



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, JANUARY 8, 2026
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, January 12, 2026:**

Council Chambers
3rd Floor City Hall
215 S. Dr. Martin Luther King Jr. 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/011226CC>

<u>4:00 P.M.</u>	<u>HEALTH & PUBLIC SAFETY</u>	CHAIRPERSON, TOMAS MORGAN
1.	Bill No. 78-25 - Amending Chapter 14, Article 15, Section 14-175 to Increase the Number of Public Safety Officers Available at No Cost to Event Organizers	
<u>4:15 P.M.</u>	<u>ZONING & ANNEXATION</u>	CHAIRPERSON, DR. DAVIS
1.	Bill No. 80-25 - Amending Chapter 21 of the South Bend Municipal Code to Make Miscellaneous Changes for Clarification and Consistency to Simplify Development Process and to Achieve Higher Quality Development (<i>Third Substitute</i>)	

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.

<u>INFORMAL MEETING OF THE COMMON COUNCIL</u>	PRESIDENT, C. LEE
1. Discussion of Council Agenda 2. Update and Announcements 3. Adjournment	

INTEGRITY | SERVICE | ACCESSIBILITY

Jasmine Jackson CHIEF DEPUTY CITY CLERK / CHIEF OF STAFF	Matthew Neal DEPUTY CITY CLERK / DIRECTOR OF POLICY	Veronica Pitt-Payne DIRECTOR OF SPECIAL PROJECTS
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EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT
300 City Hall | 215 S. Martin Luther King, Jr. Blvd. | South Bend, Indiana 46601 | p. 574.235.9221 | f. 574.235.9173 | www.southbendin.gov



CITY OF SOUTH BEND | OFFICE OF THE CITY CLERK

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

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SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, January 12, 2026
7:00 P.M.

The South Bend Common Council meeting will be open to the public at the Council Chambers on the 3rd floor of the South Bend City Hall, 215 S. Dr. Martin Luther King Jr. 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/SBCC011226>

1. **INVOCATION**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**

DECEMBER 8, 2025

JANUARY 5, 2026 (ORGANIZATIONAL MEETING)

5. **SPECIAL BUSINESS**
2026 YOUTH ADVISORY COUNCIL SWEAR-IN CEREMONY
6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE** **TIME:** _____
BILL NO.

78-25 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 14, ARTICLE 15, SECTION 14-175 TO INCREASE THE AMOUNT OF SOUTH BEND POLICE OFFICER TIME INCLUDED AS AN ABSORBED EXPENSE FOR A SPECIAL EVENT

[**80-25**](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE TO MAKE MISCELLANEOUS CHANGES FOR CLARIFICATION AND CONSISTENCY TO SIMPLIFY DEVELOPMENT PROCESS AND TO ACHIEVE HIGHER QUALITY DEVELOPMENT (THIRD SUBSTITUTE)

8. **BILLS ON THIRD READING**
[BILL NO.](#)

TIME: _____

[**78-25**](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 14, ARTICLE 15, SECTION 14-175 TO INCREASE THE AMOUNT OF SOUTH BEND POLICE OFFICER TIME INCLUDED AS AN ABSORBED EXPENSE FOR A SPECIAL EVENT

[**80-25**](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE TO MAKE MISCELLANEOUS CHANGES FOR CLARIFICATION AND CONSISTENCY TO SIMPLIFY DEVELOPMENT PROCESS AND TO ACHIEVE HIGHER QUALITY DEVELOPMENT (THIRD SUBSTITUTE)

9. **RESOLUTIONS**
[BILL NO.](#)

[**25-47**](#) A RESOLUTION OF THE SOUTH BEND COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ACKNOWLEDGING THE IMPACT OF THE FEDERAL GOVERNMENT SHUTDOWN ON SNAP RECIPIENTS AND CALLING FOR A PUBLIC HEARING TO CONSIDER EMERGENCY MEASURES TO SUPPORT RESIDENTS EXPERIENCING FOOD INSECURITY

10. **BILLS ON FIRST READING**
[BILL NO.](#)

[**01-26**](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, REPEALING, SUPERSEDING AND REPLACING CHAPTER 2, ARTICLE 1, SECTION 2-10.1 BY ESTABLISHING THE POWERS AND DUTIES OF THE COMMON COUNCIL RULES COMMITTEE AND ELIMINATING THE PROCESS AND PROCEDURES FOR FILING COMPLAINTS AGAINST COUNCIL MEMBERS

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.

701 W. Sample Street
South Bend, IN 46601-2890



Phone 574/235-9311
Fax 574/235-0268

City of South Bend James Mueller, Mayor
South Bend Police Department
Scott A. Ruszkowski, Chief of Police

Filed in Clerk's Office

Nov 19, 2025

Bianca Tirado
City Clerk, South Bend, IN

RE: Bill No. _____ – Increasing the Number of Public Safety Officers Available at No Cost to Event Organizer under Chapter 14, Article 15, Section 14-175

Dear President Lee:

Please find the enclosed bill requesting an increase in available public safety officers for special event permit holder at zero cost to the event permit holder. The bill does not change the substance of the ordinance as it only serves to increase the available hours of zero cost public safety support from forty (40) hours to forty-eight (48) hours per event. The practical impact of this change will allow for up to twelve (12) officers on site for no more than four (4) hours per officer. This change should continue the City's efforts to support special events throughout our community.

If you or any of the other Council members have questions concerning the report or need additional information, please feel free to call me at (574) 235-9817.

Sincerely,

Bud Red
Lt. Brad Rohrscheib
South Bend Police Department

Service

Bravery

Pride

Dedication

Nov 19, 2025

BILL NO. 78-25
ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 14, ARTICLE 15, SECTION 14-175 TO INCREASE
THE AMOUNT OF SOUTH BEND POLICE OFFICER TIME INCLUDED AS AN
ABSORBED EXPENSE FOR A SPECIAL EVENT**

STATEMENT OF PURPOSE AND INTENT

Chapter 14, Article 15, Sec. 14-175 of the South Bend Municipal Code provides regulations for cost recovery for special events.

These regulations include the amount of City of South Bend personnel time which will be included as an "absorbed expense" for Tier II and III events. Currently, Section 14-175 currently includes forty (40) hours of South Bend police officer time as an absorbed expense.

