase and reduction of appropriations within the various departments of the General Fund and other funds of the City of South Bend during 2018.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. All accounts as set forth in the detailed attachment hereto which are incorporated herein shall be adjusted by increase or reduction of appropriation in the designated sums.

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Tim Scott, Council President
South Bend Common Council

Attest:

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ .m.

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

City of South Bend, Indiana
June 2018 Budget Transfers
(budget transfers between expenditure categories or departments within the same fund)
June 11, 2018

Common Council Approved ##/##/18 - Bill No. ##

| Fund Name | Department Name | Account Name | Fiscal Officer/ Contact Name | Account Number | Project Number | Budget Increase/ (Decrease) | Justification |
|--------------|-----------------|-------------------------------------------|------------------------------|--------------------|----------------|-----------------------------|-------------------------------------------------------------------------------------|
| General Fund | City Clerk | Personnel / Seasonal & Interns | Jennifer Coffman | 101-0201-411.10-03 | | 5,000 | Hiring one intern |
| General Fund | City Clerk | R&M Services / Office Equip R&M | Jennifer Coffman | 101-0201-411.36-02 | | (5,000) | Account has available budget |
| General Fund | City Clerk | Personnel / Cell Phone Allowance | Jennifer Coffman | 101-0201-411.11-24 | | 680 | Cover cost of cell phone allowance |
| General Fund | City Clerk | Services / Other Professional Services | Jennifer Coffman | 101-0201-411.31-06 | | (660) | Account has available budget |
| | | | | | | \$ - | |
| General Fund | Morris PAC | Personnel Wages / Salaries | Marika Anderson | 101-0404-453.10-01 | | 66,153 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Personnel Benefits / FICA - Regular | Marika Anderson | 101-0404-453.11-01 | | 5,061 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Personnel Benefits / PERF - Regular | Marika Anderson | 101-0404-453.11-04 | | 7,409 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Personnel Benefits / Health Insurance | Marika Anderson | 101-0404-453.11-08 | | 29,333 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Personnel Benefits / Life Insurance | Marika Anderson | 101-0404-453.11-09 | | 216 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Personnel Benefits / Parking Allowance | Marika Anderson | 101-0404-453.11-22 | | 1,188 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Personnel Benefits / Cell Phone Allowance | Marika Anderson | 101-0404-453.11-24 | | 480 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Personnel Benefits / Parental Leave | Marika Anderson | 101-0404-453.11-29 | | 160 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Office Supplies / Print Shop | Marika Anderson | 101-0404-453.21-02 | | 500 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Office Supplies / Small Office Equipment | Marika Anderson | 101-0404-453.21-05 | | 150 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Operating Supplies / Uniforms | Marika Anderson | 101-0404-453.22-05 | | 400 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Operating Supplies / Cleaning Supplies | Marika Anderson | 101-0404-453.22-05 | | 8,100 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Operating Supplies / Other Oper Supplies | Marika Anderson | 101-0404-453.22-24 | | 300 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | R&M Supplies / Building Materials | Marika Anderson | 101-0404-453.23-01 | | 5,500 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | R&M Supplies / Small Tools & Equip | Marika Anderson | 101-0404-453.23-20 | | 3,000 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | R&M Supplies / Other R&M Supplies | Marika Anderson | 101-0404-453.23-99 | | 6,000 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Communication / Postage | Marika Anderson | 101-0404-453.32-02 | | 800 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Travel / Mileage | Marika Anderson | 101-0404-453.32-02 | | 300 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Travel / Airfare | Marika Anderson | 101-0404-453.32-22 | | 600 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Travel / Hotel | Marika Anderson | 101-0404-453.32-23 | | 800 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Travel / Meals | Marika Anderson | 101-0404-453.32-24 | | 400 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Travel / Other | Marika Anderson | 101-0404-453.32-25 | | 100 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Printing and Advertising / Promotional | Marika Anderson | 101-0404-453.33-01 | | 83,736 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | R&M Services / Building R&M | Marika Anderson | 101-0404-453.36-01 | | 5,000 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | R&M Services / Other Equip R&M | Marika Anderson | 101-0404-453.36-05 | | 250 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Other Services / Subscriptions | Marika Anderson | 101-0404-453.39-10 | | 700 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Other Services / Dues & Memberships | Marika Anderson | 101-0404-453.39-11 | | 1,500 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Other Services / Education & Training | Marika Anderson | 101-0404-453.39-70 | | 1,000 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | Other Services / Misc Charges & Svcs | Marika Anderson | 101-0404-453.39-89 | | 1,000 | Transferring Morris maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Morris PAC | R&M Services / Building R&M | Marika Anderson | 101-0404-453.36-01 | | (229,536) | Redistribute Bldg R&M budget, was originally budgeted for chargebacks from Fund 201 |
| | | | | | | \$ - | |
| General Fund | Palais Royale | Personnel Wages / Salaries | Marika Anderson | 101-0405-453.10-01 | | 47,785 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | Personnel Benefits / FICA - Regular | Marika Anderson | 101-0405-453.11-01 | | 3,656 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | Personnel Benefits / PERF - Regular | Marika Anderson | 101-0405-453.11-04 | | 5,351 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | Personnel Benefits / Health Insurance | Marika Anderson | 101-0405-453.11-08 | | 19,565 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | Personnel Benefits / Life Insurance | Marika Anderson | 101-0405-453.11-09 | | 144 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | Personnel Benefits / Parking Allowance | Marika Anderson | 101-0405-453.11-22 | | 792 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | Personnel Benefits / Cell Phone Allowance | Marika Anderson | 101-0405-453.11-24 | | 600 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | Personnel Benefits / Parental Leave | Marika Anderson | 101-0405-453.11-29 | | 117 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | Office Supplies / Central Stores | Marika Anderson | 101-0405-453.21-03 | | 200 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | Operating Supplies / Cleaning Supplies | Marika Anderson | 101-0405-453.22-01 | | 10,000 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | R&M Supplies / Building Materials | Marika Anderson | 101-0405-453.23-01 | | 4,000 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | R&M Supplies / Small Tools & Equip | Marika Anderson | 101-0405-453.23-20 | | 1,800 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | R&M Supplies / Other R&M Supplies | Marika Anderson | 101-0405-453.23-99 | | 68,369 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | R&M Services / Building R&M | Marika Anderson | 101-0405-453.36-01 | | 4,000 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | R&M Services / Computer Equip R&M | Marika Anderson | 101-0405-453.36-04 | | 2,500 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | R&M Services / Other Equip R&M | Marika Anderson | 101-0405-453.36-05 | | 3,000 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | Other Services / Subscriptions | Marika Anderson | 101-0405-453.39-10 | | 200 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | Other Services / Dues & Memberships | Marika Anderson | 101-0405-453.39-11 | | 400 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | Other Services / Education & Training | Marika Anderson | 101-0405-453.39-70 | | 1,000 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | Other Services / Misc Charges & Svcs | Marika Anderson | 101-0405-453.39-89 | | 1,000 | Transferring Palais maintenance costs back to General Fund 101 from Parks Fund 201 |
| General Fund | Palais Royale | R&M Services / Building R&M | Marika Anderson | 101-0405-453.36-01 | | (174,469) | Redistribute Bldg R&M budget, was originally budgeted for chargebacks from Fund 201 |
| | | | | | | \$ - | |



