



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

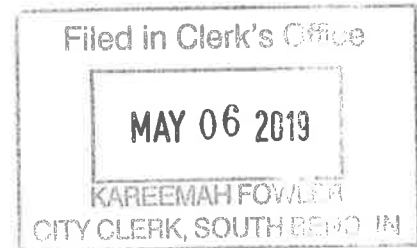
Angela M. Smith
Deputy Director

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

May 6, 2019

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

RE: CBD Zoning Ordinance Amendment
APC# 2898-19



Dear Council Members:

Enclosed is an Ordinance for the proposed Zoning Ordinance Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your May 13th, 2019 Council meeting, and set it for public hearing at your June 24th, 2019 Council meeting. The petition is tentatively scheduled for public hearing at the June 18th, 2019 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,

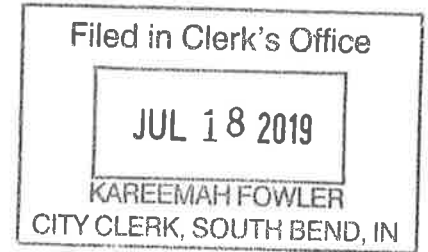
A handwritten signature in black ink, appearing to read "Jordan Wyatt".

Jordan Wyatt
Planner

CC: Bob Palmer

3RD STUBSTITUTE BILL NO. 15-19

ORDINANCE NO. _____



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS TO REPEAL AND REPLACE SECTION 21-03.06 CBD CENTRAL BUSINESS DISTRICT

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 the CBD Central Business District has shown that development in this district is unable to meet its full potential through efficient use of sites and the incorporation of high quality design that supports a vibrant public realm. This ordinance revises uses and development standards to better support the development of a mixed-use urban core having pedestrian-oriented design.

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 3 Commercial / Mixed Use Districts, Section 21-03.06 CBD Central Business District, is hereby deleted and replaced with a new Section 21-03.06 as follows:

Section 21-03.06 CBD Central Business District.

Intent – The CBD Central Business *District* is established to promote the development of the downtown region of the City of South Bend as a high intensity urban center for a multicounty region. The following are typical characteristics of the Central Business District: a mixture of mid-rise and high rise mixed-use developments, including a variety of compatible building types and urban uses; buildings with active building frontages set at or close to the sidewalk; and pedestrian-oriented scale with wide sidewalks, regularly spaced street trees, and amenities that create a walkable environment.

(a) *Permitted Uses.*

(1) *Primary Uses.*

- (A) Clothing Service: Including but not limited to: Costume Rental; Dressmaking; Dry Cleaning and Laundry Establishment; Millinery (Fabric) Shop; Self-service Laundry; Shoe Repair Shop; Tailor and Pressing Shop; Tuxedo Rental.

- (B) Educational Uses: Including but not limited to: *Child Care Center; Child Care Ministry; Cottage School; Public Library; School – Commercial, Trade or Business.*
- (C) Food Sales and Service: Including but not limited to: *Bakery – Retail; Bar *; Cabaret – 21 and Over *; Cabaret – Family; Convenience Store; Dairy Bar – Retail; Delicatessen; Farmers Market; Grocery; Ice Cream Store – Retail; Manufacturing Retailers; Nightclub *; Restaurant – Fast Food; Restaurant – Family; Restaurant – Family with Lounge; Tavern *; Yogurt Store – Retail.*
- (D) Governmental Use: Including but not limited to: *Governmental Offices; Post Office – without outdoor parking of delivery vehicles.*
- (E) Miscellaneous: Including but not limited to: *Bed & Breakfast; Bus, taxi, or limousine terminal, without repair; Clinic (medical, dental or optometrists); Conference Center; Cottage Business / Residential; Electrical / Electronics Repair; Hospital; Hotel; Laboratories; Mini (Self Storage) Warehouse, Internal Access; Print Shop; Publishing; Radio / TV Stations (provided any antenna shall comply with the regulations for Communication / Utilities); Video Production Studios.*
- (F) Office / Professional Services: Including but not limited to: *Architect; Artist; Bank Machines - Walk-up; Construction Companies (office only); Consultant; Contractors (office only); Dentist; Design Services; Engineer; Financial Institution; Insurance Agent; Lawyer; Musician; Physician; Pharmacist; Photographic Studio; Professional Offices; Real Estate Office; Travel Agency.*
- (G) Personal Service: Including but not limited to: *Barber Shop; Beauty Shop; Health Spa; Fitness Center.*
- (H) Public Facilities: Including but not limited to: *Community Center; Funeral Home; Mortuary; Museum; Public or Private Park – Active or Passive; Religious Use; Commercial Parking Lot; Parking Garage.*
- (I) Recreation: Including but not limited to: *Aerobics Studio; Amusement Arcade *; Banquet Hall; Billiard Hall *; Dance Studio; Public Dance Hall *; Social Hall; Theater – indoor.*
- (J) Residential – In CBD Districts Located West of the St. Joseph River: Including but not limited to: *Dwelling Units or Shared Housing – limited to (i) floors above the first floor or (ii) ground floor of the building if located behind another ground floor, non-residential permitted use; Convalescent Home; Nursing Home; Rest Home.*
- (K) Residential – In CBD Districts Located East of the St. Joseph River: Including but not limited to: *Multifamily dwellings; Dwelling Units –*

limited to floors above the first or ground floor of the *building*;
Convalescent Home; Nursing Home; Rest Home; *Shared Housing*.