It is desired to increase this amount to forty-eight (48) hours, in order to provide additional support for events occurring in South Bend. It is anticipated that these hours will generally be allocated as twelve (12) officers at four (4) hours each.

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 14, Article 15, Sec. 14-175 shall be amended as follows:

(a) The City will absorb a portion of the costs and expenses incurred by the City directly related to a Tier II or Tier III "Non-profit special event" as defined in Section 14-159. These absorbed expenses shall be equivalent to up to forty (40) forty-eight (48) hours of South Bend police officer time, such as twelve (12) officers at four (4) hours each, at each officer's base rate or overtime rate of pay depending on event schedule; plus up to sixteen (16) hours of other City personnel time including traffic and lighting staff at each person's base rate or overtime rate of pay depending on event schedule. Any additional staff needed will require full reimbursement from the organizer. The prevailing, applicable salary ordinance approved by the Common Council for the year in which the event occurs shall determine such cost equivalents. All expenses over and above the costs and expense equivalents specified herein must be reimbursed to the City by the non-profit organizer or sponsor of the event.

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 J. 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



City of South Bend **PLAN COMMISSION**

City Hall
215 S. Dr. Martin Luther King, Jr. Blvd.
Suite 500
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning

November 26, 2025

Honorable Dr. Oliver Davis
3rd Floor, City Hall
South Bend, IN 46601

RE: Proposed Zoning Text Amendment #7

Filed in Clerk's Office

Nov 26, 2025

Bianca Tirado
City Clerk, South Bend, IN

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for a proposed Text Amendment to Chapter 21. The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance for the City of South Bend that went into effect on January 1, 2020. Since its last amendment in September 2021, use of the Ordinance has identified a few standards that need further clarification, correction, or revision. Changes to these standards will support a more vibrant, resilient community while improving the ease of use of the zoning ordinance.

Please include the attached Ordinance on the Council agenda for first reading at your December 8, 2025 Council meeting and set it for public hearing at your January 12, 2026 Council meeting. The petition is tentatively scheduled for public hearing at the December 15, 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.

If you have any questions, please call our office at (574) 235-7627.

Sincerely,

A handwritten signature in black ink that reads "Brian Killen".

Brian Killen
Zoning Administrator

Nov 26, 2025

BILL NO. 80-25

Bianca Tirado
City Clerk, South Bend, IN

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE TO MAKE MISCELLANEOUS CHANGES FOR CLARIFICATION AND CONSISTENCY TO SIMPLIFY DEVELOPMENT PROCESS AND TO ACHIEVE HIGHER QUALITY DEVELOPMENT

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance for the City of South Bend that went into effect on January 1, 2020. Since its adoption in November 2019, use of the Ordinance has identified a few standards that need further clarification, correction, or revision. Changes to these standards will support a more vibrant, resilient community while improving the ease of use of the zoning ordinance.

NOW, THEREFORE, be it ordained by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (b) Building Placement is hereby amended as follows:

(3) **Building Setbacks.** A setback distance is measured perpendicularly from the lot line to the closest exterior wall of a building's facade, exclusive of building frontage type (e.g., porch, stoop). A setback is measured from the greater of an actual or proposed ~~street~~ right-of-way.

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (d) Building Form is hereby amended as follows:

(2) **Building Height (Stories).**

(D) The Zoning Administrator may permit a single one-story shared amenity space per building open only to building occupants and their guests, having a gross floor area of no more than 25% of the gross floor area of the floor below, and set back not to be visible from the street, that shall not count as a story toward the maximum number allowed.

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (e) Building Components is hereby amended as follows:

(1) When a building component is allowed to be built into a minimum required setback, it is called an encroachment and shall meet all regulations for building components per Section 21-08.01. Where a contextual setback is applied, the Zoning Administrator may allow additional building frontage type encroachment.

SECTION IV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (f) Building Standards is hereby amended as follows:

(1) **Facade Transparency.**

(B) Façade transparency percentages are calculated independently for each floor on each facade.

(B)(C) Upper floor transparency is calculated based on the total façade area located between the surface of any floor to the surface of the floor above it or, if there is no floor above, from the surface of the floor to the surface of the roof. The Zoning Administrator may reduce the required transparency on the top floor of a building by up to 50% for designs consistent with the building's architectural style.

(2) **Building Width.** Width is measured as the horizontal length of a building façade measured parallel to a primary or secondary street. Building widths are applied only to facades visible from a street.

(A) For the Stacked Flats, Shop, and Mid-Rise/Tower building types:

(i) Elevated hallway connections between structures that are set back at least 20 feet from the front lot line shall not count toward continuity of building width.

(ii) The Zoning Administrator may permit an increase in the maximum building width, when it is context appropriate and/or to maximize block utilization, up to 25% if the building design and articulation meet the intent of the ordinance.

SECTION V. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.01 S1 Suburban Neighborhood 1, subsection (g) Building Components; Section 21-03.02 S2 Suburban Neighborhood 2, subsection (g) Building Components; Section 21-03.03 U1 Urban Neighborhood 1, subsection (g) Building Components; Section 21-03.04 U2 Urban Neighborhood 2, subsection (g) Building Components are hereby amended as follows:

Allowed Encroachments (max.)	Rear
Balcony	<u>Not Allowed 5'</u>

SECTION VI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.01 S1 Suburban Neighborhood 1, subsection (h) Building Standards is hereby amended as follows:

<u>Façade Transparency (min.)</u>	
Ground Floor - Front Façade	10%
Ground Floor - Corner Façade	5%
Upper Floor - Front Façade	10%
Upper Floor - Corner Façade	5%

SECTION VII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.01 S1 Suburban Neighborhood 1, subsection (j) Landscape; Section 21-03.02 S2 Suburban Neighborhood 2, subsection (j) Landscape; Section 21-03.03 U1 Urban Neighborhood 1, subsection (j) Landscape; Section 21-03.04 U2 Urban Neighborhood 2, subsection (j) Landscape; Section 21-03.05 U3 Urban Neighborhood 3, subsection (j) Landscape; Section 21-03.06 UF Urban Neighborhood Flex, subsection (j) Landscape; Section 21-03.07 NC Neighborhood Center, subsection (j) Landscape; Section 21-03.08 DT Downtown, subsection (j) Landscape are hereby amended as follows:

¹ An existing tree of at least 2" 1.75" may fulfill this requirement.

