



OFFICE OF THE CITY CLERK

BIANCA L. TIRADO, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: BIANCA L. TIRADO, CITY CLERK
DATE: THURSDAY, APRIL 24, 2025
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, April 28, 2025:**

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

The Council Chambers will be Open to the Public. Members of the Public may Attend this Meeting Virtually via Microsoft Teams Meeting app here: <https://tinyurl.com/042825CC>

- 4:15 P.M.** **PERSONNEL & FINANCE** **CHAIRPERSON, NIEZGODSKI**
1. [Bill No. 28-25](#) - Amending the Historic Preservation Ticket Surcharge for the Morris Performing Arts Center
- 4:25 P.M.** **PUBLIC WORKS & PROPERTY VACATION** **CHAIRPERSON, NIEZGODSKI**
1. [Bill No. 23-25](#) - Amending Chapter 6, Article 9, of the South Bend Municipal Code to Update the Regulations for Flood Damage Prevention
- 4:40 P.M.** **HEALTH & PUBLIC SAFETY** **CHAIRPERSON, TOMAS MORGAN**
1. [Bill No. 26-25](#) - Amending Chapter 13, Article 4, Section 13-58; Chapter 2, Article 12, Section 2-142; and Chapter 13, Article 10, Section 13-96 of the South Bend Municipal Code to Update the Regulations for Discharging Firearms
2. [Bill No. 27-25](#) - Amending Chapter 13, Article 7, Section 13-81 of the South Bend Municipal Code to Update the Ordinances Prohibiting Public Nuisance Noises
- 5:00 P.M.** **COMMUNITY INVESTMENT** **CHAIRPERSON, WARNER**
1. [Bill No. 25-26](#) - Designating Resolution - Real Property Tax Abatement for Allen Edwin Residential Builders, LLC
- 5:20 P.M.** **ZONING & ANNEXATION** **CHAIRPERSON, DR. OLIVER DAVIS**

INTEGRITY | SERVICE | ACCESSIBILITY

Matthew Neal
DEPUTY CITY CLERK / DIRECTOR OF POLICY

Margaret Gotsch
DIRECTOR OF SPECIAL PROJECTS

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.southbend.in.gov



1. [Bill No. 14-25](#) - Annexation of Two (2) Properties Located at the Intersection of Edison Road and Sundown Road (24355 Edison Road) (*Public Hearing Only*)
2. [Bill No. 25-24](#) - Resolution Adopting a Written Fiscal Plan and Establishing a Policy for the Provision of Services to the Edison Sundown Annexation Area

Council President Canneth Lee 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

PRESIDENT, C. LEE

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

cc: Mayor James Mueller
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



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, April 28, 2025

7:00 P.M.

The South Bend Common Council meeting will be open to the public at the Council Chambers on the 4th floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, IN 46601

or available by way of a virtual meeting using the Microsoft Teams Meeting App. Public access to the meeting can be granted by this Microsoft Teams Link:

<https://tinyurl.com/SBCC042825>

1. **INVOCATION**

PASTOR JIM BAYER | GOSPEL CENTER MISSIONARY CHURCH

2. **PLEDGE TO THE FLAG**

3. **ROLL CALL**

4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**

APRIL 14, 2025

5. **SPECIAL BUSINESS**

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

14-25 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, CERTAIN LAND LOCATED IN GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1, NORTH OF THE INTERSECTION OF EDISON ROAD AND SUNDOWN ROAD, SOUTH BEND, INDIANA (**PUBLIC HEARING ONLY**)

[23-25](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6, ARTICLE 9 OF THE SOUTH BEND MUNICIPAL CODE TO UPDATE THE REGULATIONS FOR FLOOD DAMAGE PREVENTION

[26-25](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 13, ARTICLE 4, SECTION 13-58; CHAPTER 2, ARTICLE 12, SECTION 2-142; AND CHAPTER 13, ARTICLE 10, SECTION 13-96 TO UPDATE THE REGULATIONS FOR DISCHARGING FIREARMS

[27-25](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 13, ARTICLE 7, SECTION 13-81 TO REPEAL THE ORDINANCE PROHIBITING PUBLIC NUISANCE NOISES

[28-25](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE HISTORIC PRESERVATION TICKET SURCHARGE FOR THE MORRIS PERFORMING ARTS CENTER

8. **BILLS ON THIRD READING**

TIME: _____

BILL NO.

[23-25](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6, ARTICLE 9 OF THE SOUTH BEND MUNICIPAL CODE TO UPDATE THE REGULATIONS FOR FLOOD DAMAGE PREVENTION

[26-25](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 13, ARTICLE 4, SECTION 13-58; CHAPTER 2, ARTICLE 12, SECTION 2-142; AND CHAPTER 13, ARTICLE 10, SECTION 13-96 TO UPDATE THE REGULATIONS FOR DISCHARGING FIREARMS

[27-25](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 13, ARTICLE 7, SECTION 13-81 TO REPEAL THE ORDINANCE PROHIBITING PUBLIC NUISANCE NOISES

[28-25](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE HISTORIC PRESERVATION TICKET SURCHARGE FOR THE MORRIS PERFORMING ARTS CENTER

9. **RESOLUTIONS**

BILL NO.

25-24 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN GERMAN TOWNSHIP (EDISON SUNDOWN ANNEXATION AREA)

25-26 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS MULTIPLE PROPERTIES AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A NINE-YEAR (9) REAL PROPERTY TAX ABATEMENT FOR ALLEN EDWIN RESIDENTIAL BUILDERS LLC

10. **BILLS ON FIRST READING**

BILL NO.

29-25 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1144 SORIN STREET AND 1148 SORIN STREET COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

11. **UNFINISHED BUSINESS**

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 officiate 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.



2025 COMMON COUNCIL STANDING COMMITTEES (Rev. 03-10-2025)

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.

Troy Warner, Chairperson
Karen L. White, Vice-Chairperson
Ophelia Gooden-Rodgers., Member

Sherry Bolden-Simpson, Member
Thomas Gryp, *Citizen Member*
Kaine Kanczuzewski, *Citizen 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.

Ophelia Gooden-Rodgers, Chairperson
Karen L. White, Vice-Chairperson
Citizen Member

Sheila Niezgodski, Member
Sherry Bolden-Simpson, 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*.

Canneth Lee, Member
Rachel Tomas Morgan, Member

Troy Warner, 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.

Rachel Tomas Morgan, Chairperson
Troy Warner, Vice-Chairperson
Sheila Niezgodski, Member
Citizen Member

Sharon McBride, Member
Dr. Oliver Davis, Member
Citizen 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.

Rachel Tomas Morgan, Chairperson
Sherry Bolden-Simpson, Vice-Chairperson
Dr. Oliver Davis, Member

Sharon McBride, Member
Citizen Member
Citizen 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
Karen L. White, Vice- Chairperson
Citizen Member

Ophelia Gooden-Rogers, Member
Troy Warner, Member

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.

Sheila Niezgodski, Chairperson
Karen L. White, Vice-Chairperson

Dr. Oliver Davis, Member
Rachel Tomas Morgan, 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.

Sheila Niezgodski, Chairperson
Ophelia Gooden-Rodgers, Vice-Chairperson
Carl Littrell, Citizen Member

Dr. Oliver Davis, Member
Troy Warner, Member
Jason Piontek, Citizen Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

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

Karen L. White, Chairperson
Sheila Niezgodski, Vice-Chairperson
Gabriel Murei, *Citizen Member*

Ophelia Gooden-Rodgers, Member
Sharon McBride, 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.

Sherry Bolden-Simpson, Chairperson
Dr. Oliver Davis, Vice-Chairperson
Firdia Johnson, Citizen Member

Sheila Niezgodski, Member
Ophelia Gooden-Rodgers, Member
Joseph Mayer, Citizen 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.

Dr. Oliver Davis, Chairperson
Rachel Tomas Morgan, Vice-Chairperson
Henry Davis Jr., Citizen Member

Troy Warner, Member
Karen L. White, Member
Stacey Odom, Citizen 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.

Troy Warner, Member

Sherry Bolden-Simpson, Member



2025 COMMON COUNCIL STANDING COMMITTEES (Rev.03-10-2025)

CANNETH LEE, 1ST District Council Member

President

Council Rules Committee, Member

OPHELIA GOODEN-RODGERS, 2ND District Council Member

Community Relations Committee, Chairperson

Public Works & Property Vacation Committee, Vice-Chairperson

Community Investment Committee, Member

PARC Committee, Member

Residential Neighborhoods Committee, Member

Utilities Committee, Member

SHARON L. MCBRIDE, 3RD District Council Member

PARC Committee, Chairperson

Residential Neighborhoods Committee, Member

Health & Public Safety Committee, Member

Information & Technology Committee, Member

TROY WARNER, 4TH District Council Member

Chairperson, Committee of the Whole

Community Investment Committee, Chairperson

Health and Public Safety, Vice-Chairperson

Council Rules Committee, Member

Public Works & Property Vacation, Member

PARC Committee, Member

Sub-Committee on the Minutes, Member

Zoning & Annexation Committee, Member

SHERRY BOLDEN-SIMPSON, 5TH District Council Member

Utilities Committee, Chairperson

Community Relations Committee, Member

Information & Technology, Vice-Chairperson

Community Investment Committee, Member

Sub-Committee on Minutes, Member

SHEILA NIEZGODSKI, 6TH District Council Member

Personnel & Finance Committee, Chairperson

Public Works & Property Vacation, Chairperson

Health & Public Safety Committee, Member

Residential Neighborhoods Committee, Vice-Chairperson

Community Relations Committee, Member

Utilities Committee, Member

DR. OLIVER DAVIS, AT LARGE Council Member

Zoning & Annexation Committee, Chairperson

Public Works & Property Vacation Committee, Member

Utilities Committee, Vice-Chairperson

Information & Technology Committee, Member

Personnel & Finance Committee, Member

Health & Public Safety Committee, Member

RACHEL TOMAS MORGAN, AT LARGE Council Member

Vice-President

Health & Public Safety Committee, Chairperson

Personnel & Finance Committee, Member

Information & Technology Committee, Chairperson

Zoning & Annexation Committee, Vice-Chairperson

Council Rules Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhoods Committee, Chairperson

Personnel & Finance Committee, Vice-Chairperson

Community Investment Committee, Vice-Chairperson

Zoning & Annexation Committee, Member

Community Relations Committee, Vice-Chairperson

PARC Committee, Vice-Chairperson

14-25

PUBLIC HEARING ONLY

Filed in Clerk's Office



MAR 05 2025

Bianca Tirado
City Clerk, South Bend, IN

CITY OF SOUTH BEND

COMMUNITY INVESTMENT

March 4, 2025

Canneth Lee, President
South Bend Common Council
4th Floor, County-City Building

RE: Edison Sundown Annexation Area - 24355 Edison Road

Dear President Lee:

Attached is an Ordinance for the proposed annexation at the above referenced location. Please include this Ordinance on the Council agenda for first reading at the March 10, 2025, Council meeting; for second reading at the April 28, 2025, Council meeting; and for third reading at the May 12, 2025, Council meeting. Per the provisions of Section 21-01.02(g) of the South Bend Municipal Code, the property would automatically be zoned to I Industrial District upon annexation without needing a public hearing before the South Bend Plan Commission.

The petitioner provided the following to describe the proposed project:

Annexation of an I-Industrial parcel in St. Joseph County into the City of South Bend as I Industrial.

If you have any questions, please feel free to contact me at (574) 235-7625. Thank you.

Sincerely,

Amani Morrell
Principal Development Planner

cc: Bob Palmer, Attorney, Common Council

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

1400S County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9371 | www.southbendin.gov

BILL NO. 14-25

MAR 05 2025

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, CERTAIN LAND LOCATED IN GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1, NORTH OF THE INTERSECTION OF EDISON ROAD AND SUNDOWN ROAD, SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioner desires to annex two properties at the intersection of Edison Road and Sundown Road (24355 Edison Road); the properties would be automatically zoned to I Industrial District in South Bend.

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

SECTION I. That the following described real estate is situated in St. Joseph County, Indiana, being contiguous by more than one-eighth (1/8) of its aggregate external boundaries with the present boundaries of the City of South Bend, Indiana, shall be and hereby is annexed to and brought within the City of South Bend:

A Part of the Southeast Quarter of Section 31, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, and being all of Lot 1 as said lot is known and designated on the Recorded Plat of I.P.C. Minor Subdivision, Recorded in Plat Book 28, Page 1, in the St. Joseph County Recorder's Office; and also being a portion of lands conveyed to the State of Indiana as described in Deed Record 688, Page 223, in said Recorder's Office; and also being all of that land conveyed to State of Indiana as described in Instrument Number 2021-13765; and a Part of the Northeast Quarter of Section 6, Township 37 North, Range 2 East, Portage Township, St. Joseph County, Indiana, more particularly described as follows:

Beginning at the Northeast Corner of said Lot 1; Thence Westerly, along the North Line of said Lot 1 and said Line Extended, a distance of 679 Feet, more or less, to the West Line of the Limited Access Right of Way of the US 20/US 31 Bypass (aka, St. Joseph Valley Parkway); Thence Southerly, along the Westerly Line of said Right of Way, 267 Feet, more or less, to the Northeast Corner of said State of Indiana Land-Instrument Number 2021-13765; Thence Westerly, along the North Line of said land, 50 Feet; Thence Southerly, along the West Line of said land, 50 Feet; Thence Easterly, along the South Line of said land, 50 Feet, more or less, to

the Aforementioned West Line of the US 20/US 31 Bypass; Thence Continuing Southerly, along said West Line and said West Line Extended 236 Feet, more or less, to the North Line of Voght's Edison Road Second Addition, Recorded in Plat Book 17, Page V-2, in said Recorder's Office; Thence Easterly, along the North Line of said Voght's Edison Road Second Addition and the North Line of Voght's Edison Road Third Addition, Recorded in Plat Book 17 Page V-1, a distance of 720 Feet, more or less, to a point lying on the Southerly Extension of the East Line of said Lot 1; Thence Northerly, along said Extended Line and the East Line of said Lot 1, a distance of 553 Feet, more or less to the Point of Beginning;

Containing 8.9 acres, more or less.

SECTION II. That the boundaries of the City of South Bend, Indiana, shall be and are hereby declared to be extended so as to include the real estate of the above-described parcel as part of the City of South Bend, Indiana.

SECTION III. Ordinance No. 10689-19, as amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order that the zoning classification of the above described real estate, with the exception of all adjacent rights-of-way, in the City of South Bend, St. Joseph County, State of Indiana be and the same is hereby established as I Industrial District, per the provisions of Section 21-01.02(g) of the South Bend Municipal Code.

SECTION IV. This Ordinance shall be in full force and effect 30 days from and after its passage by the Common Council, approval by the Mayor, and legal publication.

Canneth Lee, Council President
South Bend Common Council

Attest:

Bianca Tirado, 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 _____, 2025, at _____ o'clock ____ m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana



Department of
Community Investment

Filed in Clerk's Office

Memorandum

Monday, February 24, 2025

FEB 24 2025

Bianca Tirado
City Clerk, South Bend, IN

TO: Derek Erquhart, Fire
Kara Boyles, Engineering
Timothy Lancaster and Joseph Leszczynski, Police
Kari Myers, Community Investment - Zoning
Tom Panowicz, Legal
Kelly Smith, Solid Waste
Kenisha Wells, Neighborhood Services & Enforcement
Kyle Willis, Administration & Finance

FROM: Amani Morrell, Principal Development Planner

SUBJECT: Request for Service Reports
Edison Sundown Annexation Area
(100% Voluntary Annexation of Contiguous Property)

A petition for voluntary annexation of the Edison Sundown Annexation Area has been submitted to the City and will receive First Reading by the Common Council on Monday, March 10, 2025.

The proposed Annexation Area consists of two parcels and adjacent right-of-way totaling about 9 acres and is located north of the intersection of Edison Road and Sundown Road. Two buildings totaling 43,000 square feet currently exist on the site and are zoned I-Industrial in the County. With the annexation, the petitioner seeks zoning of I Industrial to utilize the site for warehousing and to construct a 13,000 square foot addition.

Please complete the Service Report addressing how your Department will or can provide City services to the proposed Annexation Area, and return it to me **by March 10, 2025**. This deadline must be met so that the Legal Department can prepare the necessary resolutions in time to be considered by the Board of Public Works. A fact sheet, map, and an annexation schedule are attached to assist you in your review.