(L) Retail: Including but not limited to: Antique Shop; Apparel Shop; Art Gallery; Arts and Craft Store; Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Drug Store; Flower Shop; Frame Shop; Gift Shop; Hobby Shop; Toy or Game Shop; Jewelry Store; Liquor Store; Music Store; Newsdealer; Pawnshop *; Shoe Store; Stationery and Book Store; Tobacco Store; Video Store.

(M) Utilities: Including but not limited to: Roof-top Antenna.

* = *Controlled Use*. See Section 21-08.02 – Special Regulations for Controlled Uses for additional requirements.

(2) *Special Exception Uses*.

(A) Automotive Uses: Including but not limited to: Automobile Repair – major; Automobile Repair – minor; Automobile Parts Sales (new); Automobile Sales & Service; Automobile Quick Oil Change Facility; Gasoline Service Station with minor repair (not to exceed two (2) accessory indoor service bays); Gasoline Service Station without repair; Tire and Auto Service Center.

(B) Food Sales & Service: Including but not limited to: *Restaurant – Drive In*; *Restaurant – Drive Through*.

(C) Governmental Use: Including but not limited to: Post Office – with outdoor parking of delivery vehicles.

(D) Miscellaneous: Including but not limited to: Casinos, Approved Hotels and other areas where gambling games are conducted *; Off-Track Pari-mutuel Wagering Facility *.

(E) Office / Professional Services: Including but not limited to: Financial Institution with drive-up or drive-through facilities.

(F) Personal Service: Including but not limited to: Tattoo, Body Piercing, Scarifying and Branding Establishments *.

(G) Recreation: Including but not limited to: Stadium; Arena.

(H) Residential (in CBD Districts located west of the St. Joseph River): *Two Family Dwellings*; *Multifamily Dwellings*; *Group Residence*.

(I) Residential (in CBD Districts located east of the St. Joseph River): *Two Family Dwellings*; *Group Residence*.

- (J) Utilities: Including but not limited to: Electricity Relay Station; Public Utility Substation; Pumping Stations; Water Towers; Any Ground Mount Antenna Installation.

* = *Controlled Use*. See Section 21-08.02 – Special Regulations for Controlled Uses for additional requirements.

- (3) *Accessory Uses* – See Section 21-03.11 (a) – Accessory Uses, Buildings and Structures.
- (4) *Temporary Uses* – See Section 21-03.11 (b) – Temporary Uses, Buildings and Structures.
- (5) *Home Occupations* – See Section 21-03.11 (c) – Home Occupations.

(b) Development Standards.

- (1) *Minimum Project Width and Frontage* - each *project* shall have a minimum *lot width* and *frontage* on a *public street* of 20 feet.

- (2) *Yards and Building Setbacks*:

- (A) *Front* - a *front yard* and *building setback* measured from the greater of the *proposed right-of-way* or existing *right-of-way* shall be provided as follows:

	<u>Minimum</u>	<u>Maximum</u>
<i>Limited Access Highway</i> :	50'	NA
<i>All Other Streets</i> :	0'	10'

Provided, however, on all *streets* except *limited access highways*, *building* placement shall be in compliance with the following regulations:

- i. For sites containing one *building* – ~~in elevation plan view from the street frontage~~, at least eighty-five percent (85%) of the length of the front façade of the *building* facing a primary *street* in plan view shall be located at or between the *minimum setback* and the *maximum setback*, and at least fifty percent (50%) of the length of the façade of the *building* facing a secondary *street* shall be located at or between the *minimum setback* and the *maximum setback*;
- ii. For sites containing multiple *buildings* – ~~in elevation view from the street frontage~~, at least eighty-five percent (85%) of the visible façades of the *buildings* facing a primary *street* in plan view shall be located at or between the *minimum setback* and the *maximum setback*, and at least fifty percent (50%) of the

visible façades of the *buildings* facing a secondary *street* shall be located at or between the *minimum setback* and the *maximum setback*; and,

- iii. *Parking areas* and *interior access drives* shall not be located in front of a line five (5) feet behind the *front building line*. If the lot does not have a *building, parking areas* and *interior access drives* shall have a *minimum front setback* of ten (10) feet. If a *parking area* or *interior access drive* is located less than fifteen (15) feet from the *front lot line*, it shall be screened by a compact row of shrubs/hedge plants planted three feet on-center (3' o.c.) immediately behind the *front building line*. Shrubs shall be at least twenty-four inches (24") at time of planting.
- (B) *Minimum Side Yard and Setback* – Zero (0) feet, provided, however, if a *side yard* is provided along a *side lot line* not abutting an *alley*, such *setback* shall not be less than five (5) feet.
 - (C) *Minimum Rear Yard and Setback* – The *minimum rear yard and setback* shall be as follows:
 - i. *Minimum Rear Yard* - zero (0) feet, however, if a *rear yard* is provided along a *rear lot line* not abutting an *alley*, such *setback* shall not be less than five (5) feet.
 - ii. *Minimum Rear Residential Bufferyard* – twenty (20) feet when not separated from a ground-floor *residential use* by a *public alley*. If separated from a ground-floor *residential use* by a *public alley*, no *rear residential bufferyard* is required.
 - (D) *Minimum Yard and Setback* from any *lot line* along and adjacent to the St. Joseph River or East Race – Fifteen (15) feet.
- (3) *Use of Minimum Yards and Residential Bufferyards.*