SECTION VIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.02 S2 Suburban Neighborhood 2, subsection (h) Building Standards is hereby amended as follows:

<u>Façade Transparency (min.)</u>	
Ground Floor - Front Façade	10%
Ground Floor - Corner Façade	5%
Upper Floor - Front & Corner Façade	15%

SECTION IX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.03 U1 Urban Neighborhood 1, subsection (c) Principal Uses is hereby amended as follows:

Dwelling, 2 Units Special Exception Allowed subject to Conditions with Use Specific Standards.

SECTION X. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.03 U1 Urban Neighborhood 1, subsection (d) Building Placement is hereby amended as follows:

Lot Width¹ 30' min.

Building Setbacks **Front²** **Side²**

¹ Lot width may be reduced to 20' for attached dwellings.

² 2

² 3

SECTION XI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.05 U3 Urban Neighborhood 3, subsection (g) Building Components; Section 21-03.06 UF Urban Neighborhood Flex, subsection (g) Building Components are hereby amended as follows:

Allowed Encroachments (max.)	Rear
Balcony	<u>Not allowed 3'</u>

SECTION XII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.06 UF Urban Neighborhood Flex, subsection (f) Building Form is hereby amended as follows:

Building Design

Total Non-Residential or Non-Civic Use (max.) 5,000 square feet

~~Total Retail & Service Use (max.)~~ ~~2,500 square feet~~

SECTION XIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.07 NC Neighborhood Center, subsection (c) Principal Uses is hereby amended as follows:

Gas/Fuel Station

SECTION XIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.08 DT Downtown, subsection (c) Principal Uses is hereby amended as follows:

Gas/Fuel Station	<u>Allowed Special Exception</u>
Beer/Wine/Liquor Sales	<u>Allowed Special Exception</u>
Tobacco/Hookah/Vaping	<u>Allowed Special Exception</u>

SECTION XV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.08 DT Downtown, subsection (d) Building Placement is hereby amended as follows:

Lot Size	
Lot Width	<u>20'</u> <u>15'</u> min

SECTION XVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.01 OS Open Space, subsection (i) Landscape; Section 21-04.02 U University, subsection (i) Landscape; Section 21-04.03 C Commercial, subsection (i) Landscape; Section 21-04.04 I Industrial, subsection (i) Landscape are hereby amended as follows:

¹ An existing tree of at least 2" 1.75" may fulfill this requirement.

SECTION XVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.03 C Commercial, subsection (b) Principal Uses; Section 21-04.04 I Industrial, subsection (b) Principal Uses is hereby amended as follows:

Gas/Fuel Station	<u>Allowed Special Exception</u>
Beer/Wine/Liquor Sales	<u>Allowed Special Exception</u>
Tobacco/Hookah/Vaping	<u>Allowed Special Exception</u>

SECTION XVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.04 I Industrial, subsection (f) Building Components is hereby amended as follows:

Main entrances shall be prominently located and visible from the primary street or open space; the Zoning Administrator may waive this requirement for any Agricultural; Industrial, Manufacturing, & Processing; Transportation; or Utilities use if not needed to meet the intent of this ordinance.

SECTION XIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.04 I Industrial, subsection (g) Building Standards is hereby amended as follows:

Standard, fluted, or split face concrete masonry units (CMUs) above the basement level are prohibited as face material. Glazed or heavily polished CMUs or CMUs that look like brick or stone are allowed.

SECTION XX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 5 Special Districts, Section 21-05.02 NNZO Northeast Neighborhood Zoning Overlay, subsection (d) Uses is hereby amended as follows:

(1) Dwelling, Ancillary

(A) In a S1, U1, or U2 district, the owner(s) of the lot upon which the ancillary dwelling is located shall occupy at least one of the dwelling units on the premises.

(H)(2)

SECTION XXI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-05.02 NNZO Northeast Neighborhood Zoning Overlay, subsection (f) Building Standards is hereby amended as follows:

(2) Building Materials

(D) Security devices such as solid metal security gates, metal roll down windows, coiling shutters, and link/grill systems shall not be installed on front or corner facades, except where such devices are at least 50 percent transparency and located wholly behind a window or door, when viewed from the street or open space.

(E)(D)

(F)(E)

(G)(F)

(H)(G)

SECTION XXII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, Table 21-06A: Principal Uses by Zoning District is hereby amended as follows:

Residential
Dwelling, 2 Units

U1
Special Exception Allowed subject to Conditions with Use Specific Standards

Retail & Service	DT
Beer/Wine/Liquor Sales	<u>Allowed Special Exception</u>
Tobacco/Hookah/Vaping	<u>Allowed Special Exception</u>
Retail & Service	C, I
Beer/Wine/Liquor Sales	<u>Allowed Special Exception</u>
Gas/Fuel Station	<u>Allowed Special Exception</u>
Tobacco/Hookah/Vaping	<u>Allowed Special Exception</u>

SECTION XXIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (j) Residential is hereby amended as follows:

(1) Dwelling, Ancillary

(A) Standards:

- (ii) ~~In a S1 or U1 district, the owner(s) of the lot upon which the ancillary dwelling is located shall occupy at least one of the dwelling units on the premises.~~
- (iii)(ii)
- (iv)(iii)
- (v)(iv)
- (vi)(v)
- (vii)(vi)

(3) Dwelling, 2 Units

(A) Standards:

- (i) In a U1 district, a conversion to add one dwelling unit, other than an ancillary dwelling, to an existing structure shall require a special exception.
- (ii)

SECTION XXIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Services is hereby amended as follows:

(7) Drive-Through Facility

(A) Standards:

- (iii) A drive-through facility shall not cause any interference to a public right-of-way or conflict with safe movement along sidewalks or walkways, to building entrances or exits, or to required parking spaces.
- (vii) ~~A drive-through facility shall provide sufficient room for at least one waiting space after exiting the last pick-up or service facility.~~
- (viii)~~(vii)~~
- (ix)~~(viii)~~
- (x)~~(ix)~~

(11) Gas/Fuel Station

(A) Standards:

- (i) ~~Gasoline~~Fuel dispensers and pump island canopies shall not be located within any minimum required setback. In a NC or DT district, ~~gasoline~~fuel dispensers and pump island canopies shall not be located in an established front or corner yard.
- (ii) Gas/fuel stations shall not cause any interference to a public right-of-way or conflict with safe movement along sidewalks or walkways, to building entrances or exits, or to required parking spaces.
- (iii) The site design of any gas/fuel station shall provide for the safe and efficient ingress and egress to the site for fuel delivery vehicles and an area for such fuel delivery vehicles to park while unloading which does not interfere with or impede ingress or egress to or from any public street, required parking spaces, or any ~~gasoline~~fuel sales area.
- (vi) A gas/fuel station canopy shall be consistent in design and materials with the primary building, shall be neutral colored, and shall have masonry support columns.