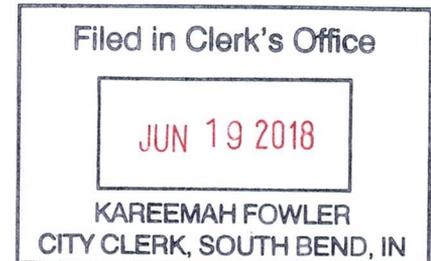
BILL NO. 29-18

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF ADMINISTRATION AND FINANCE

June 18, 2018

Mr. Tim Scott, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601

RE: June 2018 Appropriation Ordinance – Civil City Funds



Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2018, we plan to propose adjustments during four time periods—March, June, October and December.

Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on June 25, 2018 with 2nd reading, public hearing and 3rd reading scheduled for July 9, 2018.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-9822.

Regards,

Jennifer C. Hockenull
City Controller

JUN 19 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 29-18
ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2018 OF \$304,000 FROM GENERAL FUND (#101), (\$135,887) FROM PARKS & RECREATION FUND (#201), \$6,000 FROM MOTOR VEHICLE HIGHWAY FUND (#202), \$123,769 FROM RECREATION NONREVERTING (#203), (\$2,733) FROM GIFT DONATION BEQUEST FUND (#217), \$25,425 FROM LIABILITY INSURANCE PREMIUM RESERVE (#226), \$330,000 FROM LOCAL ROADS & STREETS (#251), \$100,000 FROM LOIT 2016 SPECIAL DISTRIBUTION (#257), \$595,304 FROM 2017 PARKS BOND DEBT SERVICE (#312), (\$626,302) FROM HALL OF FAME DEBT SERVICE (#313), \$275,000 COUNTY OPTION INCOME TAX (#401), \$25,000 FROM PARK NONREVERTING CAPITAL (#405), \$146,250 FROM ECONOMIC DEVELOPMENT INCOME TAX (#408), \$74,600 FROM MORRIS CAPITAL IMPROVEMENT (#416), AND \$1,867,115 FROM EQUIPMENT/VEHICLE LEASING (#750).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2018 operating and capital budgets in 2017 (Ordinance #10499-17 passed on October 23, 2017), which included expenditures for various City operations. It is now necessary to appropriate additional funds for operational and capital expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The following amounts are hereby appropriated in fiscal year 2018 and set apart within the following designated funds for expenditures as follows:

| FUND | <u>Amount</u> |
|--------------------------------------------|----------------------|
| General Fund (#101) | \$304,000 |
| Parks & Recreation (#201) | (135,887) |
| Motor Vehicle Highway Fund (#202) | 6,000 |
| Recreation Nonreverting (#203) | 123,769 |
| Gift, Donation, Bequest Fund (#217) | (2,733) |
| Liability Insurance Premium Reserve (#226) | 25,425 |
| Local Roads & Streets (#251) | 330,000 |
| LOIT 2016 Special Distribution (#257) | 100,000 |
| 2017 Parks Bond Debt Service (#312) | 595,304 |

| | |
|------------------------------------|----------------------------------|
| Hall of Fame Debt Service (#313) | (626,302) |
| County Option Income Tax (#404) | 275,000 |
| Park Nonreverting Capital (#405) | 25,000 |
| Economic Develop Income Tax (#408) | 146,250 |
| Morris Capital Improvement (#416) | 74,600 |
| Equipment/Vehicle Leasing (#750) | <u>1,867,115</u> |
| TOTAL | <u><u>\$3,107,541</u></u> |

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval of the Mayor.