All *minimum yards* and *residential bufferyards*, when required, shall be landscaped in compliance with the requirements for perimeter yard landscaping as set forth in Section 21-07.01 – Landscape Regulations of this Ordinance and shall remain free from *structures*, except where expressly permitted below:

- (A) *Minimum Front Yards* along limited access highways – may include: fences, retaining walls under 42", parking areas, loading areas, interior access drives, interior access driveways, or gasoline sales areas, provided that no portion of such area may be located closer to the right-of-way than fifteen (15) feet; or, signs as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall be otherwise maintained as open space free from *buildings* or *structures*;

- (B) Minimum *Rear Residential Bufferyards* – may include fences, retaining walls, *driveway* connections to adjoining *lots*, or *walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *yards* shall otherwise be maintained as *open space* free from *buildings* or *structures*;
 - (C) Minimum *Yards* along the St. Joseph River and East Race – may include fences, retaining walls, *walkways* or other pedestrian way connections to adjoining *lots*; *plazas*; outdoor seating areas; stoops, *patios*, *porches*, and *decks* less than 30” above grade; or, signs as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall be otherwise maintained as open space free from *buildings* or *structures*.
- (4) *Building Height.*
- (A) CBD *Districts* Located West of the St. Joseph River:
 - i. Minimum Front Façade Height – in the elevation view from the *street frontage*, sixteen (16) feet.
 - ii. Maximum *Building Height* – the lesser of one-hundred and fifty (150) feet or twelve (12) stories.
 - (B) CBD *Districts* Located East of the East Race Waterway:
 - i. Minimum Front Façade Height – in the elevation view from the *street frontage*, sixteen (16) feet.
 - ii. Maximum *Building Height* – the lesser of sixty (60) feet or five (5) stories.
 - (C) CBD *Districts* located in the area bounded by the St. Joseph River and the East Race Waterway:
 - i. Minimum Front Façade Height – in the elevation view from the *street frontage*, sixteen (16) feet.
 - ii. Maximum *Building Height* – no greater than one hundred fifty (150) feet.
- (5) Landscaping – See Section 21-07.01 – Landscape Regulations.
- (6) Lighting – See Section 21-07.02 – Lighting Regulations.
- (7) *Signs* – See Section 21-07.03 – Sign Regulations.
- (8) Parking – See Section 21-07.04 – Off-Street Parking Regulations.

- (9) Loading – See Section 21-07.05 – Off-Street Loading Regulations.
- (10) *Greenway* Connection Required – If the *lot* abuts any portion of a *greenway*, a direct linkage from the *project* to such *greenway* shall be provided.
- (11) Outdoor Operations – All uses and operations (except *off-street parking*, *off-street loading* and delivery and walk-up customer service windows) shall be conducted completely within enclosed *buildings*, except where expressly permitted below:
- (A) Outdoor seating for restaurants, provided that such outdoor seating:
- i. shall not be located in any *street right-of-way* except as permitted by the Board of Public Works; and,
 - ii. shall not block an entrance or exit to or from the business or *building* or conflict with Americans with Disabilities Act standards.
- (B) *Outdoor display* or sales of merchandise:
- i. shall not be located in any *street right-of-way* except as permitted by the Board of Public Works;
 - ii. shall not block an entrance or exit to or from the business or *building* or conflict with Americans with Disabilities Act standards;
 - iii. shall not exceed ten percent (10%) of the *gross floor area* of each non-related and separately operated use;
 - iv. shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day; and,
 - v. shall be merchandise normally found within the on-premise business.
- (C) Walk-up customer service windows or Automated Teller Machines (ATM's), provided that such facilities are not free-standing and are set flush with the façade of the *building*.

(12) Building Design and Orientation.

(A) Orientation.

- i. Primary *façades* shall be oriented to the *front lot line*. When on a *corner lot*, the primary *façade* shall be oriented to the primary *street*.
- ii. The primary *building* entrance shall be located on the *front façade*.

(B) Articulation and Activation.

- i. *Front façades* greater than fifty (50) feet in width shall provide articulation as follows:
 - a. Vertical articulation, such as bays, columns, pilasters, recessed entries, awnings, or other architectural treatments, is required to visually break up the massing of the *façade* into segments no greater than 25 feet in width.
 - b. Horizontal articulation, such as belt courses, cornice lines, entablatures, friezes, changes in materials or window patterns, recessed entries, awnings or canopies, or other architectural treatments, is required.
- ii. For commercial and mixed-use *buildings*, the minimum *front façade* surface that shall be glazed (window and door surface area) is as follows:
 - a. Ground floor *front façade* surface along a primary *street* – sixty (60) percent;
 - b. Ground floor *front façade* surface along a secondary *street* or civic space – forty (40) percent;
 - c. Upper floor *front façade* surface along a primary *street* – fifteen (15) percent.