(21) Vehicle Sales or Rental

(A) Standards:

- (iii) A vehicle sales or rental use shall have a minimum lot size of 120' by 180'.
- (iii)~~(iv)~~
- (iv)~~(v)~~

~~(v)(vi)~~
~~(vi)(vii)~~
~~(vii)(viii)~~
~~(viii)(ix)~~
~~(ix)(x)~~

(22) Vehicle Service, Major

(A) Standards:

(ii) No partially dismantled, wrecked, or unregistered vehicle shall be stored outdoors for more than 14 30 days, except in an I district, where the maximum time shall be 30 days.

SECTION XXV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Services, Gas Station diagrams are hereby amended as follows:

Gas/fuel station layout for an urban location

Gas/fuel station layout for a suburban location

SECTION XXVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (l) Transportation is hereby amended as follows:

(4) Parking Lot

(A) Standards:

(i) See Section 21-07.03~~(h)(g)~~ for parking structure regulations.

SECTION XXVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (b) Applicability is hereby amended as follows:

(4) Any structure that is less than 4 square feet in area and 9 feet in height, including, but not limited to, little free libraries and electric vehicle charging stations, shall not be considered an accessory structure.

SECTION XXVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (e) Maximum Number of Accessory Buildings is hereby amended as follows:

A lot in a S1, S2, U1, U2, U3, or UF district shall not have more than one detached accessory building; however, the following structures shall not count for the purposes of this calculation.

(2) Any structure that is less than 4 square feet in area and 6 feet in height.

(3)(2)

(3) A pergola of 200 square feet or less that is no taller than the eave of the primary structure or 18', whichever is less.

SECTION XXIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (f) Accessory Use Definitions and Standards is hereby amended as follows:

(4) Chickens, Chicken Coops, and Chicken Pens

(C) Construction

(i) The chicken coop shall be enclosed with solid material on all sides and have a solid roof and door(s). The coop shall be at least 18 inches high, and provide at least 4 square foot of floor area per chicken. Traditional building materials shall be used. Doors shall be constructed so that they can shut and lock. Vents, covered with wire, will be placed as necessary for adequate ventilation. The coop shall be impermeable to rodents, wild birds, and predators, including dogs and cats.

(12) Home Occupations

(A) Standards

(i) The home occupation shall be located within a fully enclosed building owned or occupied by the resident of the site.

(iii) No more than one client may be served or instructed at a time. Clients may not be served or instructed before 7:00 a.m. or after 9:00 p.m.

(vi) There shall be no additional or separate entrance to the primary dwelling facing the street for the purpose of conducting the home occupation.

(B) Prohibited Home Occupations. The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, the following uses specified below and other similar or comparable uses shall not be permitted as home occupations: Bar/Tavern/Restaurant; Freight/Trucking/Shipping; Industrial (any); Medical/Dental Clinic; Vehicle Service (any); and Veterinary Clinic, Kennel, or Stable.

- (i) ~~Antique, Book or Gift Shop~~
- (ii) ~~Appliance Repair, large or small~~
- (iii) ~~Barber Shop / Beauty Shop~~
- (iv) ~~Bicycle Repair or Service~~
- (v) ~~Dance, Yoga, or Exercise Studio~~
- (vi) ~~Dental Office or Clinic~~
- (vii) ~~Freight, Trucking or Shipping~~
- (viii) ~~Lawn Mower Repair or Service~~
- (ix) ~~Medical Office or Clinic~~
- (x) ~~Painting of Vehicles, Trailers, Boats, etc.~~
- (xi) ~~Private Schools with Organized Classes~~
- (xii) ~~Restaurants, Eating, or Drinking Establishments~~
- (xiii) ~~Upholstering~~
- (xiv) ~~Television or Radio Repair~~
- (xv) ~~Tool or Equipment Rental~~
- (xvi) ~~Tooling, Welding, or Machine Shop~~
- (xvii) ~~Vehicle Repairs, major or minor~~
- (xviii) ~~Veterinary Clinic, Kennel, or Stable~~

(C) Permitted Home Occupations. By way of example, the following uses, when conducted in compliance with the conditions set forth above, qualify as permitted home occupations: Animal Care Establishment (i.e., Pet Grooming); Childcare Home as defined by IC 12-7-2-28.6; Food Preparation as defined in IC 16-42-5.3; Personal Care & Services, including, but not limited to Baking, Barber/Beauty Shop, and Teaching/Tutoring (including musical instruments, dance, yoga); and Professional Offices.

- (i) ~~Artist's, Musician's, or Writer's Studio~~
- (ii) ~~Cake Making or Decorating (not a catering or commercial bakery facility)~~
- (iii) ~~Childcare Home as defined by IC 12-7-2-28.6~~
- (iv) ~~Data Processing, Word Processing, or Transcription Services~~

- (v) ~~Dressmaking, Millinery, Sewing, or Tailoring~~
- (vi) ~~Home School, including Cottage Schools~~
- (vii) ~~Personal Office~~
- (viii) ~~Teaching or Tutoring, including musical instruments or dance, when limited to one pupil at a time~~
- (ix) ~~Internet Sales, exclusively online~~

(24) Solar Energy System

(A) Standards:

- (v) Ground-mounted solar energy systems are limited to a maximum height of ~~12~~ 18 feet. Power transmission lines from a ground mounted solar energy system to any structure shall be located underground, if possible, and shall be completely shielded against shock hazard.

SECTION XXX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (f) Accessory Use Definitions and Standards, (27) Trash Containers is hereby deleted and replaced as follows:

(27) Trash and Recycling Containers

Designated outdoor storage areas and equipment used to collect refuse and recyclables.