 Tim Scott, Council President
 South Bend Common Council

Attest:

 Kareemah N. Fowler, City Clerk
 Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

 Kareemah N. Fowler, City Clerk
 Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

 Pete Buttigieg, Mayor
 City of South Bend, Indiana

City of South Bend, Indiana
June 2018 Additional Appropriation Requests - Civil City Funds
(increase or decrease in total fund expenditures)
June 8, 2018

Common Council Approved - ###/###/18 - Bill No. ##

| Fund Name | Department Name | Account Name | Fiscal Officer/ Contact Name | Account Number | Project Number | Budget Increase/ (Decrease) | Justification |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------------------|------------------------------|--------------------|----------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General Fund | Fire Department | Personnel / Comp Time Buy-Back | Danny Cocanower | 101-0901-422.11-24 | | 75,000 | Cover cost of unanticipated retirement pay-outs |
| General Fund | Fire Department | Services / Other Professional Services | Danny Cocanower | 101-0901-422.31-06 | | 29,000 | Reporting software for investigators and inspectors |
| General Fund | Fire Department | Services / R&M - Vehicles | Danny Cocanower | 101-0901-422.36-06 | | 200,000 | Additional funds needed to cover 3 major engine overhauls, new pump, and body damage on trucks |
| | | | | | | \$ 304,000 | |
| Marketing costs will not be allocated back to the Morris and Palais as originally planned. The allocation overcomplicated the accounting and caused an unnecessary amount of additional work. Marketing salaries and benefits will be paid out of 201-1110, but not allocated back. Morris and Palais marketing expenses will be paid directly out of 101-0404 and 101-0405. | | | | | | | |
| Parks & Recreation | Marketing (Experience Division) | Office Supplies / Print Shop | Kim Williams | 201-1110-452.21-02 | K1MPAC | (1,651) | Transfer Morris marketing costs back to the General Fund (101-0404) |
| Parks & Recreation | Marketing (Experience Division) | Office Supplies / Central Stores | Kim Williams | 201-1110-452.21-03 | K1MPAC | (150) | Transfer Morris marketing costs back to the General Fund (101-0404) |
| Parks & Recreation | Marketing (Experience Division) | Office Supplies / Office Supplies | Kim Williams | 201-1110-452.21-04 | K1MPAC | (1,400) | Transfer Morris marketing costs back to the General Fund (101-0404) |
| Parks & Recreation | Marketing (Experience Division) | Office Supplies / Small Office Equipment | Kim Williams | 201-1110-452.21-05 | K1MPAC | (200) | Transfer Morris marketing costs back to the General Fund (101-0404) |
| Parks & Recreation | Marketing (Experience Division) | Operating Supplies / Recreation Supplies | Kim Williams | 201-1110-452.22-23 | K1MPAC | (2,197) | Transfer Morris marketing costs back to the General Fund (101-0404) |
| Parks & Recreation | Marketing (Experience Division) | Operating Supplies / Other Oper Supplies | Kim Williams | 201-1110-452.22-24 | K1MPAC | (100) | Transfer Morris marketing costs back to the General Fund (101-0404) |
| Parks & Recreation | Marketing (Experience Division) | Interfund Allocation / Print Shop Allocator | Kim Williams | 201-1110-452.31-73 | K1MPAC | (10,836) | Transfer Morris marketing costs back to the General Fund (101-0404) |
| Parks & Recreation | Marketing (Experience Division) | Communication / Postage | Kim Williams | 201-1110-452.32-02 | K1MPAC | (300) | Transfer Morris marketing costs back to the General Fund (101-0404) |
| Parks & Recreation | Marketing (Experience Division) | Printing & Advertising / Outside Printing | Kim Williams | 201-1110-452.33-01 | K1MPAC | (3,700) | Transfer Morris marketing costs back to the General Fund (101-0404) |
| Parks & Recreation | Marketing (Experience Division) | Printing & Advertising / Promotional | Kim Williams | 201-1110-452.33-03 | K1MPAC | (79,070) | Transfer Morris marketing costs back to the General Fund (101-0404) |
| Parks & Recreation | Marketing (Experience Division) | R&M Services / Computer Equip R&M | Kim Williams | 201-1110-452.36-04 | K1MPAC | (2,550) | Transfer Morris marketing costs back to the General Fund (101-0404) |
| Parks & Recreation | Marketing (Experience Division) | Other Services / Dues & Memberships | Kim Williams | 201-1110-452.39-11 | K1MPAC | (580) | Transfer Morris marketing costs back to the General Fund (101-0404) |
| Parks & Recreation | Marketing (Experience Division) | Other Services / Education & Training | Kim Williams | 201-1110-452.39-70 | K1MPAC | (50) | Transfer Morris marketing costs back to the General Fund (101-0404) |
| Parks & Recreation | Marketing (Experience Division) | Other Services / Misc Charges & Svcs | Kim Williams | 201-1110-452.39-89 | K1MPAC | (24,258) | Transfer Morris marketing costs back to the General Fund (101-0404) |
| | | | | | | \$ (127,042) | |
| Parks & Recreation | Marketing (Experience Division) | Services / Outside Printing | Kim Williams | 201-1110-452.33-01 | K1PALA | (1,000) | Transfer Palais Royale marketing costs back to General Fund (101-0405) |
| Parks & Recreation | Marketing (Experience Division) | Services / Promotional | Kim Williams | 201-1110-452.33-03 | K1PALA | (7,795) | Transfer Palais Royale marketing costs back to General Fund (101-0405) |
| Parks & Recreation | Marketing (Experience Division) | Services / Education & Training | Kim Williams | 201-1110-452.39-70 | K1PALA | (50) | Transfer Palais Royale marketing costs back to General Fund (101-0405) |
| | | | | | | \$ (8,845) | |
| Motor Vehicle Highway Fund | Curb & Sidewalk | Services / Other Professional Services | Terr Swift | 202-0619-431.31-06 | | \$ 6,000 | Appropriation money received from State Farm for contractor not finishing work This appropriation will be used to repair the right-of-way work left incomplete by the contractor |
| Recreation Nonreverting | Parks Marketing (Experience) | Personnel / Regular Wages | Kim Williams | 203-1110-452.10-01 | K3BEST | 13,063 | Establish Experience division budget for 2018 Best Week Ever |
| Recreation Nonreverting | Parks Marketing (Experience) | Personnel / FICA - Regular | Kim Williams | 203-1110-452.11-01 | K3BEST | 906 | Establish Experience division budget for 2018 Best Week Ever |
| Recreation Nonreverting | Parks Marketing (Experience) | Personnel / PERF - Regular | Kim Williams | 203-1110-452.11-04 | K3BEST | 1,800 | Establish Experience division budget for 2018 Best Week Ever |
| Recreation Nonreverting | Parks Marketing (Experience) | Supplies / Recreation Supplies | Kim Williams | 203-1110-452.22-23 | K3BEST | 10,000 | Establish Experience division budget for 2018 Best Week Ever |
| Recreation Nonreverting | Parks Marketing (Experience) | Services / Promotional | Kim Williams | 203-1110-452.33-03 | K3BEST | 80,000 | Establish Experience division budget for 2018 Best Week Ever |
| Recreation Nonreverting | Parks Marketing (Experience) | Services / Contract Svcs & Chgs | Kim Williams | 203-1110-452.39-89 | K3BEST | 18,000 | Establish Experience division budget for 2018 Best Week Ever |
| | | | | | | \$ 123,769 | |
| Gift, Donation, Bequest | Community Investment | Services / Contract Svcs & Chgs | Beth Leonard | 217-1086-415.39-89 | | \$ (2,733) | Reduce budget to actual, 2017 encumbrance shouldn't have been rolled forward |
| Liability Insurance | Business Insurance | Interfund Transfer Out | Amy Shirk | 226-0417-672.50-02 | | \$ 25,425 | On June 21, 2017, a fire truck caught fire at Fire Station #4 causing damage to the station and the truck to be replaced. Insurance proceeds related to this claim were deposited into Fund 226 in the amount of \$45,608.83. Expenditures for the towing of the damaged Engine 4 and cleanup of Fire St#4 were charged to Fund 226 in the amount of \$20,183.36. The remaining insurance proceeds total \$25,425.47. This amount will be transferred to Fund 287 EMS Capital to cover the other costs associated with the replacement of Engine 4. |
| Local Roads & Streets | Public Works | Services / Other Professional Svcs | Ron O'Connor | 251-0608-431.31-06 | | \$ 330,000 | Additional appropriation to encumber funds received 4/20/18 from INDOT. INDOT's funding/contribution payment is for the 10 year operating and maintenance costs of SR933, the road transferred to the City. |