The ground floor *front façade* glazing is calculated based on the total *façade* area between two (2) and eight (8) feet above the finished ground floor level. The upper floor *front façade* surface area is calculated based on the total *façade* area located between the surface of any floor to the surface of the floor above it or the elevation of the roof. Windows and doors shall have clear (untinted) glass and shall be open to the interior (not faux).

- iii. Except for civic buildings, the distance between building entries shall not exceed 100'.
- iv. A *walkway* shall connect from the *sidewalk* to the primary entrance.

(C) *Building Materials.*

- i. *Additions to Existing Buildings:* All additions to existing *buildings* shall utilize *building materials* that are compatible and harmonious with the materials used on the existing *building*.
- ii. *Exterior Renovations, Major Additions and Accessory Buildings:* Exterior renovations, major additions and *accessory buildings* to existing *buildings* or facilities are encouraged to comply with the provisions in sub-Section (iii), below, for new construction, however, the minimum requirement for exterior renovations, major additions and accessory buildings shall be the same as in sub-Section (i), above, for additions to existing *buildings*.
- iii. *New Construction:* In order to create variation and interest in the built environment, all new primary *buildings* shall comply with one (1) of the following two (2) sets of architectural regulations regarding *building material* and architectural features on each *front façade*:
 - a. All brick or stone (limestone, granite, etc.), excluding window, display window, door, roofing, fascia and soffit materials, provided that the brick or stone used on each applicable *façade* shall include at least two (2) architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.); or,
 - b. Two (2) or more *building materials* (excluding window, display window, door and roofing materials), provided:
 - 1. *Primary Building Material:* The primary *building material* shall be either: brick; stone (limestone, granite, etc.); synthetic equivalents of brick or stone; architectural pre-cast concrete, if the surface looks like brick or natural stone; traditional lime-based stucco; or fiber cement, and shall constitute a minimum of sixty-six (66) percent of each applicable *façade* excluding glazed surfaces. Exterior insulation and finish

system (E.I.F.S.) or equivalent; vinyl; or standard, fluted, or split face concrete masonry units (CMUs) are prohibited as a primary *building material*.

2. *Secondary Building Material*: The secondary *building material* shall constitute a minimum of ten (10) percent of the *façade* excluding glazed surfaces. Glass curtain wall may qualify as a secondary *building material*.

3. *Architectural Features*: In addition, the exterior *building material* selection shall be supplemented with the use of multiple colors or architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each *front façade*.

iv. *Building materials* used on the *front façade* shall extend a minimum depth of sixteen (16) inches along the *side façade* as measured from the face of the *front façade*.

(2) Mechanical Equipment –HVAC equipment, except where such elements are enclosed, camouflaged, screened, obscured, or otherwise not readily visible from the public domain, are prohibited as part of a front façade or between the front façade and the front lot line.

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:

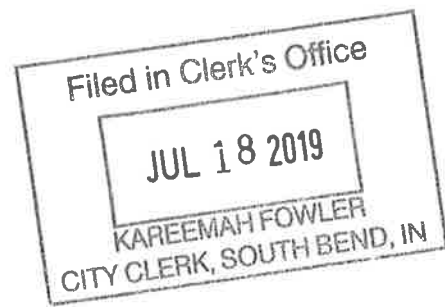
Kareemah N. Fowler, City Clerk
Office of the City Clerk

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 _____, 2019, at _____ o'clock ____ m.

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

Approved and signed by me on the _____ day of _____, 2019, at ____ o'clock
____.m.

Pete Buttigieg, Mayor
City of South Bend, Indiana



ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE,
ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS
TO REPEAL AND REPLACE SECTION 21-03.06 CBD CENTRAL BUSINESS DISTRICT

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 the CBD Central Business District has shown that development in this district is unable to meet its full potential through efficient use of sites and the incorporation of high quality design that supports a vibrant public realm. This ordinance revises uses and development standards to better support the development of a mixed-use urban core having pedestrian-oriented design.

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Section 21-03.06 CBD Central Business District.

Intent – The CBD Central Business *District* is established to promote the development of the downtown region of the City of South Bend as a high intensity urban center for a multicounty region. The following are typical characteristics of the Central Business District: a mixture of mid-rise and high rise mixed-use developments, including a variety of compatible building types and urban uses; buildings with active building frontages set at or close to the sidewalk; and pedestrian-oriented scale with wide sidewalks, regularly spaced street trees, and amenities that create a walkable environment.

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- (B) Educational Uses: Including but not limited to: *Child Care Center*; *Child Care Ministry*; *Cottage School*; Public Library; School – Commercial, Trade or Business.

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- (D) Governmental Use: Including but not limited to: Governmental Offices; Post Office – without outdoor parking of delivery vehicles.
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- (L) **Retail**: Including but not limited to: Antique Shop; Apparel Shop; Art Gallery; Arts and Craft Store; Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Drug Store; Flower Shop; Frame Shop; Gift Shop; Hobby Shop; Toy or Game Shop; Jewelry Store; Liquor Store; Music Store; Newsdealer; Pawnshop *; Shoe Store; Stationery and Book Store; Tobacco Store; Video Store.
- (M) **Utilities**: Including but not limited to: Roof-top Antenna.