(A) Standards

- (i) Any trash or recycling container or combination of containers exceeding 36 cubic feet in capacity shall be placed on an impervious surface and screened on all sides by a building or a solid-walled enclosure not less than 6 feet in height nor more than 10 feet in height above grade and equipped with an opaque screen gate.
- (ii) The solid-walled portion of the enclosure shall be similar in design and materials to those of the building façade and shall be built to grade. Fences shall not be considered as a solid wall, and chain link fences with slats shall not be used as gate material.
- (iii) Gates or doors of the enclosure shall be kept completely closed except when refuse is being added or removed.

- (iv) Building foundation landscape, designed per Section 21-09.01(m), shall be installed along any sides of the enclosure not screened by a building.
- (v) The Zoning Administrator, upon request by an applicant, shall have the authority to approve an alternate design subject to the provisions below, as long as the intent of the ordinance is met.
 - a. Enclosure, material, and landscaping requirements may be reduced or waived if the enclosure is adjacent to and accessed from an alley and is not visible from a street.
 - b. An opaque fence may be used in place of a solid wall if the enclosure is located in an established rear yard or in a side yard not visible from a street and is designed so that refuse cannot leak or blow under it.
 - c. Landscaping may be reduced or waived if the enclosure is located in an established rear yard or in a side yard not visible from a street.

SECTION XXXI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.03 Temporary Uses and Structures, subsection (e) Duration is hereby amended as follows:

Except as specifically provided otherwise in this section-, a temporary use, building or structure shall be permitted for a period not to exceed one year. Except as specifically provided otherwise in this section, the improvement location permit, if required, may be renewed one or more times by the Zoning Administrator, for good cause shown, for an additional period(s) not to exceed a total of three years beyond the original expiration date.

SECTION XXXII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.03 Temporary Uses and Structures, subsection (j) Regulations for Mobile Classrooms is hereby amended as follows:

- (1) Mobile classrooms shall be for use by a within the following Civic & Institutional Use types: College/University, Religious Institution, School, Pre-K/Primary/Secondary; or and

SECTION XXXIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.03 Temporary Uses and Structures, subsection (k) Regulations for Temporary Seasonal Retail Sales is hereby amended as follows:

(2) ~~In districts where off street parking is required, a minimum of 3 off street parking spaces shall be provided on site for the temporary seasonal retail sales use;~~

~~(3)(2)~~

~~(4)(3)~~

~~(5)(4)~~

SECTION XXXIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 Access & Parking, Section 21-07.03 Vehicle Access & Parking, subsection (d) Off-Street Vehicle Parking Area Access is hereby amended as follows:

(2) Whenever practical, if an alley is present and open to traffic, all vehicular access ~~should~~ shall take place from the alley. When an alley is not present, access to corner lots from a secondary street is preferable to access from a primary street.

(4) Curb cuts shall not be allowed on lots of less than 30' in width. Under a shared driveway condition, this minimum may be reduced to 15' if the lots sharing the driveway are at least 30' in width combined.

~~(4)(5)~~

~~(5)(6)~~

~~(6)(7)~~

SECTION XXXV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 Access & Parking, Section 21-07.03 Vehicle Access & Parking, subsection (e) Design and Construction of Off-Street Vehicle Parking Areas is hereby amended as follows:

(1) **Parking Area Layout.** The layout of all off-street parking areas shall be in compliance with Table 21- 07B or the most recent version in the Architectural Graphic Standards for a Level of Service “A” or “B.” An alley adjacent to the lot may be used to meet the requirement for drive aisle width. The Zoning Administrator may reduce any measurement within Table 21-07B by up to one (1) foot on space-constrained lots.

SECTION XXXVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 Access & Parking, Section 21-07.04 Off-Street Loading, subsection (e) Use of Loading Area is hereby deleted in its entirety.

SECTION XXXVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (c) Building Design is hereby amended as follows:

(2) Primary facades shall be oriented to a front lot line. Building designs that orient main entrances so that they are not visible from the primary street are prohibited. Any entrance on a side facade shall be visible from the street or clearly identified using architectural features, awnings/canopies, or lighting. The Zoning Administrator may waive this requirement for buildings oriented to a common open space or for Agricultural; Industrial, Manufacturing, & Processing; Transportation; and Utilities uses in an I district.

SECTION XXXVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (e) Building Materials for New Construction – Front and Corner Facades is hereby amended as follows:

(3) Standard, fluted, or split face concrete masonry units (CMUs) above the basement level are prohibited as face material. Glazed or heavily polished CMUs or CMUs that look like brick or stone are allowed.

(7) Security devices such as solid metal security gates, metal roll-down windows, coiling shutters, and link/grill systems shall not be installed on front or corner facades, except where such devices are at least 50 percent transparent and located wholly behind a window or door, when viewed from the street or open space.

(8)(9) In a NC or DT district, the following additional regulations apply.

(A) Vinyl siding is prohibited.

(B) Security devices such as coiling shutters and accordion gates are prohibited on front or corner side facades, except where such devices are at least 50 percent transparent and located wholly behind a window or door, when viewed from the public right of way or open space.

(C)(B) Vents, air conditioners, and other utility elements, except where such elements are enclosed, camouflaged, screened, obscured, or otherwise not visible from the street, are prohibited as part of a front or corner facade.

(9)(10)

(10)(11)

SECTION XXXIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (g) Building Components is hereby amended as follows:

(5) **Building Entrance.** A point of ingress and egress for pedestrians into a building, ~~upper story use, or first floor tenant space.~~

SECTION XL. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (e) Detached House is hereby amended as follows:

(3) **Building Type Standards**

Building Dimensions

Building Height

<u>S2, U3, UF districts</u>	3 stories max.
<u>All other districts</u>	2.5 stories max.

SECTION XLI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (f) Cottage Court is hereby amended as follows:

(3) **Building Type Standards**

Building Dimensions

Building Height

<u>U2 district</u>	1.5 stories max.
<u>All other districts</u>	2 stories max.

SECTION XLII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (g) Duplex is hereby amended as follows:

(3) **Building Type Standards**

Building Dimensions

Building Height

<u>S1, U1, U2 districts</u>	2.5 stories max.
<u>All other districts</u>	3 stories max.