City of South Bend, Indiana
June 2018 Additional Appropriation Requests - Civil City Funds
 (increase or decrease in total fund expenditures)
 June 8, 2018

Common Council Approved - ###18 - Bill No. ##

| Fund Name | Department Name | Account Name | Fiscal Officer/ Contact Name | Account Number | Project Number | Budget Increase/ (Decrease) | Justification |
|--------------------------------|--------------------------------|-----------------------------------------|------------------------------|--------------------|----------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LOIT 2016 Special Distribution | Public Works | Services / Other Professional Svcs | Ron O'Connor | 257-0608-431.31-06 | | \$ 100,000 | Additional appropriation to encumber funds received 8/25/17 from the Pokagon Band. |
| 2017 Parks Bond Debt Service | Series A - Howard Park | Debt Service / Principal | Amy Shirk | 312-1130-452.38-01 | DS-165 | 30,000 | 2017 Park District Bond, Series 2017A |
| 2017 Parks Bond Debt Service | Series A - Howard Park | Debt Service / Interest | Amy Shirk | 312-1130-452.38-02 | DS-165 | 19,561 | 2017 Park District Bond, Series 2017A |
| 2017 Parks Bond Debt Service | Series B - St. Louis St | Debt Service / Principal | Amy Shirk | 312-1131-452.38-01 | DS-165 | 35,000 | 2017 Park District Bond, Series 2017B |
| 2017 Parks Bond Debt Service | Series B - St. Louis St | Debt Service / Interest | Amy Shirk | 312-1131-452.38-02 | DS-165 | 25,369 | 2017 Park District Bond, Series 2017B |
| 2017 Parks Bond Debt Service | Series C - Colfax-Seltz | Debt Service / Principal | Amy Shirk | 312-1132-452.38-01 | DS-165 | 25,000 | 2017 Park District Bond, Series 2017C |
| 2017 Parks Bond Debt Service | Series C - Colfax-Seltz | Debt Service / Interest | Amy Shirk | 312-1132-452.38-02 | DS-165 | 18,614 | 2017 Park District Bond, Series 2017C |
| 2017 Parks Bond Debt Service | Series D - Howard-Farmers | Debt Service / Principal | Amy Shirk | 312-1133-452.38-01 | DS-165 | 30,000 | 2017 Park District Bond, Series 2017D |
| 2017 Parks Bond Debt Service | Series D - Howard-Farmers | Debt Service / Interest | Amy Shirk | 312-1133-452.38-02 | DS-165 | 22,073 | 2017 Park District Bond, Series 2017D |
| 2017 Parks Bond Debt Service | Series E - Miami-Tyckenham | Debt Service / Principal | Amy Shirk | 312-1134-452.38-01 | DS-165 | 20,000 | 2017 Park District Bond, Series 2017E |
| 2017 Parks Bond Debt Service | Series E - Miami-Tyckenham | Debt Service / Interest | Amy Shirk | 312-1134-452.38-02 | DS-165 | 14,286 | 2017 Park District Bond, Series 2017E |
| 2017 Parks Bond Debt Service | Series F - Seltz Park | Debt Service / Principal | Amy Shirk | 312-1135-452.38-01 | DS-165 | 30,000 | 2017 Park District Bond, Series 2017F |
| 2017 Parks Bond Debt Service | Series F - Seltz Park | Debt Service / Interest | Amy Shirk | 312-1135-452.38-02 | DS-165 | 19,845 | 2017 Park District Bond, Series 2017F |
| 2017 Parks Bond Debt Service | Series H - Pinhook Park | Debt Service / Principal | Amy Shirk | 312-1136-452.38-01 | DS-165 | 45,000 | 2017 Park District Bond, Series 2017H |
| 2017 Parks Bond Debt Service | Series H - Pinhook Park | Debt Service / Interest | Amy Shirk | 312-1136-452.38-02 | DS-165 | 32,458 | 2017 Park District Bond, Series 2017H |
| 2017 Parks Bond Debt Service | Series I - Other Park Improve. | Debt Service / Principal | Amy Shirk | 312-1137-452.38-01 | DS-165 | 45,000 | 2017 Park District Bond, Series 2017I |
| 2017 Parks Bond Debt Service | Series I - Other Park Improve. | Debt Service / Interest | Amy Shirk | 312-1137-452.38-02 | DS-165 | 30,741 | 2017 Park District Bond, Series 2017I |
| 2017 Parks Bond Debt Service | Series J - Pinhook Connect | Debt Service / Principal | Amy Shirk | 312-1138-452.38-01 | DS-165 | 25,000 | 2017 Park District Bond, Series 2017J |
| 2017 Parks Bond Debt Service | Series J - Pinhook Connect | Debt Service / Interest | Amy Shirk | 312-1138-452.38-02 | DS-165 | 16,108 | 2017 Park District Bond, Series 2017J |