* = *Controlled Use*. See Section 21-08.02 – Special Regulations for Controlled Uses for additional requirements.

(2) *Special Exception Uses.*

- (A) **Automotive Uses**: Including but not limited to: Automobile Repair – major; Automobile Repair – minor; Automobile Parts Sales (new); Automobile Sales & Service; Automobile Quick Oil Change Facility; Gasoline Service Station with minor repair (not to exceed two (2) accessory indoor service bays); Gasoline Service Station without repair; Tire and Auto Service Center.
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- (H) **Residential (in CBD Districts located west of the St. Joseph River)**: *Two Family Dwellings; Multifamily Dwellings; Group Residence.*
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- (5) *Home Occupations* – See Section 21-03.11 (c) – Home Occupations.

(b) Development Standards.

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- (2) *Yards and Building Setbacks*:
- (A) Front - a *front yard* and *building setback* measured from the greater of the *proposed right-of-way* or existing *right-of-way* shall be provided as follows:

	<u>Minimum</u>	<u>Maximum</u>
<i>Limited Access Highway</i> :	50'	NA
All Other <i>Streets</i> :	0'	10'

Provided, however, on all *streets* except *limited access highways*, *building* placement shall be in compliance with the following regulations:

- i. For sites containing one *building* – ~~in elevation plan view from the *street frontage*~~, at least eighty-five percent (85%) of the length of the front *façade* of the *building* facing a *primary street* in plan view shall be located at or between the *minimum setback* and the *maximum setback*, and at least fifty percent (50%) of the length of the *façade* of the *building* facing a *secondary street* shall be located at or between the *minimum setback* and the *maximum setback*;
- ii. For sites containing multiple *buildings* – ~~in elevation view from the *street frontage*~~, at least eighty-five percent (85%) of the visible *façades* of the *buildings* facing a *primary street* in plan view shall be located at or between the *minimum setback* and the *maximum setback*, and at least fifty percent (50%) of the

visible façades of the *buildings* facing a secondary *street* shall be located at or between the *minimum setback* and the *maximum setback*; and,

- iii. *Parking areas* and *interior access drives* shall not be located in front of a line five (5) feet behind the *front building line*. If the *lot* does not have a *building*, *parking areas* and *interior access drives* shall have a *minimum front setback* of ten (10) feet. If a *parking area* or *interior access drive* is located less than fifteen (15) feet from the *front lot line*, it shall be screened by a compact row of shrubs/hedge plants planted three feet on-center (3' o.c.) immediately behind the *front building line*. Shrubs shall be at least twenty-four inches (24") at time of planting.
- (B) *Minimum Side Yard and Setback* – Zero (0) feet, provided, however, if a *side yard* is provided along a *side lot line* not abutting an *alley*, such *setback* shall not be less than five (5) feet.
 - (C) *Minimum Rear Yard and Setback* – The *minimum rear yard* and *setback* shall be as follows:
 - i. *Minimum Rear Yard* - zero (0) feet, however, if a *rear yard* is provided along a *rear lot line* not abutting an *alley*, such *setback* shall not be less than five (5) feet.
 - ii. *Minimum Rear Residential Bufferyard* – twenty (20) feet when not separated from a ground-floor *residential use* by a *public alley*. If separated from a ground-floor *residential use* by a *public alley*, no *rear residential bufferyard* is required.
 - (D) *Minimum Yard and Setback* from any *lot line* along ~~or~~ and adjacent to the St. Joseph River or East Race – Fifteen (15) feet.
- (3) Use of *Minimum Yards and Residential Bufferyards*.

All *minimum yards* and *residential bufferyards*, when required, shall be landscaped in compliance with the requirements for perimeter yard landscaping as set forth in Section 21-07.01 – Landscape Regulations of this Ordinance and shall remain free from *structures*, except where expressly permitted below:

- (A) *Minimum Front Yards* along limited access highways – may include: fences, retaining walls under 42", parking areas, loading areas, interior access drives, interior access driveways, or gasoline sales areas, provided that no portion of such area may be located closer to the right-of-way than fifteen (15) feet; or, signs as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall be otherwise maintained as open space free from *buildings* or *structures*;

- (B) *Minimum Rear Residential Bufferyards* – may include fences, retaining walls, driveway connections to adjoining *lots*, or *walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *yards* shall otherwise be maintained as *open space* free from *buildings* or *structures*;
 - (C) *Minimum Yards* along the St. Joseph River and East Race – may include fences, retaining walls, walkways or other pedestrian way connections to adjoining *lots*; *plazas*; outdoor seating areas; stoops, *patios, porches, and decks* less than 30” above grade; or, signs as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall be otherwise maintained as open space free from *buildings* or *structures*.
- (4) *Building Height.*
- (A) *CBD Districts* Located West of the St. Joseph River:
 - i. *Minimum Front Façade Height* – in the elevation view from the *street frontage*, sixteen (16) feet.
 - ii. *Maximum Building Height* – the lesser of one-hundred and fifty (150) feet or twelve (12) stories.
 - (B) *CBD Districts* Located East of the East Race Waterway:
 - i. *Minimum Front Façade Height* – in the elevation view from the *street frontage*, sixteen (16) feet.
 - ii. *Maximum Building Height* – the lesser of sixty (60) feet or five (5) stories.
 - (C) *CBD Districts* located in the area bounded by the St. Joseph River and the East Race Waterway:
 - i. *Minimum Front Façade Height* – in the elevation view from the *street frontage*, sixteen (16) feet.
 - ii. *Maximum Building Height* – no greater than one hundred fifty (150) feet.
- (5) *Landscaping* – See Section 21-07.01 – Landscape Regulations.
- (6) *Lighting* – See Section 21-07.02 – Lighting Regulations.
- (7) *Signs* – See Section 21-07.03 – Sign Regulations.
- (8) *Parking* – See Section 21-07.04 – Off-Street Parking Regulations.