Building Width

<u>S1, S2 districts</u>	60' max.
<u>All other districts</u>	48' max.

Number of Dwelling Units

Duplex per Lot

<u>S1, U1 districts</u>	1 max.
<u>All other districts</u>	<u>2 max.</u>

SECTION XLIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (h) Townhouse is hereby amended as follows:

(3) Building Type Standards**Building Dimensions**

Building Height 3 stories max.

SECTION XLIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (i) Apartment House is hereby amended as follows:

(3) Building Type Standards**Building Dimensions**

Building Height 3 stories max.

SECTION XLV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (j) Stacked Flats is hereby amended as follows:

(3) Building Type Standards**Building Dimensions**

Building Height (stories) 2 min. + 5 stories max.

Building Width

S2, DT districts 200' 250' max.

All other districts 120' 150' max.

SECTION XLVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (k) Shop is hereby amended as follows:

(3) Building Type Standards

Building Dimensions**Façade Height**

<u>UF district</u>	<u>12'</u> min.
<u>All other districts</u>	<u>16'</u> min.

Building Width

<u>DT district</u>	<u>250'</u> max
<u>All other districts</u>	<u>150'</u> max

SECTION XLVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.03 Building Frontage Types, subsection (d) Stoop is hereby amended as follows:

Standards

A stoop shall be at least 18" above the sidewalk and shall directly connect to the sidewalk, walkway, or driveway.

A stoop shall have a railing or wall, a covering, or be at least 18" above the adjacent walkway or driveway.

A stoop shall be at least 18" above the elevation of the city sidewalk achieved by building an elevated stoop and/or building on an elevated lot.

A stoop shall connect to the city sidewalk directly or via a walkway or driveway.

A stoop shall have a railing, a wall, a covering, or be elevated at least 18" above an adjoining driveway or walkway.

SECTION XLVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, subsection (d) Minimum Plant Material Sizes at Time of Planting is hereby amended as follows:

Table 21-09A: Minimum Size at Time of Planting

Plant Category	Minimum Size
Deciduous Shade Tree	<u>2 1/2"</u> <u>1.75"</u> caliper at 6" above ground
Deciduous Ornamental Tree	<u>4 1/2"</u> <u>1.5"</u> caliper at 6" above ground

SECTION XLIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, is hereby amended as follows:

(g) Ground Cover

In a front yard, corner yard, or tree lawn, ground cover shall include, but is not limited to, grasses; natural vegetated ground covers; preserved existing natural vegetation (e.g., thickets); or mulch. Artificial turf or similar synthetic material shall not be used.

(g)(h)**(h)(i)****(i)(j)****(j)(k)**

(k)(l)

(4) The use of artificial turf for games courts or athletic fields if other alternatives are not feasible. Any approval to allow artificial turf must be noted in the landscape plan.

(l)(m)

(m)(n)

(o)(p)

SECTION L. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, subsection (l) Streetscape Trees is hereby amended as follows:

(4) General Requirements

(C) Streetscape trees shall consist of native, deciduous shade trees and be selected from the recommended list of tree species for South Bend, ~~and~~ Trees must be approved granted a permit by the City Forester.

SECTION LI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, subsection (n) Landscape Buffer is hereby amended as follows:

(2) Applicability

Table 21-09B: Buffers Required by Use

Uses	Standards
Gas/ <u>Fuel</u> Station	21-06.01(k)(11)

SECTION LII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.02 Fences & Walls, subsection (c) Height is hereby amended as follows:

(5)

A fence, greater than 50% open, providing safety at School, Pre-K/Primary/Secondary and Day Care Center uses may be erected to a maximum of 6 feet in height, irrespective of the above standards, to the extent determined by the Zoning Administrator.

SECTION LIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.05 Clear Sight Area, subsection (a) Clear Sight Area Requirements is hereby amended as follows:

(1) Except in a NC or DT district, no building, structure, or improvement, including landscape, shall be erected, placed, planted, or maintained so as to interfere with a clear sight area located between the heights of 3 feet and 10 feet above the crown of a street, driveway, or alley. A clear sight area shall be established for all streets and alleys, whether public or private.

SECTION LIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.01 General Provisions, Table 21-10A Allowed Temporary Signs is hereby amended as follows:

Temporary Signs for a Non-Residential Use

Total Sign Surface Area

S1, S2, U1, U2, or U3 district	24 <u>32</u> square feet max. total for all signs per street frontage
--------------------------------	---

SECTION LV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.02 Exempt Signs, subsection (a) Exempt Signs is hereby amended as follows:

(10) Parking Lot Directional and Information Sign

(B) S1, S2, U1, U2, U3, UF, and NC Districts – signs shall not exceed 4 square feet in surface area, ~~or nor shall they exceed~~ 4 feet in height;

(C) DT, OS, U and C Districts – signs shall not exceed 6 square feet in surface area, ~~or nor shall they exceed~~ 4 feet in height;

(13) Window Sign. One window sign per non-residential use provided it does not exceed 4 square feet ~~and is non-illuminated~~.

SECTION LVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.04 Sign Measurement, subsection (b) Sign Height is hereby amended as follows:

Sign height is measured as the vertical distance from the ~~street grade at average natural ground level within 2 feet~~ of the base of the sign or sign structure, to the highest point of the sign or sign structure.

SECTION LVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Signs, Section 21-10.05 On-Premise Signs, subsection (d) On-Premise Signs: Building Signs is hereby amended as follows:

(5) Roof Signs

(A) Roof signs are only permitted in the NC, ~~or DT, or I~~ districts and shall only be installed on a building with a flat roof.

(7) Wall Signs

(C) ~~No wall sign may extend above the window sills of the second story, unless the establishment extends to the second story or above.~~ No portion of a wall sign may extend above the roofline or parapet wall of a building with a flat roof or above the lower eave of a building with a pitched roof.

SECTION LVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.07 Off-Premise Signs, subsection (d) Advertising Signs is hereby amended as follows:

(1) Sign Surface Area for Advertising Signs

(A) ~~Limited Access Highways and Arterial Streets~~ - The maximum sign surface area for advertising signs oriented toward a limited access highway shall be 672 square feet.