If you have any questions, please contact me at (574) 235-7625 or amorrell@southbendin.gov.

cc: Mayor James Mueller
Allie Dolz-Lane, Chief of Staff, Office of the Mayor
Bob Palmer, Attorney for the Common Council
Caleb Bauer, Executive Director, Community Investment
Tim Corcoran, Director of Planning, Community Investment
Bianca Tirado, City Clerk
Staff, City Clerk
Robert Kruszynski, County Surveyor



SERVICE REPORT CHECK LIST

- Department of Law:* 1) legal concerns, if any (if none, no report is required)
- Public Works:* 1) location, size, and capacity of water line(s)
2) listing of properties connected to water line(s)
3) location, size, and capacity of sewer line(s)
4) listing of properties connected to sewer line(s)
5) any public improvements required or suggested, such as street signs, street lighting, pavement upgrade, storm drainage
6) cost, timing, and source of funds for providing those improvements (within 1 year for non-capital items and 3 years for capital items)
7) a listing of properties covered by waivers
- Police Department:* 1) Police Beat to be assigned
2) cost, timing, and source of funds of providing any improvements
3) whether comparable response time can be maintained
- Fire Department:* 1) primary and secondary fire stations to be assigned
2) cost, timing, and source of funds of providing any improvements
3) whether comparable response time can be maintained
- Neighborhood Services:* 1) Inspector Area to be assigned
2) whether comparable response time can be maintained
- Zoning:* 1) current zoning of property
2) anticipated/required zoning
3) compatibility of land uses relative to city zoning
4) copies of recorded subdivision plats, if any
- Admin/Finance:* 1) (no report necessary for this annexation)
- Solid Waste:* 1) capacity to provide solid waste service
2) cost to owner of service
3) when service can begin
- County Surveyor:* 1) verify accuracy of legal description

INITIAL REVIEW FACT SHEET

100% VOLUNTARY ANNEXATION

Edison Sundown Annexation Area

German Township

Prepared February 2025

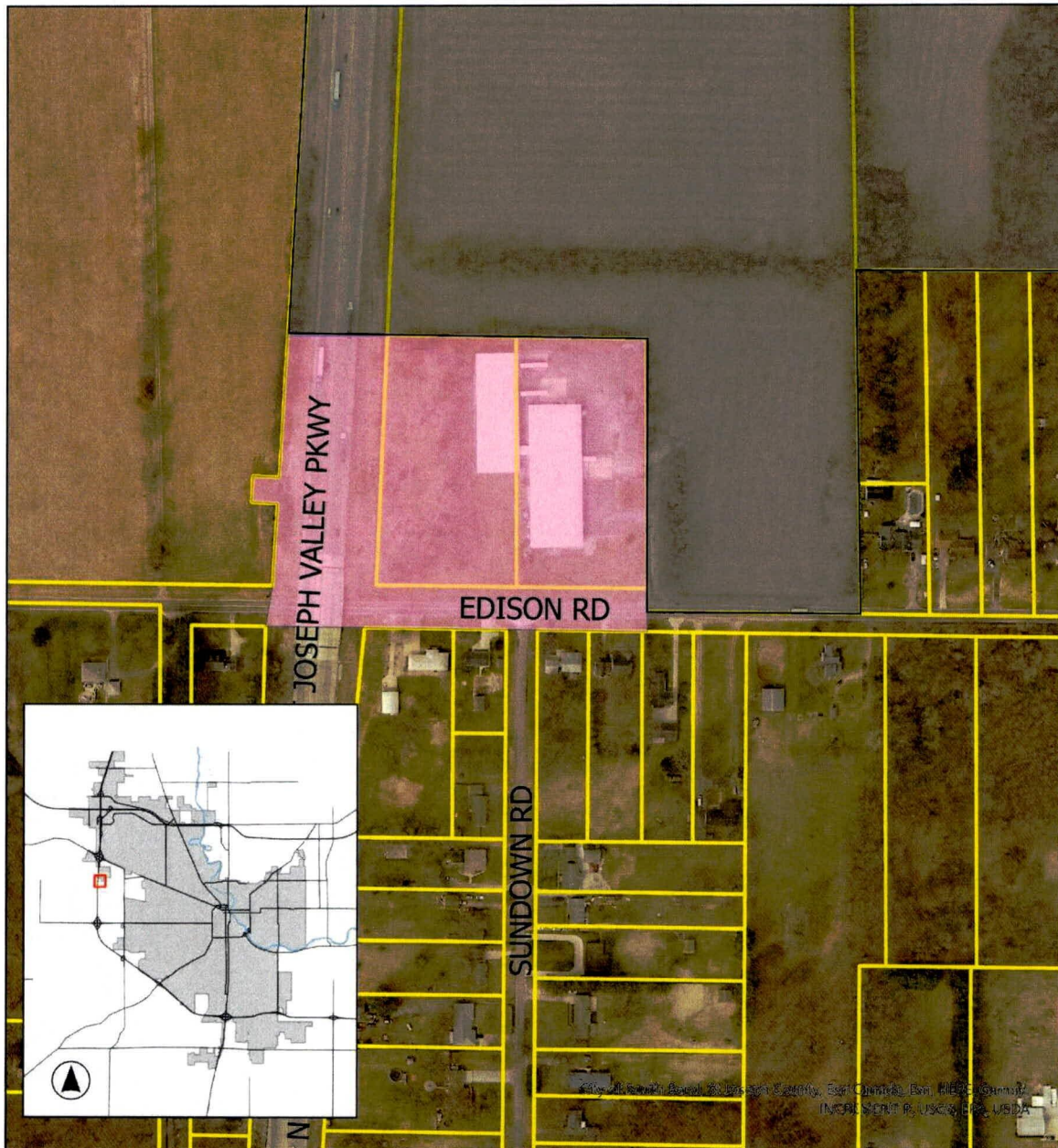
A. Annexation Criteria (Minimum)		Analysis	Criteria Met?
1.	Contiguity: At least 1/8 (12.5%) <i>and</i>	46.0%	Yes
2.	100% of owners signed petition <i>and</i>	100%	Yes
3.	a. essential City services are/can be provided		Yes
	b. City is able to provide services		Yes
	c. territory is contiguous		Yes

B. General

Location:	North of the intersection of Edison Road and Sundown Road
Address:	24355 Edison Road
Tax Key Number(s):	004-1021-036803 and 004-1021-036804
Subdivision(s) of Record:	I.P.C Minor Subdivision
Acres:	9.0
Current Net Assessment:	\$414,700
Current Population:	0
Proposed Population:	0
Current Land Use:	Industrial: Light Manufacturing and Assembly
Proposed Land Use:	Industrial: Warehousing
Current Zoning:	I Industrial District, St. Joseph County
Proposed Zoning:	I Industrial District, City of South Bend
Council District:	1 st Council District
Scheduled Effective Date:	June 22nd, 2025
Comments:	The proposed Annexation Area includes the adjacent Edison Road and US 20 Highway rights-of-way

Map

Edison Sundown Annexation Area



Edison Sundown Annexation Area



City of South Bend

Legal Description

Lot 1 in I.P.C Minor Subdivision, Recorded in Plat Book 28 Page 1, in the Office of the Recorder of St. Joseph County, Indiana.

Containing 9 acres, more or less, and being subject to all rights-of-way, covenants, easements, and restrictions of record.

Proposed Schedule for Edison Sundown Annexation Area

File Date	3/5/25
1st Reading	3/10/25
Service Report Request	2/24/25
Service Report Due	3/10/25
Fiscal Plan Done	3/24/25
BPW Agenda Session	4/3/25
BPW Hearing	4/8/25
BPS	N/A
PC Public Hearing	N/A
Council Advertisement	4/4/25
FP Resolution to Clerk	4/23/25
2nd Reading	4/28/25
3rd Reading	5/12/25
Advertised	5/23/25
Appeal Period Start	5/23/25
Appeal Period End	6/22/25

23-25



ST. JOSEPH COUNTY

CITY OF SOUTH BEND



BUILDING DEPARTMENT

March 31, 2025

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

RE: Floodplain Ordinance

Filed in Clerk's Office

APR 02 2025
Bianca Tirado
City Clerk, South Bend, IN

Dear Committee Chair Niezgodski:

Enclosed is an updated Floodplain Ordinance purposed to replace the existing Floodplain Ordinance. The update of the existing Ordinance is a requirement by the Federal Emergency Management Agency and the Indiana Department of Natural Resources Division of Water. The Ordinance allows our municipality to participate in the National Flood Insurance Program, providing low-cost flood insurance for our citizens. This Ordinance provides guidance and processes for floodplain management, reducing the impact of flooding on private and public properties. This Ordinance has been adopted by several other governmental units within St Joseph County including St Joseph County. Please place this Ordinance on the Council Agenda for first reading at your April 14, 2025 meeting and set it for public hearing, 2nd, and 3rd reading at your April 28, 2025 meeting.

The full ordinance is attached for your reference.

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

A handwritten signature in blue ink, appearing to read 'Randy L. James'.

Randy L James

Building Commissioner

CC: Bob Palmer

APR 02 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 23-25

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 6, ARTICLE 9 OF THE SOUTH BEND
MUNICIPAL CODE TO UPDATE THE REGULATIONS FOR FLOOD DAMAGE
PREVENTION**

STATEMENT OF PURPOSE AND INTENT

Chapter 6, Article 9 of the South Bend Municipal Code provides the regulations for flood damage prevention within the City of South Bend.

The Indiana Department of Natural Resources ("IDNR"), has developed a model floodplain ordinance for adoption by municipalities participating in the National Flood Insurance Program ("NFIP") in connection with the Federal Emergency Management Agency ("FEMA").

The tailored language of this proposed ordinance has been approved by the Indiana Department of Natural Resources. Following adoption of this ordinance, the ordinance will be sent to IDNR for submission to FEMA in connection with the National Flood Insurance program.

This proposed ordinance provides a more comprehensive regulatory framework by detailing broader public safety goals, such as preserving flood storage and minimizing flood-related economic losses.

The proposed ordinance also expands on key definitions and includes provisions for critical facilities such as hospitals and emergency services.

The proposed ordinance incorporates detailed enforcement provisions, emphasizing proactive flood risk mitigation. The proposed ordinance also introduces a formal appeals process, specifying evaluation criteria and ensuring alignment with FEMA floodplain management standards.

The proposed ordinance, as a whole, provides a more detailed, structured, and enforceable framework for managing flood risks.

This ordinance amendment is necessary for the effective, efficient administration of the City's enforcement and regulation of the floodplain. This ordinance is in the best interest of the City and its residents.

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

SECTION I. Chapter 6, Article 9 shall be amended to read in its entirety as follows:

FLOODPLAIN CODE

Sec. 6-38.1. – Statutory Authorization, Findings of Fact, Purpose, and Methods

(1) Statutory Authorization

The Indiana Legislature has in IC 36-1-4-11 granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council of the City of South Bend hereby adopts the following floodplain management regulations.

(2) Findings of Fact

The flood hazard areas of St. Joseph County within the city limits of the City of South Bend, herein after referred to as the City, are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(3) Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Protect human life and health.
- (b) Minimize expenditure of public money for costly flood control projects.
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (d) Minimize prolonged business interruptions.
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
- (f) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.
- (g) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- (h) Minimize the impact of development on adjacent properties within and near flood prone areas.
- (i) Ensure that the flood storage and conveyance functions of the floodplain are maintained.
- (j) Minimize the impact of development on the natural, beneficial values of the floodplain.

(k) Prevent floodplain uses that are either hazardous or environmentally incompatible.

(l) Meet community participation requirements of the National Flood Insurance Program.

(4) **Methods of Reducing Flood Loss**

In order to accomplish its purposes, these regulations include methods and provisions for:

(a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities.

(b) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction.

(c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.

(d) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage.

(e) Preventing or regulating the construction of flood barriers, which will unnaturally divert floodwaters, or which may increase flood hazards in other areas.

Sec. 6-38.2. – Definitions

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them meaning they have in common usage and to give these regulations the most reasonable application.

(1) **Accessory Structure** means a structure with a floor area of 400 square feet or less that is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.

(a) Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof

(b) Examples of accessory structures include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.

(c) The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the NFIP:

(i) Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence.

(ii) Structures used by the public, such as a place of employment or entertainment.

(iii) Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples includes, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

(2) **Addition** (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

- (3) **Aerator** means a mechanical device placed within a public freshwater lake that is used to accomplish any of the following:
- (a) Increase the amount of dissolved oxygen in the water.
 - (b) Increase the decomposition of organic materials.
 - (c) Alter water flow or circulation.
 - (d) Reduce icing.
 - (e) Enhance audio or visual enjoyment by bubbling or spraying water
- (4) **Alteration of a watercourse** means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard or change the direction and/or velocity of the flow of water during conditions of the base flood.
- (5) **Appeal** means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance, a request for a variance, or a challenge of a board decision.
- (6) **Area of special flood hazard** means the land within a community subject to a one percent (1%) or greater chance of being flooded in any given year.
- (7) **Base flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% annual chance flood or one hundred (100) year flood.
- (8) **Base Flood Elevation (BFE)** means the water surface elevation of the base flood in relation to a specified datum, usually the North American Vertical Datum of 1988.
- (9) **Basement** means that portion of a structure having its floor sub-grade (below ground level) on all sides.
- (10) **Best Available Flood Layer (BAFL)** means floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the flood hazard is not identified on available floodplain mapping.
- (11) **Building** – See "Structure."
- (12) **Community** means a political entity that has the authority to adopt and enforce floodplain ordinances for the areas within its jurisdiction.
- (13) **Critical facility** means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

(14) **Development** means, for floodplain management purposes, any man-made change to improved or unimproved real estate including but not limited to:

- (a) construction, reconstruction, or placement of a structure or any addition to a structure;
- (b) installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than 180 days;
- (c) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (d) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (e) mining, dredging, filling, grading, excavation, or drilling operations;
- (f) construction and/or reconstruction of boat lifts, docks, piers, and seawalls;
- (g) construction and/or reconstruction of bridges or culverts;
- (h) storage of materials; or
- (i) any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include activities such as the maintenance of existing structures and facilities such as painting; re-roofing; resurfacing roads; or, gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

(15) **Dry hydrant** means a structure that does both of the following:

- (a) Extends lakeward of the legally established or average normal waterline or shoreline.
- (b) Provides a means of suction water supply without direct drafting for fire protection.

(16) **Elevation Certificate** means a FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information.

(17) **Enclosed area** (enclosure) is an area of a structure enclosed by walls on all sides.

(18) **Enclosure below the lowest floor.** See “Lowest Floor” and “Enclosed Area.”

(19) **Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community’s first floodplain ordinance.

(20) **Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(21) **FEMA** means the Federal Emergency Management Agency.

- (22) **Fill** for floodplain management purposes, means any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.
- (23) **Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- (a) The overflow of inland or tidal waters.
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (c) Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- Flood or flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a flood as defined above.
- (24) **Flood hazard area** means areas subject to the one percent (1%) annual chance flood. (See “Special Flood Hazard Area”)
- (25) **Flood Insurance Rate Map (FIRM)** means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- (26) **Flood Insurance Study (FIS)** means the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM and the water surface elevation of the base flood.
- (27) **Flood prone area** means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See “Floodplain”)
- (28) **Flood Protection Grade (FPG)** is the BFE plus two (2) feet at any given location in the SFHA. (See “Freeboard”)
- (29) **Flood-related erosion** means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding.
- (30) **Floodplain or flood prone** area means any land area susceptible to being inundated by water from any source. (See “Flood”)
- (31) **Floodplain management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency

preparedness plans, flood control works, floodplain management regulations, and open space plans.

- (32) **Floodplain management regulations** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power which control development in flood-prone areas. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- (33) **Floodproofing (dry floodproofing)** is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.
- (34) **Floodproofing certificate** is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG.
- (35) **Floodway** is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulative increasing the water surface elevation more than a designated height.
- (36) **Freeboard** means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.
- (37) **Fringe or Flood Fringe** is the portion of the floodplain lying outside the floodway.
- (38) **Functionally dependent use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- (39) **Glacial stone** means a rounded stone that satisfies each of the following:
 - (a) Was produced by glacial activity.
 - (b) No individual stone weighs more than one hundred twenty (120) pounds.
 - (c) At least ninety percent (90%) of the material passes through a twelve (12) inch sieve.
 - (d) Not more than ten percent (10%) of the material passes through a six (6) inch sieve.
- (40) **Hardship** (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The hardship must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot,

as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

- (41) **Highest adjacent grade** means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.
- (42) **Historic structure** means any structure that is:
 - (a) individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.
- (43) **Hydrologic and hydraulic engineering analysis** means analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.
- (44) **International Code Council-Evaluation Service (ICC-ES) Report** means a document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.
- (45) **Letter of Final Determination (LFD)** means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.
- (46) **Letter of Map Change (LOMC)** is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:
 - (a) **Conditional Letter of Map Revision (CLOMR)** means FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.