| 2017 Parks Bond Debt Service | Series K - Future Projects | Debt Service / Principal | Amy Shirk | 312-1139-452.38-01 | DS-165 | 25,000 | 2017 Park District Bond, Series 2017K |
| 2017 Parks Bond Debt Service | Series K - Future Projects | Debt Service / Interest | Amy Shirk | 312-1139-452.38-02 | DS-165 | 17,670 | 2017 Park District Bond, Series 2017K |
| 2017 Parks Bond Debt Service | Series G - East Race/AM Gen | Debt Service / Principal | Amy Shirk | 312-1141-452.38-01 | DS-165 | 40,000 | 2017 Park District Bond, Series 2017G |
| 2017 Parks Bond Debt Service | Series G - East Race/AM Gen | Debt Service / Interest | Amy Shirk | 312-1141-452.38-02 | DS-165 | 26,579 | 2017 Park District Bond, Series 2017G |
| 2017 Parks Bond Debt Service | Series K - Future Projects | Debt Service / Paying Agent Fee | Amy Shirk | 312-1139-452.38-03 | | 2,000 | Establish budget for potential service fees |
| | | | | | | \$ 595,304 | |
| Hall of Fame Debt Service | Administration & Finance | Debt Service / Principal | Amy Shirk | 313-0401-472.38-01 | | (230,000) | Reduce budget to actual debt service paid |
| Hall of Fame Debt Service | Administration & Finance | Debt Service / Interest | Amy Shirk | 313-0401-472.38-02 | | (395,302) | Reduce budget to actual debt service paid |
| Hall of Fame Debt Service | Administration & Finance | Debt Service / Paying Agent Fees | Amy Shirk | 313-0401-472.38-03 | | (1,000) | |
| | | | | | | \$ (626,302) | |
| County Option Income Tax | Administration & Finance | Professional Services / Other Prof Svcs | Jen Hockenhuill | 404-0401-415.31-06 | | \$ 275,000 | Consulting services for preparation of business disparity study |
| Park Nonreverting Capital | Parks Maintenance | Services / R&M - Land Improvements | Kim Williams | 405-1101-452.36-09 | | \$ 25,000 | IUSB Veterans Park Project - establish budget for remaining project expenditures (anticipate receiving additional \$25k donation to fund this increase) |
| Economic Develop Income Tax | Community Investment | Grants & Subsidies | Beth Leonard | 408-1001-460.39-30 | 16JV04 | \$ 66,250 | To fund Noire Dame Clinical Law Center. They will assist citizens purchasing property through a tax sale. |
| Economic Develop Income Tax | Community Investment | Grants & Subsidies | Beth Leonard | 408-1001-460.39-30 | 18J026 | \$ 80,000 | To fund Homeownership Financing for residents, per James Mueller 6/7/18 |
| Morris Capital Improvement | Morris PAC | R&M Services / Building R&M | Marika Anderson | 416-0404-453.36-01 | | 42,000 | WiFi upgrade-production and customer service |
| Morris Capital Improvement | Morris PAC | R&M Services / Building R&M | Marika Anderson | 416-0404-453.36-01 | | 11,900 | Upgrade water softener system |
| Morris Capital Improvement | Morris PAC | Equip Purchases / Theater Equipment | Marika Anderson | 416-0404-453.43-08 | | 16,000 | Additional budget needed to upgrade the marquee |
| Morris Capital Improvement | Morris PAC | Equip Purchases / Theater Equipment | Marika Anderson | 416-0404-453.43-08 | | 4,700 | Additional budget needed to upgrade the theatrical controls |
| | | | | | | \$ 74,600 | |
| Vehicle/Equipment Leasing | N/A | Interfund Transfer Out | Amy Shirk | 750-0000-413.50-02 | | \$ 161,154 | Disbursement of excess capital lease proceeds is to be used for payment of debt service principal and interest. The excess proceeds disbursed from the 2016 Vehicle/Equipment Lease #1 were related to funds earmarked for Organic Resources vehicles & equipment. Organic Resources has been paying debt service principal and interest on this amount. The funds were incorrectly deposited into Fund 750. An AJ is needed to correct the receipt of these funds. The funds need to be transferred to Fund 641, where the Organic Resources debt service payments are charged. This form is increasing the interfund transfer revenue to equal the amount to be transferred from Fund 750 to Fund 641. |