SECTION LIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 12 Administration, Section 21-12.07 Development Review Procedures, subsection (f) Common Procedures is hereby amended as follows:

(4) Use Variance Procedures

(A) Applicability

(ii) ~~When a combination of uses on a lot is not allowed in any of the zoning districts, the property should be zoned into the district that permits the most of those proposed uses and a use variance sought for the balance of uses~~
(iii)(ii) ~~In any of the above conditions, a~~ A use variance cannot be sought if a use could be permitted with a special exception.

(E) Procedure

(i) ~~When a combination of uses on a lot is not allowed in any of the zoning districts, the property should be zoned into the district that permits the most of those proposed uses and a use variance sought for the balance of uses.~~
(i)(ii)
(ii)(iii)

(iii)(iv)
(iv)(v)
(v)(vi)
(vi)(vii)
(vii)(viii)
(viii)(ix)
(ix)(x)
(x)(xi)
(xi)(xii)

SECTION LX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 13 Nonconformities & Enforcement, Section 21-13.01 Nonconformities, subsection (j) Reconstruction, Remodeling, or Enlargement of a Legally Established Nonconforming 1 Unit Dwelling or 2 Unit Dwelling is hereby amended as follows:

(2) Remodeled or enlarged, provided that such remodeling or additions comply with the development standards of the applicable district related to maximum building coverage, minimum setbacks (except as set forth in (l) below), maximum setbacks, and building height, ~~and off street parking~~.

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

Canneth J. 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



City of South Bend PLAN COMMISSION

City Hall
215 S. Dr. Martin Luther King, Jr. Blvd.
Suite 500
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning

December 8, 2025

Honorable Dr. Oliver Davis
3rd Floor, City Hall
South Bend, IN 46601

RE: Proposed Zoning Text Amendment #7

Filed in Clerk's Office

Dec 8, 2025

Bianca Tirado
City Clerk, South Bend, IN

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for a proposed Text Amendment to Chapter 21. The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance for the City of South Bend that went into effect on January 1, 2020. Since its last amendment in September 2021, use of the Ordinance has identified a few standards that need further clarification, correction, or revision. Changes to these standards will support a more vibrant, resilient community while improving the ease of use of the zoning ordinance.

Please include the attached Ordinance on the Council agenda for first reading at your December 8, 2025 Council meeting and set it for public hearing at your January 12, 2026 Council meeting. The petition is tentatively scheduled for public hearing at the December 15, 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.

If you have any questions, please call our office at (574) 235-7627.

Sincerely,

A handwritten signature in black ink that reads "Brian Killen".

Brian Killen
Zoning Administrator

Dec 8, 2025

SUBSTITUTE BILL NO. 80-25

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE
TO MAKE MISCELLANEOUS CHANGES FOR CLARIFICATION AND CONSISTENCY
TO SIMPLIFY DEVELOPMENT PROCESS AND
TO ACHIEVE HIGHER QUALITY DEVELOPMENT

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance for the City of South Bend that went into effect on January 1, 2020. Since its adoption in November 2019, use of the Ordinance has identified a few standards that need further clarification, correction, or revision. Changes to these standards will support a more vibrant, resilient community while improving the ease of use of the zoning ordinance.

NOW, THEREFORE, be it ordained by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (b) Building Placement is hereby amended as follows:

(3) **Building Setbacks.** A setback distance is measured perpendicularly from the lot line to the closest exterior wall of a building's facade, exclusive of building frontage type (e.g., porch, stoop). A setback is measured from the greater of an actual or proposed street right-of-way.

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (d) Building Form is hereby amended as follows:

(2) **Building Height (Stories).**

(D) A single one-story shared amenity space per building shall not count as a story toward the maximum number if it meets the following criteria:

- i. Is open only to building occupants and their guests;
- ii. Has a gross floor area of no more than 25% of the gross floor area of the floor below;

- iii. Is set back where it is not visible from the street; and
- iv. Has no significant impact, as determined by the Zoning Administrator, on surrounding residential uses in a S1, U1, or U2 district.

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (e) Building Components is hereby amended as follows:

- (1) When a building component is allowed to be built into a minimum required setback, it is called an encroachment and shall meet all regulations for building components per Section 21-08.01. Where a contextual setback is applied, the Zoning Administrator may allow additional building frontage type encroachment.

SECTION IV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (f) Building Standards is hereby amended as follows:

(1) Facade Transparency.

- (B) Façade transparency percentages are calculated independently for each floor on each facade.
- (B)(C) Upper floor transparency is calculated based on the total façade area located between the surface of any floor to the surface of the floor above it or, if there is no floor above, from the surface of the floor to the surface of the roof. The Zoning Administrator may reduce the required transparency on the top floor of a building by up to 50% for designs consistent with the building's architectural style.

(2) Building Width. Width is measured as the horizontal length of a building façade measured parallel to a primary or secondary street. Building widths are applied only to facades visible from a street.

- (A) For the Stacked Flats, Shop, and Mid-Rise/Tower building types:

- (i) Elevated hallway connections between structures that are set back at least 20 feet from the front or corner facade shall not count toward continuity of building width.

(ii) The Zoning Administrator may permit an increase in the maximum building width of up to 25% to fill out the lot frontage when it is contextually appropriate and the building design meets the intent of the ordinance.

SECTION V. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.01 S1 Suburban Neighborhood 1, subsection (g) Building Components; Section 21-03.02 S2 Suburban Neighborhood 2, subsection (g) Building Components; Section 21-03.03 U1 Urban Neighborhood 1, subsection (g) Building Components; Section 21-03.04 U2 Urban Neighborhood 2, subsection (g) Building Components are hereby amended as follows:

Allowed Encroachments (max.)	Rear
Balcony	<u>Not Allowed 5'</u>

SECTION VI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.01 S1 Suburban Neighborhood 1, subsection (h) Building Standards is hereby amended as follows:

<u>Facade Transparency (min.)</u>	
Ground Floor - Front Facade	10%
Ground Floor - Corner Facade	5%
Upper Floor - Front Facade	10%
Upper Floor - Corner Facade	5%

SECTION VII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.01 S1 Suburban Neighborhood 1, subsection (j) Landscape; Section 21-03.02 S2 Suburban Neighborhood 2, subsection (j) Landscape; Section 21-03.03 U1 Urban Neighborhood 1, subsection (j) Landscape; Section 21-03.04 U2 Urban Neighborhood 2, subsection (j) Landscape; Section 21-03.05 U3 Urban Neighborhood 3, subsection (j) Landscape; Section 21-03.06 UF Urban Neighborhood Flex, subsection (j) Landscape; Section 21-03.07 NC Neighborhood Center, subsection (j) Landscape; Section 21-03.08 DT Downtown, subsection (j) Landscape are hereby amended as follows:

¹ An existing tree of at least ~~2"~~ 1.75" may fulfill this requirement.