- (b) **Conditional Letter of Map Revision Based on Fill (CLOMR-F)** means a letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood.
 - (c) **Letter of Map Amendment (LOMA)** means an amendment by letter to the currently effective FEMA map that establishes that a building or area of land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
 - (d) **Letter of Map Amendment Out as Shown (LOMA-OAS)** means an official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
 - (e) **Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
 - (f) **Letter of Map Revision Based on Fill (LOMR-F)** means FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.
- (47) **Lowest adjacent grade** means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.
- (48) **Lowest floor** means, for floodplain management purposes, the lowest elevation described among the following:
- (a) The lowest floor of a building.
 - (b) The basement floor.
 - (c) The garage floor if the garage is connected to the building.
 - (d) The first floor of a structure elevated on pilings or pillars.
 - (e) The floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of floodwaters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
 - (i) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters.
 - (ii) At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings.
 - (f) The first floor of a building elevated on pilings or columns in a coastal high hazard area (as that term is defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.
- (49) **Manufactured home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent

foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

- (50) **Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (51) **Mitigation** means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.
- (52) **Natural grade for floodplain management purposes** means the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.
- (53) **New construction for floodplain management purposes** means any structure for which the "start of construction" commenced on or after the effective date of a floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.
- (54) **New manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.
- (55) **North American Vertical Datum of 1988 (NAVD 88)** as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.
- (56) **Obstruction** includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
- (57) **One-percent annual chance flood** is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. See "Regulatory Flood".
- (58) **Physical Map Revision (PMR)** is an official republication of a community's FEMA map to effect changes to base (one-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.
- (59) **Prefabricated Building** is a building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.

(60) **Principally above ground** means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

(61) **Public Freshwater Lake** means a naturally formed lake (not man-made) that has been used by the public with the acquiescence of a riparian owner. The term does not include the following:

- (a) Lake Michigan.
- (b) A lake lying wholly or in part within the corporate boundaries of any of the three (3) cities having the largest population in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- (c) privately owned body of water:
 - (i) used for the purpose of surface coal mining; or
 - (ii) created as a result of surface coal mining.

A listing of Indiana public freshwater lakes is maintained in Natural Resources Commission Information Bulletin #61.

(62) **Recreational vehicle** means a vehicle which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projections;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

(63) **Regulatory flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 6-38.3(2) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

(64) **Repetitive loss** means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

(65) **Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(66) **Solid waste disposal facility** means any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.

(67) **Special Flood Hazard Area (SFHA)**, synonymous with "areas of special flood hazard" and floodplain, means those lands within the jurisdiction of the City subject to a one percent

or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps and Flood Insurance Studies as Zones A, AE, AH, AO, A1 30, A99, or VE. The SFHA includes areas that are flood prone and designated from other federal, state, or local sources of data including but not limited to best available flood layer maps provided by or approved by the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

- (68) **Start of construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (69) **Structure** means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground. The term includes a manufactured home, as well as a prefabricated building. It also includes recreational vehicles installed on a site for more than 180 consecutive days.
- (70) **Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (71) **Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (72) **Temporary structure (Public Freshwater Lakes only)** means a structure that can be installed and removed from the waters of a public freshwater lake without using a crane, bulldozer, backhoe, or similar heavy or large machinery. Examples of a temporary structure include the following:

- (a) A pier that is supported by auger poles or other poles that do not exceed three and one-half (3½) inches in diameter and rest on the lakebed; and is not mounted in or comprised of concrete or cement.
 - (b) A boat shelter, boat lift, or boat hoist that has a canvas top and sides; is supported by auger poles or other poles that do not exceed three and one-half (3½) inches in diameter; is not mounted in or comprised of concrete or cement; is designed to float or to rest upon the bed of the lake under its own weight if any structure to which it is attached complies with this section; and, is not wider than ten (10) feet nor longer than twenty (20) feet.
- (73) **Variance** is a grant of relief from the requirements of this ordinance consistent with the variance conditions herein.
- (74) **Violation** means the failure of a structure or other development to be fully compliant with this ordinance.
- (75) **Walled and roofed** means a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.
- (76) **Watercourse** means a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Sec. 6-38.3. – General Provisions

(1) Lands to Which This Ordinance Applies

This ordinance shall apply to all areas of special flood hazard (SFHAs) within the jurisdiction of the City of South Bend, Indiana as identified in Section 6-38.3(2), including any additional areas of special flood hazard annexed by the City of South Bend, Indiana.

(2) Basis for Establishing the Areas of Special Flood Hazard

- (a) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the City, delineated as an “AE Zone” on the St. Joseph County, Indiana and Incorporated Areas Flood Insurance Rate Map dated January 6, 2011 shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of St. Joseph County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Maps (FIRM) dated January 6, 2011 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an “AE Zone”, the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.
- (b) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the City, delineated as an "A Zone" on the St. Joseph County, Indiana and Incorporated Areas Flood Insurance Rate Map, dated January 6, 2011, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is

greater than one square mile. Whenever a party disagrees with the best available flood layer, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

- (c) The regulatory flood elevation for each SFHA of a public freshwater lake within the jurisdiction of the City delineated as an "Zone AE" on the St. Joseph County, Indiana and Incorporated Areas Flood Insurance Rate Map shall be in the stillwater elevation tables in the Flood Insurance Study of St. Joseph County, Indiana and Incorporated Areas dated January 6, 2011 and any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. A listing of Indiana public freshwater lakes can be found in Natural Resources Commission Information Bulletin #61.
- (d) The regulatory flood elevation for each SFHA of a public freshwater lake within the jurisdiction of the City delineated as an "Zone A" on the St. Joseph County, Indiana and Incorporated Areas Flood Insurance Rate Map dated January 6, 2011 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved. A listing of Indiana public freshwater lakes is maintained in Natural Resources Commission Information Bulletin #61.
- (e) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.
- (f) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

(3) Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

(4) Compliance

- (a) No structure shall hereafter be located, extended, converted, or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations.
- (b) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

- (c) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

(5) Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(6) Discrepancy between Mapped Floodplain and Actual Ground Elevations

- (a) In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided (riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.
- (b) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
- (c) If the natural grade elevation of the site in question is at or above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.

(7) Interpretation

In the interpretation and application of this ordinance all provisions shall be:

- (a) Considered as minimum requirements.
- (b) Liberally construed in favor of the governing body.
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes

(8) Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the City of South Bend, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance, or any administrative decision made lawfully thereunder.

(9) Penalties for Violation

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the City of South Bend. All violations shall be punishable by a fine as set forth in Section 21-13.02(h).

- (a) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (b) The City of South Bend Zoning Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (c) Nothing herein shall prevent the City of South Bend from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Sec. 6-38.4. – Administration.

(1) Designation of Administrator

The Common Council of the City of South Bend hereby appoints the Building Commissioner to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

(2) Floodplain Development Permit and Certification Requirements

An application for a floodplain development permit shall be made to the Floodplain Administrator for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(a) Application stage.

- (i) A description of the proposed development.
- (ii) Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.
- (iii) A legal description of the property site.
- (iv) For the reconstruction, rehabilitation, or improvement of an existing structure, or an addition to an existing building, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) structure.
- (v) A letter from a licensed professional surveyor or engineer noting that an elevation reference benchmark has been established or confirmed for those projects requiring elevations to be met.
- (vi) A site development plan showing existing and proposed development locations and existing and proposed land grades.
- (vii) Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
- (viii) Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AH and AE. Elevation should be in NAVD 88.
- (ix) Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed.
- (x) Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade.
- (xi) Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant.
- (xii) Plans showing how any proposed structure will be anchored to resist flotation or collapse.
- (xiii) Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88.

- (xiv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering analysis is required, and any watercourse changes submitted to the Department of Natural Resources for approval. Once the Department of Natural Resources approval is obtained, a FEMA Conditional Letter of Map Revision must be obtained prior to construction (See Section 6-38.4(3)(h) and Section 6-38.4(5) for additional information.).
- (xv) Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

(b) Construction Stage.

- (i) Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator an elevation certificate for the building under construction. The Floodplain Administrator shall review the elevation certificate. Any deficiencies detected during the review shall be corrected by the applicant before work is allowed to continue. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(c) Finished Construction.

- (i) Upon completion of construction of any structure requiring certification of elevation, an elevation certificate which depicts the "as-built" lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.
- (ii) Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.
- (iii) Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.

(3) Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

- (a) Enforce the provisions of this ordinance.

- (b) Evaluate application for permits to develop in special flood hazard areas to assure that the permit requirements of this ordinance have been satisfied.
- (c) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (d) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.
- (e) Advise permittee that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.
- (f) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas, must meet the development standards of these regulations.
- (g) For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:
 - (i) Verify and document the market value of the pre-damaged or pre-improved structure.
 - (ii) Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community.
 - (iii) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" for proposed work to repair damage caused by flood, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage.
 - (iv) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards in Section 6-38.5 of this ordinance are required.
- (h) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.

- (i) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Sections 6-38.5(1)(a), 6-38.5(1)(c)(i), and 6-38.5(1)(d) of this ordinance. Maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).
- (j) Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if Section 6-38.4(3)(i) is applicable.
- (k) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (l) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 6-38.4(2).
- (m) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Section 6-38.4(2).
- (n) Make on-site inspections of projects in accordance with Section 6-38.4(4).
- (o) Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds.
- (p) Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
- (q) Provide information, testimony, or other evidence as needed during variance hearings.
- (r) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Section 6-38.4(4).
- (s) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of Department of Natural Resources permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance in accordance with Section 6-38.4(4).
- (t) Coordinate map maintenance activities and associated FEMA follow-up in accordance with Section 6-38.4(5).
- (u) Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (v) Request any additional information which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

(4) Administrative Procedures

- (a) Inspections of Work in Progress. As the work pursuant to a permit progress, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credential, to enter on any premises within

the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

(b) Stop Work Orders.

- (i) Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
- (ii) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(c) Revocation of Permits.

- (i) The floodplain administrator may revoke a permit or approval, issued under the provisions of this ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- (ii) The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

(d) Floodplain Management Records.

- (i) Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this ordinance shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include permit applications, plans, certifications, Flood Insurance Rate Maps; Letter of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations required by this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance.
 - (ii) These records shall be available for public inspection at the St. Joseph County/City of South Bend Building Department, 125 S. Lafayette Blvd., Suite 100, South Bend, IN 46601.
- (e) Periodic Inspection. Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(5) Map Maintenance Activities

To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that St. Joseph County flood maps, studies and other data identified in Section 6-38.3(2) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

(a) Requirement to Submit New Technical Data

- (i) For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries.
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area.
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and Subdivision or large-scale development proposals requiring the establishment of base flood elevations.
- (ii) It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- (iii) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.
- (iv) Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

(b) Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the South Bend Common Council President of and may be submitted to FEMA at any time.

(c) Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of South Bend have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the St. Joseph County, Indiana and Incorporated Areas Flood Insurance Rate Map accurately represent City boundaries, include within such notification a copy of a map of the City suitable for reproduction, clearly showing the new corporate limits or the new area for which the City has assumed or relinquished floodplain management regulatory authority.

(6) Variance Procedures

- (a) The South Bend Area Board of Zoning Appeals as established by the South Bend Common Council shall hear and decide appeals and requests for variances from requirements of this ordinance.
- (b) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the St. Joseph County Circuit or Superior Court.
- (c) In considering such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (i) the danger to life and property due to flooding or erosion damage.
 - (ii) the danger that materials may be swept onto other lands to the injury of others.
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (iv) the importance of the services provided by the proposed facility to the community.
 - (v) the necessity to the facility of a waterfront location, where applicable.
 - (vi) the compatibility of the proposed use with existing and anticipated development.
 - (vii) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - (viii) the safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (ix) the expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site.
 - (x) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (d) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (e) Variances from the provisions of this ordinance shall only be granted when the board can make positive findings of fact based on evidence submitted at the hearing for the following:
 - (i) A showing of good and sufficient cause.
 - (ii) A determination that failure to grant the variance would result in exceptional hardship as defined in Section 6-38.2.
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (f) No variance for a residential use within a floodway subject to Sections 6-38.5(1)(a); (1)(c)(i); or (1)(d) of this ordinance may be granted.

- (g) Any variance granted in a floodway subject to Sections 6-38.5(1)(a); (1)(c)(i); or (1)(d) will require a permit from the Indiana Department of Natural Resources. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (h) Variances to the Provisions for Flood Hazard Reduction of Section 6-38.5 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- (i) Variances may be issued for the repair or rehabilitation of “historic structures” upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a “historic structure” and the variance is the minimum to preserve the historic character and design of the structure.
- (j) Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.
- (k) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (l) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this.
- (m) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (n) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

Sec. 6-38.5. – Provisions for Flood Hazard Reduction

(1) Floodplain Status Standards

(a) Floodways (Riverine)

Located within SFHAs, established in Section 6-38.3(2) are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the Flood Control Act (IC 14281) a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving undertaken before the actual start of construction of the structure. General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

- (i) If the site is in a regulatory floodway as established in Section 6-38.3(2), the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for approval for

construction in a floodway, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).

- (ii) No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. The Floodplain Development Permit shall meet the provisions contained in this article.
- (iii) The Floodplain Development Permit cannot be less restrictive than an approval issued for construction in a floodway issued by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.
- (iv) In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of Section 6-38.4(5)(a). A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.
- (v) In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.
- (vi) For all projects involving channel modifications or fill (including levees), the City shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

(b) Fringe (Riverine)

If the site is in the fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a FIRM), the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in this section have been met.

(c) SFHAs without Established Base Flood Elevation and/or Floodways/Fringes (Riverine)

- (i) Drainage area upstream of the site is greater than one square mile:
If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

- (ii) Drainage area upstream of the site less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this section have been met.

(d) SFHAs not Identified on a Map

- (i) If a proposed development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
- (ii) No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
- (iii) Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

(e) **Public Freshwater Lakes**

Within the SFHA are public freshwater lakes. Public freshwater lakes are governed by IC 14-26-2 (sometimes referred to as the Lakes Preservation Act) and rules adopted by the Natural Resource Commission at 312 IAC 11-1 through 312 IAC 11-5 to assist with its implementation. A listing of public freshwater lakes can be found in the Indiana Register, Information Bulletin #61. Noting while Lake Freeman and Lake Shafer are listed, Indiana Department of Natural Resources and Natural Resource Commission authority is abridged by IC 14-26-2-15. Dredging of public freshwater lakes is addressed in the Indiana Register, Information Bulletin #60

- (i) Lakes Preservation Act jurisdiction is based on the specific lake's legally established lake level, where this legally established elevation (legal lake level) meets the land along the shoreline. When no legal lake level is established for a lake, average normal shoreline at each site is used, based on observation of breaks such as lakebed vs ground and lines of demarcation.
- (ii) Indiana Department of Natural Resources approval is required for excavation, fill, and placement, modification, or repair of a temporary or permanent structure over, along or lakeward of the shoreline or waterline of a public freshwater lake. Walls landward of the shoreline (within ten (10) feet) and below legal or normal water level of a public freshwater lake also require prior approval from the Department of Natural Resources.
- (iii) General licenses and exemptions to the Lake Preservation Act may apply to the placement of temporary piers, dry hydrants, aerators, or glacial stone reface, provided they meet the specific criteria of the Public Lakes Rules.
- (iv) No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval or qualification for a general license has been verified. Once a permit or approval has been issued by the Indiana Department of Natural Resources (or general license qualification verified), the Floodplain Administrator may issue the local Floodplain Development Permit, provided the applicable provisions contained in this section have been met. The Floodplain Development Permit cannot be less restrictive than the permit issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

(2) **General Standards**

In all areas of special flood hazard, the following provisions are required:

- (a) All new construction, reconstruction or repairs made to a repetitive loss structure, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
- (c) New construction and substantial improvements must incorporate methods and practices that minimize flood damage.
- (d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other

service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

- (e) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (g) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (h) Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
- (i) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than fifty (50) lots or five (5) acres, whichever is less.
- (j) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- (k) Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical.
- (l) Non-conversion agreements shall be required for all new or substantially improved elevated structures with an enclosure beneath the elevated floor, accessory structures, and open-sided shelters.
- (m) Construction of new solid waste disposal facilities, hazard waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in areas of special flood hazard.
- (n) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
 - (i) The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.
 - (ii) Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled.
 - (iii) The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water.
 - (iv) The fill or structure shall not obstruct a drainage way leading to the floodplain.

- (v) The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water.
- (vi) The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.
- (vii) Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

(3) Specific Standards

In all areas of special flood hazard where base flood elevation data or flood depths have been provided, as set forth in Section 6-38.3(2), the following provisions are required:

- (a) **Building Protection Requirement.** In addition to the general standards described in Section 6-38.5(2) structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

- (i) Construction or placement of a residential structure.
- (ii) Construction or placement of a non-residential structure.
- (iii) Addition or improvement made to an existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land). An addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes.
- (iv) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred (the costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost).
- (v) Installing a manufactured home on a new site or a new manufactured home on an existing site.
- (vi) Installing a travel trailer or recreational vehicle on a site for more than 180 days.
- (vii) Reconstruction or repairs made to a repetitive loss structure.
- (viii) Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the community's first floodplain ordinance.

(b) Residential Construction

- (i) New construction or substantial improvement of any residential structures shall meet provisions described in Section 6-38.5(1) and applicable general standards described in Section 6-38.5(2).
- (ii) In **Zone A and Zone AE**, new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 6-38.5(3)(b)(iii). Should fill be used to

elevate a structure, the standards of Section 6-38.5(3)(b)(iv) must be met.