- (9) Loading – See Section 21-07.05 – Off-Street Loading Regulations.
- (10) *Greenway* Connection Required – If the *lot* abuts any portion of a *greenway*, a direct linkage from the *project* to such *greenway* shall be provided.
- (11) Outdoor Operations – All uses and operations (except *off-street parking*, *off-street loading* and delivery and walk-up customer service windows) shall be conducted completely within enclosed *buildings*, except where expressly permitted below:
- (A) Outdoor seating for restaurants, provided that such outdoor seating:
- i. shall not be located in any *street right-of-way* except as permitted by the Board of Public Works; and,
 - ii. shall not block an entrance or exit to or from the business or *building* or conflict with Americans with Disabilities Act standards.
- (B) *Outdoor display* or sales of merchandise:
- i. shall not be located in any *street right-of-way* except as permitted by the Board of Public Works;
 - ii. shall not block an entrance or exit to or from the business or *building* or conflict with Americans with Disabilities Act standards;
 - iii. shall not exceed ten percent (10%) of the *gross floor area* of each non-related and separately operated use;
 - iv. shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day; and,
 - v. shall be merchandise normally found within the on-premise business.
- (C) Walk-up customer service windows or Automated Teller Machines (ATM's), provided that such facilities are not free-standing and are set flush with the façade of the *building*.

(12) Building Design and Orientation.

(A) Orientation.

- i. Primary *façades* shall be oriented to the *front lot line*. When on a *corner lot*, the primary *façade* shall be oriented to the primary *street*.
- ii. The primary *building* entrance shall be located on the *front façade*.

(B) Articulation and Activation.

- i. *Front façades* greater than fifty (50) feet in width shall provide articulation as follows:
 - a. Vertical articulation, such as bays, columns, pilasters, recessed entries, awnings, or other architectural treatments, is required to visually break up the massing of the *façade* into segments no greater than 25 feet in width.
 - b. Horizontal articulation, such as belt courses, cornice lines, entablatures, friezes, changes in materials or window patterns, recessed entries, awnings or canopies, or other architectural treatments, is required.
- ii. For commercial and mixed-use *buildings*, the minimum *front façade* surface that shall be glazed (window and door surface area) is as follows:
 - a. Ground floor *front façade* surface along a primary *street* – sixty (60) percent;
 - b. Ground floor *front façade* surface along a secondary *street* or civic space – forty (40) percent;
 - c. Upper floor *front façade* surface along a primary *street* – fifteen (15) percent.

The ground floor *front façade* glazing is calculated based on the total *façade* area between two (2) and eight (8) feet above the finished ground floor level. The upper floor *front façade* surface area is calculated based on the total *façade* area located between the surface of any floor to the surface of the floor above it or the elevation of the roof. Windows and doors shall have clear (untinted) glass and shall be open to the interior (not faux).

Commented [DM1]: Clear glass on multifamily buildings will likely not pass our state energy codes. We typically use "Low E 2" coatings, which do contain a brownish tint (but usually not significant). Low E 3 coatings, typically green in color, are also sometimes used, especially on south facing commercial buildings. Is this intended to ban that?

Commented [AMS2R1]: This is a great discussion point. At this time, this language is used in other sections of the ordinance and could be interpreted fairly broadly (i.e. not interpreted to prohibit energy efficient coating provided the intent was meant that you could still see through the window). Because this might affect multiple sections of the ordinance, we'd like to wait to address it in the 2020 update.

- iii. Except for civic buildings, the distance between building entries shall not exceed 100'.
- iv. A *walkway* shall connect from the *sidewalk* to the primary entrance.

(C) *Building Materials.*

- i. *Additions to Existing Buildings:* All additions to existing *buildings* shall utilize *building materials* that are compatible and harmonious with the materials used on the existing *building*.
- ii. *Exterior Renovations, Major Additions and Accessory Buildings:* Exterior renovations, major additions and *accessory buildings* to existing *buildings* or facilities are encouraged to comply with the provisions in sub-Section (iii), below, for new construction, however, the minimum requirement for exterior renovations, major additions and accessory buildings shall be the same as in sub-Section (i), above, for additions to existing *buildings*.
- iii. *New Construction:* In order to create variation and interest in the built environment, all new *primary buildings* shall comply with one (1) of the following two (2) sets of architectural regulations regarding *building material* and architectural features on each *front façade*:
 - a. All brick or stone (limestone, granite, etc.), excluding window, display window, door, roofing, fascia and soffit materials, provided that the brick or stone used on each applicable *façade* shall include at least two (2) architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.); or,
 - b. Two (2) or more *building materials* (excluding window, display window, door and roofing materials), provided:
 - 1. *Primary Building Material:* The primary *building material* shall be either: brick; stone (limestone, granite, etc.); synthetic equivalents of brick or stone; architectural pre-cast concrete, if the surface looks like brick or natural stone; traditional lime-based stucco; or fiber cement, and shall constitute a minimum of sixty-six (66) percent of each applicable *façade* excluding glazed surfaces. Exterior insulation and finish

system (E.I.F.S.) or equivalent; vinyl; or standard, fluted, or split face concrete masonry units (CMUs) are prohibited as a primary *building material*.