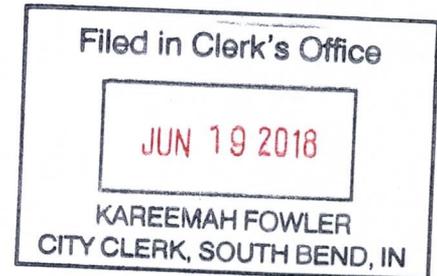
BILL NO. 30-18

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF ADMINISTRATION AND FINANCE

June 18, 2018

Mr. Tim Scott, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601

RE: June 2018 Appropriation Ordinance – Enterprise Funds



Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2018, we plan to propose adjustments during four time periods—March, June, October and December.

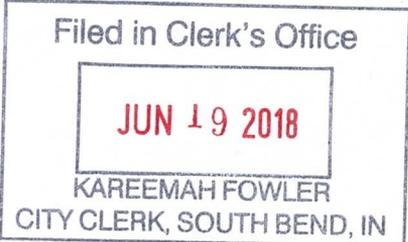
Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on June 25, 2018 with 2nd reading, public hearing and 3rd reading scheduled for July 9, 2018.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-9822.

Regards,

Jennifer C. Hockenull
City Controller



BILL NO. 30-18
ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2018 OF \$311,276 FROM EMS CAPITAL FUND (#287), \$219,930 FROM SEWAGE WORKS OPERATING (#641), \$150 FROM 2011 SEWER BOND (#659), AND \$7,500 FROM 2012 SEWER BOND (#661).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2018 operating and capital budgets in 2017 (Ordinance #10537-17 passed on October 23, 2017), which included expenditures for various City enterprise operations. It is now necessary to appropriate additional funds for operational expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The following amounts are hereby appropriated in fiscal year 2018 and set apart within the following designated funds for operational expenses as follows:

| FUND | <u>Amount</u> |
|-------------------------------|-------------------------|
| EMS Capital Fund (#287) | \$311,276 |
| Sewage Works Operating (#641) | 219,930 |
| 2011 Sewer Bond (#659) | 150 |
| 2012 Sewer Bond (#661) | <u>7,500</u> |
| TOTAL | <u>\$538,856</u> |

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval of the Mayor.

Tim Scott, Council President
South Bend Common Council

Attest:

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

Kareemah N. Fowler, City Clerk
Office of the City Clerk

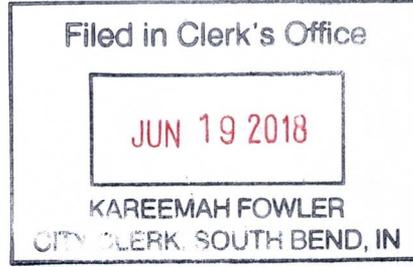
Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

City of South Bend, Indiana
June 2018 Additional Appropriation Requests - Enterprise Funds
 (increase or decrease in total fund expenditures)
 May 21, 2018

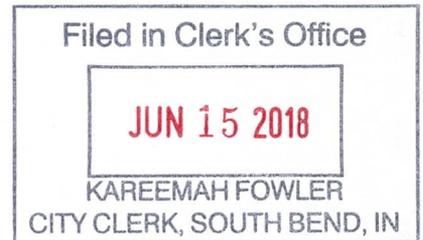
Common Council Approved - ###/###/18 - Bill No. ##

| Fund Name | Department Name | Account Name | Fiscal Officer/ Contact Name | Account Number | Project Number | Budget Increase/ (Decrease) | Justification |
|------------------------|-----------------|----------------------------|------------------------------|--------------------|----------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EMS Capital Fund | EMS | Services / R&M - Equipment | Danny Cocanower | 287-0902-422.36-01 | | \$ 210,000 | Additional ambulance rebuild due to agreement with the County. This agreement was not known at the time of the original budget. |
| EMS Capital Fund | EMS | Interfund Transfer Out | Danny Cocanower | 287-0902-422.50-02 | | \$ 101,276 | On June 21, 2017, a fire truck caught fire at Fire Station #4 causing damage to the station and the truck to be replaced. Expenditures for the replacement of Engine 4 and Station 4 equipment were charged to Fund 750 in the amount of \$101,275.70. These expenditures should have been paid out of Fund 287 EMS Capital. Fund 287 EMS Capital will transfer this amount to Fund 750 to reimburse Fund 750 for the expenditures. |
| Sewage Works Operating | Wastewater | Interfund Transfer Out | Emily Leyes | 641-0630-793.50-02 | | \$ 219,930 | 2016-2017 capital contributions (system development charges) being transferred from Fund 641 to Sewage Works Capital Fund 642. |
| 2011 Sewer Bond | Wastewater | Interfund Transfer Out | Emily Leyes | 659-0621-415.50-02 | | \$ 150 | Transfer remaining balance in Fund 659 to Sewage Works Debt Service Fund 649 pursuant to IC 5-1-13. |
| 2012 Sewer Bond | Wastewater | Interfund Transfer Out | Emily Leyes | 661-0621-415.50-02 | | \$ 7,500 | Transfer remaining balance in Fund 661 to Sewage Works Debt Service Fund 649 pursuant to IC 5-1-13. |
| | | Grand Total | | | | \$ 538,856 | |