(iii) **Fully enclosed areas** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:

1. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
 - A. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
 - B. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.
 - C. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
 - D. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.
 - E. Doors and windows do not qualify as openings.
 - F. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - G. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
 - H. Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor (where the interior height of the enclosure exceeds 6 feet) shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the St. Joseph County Recorder.
 - I. The floor of such enclosed area must be at or above grade on at least one side.

(iv) A residential structure may be constructed on **fill** in accordance with the following:

1. Fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The

results of the test showing compliance shall be retained in the permit file.

2. Fill shall extend ten (10) feet beyond the foundation of the structure before sloping below the BFE
 3. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical.
 4. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 5. Fill shall be composed of clean granular or earthen material.
- (v) A residential structure may be constructed using a **stem wall foundation** (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(c) Non-Residential Construction.

- (i) New construction or substantial improvement of any non-residential structures (excludes accessory structures) shall meet provisions described in Section 6-38.5(1) and applicable general standards described in Section 6-38.5(2).
- (ii) In **Zone A and Zone AE**, new construction, or substantial improvement of any commercial, industrial, or non-residential structure (excludes accessory structures) shall either have the lowest floor, including basement, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 6-38.5(3)(c)(iii). Should fill be used to elevate a structure, the standards of Section 6-38.5(3)(c)(iv) must be met.
- (iii) **Fully enclosed areas** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement.
 1. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
 - A. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
 - B. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and

- the finished exterior grade immediately under each opening.
- C. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
 - D. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.
 - E. Doors and windows do not qualify as openings.
 - F. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - G. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
- 2. The floor of such enclosed area must be at or above grade on at least one side.
- (iv) A nonresidential structure may be constructed on **fill** in accordance with the following:
- 1. Shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
 - 2. Shall extend ten (10) feet beyond the foundation of the structure before sloping below the BFE.
 - 3. Shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical.
 - 4. Shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - 5. Shall be composed of clean granular or earthen material.
- (v) A nonresidential structure may be **floodproofed** in accordance with the following:
- 1. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.
 - 2. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
- (vi) A nonresidential structure may be constructed using a **stem wall foundation** (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(d) **Manufactured Homes and Recreational Vehicles.**

(i) These requirements apply to all manufactured homes to be placed on a site in the SFHA:

1. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 6-38.5(3)(b)(iii).
3. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

(ii) Recreational vehicles placed on a site in the SFHA shall either:

1. Be on site for less than 180 days and be fully licensed and ready for use on a public highway (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or
2. Meet the requirements for “manufactured homes” as stated earlier in this section.

(e) **Accessory Structures**

Within SFHAs, new construction or placement of an accessory structure must meet the following standards:

- (i) Shall have a floor area of 400 square feet or less.
- (ii) Use shall be limited to parking of vehicles and limited storage.
- (iii) Shall not be used for human habitation.
- (iv) Shall be constructed of flood resistant materials.
- (v) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
- (vi) Shall be firmly anchored to prevent flotation.
- (vii) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
- (viii) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 6-38.5(3)(c)(iii).
- (ix) Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

(f) **Free-standing Pavilions, Gazebos, Decks, Carports, and Similar Development.**

Within SFHAs, new construction or placement of free-standing pavilions, gazebos, decks, carports, and similar development must meet the following standards:

- (i) Shall have open sides (having not more than one rigid wall).
- (ii) Shall be anchored to prevent flotation or lateral movement.
- (iii) Shall be constructed of flood resistant materials below the FPG.

- (iv) Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG.
- (v) Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided development.
- (g) **Above Ground Gas or Liquid Storage Tanks.**
Within SFHAs, all newly placed or replacement aboveground gas or liquid storage tanks shall meet the requirements for a non-residential structure as required in Section 6-38.5(3)(c).

(4) Standards for Subdivision and Other New Developments

- (a) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (c) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions), which is greater than fifty (50) lots or five (5) acres, whichever is less.
- (e) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
- (f) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
- (g) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

(5) Standards for Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

Sec. 6-38.6. – Legal Status Provisions

(1) Severability.

If any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

(2) Effective Date.

This ordinance shall be in full force and effect upon adoption by the Common Council and approval by the Mayor.

Canneth Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, 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 _____, 2025, at _____ o'clock .m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana

26-25

1200 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/235-9241
FAX 574/235-7670
TTY 574/235-5567

CITY OF SOUTH BEND JAMES MUELLER, MAYOR

DEPARTMENT OF LAW

SANDRA KENNEDY
CORPORATION COUNSEL

JENNA K. THROW
CITY ATTORNEY

April 8, 2025

Honorable Committee Chair Tomas Morgan
4th Floor, County-City Building
South Bend, IN 46601

RE: Firearm Discharge Ordinance


Dear Committee Chair Tomas Morgan:

Enclosed please find an Ordinance proposing amendments to the Firearm Discharge Ordinance at Section 13-58 of the Municipal Code, as well as related amendments to Sections 2-142 and 13-96. The amendments to the Firearm Discharge Ordinance will increase the enforceability of this Ordinance by providing for a self-defense exception and other requirements of the Second Amendment. The proposed amendment will also clarify other provisions of the Municipal Code related to firearms which are now incorporated into the provisions of Sec. 13-58. Amendments to other sections will strike references within other sections of the Municipal Code which are now contained within Section 13-58.

Please include the attached Ordinance on the Council agenda for first reading at your April 14, 2025 Council meeting and set it for public hearing, 2nd, and 3rd reading at your April 28, 2025 Council meeting.

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

Sincerely,


Jenna K. Throw
City Attorney

Filed in Clerk's Office

APR 08 2025

Bianca Tirado
City Clerk, South Bend, IN

DANIELLE WEISS
THOMAS E. PANOWICZ

MICHAEL SCHMIDT
ADAM E. TAYLOR

KYLIE CONNELL
JOHN DORBIN

APR 08 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 26-25

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 13, ARTICLE 4, SECTION 13-58; CHAPTER 2, ARTICLE 12, SECTION 2-142; AND CHAPTER 13, ARTICLE 10, SECTION 13-96 TO UPDATE THE REGULATIONS FOR DISCHARGING FIREARMS

STATEMENT OF PURPOSE AND INTENT

Chapter 13, Article 4, Sec. 13-58 of the South Bend Municipal Code provides the regulations for discharging firearms within City limits.

The proposed amendment will increase the enforceability of this Ordinance by providing for a self-defense exception and other requirements of the Second Amendment.

The proposed amendment will also clarify other provisions of the Municipal Code related to firearms which are now incorporated into the provisions of Sec. 13-58.

Specifically, this proposed amendment will strike references to and within Chapter 2, Article 12 of the Municipal Code regarding the discharge of firearms within cemeteries that are already incorporated into the provisions of Sec. 13-58.

This ordinance amendment is necessary for the effective, efficient administration of the City's enforcement of firearm discharges. This ordinance is in the best interest of the City and its residents.

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

SECTION I. Chapter 13, Article 4, Sec. 13-58 shall be amended to read in its entirety as follows:

Sec. 13-58 – Discharging firearms prohibited; exception

- (a) For purposes of this Section, a firearm shall be defined as follows: Any weapon, whether loaded or unloaded, that is capable of expelling or designed to expel or that may readily be converted to expel a projectile by means of an explosion and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, shotgun or machine gun.
- (b) It shall be unlawful for any person to discharge a firearm in the city limits.
- (c) It shall not be a violation of this section to discharge a firearm under the following conditions:
 - (1) Acting in self-defense, as defined by state law;
 - (2) Law enforcement officers in the performance of their duties;
 - (3) A legally established firing range;

- (4) U.S. Armed Forces in the performance of their duties;
- (5) Prior City authorized events, such as parades, funerals, or other authorized events.
- (d) Any person violating this Section, and not subject to an exception set forth in subsection (c) above, may be issued a citation which is subject to a fine of two thousand five hundred dollars (\$2,500.00) per violation.

SECTION II. Section 2-142 shall be amended as follows:

(4) ~~Discharging firearms, except at military funerals and memorial celebrations;~~

SECTION III. Section 13-96 shall be amended as follows:

Any person intentionally displaying a firearm in violation of this Article, or found to be in violation of ~~Section 2-141(b)(4), or~~ Section 13-58, or Section 19-44 of this Code, shall be issued an ordinance violation citation with a fine of two thousand five hundred dollars (\$2,500.00). Citations shall contain the date, time, name, and address of the violator, the Code section violated, the nature of the violation, location of the violation, and the name of the person issuing the citation. The citation shall have instructions thereon as to the disposition of the citation.

SECTION IV. This Ordinance shall be in full force and effect after adoption by the Common Council, approval by the Mayor, and any publication required by law, with an effective date of _____, 2025

Canneth Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, 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 _____, 2025, at _____ o'clock .m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana

APR 08 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 13, ARTICLE 4, SECTION 13-58; CHAPTER 2, ARTICLE 12, SECTION 2-142; AND CHAPTER 13, ARTICLE 10, SECTION 13-96 TO UPDATE THE REGULATIONS FOR DISCHARGING FIREARMS

STATEMENT OF PURPOSE AND INTENT

Chapter 13, Article 4, Sec. 13-58 of the South Bend Municipal Code provides the regulations for discharging firearms within City limits.

The proposed amendment will increase the enforceability of this Ordinance by providing for a self-defense exception and other requirements of the Second Amendment.

The proposed amendment will also clarify other provisions of the Municipal Code related to firearms which are now incorporated into the provisions of Sec. 13-58.

Specifically, this proposed amendment will strike references to and within Chapter 2, Article 12 of the Municipal Code regarding the discharge of firearms within cemeteries that are already incorporated into the provisions of Sec. 13-58.

This ordinance amendment is necessary for the effective, efficient administration of the City's enforcement of firearm discharges. This ordinance is in the best interest of the City and its residents.

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

SECTION I. Chapter 13, Article 4, Sec. 13-58 shall be amended as follows:

Sec. 13-58 – Discharging firearms prohibited; exception

- (a) For purposes of this Section, a firearm shall be defined as follows: Any weapon, whether loaded or unloaded, that is capable of expelling or designed to expel or that may readily be converted to expel a projectile by means of an explosion and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, shotgun or machine gun. No person shall shoot any revolver or pistol of any description, shotgun or rifle which may be used for the explosion of cartridges, any air gun, gas-operated gun, spring gun, pellet gun or instrument made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether the instrument is called by any name set forth above or by any other name.

- (b) It shall be unlawful for any person to discharge a firearm in the city limits. This section shall not apply to any legally appointed officer in the discharge of his duty.
- (c) It shall not be a violation of this section to discharge a firearm under the following conditions:
- (1) Acting in self-defense, as defined by state law;
 - (2) Law enforcement officers in the performance of their duties;
 - (3) A legally established firing range;
 - (4) U.S. Armed Forces in the performance of their duties;
 - (5) Prior City authorized events, such as parades, funerals, or other authorized events.
- (d) Any person violating this Section, and not subject to an exception set forth in subsection (c) above, may be issued a citation which is subject to a fine of two thousand five hundred dollars (\$2,500.00) per violation.

SECTION II. Section 2-142 shall be amended as follows:

- (4) ~~Discharging firearms, except at military funerals and memorial celebrations;~~

SECTION III. Section 13-96 shall be amended as follows:

Any person intentionally displaying a firearm in violation of this Article, or found to be in violation of ~~Section 2-141(b)(4), or~~ Section 13-58, or Section 19-44 of this Code, shall be issued an ordinance violation citation with a fine of two thousand five hundred dollars (\$2,500.00). Citations shall contain the date, time, name, and address of the violator, the Code section violated, the nature of the violation, location of the violation, and the name of the person issuing the citation. The citation shall have instructions thereon as to the disposition of the citation.

SECTION IV. This Ordinance shall be in full force and effect after adoption by the Common Council, approval by the Mayor, and any publication required by law, with an effective date of _____, 2025

Canneth Lee, President,
South Bend Common Council

ATTEST:

Bianca Tirado, City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2025, at _____ o'clock ____m.

Bianca Tirado, City Clerk

Approved and signed by me on the _____ day of _____, 2025, at _____ o'clock __.m.

James Mueller, Mayor, City of South Bend, Indiana

27-25

1200 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/235-9241
FAX 574/235-7670
TTY 574/235-5567

CITY OF SOUTH BEND JAMES MUELLER, MAYOR

DEPARTMENT OF LAW

SANDRA KENNEDY
CORPORATION COUNSEL

JENNA K. THROW
CITY ATTORNEY

April 8, 2025

Filed in Clerk's Office

Honorable Committee Chair Tomas Morgan
4th Floor, County-City Building
South Bend, IN 46601

APR 08 2025
Bianca Tirado
City Clerk, South Bend, IN

RE: Public Nuisance Noise Ordinance

Dear Committee Chair Tomas Morgan:

Enclosed please find an Ordinance proposing repeal of the Public Nuisance Noise Ordinance at Section 13-81 of the Municipal Code. This amendment is requested because the topic of public nuisance noise is already regulated in detail by Section 13-57 of the Municipal Code, and Section 13-81 lacks the same level of detail as Section 13-57. Repealing the less detailed ordinance increases the enforceability of noise regulation and allows enforcement to proceed clearly under the more detailed provisions.

Please include the attached Ordinance on the Council agenda for first reading at your April 14, 2025 Council meeting and set it for public hearing, 2nd, and 3rd reading at your April 28, 2025 Council meeting.

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

Sincerely,


Jenna K. Throw
City Attorney

DANIELLE WEISS
THOMAS E. PANOWICZ

MICHAEL SCHMIDT
ADAM E. TAYLOR

KYLIE CONNELL
JOHN DORBIN

BILL NO. 27-25

APR 08 2025

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 13, ARTICLE 7, SECTION 13-81 TO REPEAL THE
ORDINANCE PROHIBITING PUBLIC NUISANCE NOISES**

STATEMENT OF PURPOSE AND INTENT

Chapter 13, Article 7, Sec. 13-81 of the South Bend Municipal Code provides regulations for prohibitions on public nuisance noises.

Section 13-57, contained in Chapter 13, Article 4, also contains detailed regulations regarding unreasonable noise.

As Section 13-57 contains more detailed regulations regarding the same topic, the regulations in Section 13-81 would be duplicative without providing for the specificity contained in Section 13-57. An amendment to the Municipal Code repealing Section 13-81 and regulating the topic of unreasonable noise through Section 13-57 is necessary for the effective enforcement of these noise regulations.

This ordinance is in the best interest of the City and its residents.

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

SECTION I. Chapter 13, Article 7, Sec. 13-81 shall be repealed in its entirety.:

SECTION II. This Ordinance shall be in full force and effect after adoption by the Common Council, approval by the Mayor, and any publication required by law.

Canneth Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, 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 _____, 2025, at _____ o'clock __.m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana



301 S St. Louis Blvd.
South Bend, IN 46617
O: 574.245.6053
F: 574.245.6053
sbvpa.org

JAMES MUELLER
Mayor

JORDAN V. GATHERS
Executive Director

April 9, 2025

Filed in Clerk's Office

Councilman Canneth Lee
4th Floor, County – City Building
South Bend, IN 46601

APR 09 2025
Bianca Tirado
City Clerk, South Bend, IN

RE: Federal Trade Commission Ruling Morris Performing Arts Center Historic Preservation Fee Adjustment

Dear President Councilman Lee:

Enclosed is an Ordinance amending the Historic Preservation Ticket Surcharge for the Morris Performing Arts Center. The Morris Performing Arts Center is expected to update its ticketing fee structure in response to new Federal Trade Commission regulations requiring full disclosure of all fees at the time of ticket purchase. Currently, a \$3.50 Historic Preservation/Facility Fee is charged per ticket, and a \$5.00 Order Fee is charged per transaction. However, the Morris's ticketing vendor, E-Tix, is unable to incorporate the per-transaction Order Fee into the total ticket price as required by the new regulations beginning May 12, 2025. To ensure compliance while maintaining necessary revenue for the Morris, the proposed ordinance eliminates the \$5.00 Order Fee and instead increases the per-ticket Historic Preservation/Facility Fee by \$1.25, bringing it to \$4.75. This change allows all costs to be clearly disclosed per ticket, ensuring transparency and aligning with federal guidelines.

The full ordinance is attached for your reference. If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dezha Moore".

Dezha Moore
General Manager of Venues, VPA

CC: Jordan Gathers, VPA Executive Director



APR 09 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 28-25

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING THE HISTORIC PRESERVATION TICKET SURCHARGE
FOR THE MORRIS PERFORMING ARTS CENTER**

STATEMENT OF PURPOSE AND INTENT

The City of South Bend's ("City") Morris Performing Arts Center (the "Morris") currently charges a Historic Preservation/Facility Fee of Three Dollars and Fifty Cents (\$3.50) that is added onto the face value of each ticket sold at the Morris.

The Morris also charges an Order Fee on each transaction of Five Dollars (\$5.00), which represents an average cost of extra materials and processes for all ticket purchases, such as shipping, ticket stock, printing costs, stamps, and intangible operation costs.