2. *Secondary Building Material*: The secondary *building material* shall constitute a minimum of ten (10) percent of the *façade* excluding glazed surfaces. Glass curtain wall may qualify as a secondary *building material*.
3. *Architectural Features*: In addition, the exterior *building material* selection shall be supplemented with the use of multiple colors or architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each *front façade*.

iv. *Building materials* used on the *front façade* shall extend a minimum depth of sixteen (16) inches along the *side façade* as measured from the face of the *front façade*.

(D) — Mechanical Equipment — ~~HVAC equipment shall not be placed in the front yard or on the front façade. HVAC equipment, except where such elements are enclosed, camouflaged, screened, obscured, or otherwise not readily visible from the public domain, are prohibited as part of a front façade or between the front façade and the front lot line.~~

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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.

Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2____, at _____ o'clock ____ m.

City Clerk

Approved and signed by me on the _____ day of _____, 2____, at _____ o'clock ____ m.

Mayor, City of South Bend, Indiana

Zoning Quick Fixes
 Reform to CBD Central Business District Standards
 Last updated June 4, 2019

Ordinance Section (all in Section 21-03.06)		Item	Current Standard	Proposed Standard	Notes
	Intent		Does not mention typical physical characteristics	Adds typical physical characteristics	Illustrates desired characteristics of CBD built environment
(a)(1), (a)(2)	Primary Uses		Manufacturing Retailers is a special exception use	Manufacturing Retailers is a primary use	Allows common and desired use without requiring special exception
(a)(2)	Special Exception Uses		Two Family Dwellings are not permitted	Two Family Dwellings are a special exception use	Allows for possibility of two family dwellings through special exception process
(b)(1)	Minimum Lot Width	30'		20'	Reduces minimum lot width to promote urban character and small-scale development
(b)(2)(A)	Maximum Front Setback	15'		10'	Reduces maximum setback to promote urban character
(b)(2)(A)(i), (i)	Façade within Setback Zone along a Primary Street	50%		85%	Raises percentage of primary façade that must fall in setback zone to encourage efficient use of land and promote urban character
(b)(2)(A)(iii)	Parking Area Placement		Parking areas shall not be located in front of maximum setback (15')	Parking areas shall be located at least 5' behind front building line (10' minimum setback if no primary structure) and shall be screened by a shrub row	Reduces visual impact of parking areas while allowing fuller use of site
(b)(2)(B)(ii)	Minimum Side Residential Bufferyard	20'		0' (standard eliminated)	Allows fuller use of site consistent with traditional urban development
(b)(2)(C)(ii)	Minimum Rear Residential Bufferyard	20'		20' when not separated from a ground-floor residential uses by an alley; no bufferyard when separated from ground-floor residential uses by an alley	Allows fuller use of site consistent with traditional urban development
New	Minimum Setback along St. Joseph River and East Race	None		15'	Allows setback for views, preservation of river banks, and additional flood safety
(b)(2)(D)	Minimum Yards for Out Lots		Provides standards for out lots	None (subsection eliminated)	Use of out lots is inconsistent with intent for CBD District
(b)(3)(A)(ii)	Plaza Requirements		Requires plaza development in front yards not used for structures	None (plaza requirement eliminated)	Language ineffective in practice and largely redundant to existing landscaping standards
(b)(3)(B)	Minimum Front Residential Bufferyards		Provides standards for minimum front residential bufferyards	None (subsection eliminated)	Ordinance has no provision that creates minimum front residential bufferyard
(b)(3)(C)	Use of Minimum Side and Rear Yards		Provides standards for use of minimum side and rear yards	None (subsection eliminated)	Ordinance does not require minimum side and rear yards in CBD District
(b)(3)(D)	Use of Minimum Side and Rear Residential Bufferyards		Does not allow driveways	Allow driveways that connect to neighboring properties	Allows for private connection to neighboring lots
New	Use of Yards along St. Joseph River and East Race	None		Allows walkways, plazas, outdoor seating areas, stoops, patios, porches, decks, and signs within setback area	Allows uses that activate and interact with river to be within setback
Ordinance Section (all in Section 21-03.06)		Item	Current Standard	Proposed Standard	Notes
(b)(4)(A)(i), (b)(4)(B)(i), (b)(4)(C)(i)	Minimum Front Façade Building Height		28' west of river, 22' east of river	16'	Allows for tall one-story buildings (two-story buildings or one-story buildings with excessive extensions no longer required)