AREA BOARD OF ZONING APPEALS

1140 County-City Building
227 W. Jefferson Boulevard
South Bend, IN 46601
www.sjcindiana.com
Phone - 574-235-9571 - Fax - 574-235-9813



Friday, June 15, 2018

Common Council
227 W. Jefferson Boulevard
South Bend, IN 46601

RE: The petition of GETHSEMANE CHURCH OF GOD seeking a Special Use for an off-site parking lot within 500' of an existing church in the SF2 Single Family & Two Family District (South Bend) for property located at 1235 W NAPIER ST, City of South Bend

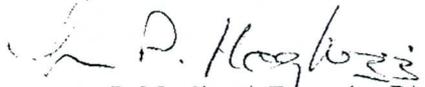
Dear Council Members:

I hereby Certify that the above referenced ordinance of GETHSEMANE CHURCH OF GOD was legally advertised on May 31, 2018 and that the Area Board of Zoning Appeals at its public hearing on June 13, 2018 took the following action:

Upon a motion by Michael Urbanski, being seconded by Robert Hawley and unanimously carried, a petition by GETHSEMANE CHURCH OF GOD seeking a Special Use for an off-site parking lot within 500' of an existing church for property located at 1235 W NAPIER ST, City of South Bend, was sent to the Council with a favorable recommendation, and will issue written Findings of Fact.

The deliberations of the Area Board of Zoning Appeals and points considered in arriving at the above decision are shown in the minutes of the public hearing, and will be forwarded to you at a later date to be made a part of this report.

Sincerely,


Lawrence P. Magliozzi, Executive Director

Attachment

CC: GETHSEMANE CHURCH OF GOD

JUN 15 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 18-26

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT 1235 W NAPIER

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4; and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

1235 W NAPIER

In order to permit offsite parking within 500' of an existing church.

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

2. The proposed use will not injure or adversely affect the use of the adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Tim Scott, Council President
South Bend Common Council



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601

Filed in Clerk's Office

JUN 15 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Special Exception / Special Use

A special exception use / special use may only be granted upon making a written determination and adopting appropriate Findings of Fact, based upon the evidence presented at a public hearing, that:

- (1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- (2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;
- (3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
- (4) The proposed use is compatible with the recommendations of the Comprehensive Plan

17. Petition of Gethsemane Church of God

Based on information available prior to the public hearing, the staff recommends the Special Exception Use be sent to the Common Council with a favorable recommendation. The staff recommends the front setback be a minimum of 15' on the west property line and the drive aisle on the south be reduced to allow for a larger setback. The staff recommends the perimeter landscaping variance be denied on the west and south. The staff further recommends the denial of the interior off-street parking landscape islands to none.

- (1) *The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.*
The proposed parking lot will not be injurious to the public health, safety, or general welfare of the community.
- (2) *The proposed use will not injure or adversely affect the use of the adjacent area or property values therein.*
With proper landscaping and buffering, the proposed use will not adversely affect the use or value of the adjacent properties.
- (3) *The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein.*
The proposed use is for the expansion of a church that has been in the neighborhood for a long time. With the proper buffering, the use can be consistent with the character of the residential district and neighborhood in which it is located.
- (4) *The proposed use is compatible with the recommendations of the Comprehensive Plan.*
There is no specific reference to this particular use in the Comprehensive Plan.

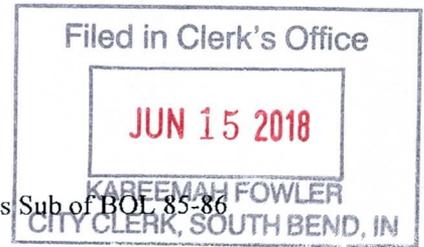
CITY OF SOUTH BEND
PETITION FOR VARIANCE and/or SPECIAL EXCEPTION USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 018-3074-2923 & 018-3074-2924

The property address: 1235 W Napier Street and the vacant lot lying west and adjacent

Legal Description: Lot 49 and Lot 50 as shown on the recorded plat of Commissioner's Sub of BOL 85-86



VARIANCE INFORMATION:

- 1) (1) A variance from the required 25' front setback to 3' on the south and 6' on the west;
(2) A variance from the required 20' side yard setback to 3' on the north and east;
(3) A variance from the required parking stops to none;
(4) A variance from the required 2 interior off-street parking landscape islands to none;
(5) A variance from the required Type A perimeter landscaping to none;
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community;
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and:
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property:

SPECIAL EXCEPTION USE INFORMATION (if the petition does not include a Special Exception Use, please skip to next section):

- 1) The Special Exception Use(s) being requested: *to allow an offsite parking lot within 500' of an existing church, in the SF2 Single Family and Two Family District.*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *This parking is best suited on this corner lot, while having an existing cross walk provided to the south where the church is located.*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *religious use is permitted within the SF2 Single Family and Two Family District. This petition is for the parking lot.*
 - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *This parking lot shall serve the existing church.*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *This church is one of 2 long standing congregations in this neighborhood. As such, the church has acted as a stabilizing influence on the nearby residential community and the members of the congregation. The addition of a formal parking for this church enhances its image of stability and service in the community and the congregation*

* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:

**Gethsemane Church of God
Karl Nichols
308 S. Walnut Street
South Bend, Indiana 46601
574-276-5842
director@cwpartners.org**

Name and address of additional property owners, if applicable: n/a

Name and address of petitioner(s), if different than the petitioner):

n/a

Name and address of additional property owners, if applicable: n/a

CONTACT PERSON:

Lang, Feeney & Associates, Inc.
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS RELATED TO THIS PETITION.