Recent regulations issued by the Federal Trade Commission governing the disclosure of fees at the time of ticket purchase have changed the way the City presents Morris ticket prices through its ticketing vendor to prospective purchasers.

The City's ticketing vendor is not able to include the Order Fee into the Total Price, as required by the new regulations on or before May 12, 2025, as it is charged per transaction rather than per ticket. It remains unclear whether a disclaimer regarding the transaction fee on the City's ticketing website would allow the City to be in full compliance with the new regulations, as best practices are still developing. The most clear way to comply with the regulations is to include all fees per ticket in the Total Price.

The City and Morris recognize the Order Fee is an important part of the revenue of the Morris, and desire to ensure that this revenue is able to be captured at the time of purchase while remaining in compliance with federal regulations.

The proposed ordinance would shift the transaction fee into a small increase, in the amount of One Dollar and Twenty-Five Cents (\$1.25), in the per ticket Historic Preservation/Facility Fee and eliminate the Order Fee. This increase reflects the average cost of extra materials and processes for all ticket purchases, such as shipping, ticket stock, printing costs, stamps, and intangible operation costs so that it may properly be disclosed at the time of purchase.

This ordinance is in the best interest of the City and its residents.

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

SECTION I. The Historic Preservation/Facility ticket surcharge is hereby increased from Three Dollars and Fifty Cents (\$3.50) to Four Dollars and Seventy-Five Cents (\$4.75) and the

Order Fee is hereby eliminated. There shall be no change to the distribution of the first Three Dollars and Fifty Cents of this surcharge. The additional Dollar Twenty-Five Cents (\$1.25) shall be distributed in the same manner as funds from the prior Order Fee.

SECTION II. This Ordinance shall be in full force and effect after adoption by the Common Council, approval by the Mayor, and any publication required by law.

Canneth Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, 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 _____, 2025, at ____ o'clock __.m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2025, at ____ o'clock __.m.

James Mueller, Mayor
City of South Bend, Indiana



APR 22 2025

Bianca Tirado
City Clerk, South Bend, IN

CITY OF SOUTH BEND

COMMUNITY INVESTMENT

April 22, 2025

Canneth Lee, President
South Bend Common Council
4th Floor, County-City Building

RE: A Resolution of the Common Council of the City of South Bend, Indiana, Adopting a Written Fiscal Plan and Establishing a Policy for the Provision of Services to an Annexation Area in German Township (Edison Sundown Annexation Area)

Dear President Lee:

I am attaching for filing the above resolution, which is a companion to Bill No. 14-25. That bill proposes to voluntarily annex contiguous territory in German Township to the City of South Bend. This resolution provides for the Common Council's adoption of the written plan and policy concerning the provision of services, both capital and non-capital, to the territory to be annexed.

This 8.9-acre annexation area contains two parcels north of the intersection of Edison Road and Sundown Road, plus adjacent right-of-way. All public improvements, if any, will be required to be done at the expense of the developer.

I request that the attached resolution be placed on the agenda of the April 28, 2025, Common Council meeting at which the companion bill is given Second Reading. I will be attending the meeting, as well as the Zoning & Annexation Committee hearing, as the presenter.

If you have any questions, please feel free to contact me at (574) 235-7625. Thank you.

Sincerely,

Amani Morrell
Principal Development Planner

APR 22 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 25-24
RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND
ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN
ANNEXATION AREA IN GERMAN TOWNSHIP
(EDISON SUNDOWN ANNEXATION AREA)**

WHEREAS, there has been submitted to the Common Council of the City of South Bend, Indiana, an Ordinance and a petition by all (100%) property owners which proposes the annexation of real estate located in German Township, St. Joseph County, Indiana, which is more particularly described at Section I of this Resolution; and

WHEREAS, the territory proposed to be annexed encompasses approximately 8.9 acres of land, which property is at least 12.5% contiguous to the current City limits, i.e., 45.8% contiguous, generally located north of the intersection of Edison Road and Sundown Road (24355 Edison Road). It is anticipated that the annexation area will be used primarily for warehousing; and

WHEREAS, this development will require a basic level of municipal public services of a non-capital improvement nature, including police and fire protection, street and road maintenance, street sweeping, flushing, snow removal, and sewage collection, as well as services of a capital improvement nature, including street and road construction, sidewalks, street lighting, a sanitary sewer system, a water distribution system, and a storm water system and drainage plan; and

WHEREAS, the South Bend Common Council now desires to establish and adopt a fiscal plan and establish a definite policy showing: (1) the cost estimates of services of a non-capital nature, including police and fire protection, street and road maintenance, street sweeping, flushing, and snow removal, and sewage collection, and other non-capital services normally provided within the corporate boundaries; and services of a capital improvement nature including street and road construction, street lighting, a sanitary sewer extension, a water distribution system, and a storm water system to be furnished to the territory to be annexed; (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that services of a non-capital nature will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to similar non-capital services provided to areas within the corporate boundaries of the City of South Bend, regardless of similar topography, patterns of land use, and population density; (5) that services of a capital improvement nature will be provided to the annexed area within three (3) years after the effective date of the annexation within the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and (6) the plan for hiring the employees or other governmental entities whose jobs will be eliminated by the proposed annexation.

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

Section I. It is in the best interest of the City of South Bend and the area proposed to be annexed that the real property described more particularly at Page 14 of Exhibit "A" attached hereto be annexed to the City of South Bend.

Section II. It shall be and hereby is now declared and established that it is the policy of the City of South Bend, to furnish to said territory services of a non-capital nature, such as police and fire protection, street and road maintenance, street sweeping, flushing, and snow removal, within one (1) year of the effective date of the annexation in a manner equivalent in standard and scope to services furnished by the City to other areas of the City regardless of similar topography, patterns of land utilization, and population density; and to furnish to said territory, services of a capital improvement nature such as street and road construction, sidewalks, a street light system, a sanitary sewer system, a water distribution system, a storm water system and drainage plan, within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

Section III. The South Bend Common Council, shall and does hereby now establish and adopt the Fiscal Plan, attached hereto and fully incorporated herein as Exhibit "A", and made a part hereof, for the furnishing of said services to the territory to be annexed, which provides, among other things, that the public sanitary sewer and water network is available with capacity sufficient to service this area with costs for extensions, any improvements in sewer or water capacity, and a City-approved drainage system to be paid for by the developer, all in compliance with state and local law; that no additional street lighting will be necessary and any future lighting especially of a decorative nature or with underground wiring will be at the developer/owner's expense; that no new public streets will be required.

Section IV. Sidewalks should be provided along public streets as required and must comply with the Americans with Disabilities Act (ADA) under the PROWAG standards.

Section V. It is required as a condition of annexation that any future improvements or alterations to the property meet the City of South Bend's building, zoning, and subdivision requirements.

Section VI. This Resolution shall be effective from and of the date of adoption by the Common Council.

Canneth Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, 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 _____, 2025, at _____ o'clock _____.m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock _____.m.

James Mueller, Mayor
City of South Bend, Indiana

Exhibit "A"

Filed in Clerk's Office



APR 22 2025

Bianca Tirado
City Clerk, South Bend, IN

THE CITY OF SOUTH BEND

FISCAL PLAN

EDISON SUNDOWN ANNEXATION AREA

Prepared by
City of South Bend
Department of Community Investment

March 25, 2025



TABLE OF CONTENTS

SECTION I.	INTRODUCTION	3
SECTION II.	GENERAL DATA	3
	A. Location	
	B. Legal Description	
	C. Contiguity	
	D. Size of Annexation Area	
	E. Buildings & Land Use	
	F. Zoning & Subdivisions	
	G. Population	
	H. Tax Rate & Impact	
	I. Parcel Ownership & Assessments	
	J. Municipal Legislative District	
	K. Hiring Plan	
SECTION III.	MUNICIPAL SERVICES	6
	A. Public Works	
	B. Police Department	
	C. Fire Department & EMS	
	D. Neighborhood Services & Enforcement	
	E. Environmental Services	
	F. Administrative Services	
SECTION IV.	LAND USE ANALYSIS & DEVELOPMENT CRITERIA.....	11
SECTION V.	FISCAL IMPACT	12
	Fiscal Impact: TABLE 1	
	Legal Description	14
	Map: MAP 1	15

SECTION I. INTRODUCTION

This Fiscal Plan represents the City of South Bend's (hereinafter, "City") policy for the annexation of property in German Township, St. Joseph County, Indiana (hereinafter, "Annexation Area"), and was developed through the cooperative efforts of the following City Departments:

- Legal Department
- Department of Public Works
- South Bend Fire Department
- South Bend Police Department
- Department of Community Investment
- Department of Administration & Finance

SECTION II. GENERAL DATA

A. Location

The Annexation Area is located north of the intersection of Edison Road and Sundown Road (24355 Edison Road). See *Map 1*.

B. Legal Description

The Annexation Area is part the Southeast Quarter of Section 31, Township 38 North, Range 2 East, in German Township, St. Joseph County, Indiana. For a complete legal description, see Page 14.

C. Contiguity

The Annexation Area is at least 1/8 (12.5%) contiguous to the current City limits:

<i>Contiguous</i>	1,204.4 feet	45.8%
<i>Non-Contiguous</i>	<u>1,427.0 feet</u>	<u>54.2%</u>
<i>Total</i>	2,631.4 feet	100.0%

D. Size of Annexation Area

The Annexation Area is approximately 8.9 acres.

E. Buildings & Land Use

The Annexation Area contains two buildings totaling 43,000 square feet. The petitioner seeks to utilize the site for warehousing and to construct a 13,000 square foot addition.

F. Zoning & Subdivisions

The two properties in the Annexation Area are currently zoned I Industrial District in St. Joseph County. With the annexation ordinance, the properties would automatically be zoned as I Industrial in the City. The Annexation Area falls within the I.P.C Minor Subdivision.

G. Population

No people currently reside in the Annexation Area. After development, no residents are proposed to live in the Annexation Area.

H. Tax Rate & Impact

The tax rates used are those of 2024 payable 2025. The total tax rate for unincorporated German Township is 2.3800 per \$100 of taxable real estate. The total tax rate for South Bend German Township is 4.9602 per \$100 of taxable real estate.

Per State law, the tax caps expressed as a percentage of the gross assessed value for different classifications of property are as follows, regardless of the property's location being within South Bend or unincorporated St. Joseph County:

<i>Property Type</i>	<i>Cap</i>
Homestead Residential	1.0%
Non-Homestead Residential	2.0%
Agricultural	2.0%
Other (Commercial)	3.0%

For at least the four years after the effective date of the annexation, the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments are estimated to be approximately the same as those in effect at the time of annexation for each of the political subdivisions to which the proposed annexation applies.

Because of the relatively small size of the Annexation Area and its assessed value relative to the total size and tax base of the various political subdivisions, this annexation is expected, for at least four years after the effective date of this annexation, to have a negligible impact on the finances and tax revenues of South Bend and other political subdivisions to which the proposed annexation applies, on the political subdivisions in St. Joseph County not part of this annexation, and on taxpayers not part of this annexation.

I. Parcel Ownership & Assessments

<i>Parcel Identification Number</i>	<i>Address</i>	<i>Parcel Owner</i>	<i>Assessed Value (Total)</i>
004-1021-036804	24355 Edison Road	Fort Wayne Logistics LLC	\$283,600
004-1021-036803	24355 Edison Road	Fort Wayne Logistics LLC	\$131,100

Total Assessments

Land:	\$115,800
Improvements:	\$298,900
Total (Gross):	\$414,700
Total (Net):	\$414,700

Assessments are based on 2024 payable 2025 St. Joseph County property tax records.

J. Municipal Legislative District

The Annexation Area will be in the 1st District.

K. Hiring Plan

This annexation is not anticipated to result in the elimination of jobs for employees of any other governmental entities. The German Township Trustee has been notified of this proposed annexation.

SECTION III. MUNICIPAL SERVICES

A. Public Works

Sewer – The nearest available public sewer is on Ardmore Trail. The sewer cannot be extended without approval from the Board of Public Works, including conformance with Resolution 17-2021 on Sewer and Water Extension Policy for Areas Outside of the City Limits. St. Joseph County approval would also be required to extend utilities along St. Joseph County right of way. Any extension of sewer is the sole expense of the developer.

Water - The nearest water line is located north of the edge of pavement in the Edison Road right of way. The line is a 16" ductile iron main. There is a pressure regulating valve and one hydrant along this main. A Utility Verification Form and System Development Charges would be required to connect to the existing water main.

Extensions of or taps into sanitary sewer and water lines shall be governed by state law and the rules and regulations of the South Bend Water Works and Sewer Utility. The Annexation Area may be subject to system development charges for both water and sewer services.

Development of the site requires development of a Drainage Plan. No public storm sewer is available to the site. Retention basins and low impact means to promote infiltration of surface water will be required. The developer will also be required to generate an erosion control plan and obtain a permit.

Subdivision of land will require minimum frontage on public rights-of-way to current standards, or to development standards adopted for this development that meet or exceed the Zoning Ordinance and the Standards for Design and Construction.

Streets –Upon annexation, 726 feet of Edison Road will be added to the City. A City permit will be needed to add or change driveway access to the property. A portion of the St. Joseph Valley Parkway will also be added, but it will continue to be maintained by INDOT. The developer may be required to build public sidewalk as part of the development process.

Street Lighting – There is no street lighting on Edison Road. No additional street lighting is necessary for this annexation area. Should any additional street lighting be desired, it can be provided on wood poles with overhead wiring through an ongoing contract with Indiana Michigan Power.

Waivers of Annexation – No waiver of annexation is in effect for this area.

2024 Actual Budget Report for the Department:

Expenditures:	\$35,811,357
Miles of Roadway in City:	@502
Cost per Mile:	@\$71,337
New Mileage within Area:	@0.14 miles (726 feet)
Estimated Maintenance Cost for Annexation Area per year:	@\$9,987

B. Police Department

The Annexation Area would be added to the existing Beat 24. Police patrols and emergency responses will be part of the services the City will offer to this area. This proposed annexation would require officers to cover a relatively small additional area on this beat.

At this time, it is not expected that this annexation would cause calls for service to increase significantly, and it is not anticipated that it will be necessary to increase police patrols beyond the existing beat patrol. The addition of this Annexation Area will not significantly increase response time.

The cost for servicing the proposed area is not expected to impact the existing budget of the Police Department with any significance. The patrol costs would be assumed by the Police Department budget. However, this area, as well as all other areas of the City, will continually be monitored for level of service demands and other criteria that would necessitate additional resources through budgetary increases or possible shifting of existing resources, such as a beat restructure.

Police services and response time in this area may be slightly longer than that found in all other areas of the City. Police coverage to this area could begin immediately upon annexation.

Note: The cost of service for this Annexation Area is based on the number of parcels. Household information is provided for comparative purposes.

2024 Actual Budget Report for the Department:

Expenditures (including pension cost):	\$54,972,592
Number of Households in City (2022):	@41,488
Cost per Household:	@\$1,325
Number of Parcels in City (2024):	@47,400
Cost per Parcel:	@\$1,160
Proposed Number of Households in Area:	0
Proposed Number of Parcels in Area:	2
Cost for Annexation Area per year:	\$2,320 (2 parcels x \$1,160 / parcel)

C. Fire Department & EMS

Fire Response – The South Bend Fire Department provides a fully staffed, full-time fire department. The Annexation Area will be serviced primarily by Fire Station #6, located at 4302 W. Western Avenue, approximately 3.3 miles away. Additional Fire Department units would respond from Fire Station #11 at 3505 N. Bendix Drive, which is approximately 4.5 miles away.

Response times will be slower than best practice response times as designated by NFPA 1710. These standards note that a first engine should arrive within 4 minutes and a second engine within 6 minutes at a fire suppression incident. The response time to the annexation area will be comparable to other areas on the edge of the City, where it typically takes the first engine 6-7 minutes to arrive and the second engine 10 minutes. Slower response times could be addressed by an agreement to utilize automatic aid from fire stations closer to the annexation area, by establishing a metro fire department and absorbing smaller departments into South Bend, or by constructing a new fire station.

Otherwise, the South Bend Fire Department does not foresee any unusual fire protection problems related to this annexation. No additional equipment will need to be purchased or personnel hired to service the Annexation Area. Fire coverage to this area could begin immediately upon annexation. Adequate water supply will be necessary as any development takes place.

Emergency Medical Response – The City will provide emergency medical response to the Annexation Area. This area will be serviced by Fire Station #4, located at 220 N. Olive (approximately 3.7 miles away).

Response times will be comparable to other areas of the City. No additional equipment will need to be purchased or personnel hired to service the Annexation Area. Emergency medical services are supported by user fees and would be available upon annexation.

Note: The cost of service for this Annexation Area is based on the number of parcels. Household information is provided for comparative purposes.