(b)(11)	Outdoor Operations (Restaurant Seating and Merchandise Sales)	Provides permissible locations for outdoor operations; limits operations to only along storefront facade	Provides permissible locations for outdoor operations; provides for ADA accessibility around outdoor operations	Clarifies provision to match intent for location of outdoor operations
(b)(12)(C)	Building Material Regulations	Applies to each facade visible from a public street	Applies to each front facade	Clarifies provision to match intent
(b)(12)(C)(i), (ii)	Building Materials	Building must be all brick or have two or more materials, including brick, stone, concrete looking like brick or stone, or EIFS	Building must be all brick or stone or have two or more materials, including brick, stone, concrete or synthetic materials looking like brick or stone, stucco, or fiber cement	Provides more flexibility with higher quality building materials
New	Building Orientation	None	Primary facades shall be oriented to the front lot line. When on a corner lot, the primary facade shall be oriented to the primary street	Provides for safer and more attractive, comfortable street environment
New	Building Entry Location	None	The primary entrance shall be located on the front facade	Provides for safer and more attractive, comfortable street environment
New	Building Articulation of Front Façade	None	Vertical articulation breaking up massing of facade into segments of no more than 25' is required; horizontal articulation is required	Prevents buildings with an overly flat appearance; provides for more attractive, comfortable street environment
New	Glazing / Windows	None	For commercial and mixed use buildings, a minimum of 60% of the ground floor front facade surface along a primary street and 15% of the upper floor front facade surface area along a primary street shall be glazed (window and door surface area). A minimum of 40% of ground floor front facade surface along a secondary street or civic space shall be glazed (window and door surface area). The ground floor front facade glazing is calculated based on the total facade area between two and eight feet above grade. The upper floor front facade surface area is calculated based on the total surface area located between the elevation of any floor to the elevation of the floor above it or the roof. Windows and doors shall have clear glass and shall open to the interior (not be faux)	Provides for safer and more attractive, comfortable street environment
New	Distance Between Building Entries	None	The distance between building entries shall not exceed 100'	Provides for safer and more attractive, comfortable street environment
New	Sidewalk Connection	None	A sidewalk shall connect from the public sidewalk to the primary entrance	Provides for safer and more attractive, comfortable street environment
New	Building Materials	None	Building materials used on front facade shall extend a minimum of 16" along side facades	Provides higher level of building quality
New	Mechanical Equipment Location	None	HVAC equipment shall not be placed in the front yard or on the front facade	Provides for more attractive street environment



LAWRENCE P. MAGLIOZZI
EXECUTIVE 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

June 19, 2019

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

RE: Bill #15-19
Rezoning: APC#2898-19 CBD District

Dear Council Members:

The Area Plan Commission held a public hearing on June 18th, 2019 for the above referenced petition. This petition is set for public hearing before the Common Council on Monday, June 24th, 2019.

Ordinance & Petition Amendments:

The ordinance has changed since the original submittal and the most recent version is attached.

Public Hearing Summary:

There were two people who spoke in favor. Brian McMorrow was speaking in favor for the Home Builders Association, though he brought up a concern about listing specific building materials as those could change quickly compared to the ordinance. Dan Buckenmeyer also spoke in favor.

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 read 'Jordan Wyatt', written over a thin horizontal line.

Jordan Wyatt
Planner

CC: Bob Palmer

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LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

Wednesday, June 19, 2019

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

RE: An ordinance initiated by the Common Council of the City of South Bend, Indiana, amending Chapter 21 of the South Bend Municipal Code, Article 3 Commercial/Mixed Use Districts to repeal and replace CBD Central Business District - APC# 2898-19.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Initiated by Common Council was legally advertised on June 6, 2019 and that the Area Plan Commission at its public hearing on June 18, 2019 took the following action:

Upon a motion by John R. McNamara, being seconded by John DeLee and carried, a proposed ordinance initiated by Common Council is sent to the Common Council with a FAVORABLE recommendation. This ordinance revises uses and development standards to better support the development of a mixed-use urban core having pedestrian oriented design, characteristics appropriate for the urban center of a multi-county region.

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

Staff Report

6/11/2019

APC # 2898-19
Owner: Initiated by Common Council
Location: Text Amendment
Jurisdiction: City of South Bend
Public Hearing Date: 6/18/2019

Requested Action:

An Ordinance of the Common Council of the City of South Bend, Indiana, Amending Chapter 21 of the South Bend Municipal Code, Article 3 Commercial/Mixed Use Districts to Repeal and Replace Section 21-03.06 CBD Central Business District.

Staff Comments:

This ordinance was drafted to simplify regulations and stimulate development in the heart of South Bend. Experience using the Ordinance's provisions for the CBD Central Business District has shown that development in this district is unable to meet its full potential through efficient use of sites and development of standards to better support a vibrant public realm. The new CBD District seeks to promote a high intensity urban center with a mixture of mid-rise and high-rise mixed-use developments and pedestrian-oriented scale.

Recommendation:

Based on information available prior to the public hearing, the staff recommends that the petition be sent to the Common Council with a FAVORABLE recommendation.

Analysis:

This ordinance revises uses and development standards to better support the development of a mixed-use urban core having pedestrian-oriented design, characteristics appropriate for the urban center of a multicounty region.