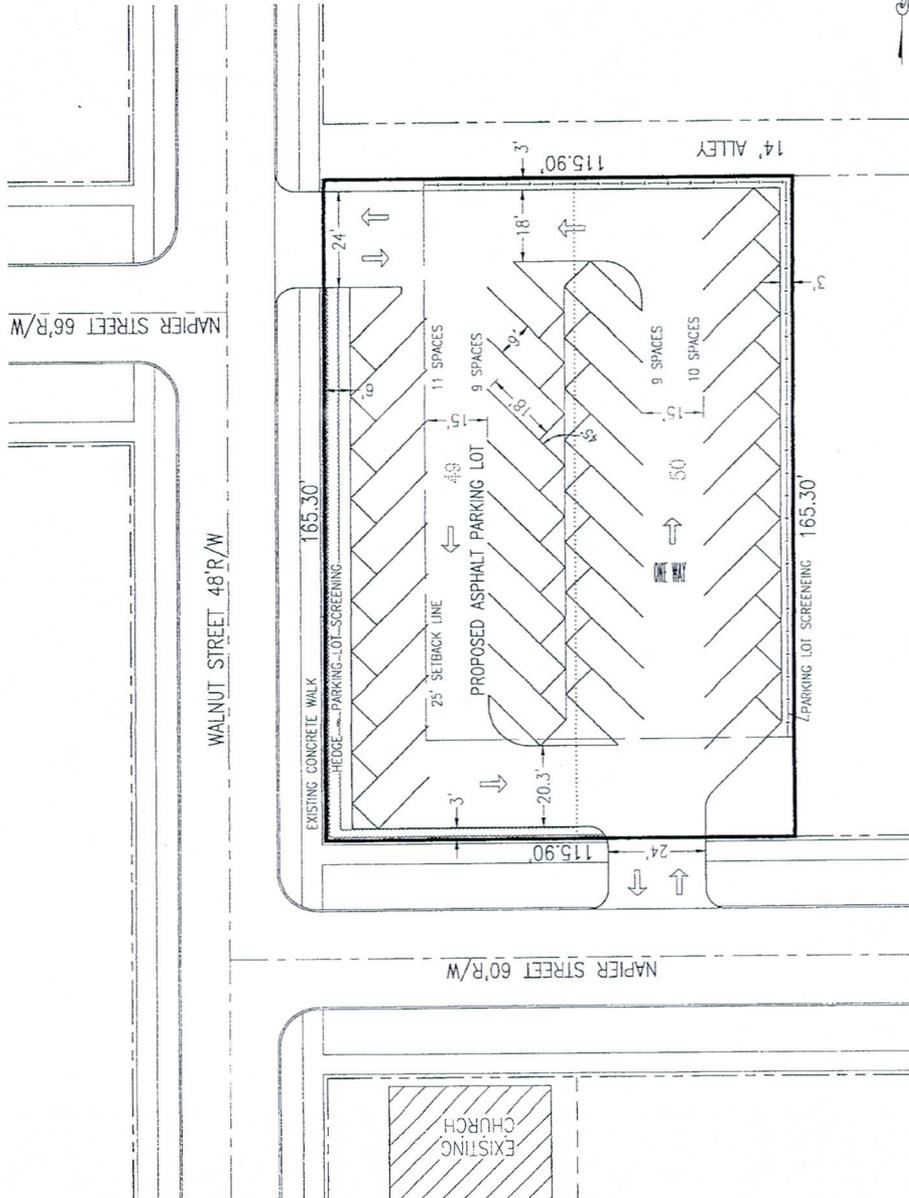
Signature(s) of all property owner(s):

X Karl Nichols

Gethsemane Church of God
Karl Nichols

AREA BOARD OF ZONING APPEALS SITE PLAN

Filed in Clerk's Office
JUN 15 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



LEGAL DESCRIPTION:
LOT 49 AND LOT 50 AS SHOWN ON THE RECORDED PLAT OF COMMISSIONER'S SUBDIVISION.

PROPERTY ADDRESS:
1235 W NAPIER STREET AND A VACANT LOT LYING WEST AND ADJACENT TO IT.

ZONING:
SF2 SINGLE FAMILY AND TWO FAMILY DISTRICT.

CURRENT USE:
VACANT LAND

PROPOSED USE:
PARKING LOT FOR EXISTING CHURCH LOCATED SOUTH AND ACROSS NAPIER STREET.

REQUIRED PARKING SPACES:
1 SPACES FOR EVERY 4 SEATS IN MAIN SPACE. 90 SEATS = 23 SPACES REQUIRED
39 SPACES SUPPLIED

-FILED-
MAY 18 2018

Lang, Feeney & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46601
Phone (574) 233-1841

Land Surveyors • Soil Scientists
Drawn JMS
Date 5-15-18
Job Name NICHOLS/Karl BZA