2024 Actual Budget Report for the Department:

Expenditures (including pension cost):	\$45,654,950
Number of Households in City (2022):	@41,488
Cost per Household:	@\$1,100
Number of Parcels in City (2024):	@47,400
Cost per Parcel:	@\$963
Proposed Number of Households in Area:	0
Proposed Number of Parcels in Area:	2
Cost for Annexation Area per year:	\$1,926 (2 parcels x \$963 / parcel)

D. Neighborhood Services & Enforcement

The Annexation Area will be added to Area 2. The Division of Neighborhood Services & Enforcement will be able to provide services to the Annexation Area with comparable response times. The Division will respond to calls for service upon the effective date of the annexation. Full and dedicated response will be in place within one year of the effective date of the annexation.

2024 Actual Budget Report for the Division:

Expenditures:	\$7,311,315
Number of Parcels in City (2024):	@47,400
Cost per Parcel:	@\$154
Proposed Number of Parcels in Area:	2
Cost for Annexation Area per year:	\$308 (2 parcels x \$154 / parcel)

E. Environmental Services

Wastewater Treatment - Wastewater treatment services are supported by user fees and are paid through the Water Works billing system.

Solid Waste – Larger scale commercial or industrial customers are generally not served by the Bureau of Solid Waste.

F. Administrative Services

The City of South Bend provides a wide range of services other than those noted above, such as the Mayor's Office, the Legal Department, and Venues Parks & Arts.

These services are available upon the effective date of the annexation. Full and dedicated response for non-capital services will be in place within one year of the effective date of the annexation. Costs for these services have not been calculated.

The incorporation of the Annexation Area will not affect the provision of other services currently provided to this property on a countywide basis. The St. Joseph County Health Department, the St. Joseph County Public Library, and the St. Joseph County/South Bend Building Department are among the countywide agencies that will continue to provide the same type and level of services to the Annexation Area. Countywide services will continue to be supported by the County and Township taxes that will remain in effect.

SECTION IV. LAND USE ANALYSIS & DEVELOPMENT CRITERIA

This proposed annexation will bring two properties into the City of South Bend. The petitioner proposes utilizing the Annexation Area for warehousing. The Annexation Area is presently zoned I Industrial District in unincorporated St. Joseph County. Farmland zoned I Industrial in the City is located to the north and east. To the south, across Edison Road, are residential dwellings zoned R Single Family District in unincorporated St. Joseph County. To the west, across the St. Joseph Valley Parkway, is vacant land zoned I Industrial District in unincorporated St. Joseph County.

According to a preliminary site plan, the petitioner proposes to retain the existing 43,000 square feet of warehouse space and construct a 13,000 square foot addition.

Any improvements or future changes must meet the City's applicable building, zoning, and subdivision ordinances.

SECTION V. FISCAL IMPACT

- 1) Essential city services can be made available to the residents (and territory) of the Annexation Area in a timely and comparable fashion per the requirements of State law and this fiscal plan.
- 2) The City is financially able to support city services to the territory sought to be annexed.
- 3) Required improvements made by the petitioner and/or owner of the parcel(s) must be made in accordance with the standards of the City of South Bend.
- 4) Required improvements made by the City, if any, will be completed within the time frames provided by State law and this fiscal plan.
- 5) All figures are estimates. Final cost of capital expenditures, if any, will not be determined until bids are publicly solicited, contracts are awarded, and projects are closed out.
- 6) Property tax revenue and land assessment estimates are based on 2024 payable 2025 tax information, assessments of comparable developments, estimates of units built, estimates of unit values and land assessments, and tax abatements or adjustments, if any. Tax rates are subject to change every year, and property tax revenues may be subject to tax caps.
- 7) Department expenditures and revenues are derived from the City of South Bend Budget.
- 8) The estimated costs to provide services, noted in Section III, Municipal Services, is a City-wide average based on a particular budget year. In the case of the proposed development in the Annexation Area, some of these services may not be required or possibly requested for many years. Hence, the cost of providing services over the first five years should be evaluated with this in mind.

TABLE 1

Summary Table – Estimated Fiscal Impact

Expenditures	Capital (Est.)	Non-Capital Per Year (Est.)	Notes	5-Year Total
Street Construction	\$0			\$0
Sewer Extension	\$0		Connection at petitioner's expense	\$0
Water Extension	\$0		Connection at petitioner's expense	\$0
Street Lights	\$0			\$0
Street Maintenance	\$0	\$9,987		\$49,935
Police	\$0	\$2,320		\$11,600
Fire	\$0	\$1,926		\$9,630
Neighborhood Services	\$0	\$308		\$1,540
Approximate 5-Year Expenditures				\$72,705

Revenues	Notes	Total (Est.)	5-Year Total
Property Taxes (to City)	Year 1	\$7,091	\$62,131
	Year 2	\$13,760	
	Year 3	\$13,760	
	Year 4	\$13,760	
	Year 5	\$13,760	
MVH/LRSA	Estimated at revenue per mile of \$32,487	\$4,548	\$22,740
Approximate 5-Year Revenues			\$84,871

Revenue estimate based on \$414,700 net assessment and capped tax rate of 3% of \$414,700 gross assessment in Year 1 and \$804,700 net assessment and capped tax rate of 3% of \$804,700 gross assessment for all years following.

LEGAL DESCRIPTION

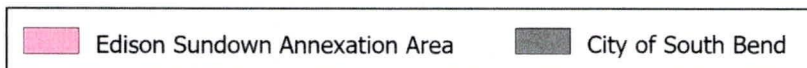
A Part of the Southeast Quarter of Section 31, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, and being all of Lot 1 as said lot is known and designated on the Recorded Plat of I.P.C. Minor Subdivision, Recorded in Plat Book 28, Page 1, in the St. Joseph County Recorder's Office; and also being a portion of lands conveyed to the State of Indiana as described in Deed Record 688, Page 223, in said Recorder's Office; and also being all of that land conveyed to State of Indiana as described in Instrument Number 2021-13765; and a Part of the Northeast Quarter of Section 6, Township 37 North, Range 2 East, Portage Township, St. Joseph County, Indiana, more particularly described as follows:

Beginning at the Northeast Corner of said Lot 1; Thence Westerly, along the North Line of said Lot 1 and said Line Extended, a distance of 679 Feet, more or less, to the West Line of the Limited Access Right of Way of the US 20/US 31 Bypass (aka, St. Joseph Valley Parkway); Thence Southerly, along the Westerly Line of said Right of Way, 267 Feet, more or less, to the Northeast Corner of said State of Indiana Land-Instrument Number 2021-13765; Thence Westerly, along the North Line of said land, 50 Feet; Thence Southerly, along the West Line of said land, 50 Feet; Thence Easterly, along the South Line of said land, 50 Feet, more or less, to the Aforementioned West Line of the US 20/US 31 Bypass; Thence Continuing Southerly, along said West Line and said West Line Extended 236 Feet, more or less, to the North Line of Voght's Edison Road Second Addition, Recorded in Plat Book 17, Page V-2, in said Recorder's Office; Thence Easterly, along the North Line of said Voght's Edison Road Second Addition and the North Line of Voght's Edison Road Third Addition, Recorded in Plat Book 17 Page V-1, a distance of 720 Feet, more or less, to a point lying on the Southerly Extension of the East Line of said Lot 1; Thence Northerly, along said Extended Line and the East Line of said Lot 1, a distance of 553 Feet, more or less to the Point of Beginning;

Containing 8.9 acres, more or less.

MAP 1

Edison Sundown Annexation Area





CITY OF SOUTH BEND

COMMUNITY INVESTMENT

Filed in Clerk's Office

APR 23 2025

Bianca Tirado
City Clerk, South Bend, IN

April 23, 2025

Council Member Troy Warner
Chairperson, Community Investment Committee
South Bend Common Council
County-City Building, 4th Floor
South Bend, Indiana 46601

RE: **Declaratory Resolution:** Multi-Family Development Real Property Tax Abatement for
Allen Edwin Residential Builders, LLC

Dear Council Member Warner,

Please find the enclosed Declaratory Resolution and supporting information pertaining to a tax abatement petition submitted by Allen Edwin Residential Builders, LLC, a Michigan Limited Liability Company. This petition package includes:

- Department of Community Investment's summary report
- Petition for abatement
- Statement of Benefits form (SB-1 / Real Property)
- Supporting information

The report contains the Department's findings relative to the above-mentioned petition. The petitioner intends to build on the property at **603-621 W. Marion Street; 515-517 Leland Avenue** sixteen (16) new rental housing units in the form of single family, duplex, and cottage court style housing. Allen Edwin's goal is to build quality infill housing which is desirable and affordable to area residents.

The total investment for this project is \$2,496,534. The project meets the qualifications for a nine-year (9) multi-family development real property tax abatement.

A representative from Allen Edwin Residential Builders, LLC, will be available to meet with the Committee on Monday, April 28, 2025.

If you or other Council members have questions about the report or need additional information, please feel free to call me at (574) 245-6022

Sincerely,

Joseph Molnar
Assistant Director, Growth and Opportunity

APR 23 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 25-26
RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

Multiple Properties

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
NINE-YEAR (9) REAL PROPERTY TAX ABATEMENT FOR

Allen Edwin Residential Builders LLC

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area described as:

Key Number: 71-08-02-476-027.000-026
Local Parcel Number: 018-1055-2365
Commonly Known As: 621 W MARION ST
Legal Description: LOT 14 SMITH & JACKSONS SUB

Key Number: 71-08-02-476-028.000-026
Local Parcel Number: 018-1055-2366
Commonly Known As: 617 W MARION ST
Legal Description: LOT 12 EX 9' OFF E SIDE & LOT 13 SMITH &
JACKSON SUB PER OWNERS REQ CONS W/ 18
1055 2367 DEL 05/06

Key Number: 71-08-02-476-047.000-026
Local Parcel Number: 018-1055-2343
Commonly Known As: 615 W MARION ST
Legal Description: S 1/2 LOT 11 EX 6 WLY SIDE KENT &
GARRISON ADD

Key Number: 71-08-02-476-048.000-026
Local Parcel Number: 018-1055-2342
Commonly Known As: 611 W MARION ST
Legal Description: LOT 10 & ALLEY ADJ AND N 1/2 LOT 11 EX 6"
WLY SIDE KENT & GARRISON ADD

Key Number: 71-08-02-476-049.000-026

Local Parcel Number: 018-1021-0869
Commonly Known As: 607 W MARION ST
Legal Description: LOT 66 W 1-2 HENRICKS & GRANTS

Key Number: 71-08-02-476-051.000-026
Local Parcel Number: 018-1021-0868
Commonly Known As: 603 W MARION ST
Legal Description: 54 FT S END E 1-2 LOT 66 54 FT S END LOT 65
HENRICKS & GRANTS

Key Number: 71-08-02-476-045.000-026
Local Parcel Number: 018-1055-2341
Commonly Known As: 515 LELAND AVE
Legal Description: EX N END LOT 28 KENTS SUB BOL 114

Key Number: 71-08-02-476-044.000-026
Local Parcel Number: 018-1055-2340
Commonly Known As: 517 LELAND AVE
Legal Description: 10.2 FT S SIDE LOT 5 N PT LOT 28 KENTS SUB
BOL 114

be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq. and South Bend Municipal Code Sections 2-76 et seq.; and

WHEREAS, the petitioner has agreed to and has accepted responsibility to report any changes in the Key Numbers and legal descriptions to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1 et seq. and South Bend Municipal Code Sections 2-76 et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements of Indiana Code 6-1.1-12.1 et seq. for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;

B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and

F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code 6-1.1-12.1-3.

SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, is sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-3.

SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating the area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designation as an Economic Revitalization Area shall expire on December 31, 2027.

SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of nine (9) years as shown by the schedule outlined below as well as the attachment pursuant to Indiana Code 6-1.1-12.1-17.

Year 1 - 100%

Year 2 - 95%

Year 3 - 90%

Year 4 - 85%

Year 5 - 80%

Year 6 - 75%

Year 7 - 70%

Year 8 - 65%

Year 9 - 60%

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code 5-3-1 and Indiana Code 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

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

Canneth Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, 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 _____, 2025, at _____ o'clock _____.m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock _____.m.

James Mueller, Mayor
City of South Bend

TAX ABATEMENT REPORT

Filed in Clerk's Office



APR 23 2025

Bianca Tirado
City Clerk, South Bend, IN

TO: South Bend Common Council

FROM: Joseph Molnar, Assistant Director, Growth and Opportunity

SUBJECT: Multi-Family Development Real Property Tax Abatement Petition
for **Allen Edwin Residential Builders, LLC**

DATE: 04/23/25

On April 23, 2025, a petition for tax abatement from Allen Edwin Residential Builders, LLC, was filed with the Office of the City Clerk. The petition seeks consideration for a multi-family development real property tax abatement for property 603-621 W. Marion Street; 515-517 Leland Avenue in South Bend.

Pursuant to Chapter 2, Article 6, Section 2-84.9 of the Municipal Code of the City of South Bend, the petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to Indiana Code 6 1.1-12.1 and all zoning requirements have been met.

The Department of Community Investment has reviewed the petition, investigated the area, and makes the following report.

Project Summary

- The petitioner, Allen Edwin Residential Builders LLC (Allen Edwin), has partnered with the South Bend Redevelopment Commission to build new housing on currently vacant land located at the Marion-Leland intersection, one block north of Lincoln Way West. The Commission has an active Purchase Agreement to sell the land to the petitioner for the purpose of constructing new housing.
- The project will consist of 16 new rental housing units in the form of single-family, duplex, and cottage court style housing.
- Through this project, Allen Edwin is also partnering with the City through the Infill Housing Financing Gap Subsidy Program, which will provide the developer with a \$62,500 per-unit construction subsidy for 12 units up to a total of \$750,000. All of the 12 units under this program will be affordable workforce rentals for households earning 120% or less of the Area Median Income.
- Construction costs for this project are estimated to be \$2.5 million.
- The project will greatly contribute to the surrounding area, activate long-vacant land, and provide affordable housing options for residents of South Bend. The new housing will help connect residents to the ongoing and planned development on the north side of downtown South Bend. The proximity of the project to City amenities, including bike trails, will further accelerate momentum being seen on the west and northwest neighborhoods.

Employment Impact

Per this petition and supporting material, there are no direct jobs created by the project. Since these are rentals, Allen Edwin will manage the properties directly.

There will be considerable job opportunities for the construction of the new housing and the petitioner has committed to using as much local labor as possible.

Tax Estimates

The petitioner qualifies for a nine-year (9) multi-family development real property tax abatement.

- Current estimated combined annual real property taxes: \$816
 - Actual annual taxes \$0 (zero) because the property has been owned by the South Bend Redevelopment Commission.
- Estimated combined annual taxes after the project's completion: \$35,886
- Total estimated combined taxes during the nine-year (9) abatement period: \$322,977
 - Estimated taxes being abated during the abatement period: \$189,799
 - Estimated total taxes to be paid during the abatement period: \$133,178

Abatement Qualification

1. A review of the tax abatements previously granted finds that the petitioner has not been granted a tax abatement previously.
2. The property is properly zoned for the proposed project.
3. Taxes on the property have been paid in full.
4. A review of the South Bend Redevelopment designation areas finds that the property is in the River West Development Area.
5. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a nine-year (9) multi-family development real property tax abatement under under Division 2 (Residential Development Real Property Tax Abatement), Section 2-77 (Multi-Family Residential Developments).

Allen Edwin Residential Builders, LLC

South Bend Portage Township
Residential Real Property Tax Abatement Schedule *

Type of Dwelling: Multi-Family Residence - 16 units -
Estimated Project Cost: \$ 2,496,534 New Construction

Property Address: 603-621 W. Marion Street; 515-517 Leland Avenue
Tax Key Number: Multiple Properties

	Current	Without Abatement	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
Assessed Value (AV)											
Land	\$ 24,300	\$ 24,300	\$ 24,300	\$ 24,300	\$ 24,300	\$ 24,300	\$ 24,300	\$ 24,300	\$ 24,300	\$ 24,300	\$ 24,300
Structure (AV = 60% Project Cost)	-	1,497,920	1,497,920	1,497,920	1,497,920	1,497,920	1,497,920	1,497,920	1,497,920	1,497,920	1,497,920
Gross Assessed Value	24,300	1,522,220	1,522,220	1,522,220	1,522,220	1,522,220	1,522,220	1,522,220	1,522,220	1,522,220	1,522,220
Abatement			100%	95%	90%	85%	80%	75%	70%	65%	60%
Abatement Deduction	-	-	(1,497,920)	(1,423,024)	(1,348,128)	(1,273,232)	(1,198,336)	(1,123,440)	(1,048,544)	(973,648)	(898,752)
Net Assessed Value	24,300	1,522,220	24,300	99,196	174,092	248,988	323,884	398,780	473,676	548,572	623,468
Property Taxes											
Assume constant tax rate of 5.0426%											
Gross Tax (Tax Rate x Net AV)	1,225	76,759	1,225	5,002	8,779	12,555	16,332	20,109	23,886	27,662	31,439
Local Tax Credit (10.1130% of GT-DS)	(115)	(7,212)	(115)	(470)	(825)	(1,180)	(1,535)	(1,889)	(2,244)	(2,599)	(2,954)
Circuit Breaker Credit	(294)	(33,661)	-	-	-	-	-	-	-	-	-
Taxes Due	\$ 816	\$ 35,886	\$ 1,110	\$ 4,532	\$ 7,954	\$ 11,376	\$ 14,798	\$ 18,219	\$ 21,641	\$ 25,063	\$ 28,485
	3%	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%
Circuit Breaker Cap	729	30,444	30,444	30,444	30,444	30,444	30,444	30,444	30,444	30,444	30,444
Debt Service (0.3575% of Net AV)	87	5,442	87	355	622	890	1,158	1,426	1,693	1,961	2,229
Max Tax Under the Cap	816	35,886	30,531	30,799	31,067	31,335	31,602	31,870	32,138	32,406	32,673

Year	Abatement	Existing Taxes	New Projected Taxes	Total Taxes	Taxes Abated	Net Taxes Paid
1	100%	\$ 816	\$ 35,070	\$ 35,886	\$ (34,776)	\$ 1,110
2	95%	816	35,070	35,886	(31,354)	4,532
3	90%	816	35,070	35,886	(27,932)	7,954
4	85%	816	35,070	35,886	(24,511)	11,376
5	80%	816	35,070	35,886	(21,089)	14,798
6	75%	816	35,070	35,886	(17,667)	18,219
7	70%	816	35,070	35,886	(14,245)	21,641
8	65%	816	35,070	35,886	(10,823)	25,063
9	60%	816	35,070	35,886	(7,401)	28,485
Total:		7,343	315,634	322,977	(189,799)	133,178

* This schedule is for estimation purposes only and assumes constant tax rates equal to those for 2024 Payable 2025.
The true tax values will ultimately be determined by the actual assessed valuation and the then-current tax rates.



Department of Community Investment
City of South Bend

City of South Bend Petition for Incentives

Petition must include a \$250 filing fee payable to the
"City of South Bend" before processing can be complete

Instructions: Complete pages 1-3
AND the proper Form SB-1 for
the type of abatement (real
property or personal property)
for which you are applying.



General Information		Project Name	Cottage Court@Lincoln Way	Project Number	
Legal name as registered with Secretary of State		"Allen Edwin Residential Builders, LLC" or related entity with common owners			
Business structure		LLC			
Company website		https://www.allenedwin.com/			
Proposed Project Information					
Proposed project address		611 W Marion Street	Parent company name		
City, State, Zip	South Bend, IN 46616	Legal owner		Currently owned by COSB	
Site acreage or acreage required		0.554 Acres	Is the real estate owned or leased?		
Square feet of facility			If leased, by whom?		
Primary Contact Information					
Primary company contact name		Brian Farkas	Title	Director of Workforce Housing	
Address of company contact		795 Clyde Ct SW	Phone	248-412-3407	
City, State, Zip	Byron Center, MI 49315	Email		bfarkas@allenedwin.com	
Senior Official Information					
Company senior official name		Tom Larabel	Title	VP of Land	
Address of company contact (if different from above)			Phone	(616) 878-1748 Ext. 424	
City, State, Zip		Email		tlarabel@allenedwin.com	
Consultant Information/Agent					
Hired business consultant/agent name			Consultant release? (Y/N)		
Address			Local economic development partners approval? (Y/N)		
City, State, Zip			Email		
Project Overview					
Brief description of your company, project, and why the property is necessary for economic growth		<p>The project includes the construction of twelve (12) single family residential units in a cottage court that will contain 2 bedrooms. All units will be affordable workforce rentals. In addition to the cottage court, 4 single family home will be built on the adjacent vacant parcels as well. The goals of the program are to Develop infill housing consistent with the Analysis of Residential Market Potential and existing neighborhood and community plans;</p> <ul style="list-style-type: none"> • Promote development of a range of housing types that enhance the appearance, value, and character of the surrounding neighborhood; • Build a neighborhood scale products that fit the character and context of the surrounding neighborhood; • Provide a quality infill housing product which is desirable and meets the needs of area residents; • Provide a variety of housing types at varying price points; • Develop infill housing that is consistent with principles for an urban walkable neighborhood; • Incorporate principles of place making, urban planning, and urban design; and • Ensure attractive, well designed development that enhances the neighborhood and City's image. 			
Certified Technology Park appropriate		N/A			
Is the project in a Tax Incremental Financing (TIF) area? If so, which?		River West			
Have Building Permits been Issued? (Y/N) [Note-Not eligible for abatement if Yes]		N	Number of residential units created by project		16
If this is a petition for personal property tax abatement, has the equipment been installed?		N/A			

Investment Details			
Public Infrastructure needs (Off-site of project in dollars)	Has any 504 funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?
N/A	N/A	N/A	N/A

New Project Investments								
Calendar Year	2023	2024	2025	2026	2027	2028	2029	2030
Land Acquisition								
Building Lease Payments								
Building Purchase Costs								
New Building Construction			\$ 2,496,534.00					
Existing Building Improvements								
New Machinery & Equipment								
Special Tooling/Retrofitting								
New Furniture/Fixtures								
New Computer/IT Hardware								
New Software								
On-site Rail Infrastructure								
On-site Fiber Infrastructure								
TOTAL	\$ 0.00	\$ 0.00	\$ 2,496,534.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Full-Time Permanent Indiana-Resident Positions by Calendar Year							
Calendar Year	Jobs retained	Hourly average wage, w/o benefits or bonuses	Cumulative # of net NEW full time permanent jobs created at project	Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs	Total training expenditure - not cumulative	Total # to be trained - not cumulative	
2024							
2025							
2026							
2027							
2028							
2029							
2030							
2031							
2032							
2033							
2034							
2035							

Provide hourly wage information for new employees in the following positions.

	Full time	Part time
Laborers		
Technical		
Managerial		
Administrative		

Who will be the individual responsible for coordinating with WorkOne on recruiting?

Does your company have an EEO hiring policy?

Are you an EEO employer?

Please list the number of full time and part time minority and/or female employees for the following years:						Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.
Year	2025		2024		2023	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Black						
Hispanic						
Asian						
Indian						
Female						
Other						

See cover letter

Complete the table below for Real Property Tax Abatement only.				
*** Sign at the bottom for all requested incentives (real AND personal property). ***				
Public Benefit Item:				
Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.		Qualify (Yes or No)	Earned Points	Available Points
1	Construction Related (Contractors):			
	A.	Employ Local Companies (75%)		20
	B.	Purchase Materials from Local Companies (75%)		20
	C.	Require Employees vs. Independent Contractors		0
	D.	Require Prevailing Wage		0
	E.	Require Health Benefits		0
	F.	Require Retirement Benefits		0
	G.	Maintain Affirmative Action Plan		0
	Sub-total Construction Related:			40
2	Wage & Benefit Related (Owner):			
	A.	Pay Target Wage Levels		0
	B.	Provide Health Benefits		34
	C.	Provide Retirement Benefits		29
	D.	Provide Training		28
	E.	Provide Child Care		0
	F.	Provide Transportation Assistance		14
	G.	Provide Employer Assisted Housing program		0
	Sub-total Wage & Benefit Related:			105
3	Workforce Related:			
	A.	Create New Jobs		42
	B.	Retain Existing Jobs		41
	C.	Maintain Affirmative Action Plan		35
	D.	Provide Targeted Hiring Preference		34
	Sub-total Workforce Related:			0
4	Support a Municipal Facility:			
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)		84
	Name of Facility		Morris Performing Arts Center	
	Sub-total Municipal Facility:			84
Sub-total from Above:			229	539

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C., 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

Submitted By:	Brian Farkas	Date:	3/25/2025
---------------	--------------	-------	-----------

For Staff Use Only Below This Line					
What is the current assessed value?	Real Property:	\$23,400	Personal Property:		
What is the projected assessed value?	Real Property:	\$21,820	Personal Property:		
What is the tax key number(s) for this project?	Multiple Property				
What is the six digit NAICS code?	53110				
Please attach a Google map and street view of the location.					
Please list the amount of real and personal property taxes paid for the last five years when applicable.		Real Property Taxes:	Personal Property Taxes:		
Tax Year 2023 / Pay 2024		City Owned / No			
Tax Year 2022 / Pay 2023		Taxs			
Tax Year 2021 / Pay 2022					
Tax Year 2020 / Pay 2021					
Tax Year 2019 / Pay 2020					
Please fill out the following Public Benefit Summary Information and add to total from above.					
			[Y or N]	Points	Points
Public Benefit Item:					
Project Related:					
5	A.	Redevelop a Site that has Special Needs	Y	49	49
	B.	Develop Based on Local University Research	N	0	35
	C.	Achieve a Physical Element of a Plan	Y	36	36
	Sub-total Project Related:			85	120
6	Super Size Projects (point values are cumulative):				
	A.	100% to 199%	Y	25	25
	B.	200% to 299%	N		68
	C.	300% to 399%	N		65
	D.	400% and Over	N		52
Sub-total Super Size Projects:			25	210	
7	Pay for Municipal Infrastructure:				
	A.	Pay for Oversizing or Upgrading	Y	14	14
	B.	Pay for 26-50% of Extension Cost	N		26
	C.	Pay for 51-75% of Extension Cost	N		39
	D.	Pay for 76-100% of Extension Cost	N		52
Sub-total Infrastructure Related:			14	131	
Total from Applicant Section:				229	539
Total from Staff Section:				124	461
Total Public Benefit Points:				353	1000



Erik Glavich
Director, Growth and Opportunity
Department of Community Investment
City of South Bend

Dear Erik,

We are pleased to submit our Petition for Incentives for the development of new housing in South Bend. As a Michigan-based, family-owned company with over 30 years of experience, Allen Edwin Homes (AEH) is committed "To build homes that enrich the lives of our customers and those who build them." Our commitment to diversity and inclusion begins with recruitment and extends across our entire team. We embrace individual differences and value diverse perspectives, striving to foster an inclusive environment that reflects the communities we serve.

This project will deliver a Cottage Court containing 6 single family homes and 4 townhome units, a corner duplex, and 4 single family homes for a total of 16 units.

Our plan aligns with the City's goals for urban revitalization, walkable neighborhoods, and high-quality infill housing that is both aesthetically appealing and financially accessible. This project is exclusively focused on developing new affordable housing and will not generate any new full-time jobs. However, there will be some indirect opportunities in areas such as maintenance and landscaping.

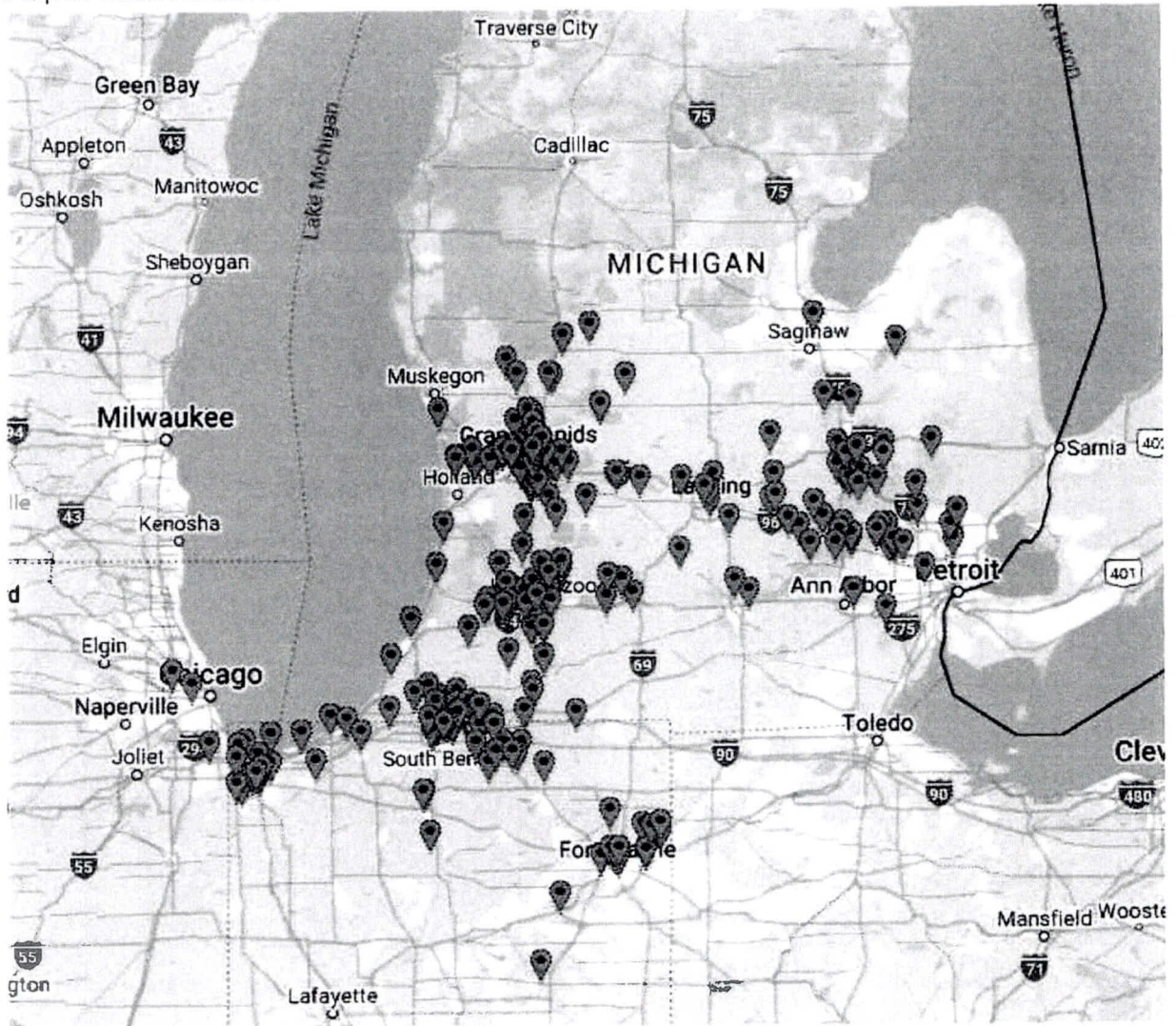
AEH has successfully built over 10,000 homes across Michigan, Ohio, and Indiana, demonstrating our ability to deliver projects of this scale and significance. We remain financially strong, employing a conservative capital strategy to ensure stability and success in all our developments.

We are excited about the opportunity to work with the City of South Bend to bring this vital housing initiative to life. Please feel free to contact us with any questions or to discuss next steps.

Sincerely,
Brian Farkas
Allen Edwin Homes, Director of Workforce Housing

ALLEN EDWIN HOMES

Map of Trade Partners:



Indiana Trade Partners: 80

South Bend Trade Partners: 10



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

2025- PAY 2026-

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☒ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the county auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between January 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the county auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
- For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1		TAXPAYER INFORMATION			
Name of taxpayer Allen Edwin Residential Builders, LLC					
Address of taxpayer Number and Street: 2186 E. Centre Avenue City: Portage State: MI ZIP: 49002					
Name of contact person First Name: Last Name:		Telephone number		E-mail address	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body Common Council of the City of South Bend				Resolution number	
Location of property Number and Street: Multiple City: South Bend State: IN ZIP: 46601		County St. Joseph		DLGF taxing district number 026 (South Bend-Portage)	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Construction of 12 single family residential units in a cottage court along with 4 single family homes. Parcels: 71-08-02-476-027.000-026; 71-08-02-476-028.000-026; 71-08-02-476-044.000-026; 71-08-02-476-045.000-026; 71-08-02-476-047.000-026; 71-08-02-476-048.000-026; 71-08-02-476-049.000-026; 71-08-02-476-051.000-026				Estimated start date (month, day, year) 7/15/2025	
				Estimated completion date (month, day, year) 12/31/2027	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		\$ 0		\$ 0	
Plus estimated values of proposed project		\$ 2,496,534		\$ 1,497,920	
Less values of any property being replaced		\$ 0		\$ 0	
Net estimated values upon completion of project		\$ 2,496,534		\$ 1,497,920	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) 0		Estimated hazardous waste converted (pounds) 0			
Other benefits Affordable workforce housing					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) April, 16, 2025	
Printed name of authorized representative Thomas M. Corabel				Title Vice President	

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed N/A calendar years* (see below). The date this designation expires is 12/31/2027. NOTE: This question addresses whether the resolution contains an expiration date for the designated area.
- B. The type of deduction that is allowed in the designated area is limited to:
 1. Redevelopment or rehabilitation of real estate improvements ☒ Yes ☐ No
 2. Residentially distressed areas ☐ Yes ☒ No
- C. The amount of the deduction applicable is limited to \$ N/A.
- D. Other limitations or conditions (specify) N/A
- E. Number of years allowed: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 (* see below)
☐ Year 6 ☐ Year 7 ☐ Year 8 ☒ Year 9 ☐ Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
☒ Yes ☐ No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body <u>Common Council of the City of South Bend</u>	
Attested by (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. Except as provided in IC 6-1.1-12.1-18, the deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

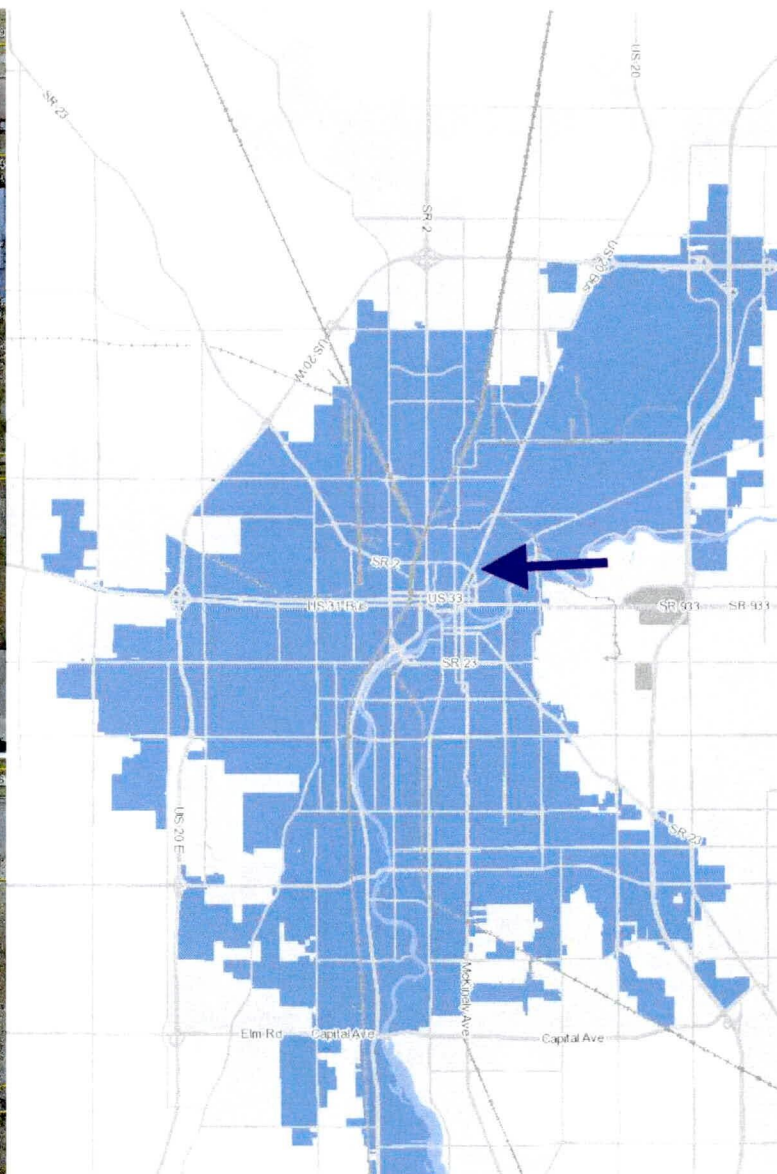
Abatement schedules

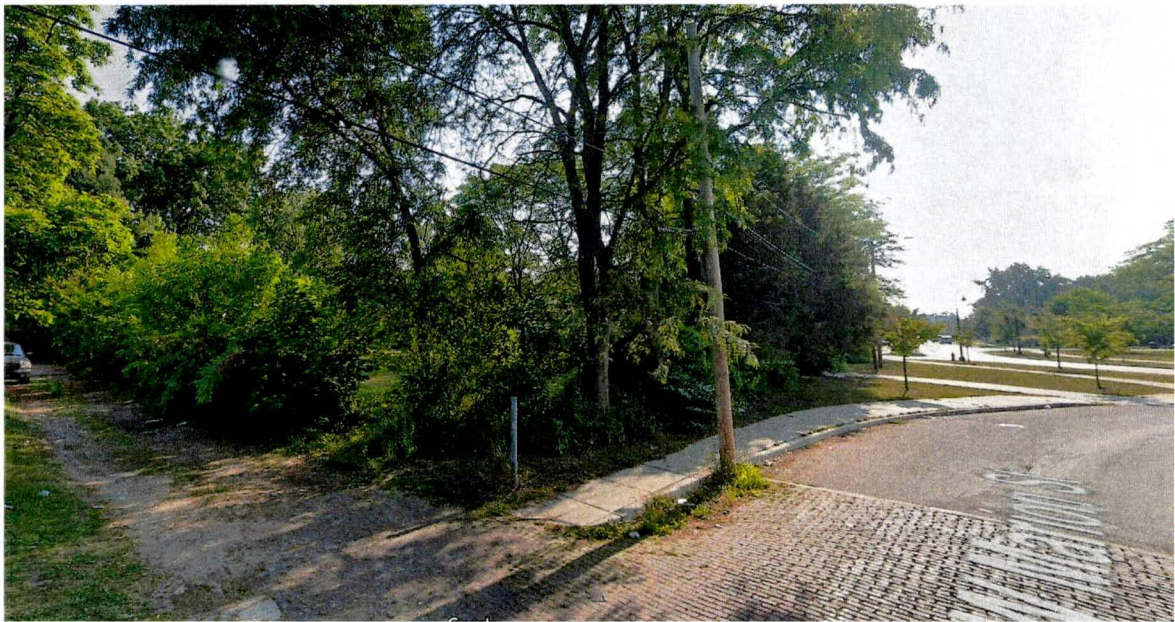
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

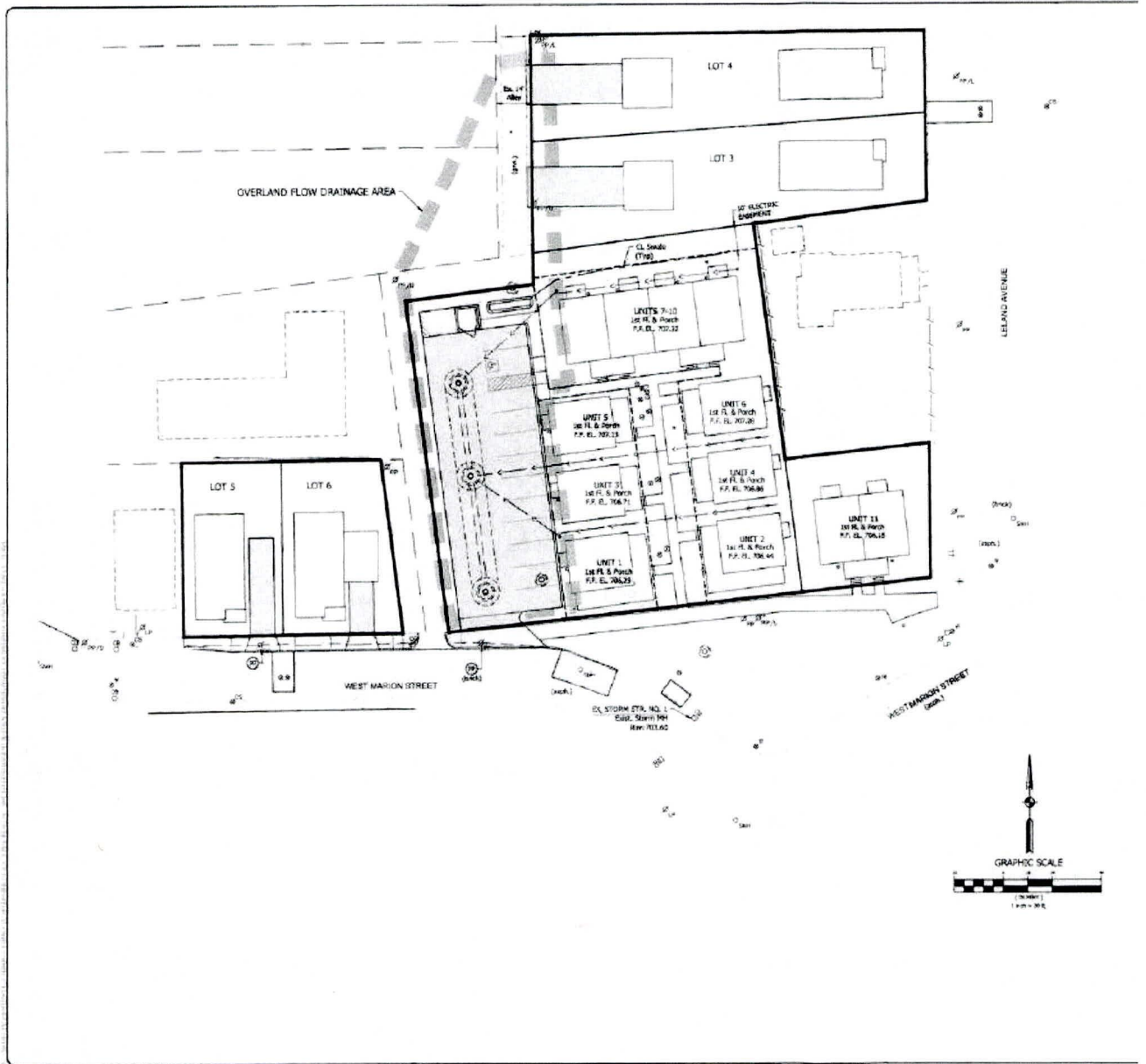
- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

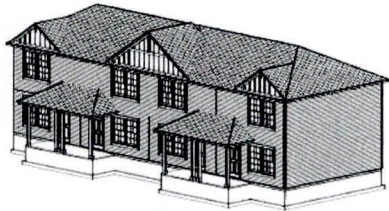
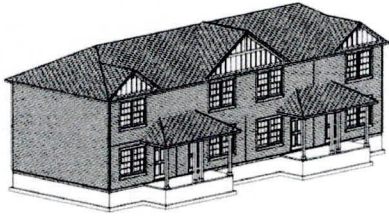
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



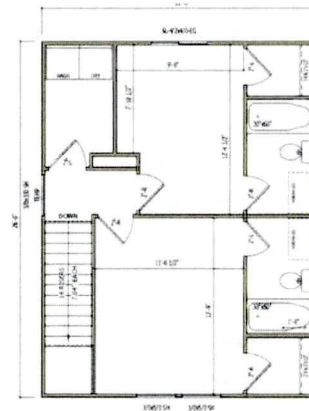
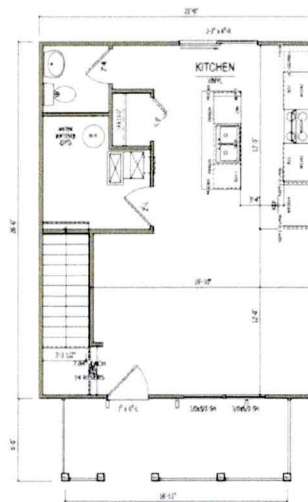
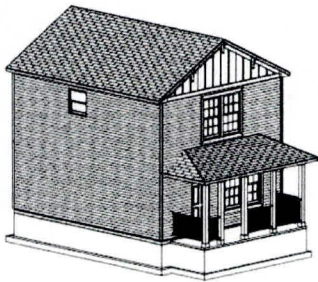




QUADPLEX / 73' x 26'



2-STORY/1092 SF/2 BR/Front Porch





City of South Bend **PLAN COMMISSION**

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning

April 22, 2025

Honorable Committee Chair Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: 1144 and 1148 Sorin Street – PC#0254-25

Dear Committee Chair Davis:

Enclosed is 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 April 28th, 2025, Council meeting, and set it for public hearing at your May 28th, 2025 Council meeting. The petition is tentatively scheduled for public hearing at the May 19th, 2025 South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

Petitioners desire to rezone the property from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2.

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

Sincerely,

Timothy P. Staub
Zoning Specialist

CC: Bob Palmer

Filed in Clerk's Office

APR 23 2025

Bianca Tirado
City Clerk, South Bend, IN

APR 23 2025

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 29-25

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED
1144 SORIN STREET AND 1148 SORIN STREET COUNCILMANIC DISTRICT NO. 4
IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from U1 Urban Neighborhood 1 to U2 Urban
Neighborhood 2.

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

SECTION I. Ordinance No. 10689-19, which ordinance is commonly known as the
Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby 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:

LOT 13 AND LOT 14 OF PARK PLACE 1ST ADDITION TO THE CITY OF SOUTH
BEND, INDIANA

COMMONLY KNOWN AS 1144 AND 1148 SORIN STREET

be and the same is hereby established as U2 Urban Neighborhood 2

SECTION II. This ordinance is and shall be subject to commitments as provided by
Chapter 21-12.07(f)(7) Commitments, if applicable.

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

Canneth Lee, Council President
South Bend Common Council

Attest:

Bianca Tirado, 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 _____, 2025, at _____ o'clock ____ m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2025, at ____ o'clock ____ m.

James Mueller, Mayor
City of South Bend, Indiana

City of South Bend
PLAN COMMISSION

227 W. Jefferson - Suite 1400S
South Bend, IN 46601
zoning@southbendin.gov

Petition for Rezoning or Combined Public Hearing

Property Information

018-5082-2863 018-5082-2864
Tax Key Number: 71-09-06-351-015.000-026; 71-09-06-351-016.000-026

Address: 1144 & 1148 Sorin Street South Bend, Indiana 46617

Owner: _____

Legal Description:

Lot 13 Park Place 1st Addition
Lot 14 Park Place 1st Addition

Filed in Clerk's Office

APR 23 2025

Bianca Tirado
City Clerk, South Bend, IN

Project Summary

The project is a 6-lot cottage court layout located on the SW corner of Arthur & Sorin Street. Parking is on the alley side with an artistic internal sidewalk layout.

Requested Action

Application includes (check all that apply)

☒ Rezoning

Current District: U1 Urban Neighborhood 1

Additional Districts, if applicable

Proposed District U2 Urban Neighborhood 2

Additional Districts, if applicable

The Plan Commission and Council will consider the following in the review of a rezoning petition:

- (1) The comprehensive Plan;
- (2) Current conditions and the character of the current structures and uses in each district;
- (3) The most desirable use for which the land in each district is adapted;
- (4) The conservation of property values throughout the jurisdiction; and
- (5) Responsible development and growth.

☐ Subdivision – complete and attach subdivision application

☐ Special Exception – complete and attach Criteria for Decision Making

Use requested: _____

☒ Variance(s) - List variances below, complete and attach Criteria for Decision Making

Variance(s) requested:

Article 21-03.04 (d) Building Setbacks - 12' front; 5' rear; Lot depth 46'

Article 21-03.04 (f) Building Form - Building Orientation front on lot 5

Article 21-08.02 (3) Building Height - 2 stories; Building units 6

Required Documents


- ☒ Completed Application (including Contact Information)
- ☒ Site Plan drawn to scale
- ☒ Filing Fee
- ☒ Additional documents as noted above

Criteria for Decision Making


Variance(s) - if applicable

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:


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

The approval of the front, rear, lot depth, height, units and building form (frontage) will not affect the health safety and welfare of the community. The building form of the cottage court with size, orientation and applicable development standards criteria fit the form of the existing neighborhood and does not negatively affect development patterns with any conflicts to the use of the property. 


(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, because:

The use and value of the area adjacent to the property included in the variance will not be affected by front, rear, lot depth, height, units and building form variances. The layout fits what is considered good building form and allows for pedestrian access, open air, light to exist on this property and adjacent property to the west and south. The height is similar to existing buildings in the neighborhood and the setbacks needed are also similar to what exists in 

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

The strict applications of the terms of this ordinance would result in practical difficulties if lot lengths were to be reorganized to fit lesser home on slightly bigger lots. Lot width is in excess and offsets whatever shortage in length; applying setbacks to each building is in excess when the cottage court form has predetermined layout to face homes to the interior, as it appears the building form is dismissed in place of standards for each lot; Building height reduction 

(4) The variance granted is the minimum necessary, because:

The variance granted is the minimum necessary to have a preferred layout of a cottage court form based housing development. Variances determined for the height, building form (frontage), placement and quantity are needed to fit the buildings on the lots. Layout and arrangement of structures is first approach to making the building form work and have a desired feel because of how the fronts of the structures are oriented. The design is purposefully and the 

(5) The variance does not correct a hardship caused by a former or current owner of the property, because:

The variance does not correct a hardship as this is the preferred layout of the cottage court with interior facing buildings. This is planned by design and is also presented in this manner to give the most ideal function of these structures. No hardship is created as it is a planned community.

Contact information

Property owner(s) of the petition site:

Name: Coorsmith Properties, LLC

Address: 3566 Douglas Road
South Bend, In 46635

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Abonmarche Consultants, Inc. - Chris Godlewski

Address: 315 W. Jefferson Blvd
South Bend, In 46601

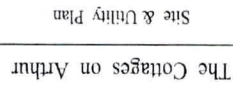
Phone Number: 574-393-9804

E-mail: cgodlewski@abonmarche.com

By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.

The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

Property Owner (s) Signatures:



NAME _____

innovative
communities

697 Bungalow Dr
Napance, IN 46550
Phone: 574-536-4048
Email: info@innovative-communities.com



SHEET NO. 1 OF 7