SECTION VIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.02 S2 Suburban Neighborhood 2, subsection (h) Building Standards is hereby amended as follows:

<u>Facade Transparency (min.)</u>
--

<u>Ground Floor - Front Facade</u>	<u>10%</u>
<u>Ground Floor - Corner Facade</u>	<u>5%</u>
<u>Upper Floor - Front & Corner Facade</u>	<u>15%</u>

SECTION IX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.03 U1 Urban Neighborhood 1, subsection (c) Principal Uses is hereby amended as follows:

Dwelling, 2 Units Special Exception Allowed subject to Conditions with Use Specific Standards.

SECTION X. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.03 U1 Urban Neighborhood 1, subsection (d) Building Placement is hereby amended as follows:

Lot Width¹ 30' min.

Building Setbacks **Front²** **Side²**

¹ Lot width may be reduced to 20' for attached dwellings.

²2

²3

SECTION XI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.05 U3 Urban Neighborhood 3, subsection (g) Building Components; Section 21-03.06 UF Urban Neighborhood Flex, subsection (g) Building Components are hereby amended as follows:

Allowed Encroachments (max.)	Rear
Balcony	<u>Not allowed</u> <u>3'</u>

SECTION XII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.06 UF Urban Neighborhood Flex, subsection (f) Building Form is hereby amended as follows:

Building Design

Total Non-Residential or Non-Civic Use (max.)	5,000 square feet
Total Retail & Service Use (max.)	2,500 square feet

SECTION XIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.07 NC Neighborhood Center, subsection (c) Principal Uses is hereby amended as follows:

Gas/Fuel Station

SECTION XIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.08 DT Downtown, subsection (c) Principal Uses is hereby amended as follows:

Gas/Fuel Station

Beer/Wine/Liquor Sales	<u>Allowed Special Exception</u>
Tobacco/Hookah/Vaping	<u>Allowed Special Exception</u>

SECTION XV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.08 DT Downtown, subsection (d) Building Placement is hereby amended as follows:

Lot Size

Lot Width 20' 15' min

SECTION XVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.01 OS Open Space, subsection (i) Landscape; Section 21-04.02 U University, subsection (i) Landscape; Section 21-04.03 C Commercial, subsection (i) Landscape; Section 21-04.04 I Industrial, subsection (i) Landscape are hereby amended as follows:

¹ An existing tree of at least 2" 1.75" may fulfill this requirement.

SECTION XVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.03 C Commercial, subsection (b) Principal Uses; Section 21-04.04 I Industrial, subsection (b) Principal Uses is hereby amended as follows:

Gas/Fuel Station	<u>Allowed Special Exception</u>
Beer/Wine/Liquor Sales	<u>Allowed Special Exception</u>
Tobacco/Hookah/Vaping	<u>Allowed Special Exception</u>

SECTION XVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.04 I Industrial, subsection (f) Building Components is hereby amended as follows:

Main entrances shall be prominently located and visible from the primary street or open space; the Zoning Administrator may waive this requirement for any Agricultural, Industrial, Manufacturing, & Processing, Transportation; or Utilities use if not needed to meet the intent of this ordinance.

SECTION XIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.04 I Industrial, subsection (g) Building Standards is hereby amended as follows:

Standard, fluted, or split face concrete masonry units (CMUs) above the basement level are prohibited as face material. Glazed or heavily polished CMUs or CMUs that look like brick or stone are allowed.

SECTION XX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 5 Special Districts, Section 21-05.02 NNZO Northeast Neighborhood Zoning Overlay, subsection (d) Uses is hereby amended as follows:

(1) Dwelling, Ancillary

(A) In a S1 or U1 district, the owner(s) of the lot upon which the ancillary dwelling is located shall occupy at least one of the dwelling units on the premises as their primary residence.

(H)(2)

SECTION XXI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-05.02 NNZO Northeast Neighborhood Zoning Overlay, subsection (f) Building Standards is hereby amended as follows:

(2) Building Materials

(D) Security devices such as solid metal security gates, metal roll down windows, coiling shutters, and link/grill systems shall not be installed on front or corner facades, except where such devices are at least 50 percent transparency and located wholly behind a window or door, when viewed from the street or open space.

(E)(D)
(F)(E)
(G)(F)
(H)(G)

SECTION XXII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, Table 21-06A: Principal Uses by Zoning District is hereby amended as follows:

Residential Dwelling, 2 Units	U1 <u>Special Exception</u> <u>Allowed subject to Conditions with Use Specific Standards</u>
Retail & Service Beer/Wine/Liquor Sales Tobacco/Hookah/Vaping	DT <u>Allowed Special Exception</u> <u>Allowed Special Exception</u>
Retail & Service Beer/Wine/Liquor Sales Gas/Fuel Station Tobacco/Hookah/Vaping	C, I <u>Allowed Special Exception</u> <u>Allowed Special Exception</u> <u>Allowed Special Exception</u>

SECTION XXIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (j) Residential is hereby amended as follows:

(1) Dwelling, Ancillary

(A) Standards:

- (ii) ~~In a S1 or U1 district, the owner(s) of the lot upon which the ancillary dwelling is located shall occupy at least one of the dwelling units on the premises.~~
- (iii)(ii)
- (iv)(iii)
- (v)(iv)
- (vi)(v)
- (vii)(vi)

(3) Dwelling, 2 Units

(A) Standards:

- (i) In a U1 district, a conversion to add one dwelling unit, other than an ancillary dwelling, to an existing structure shall require a special exception.
- (ii)

SECTION XXIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Services is hereby amended as follows:

(7) Drive-Through Facility

(A) Standards:

- (iii) A drive-through facility shall not cause any interference to a public right-of-way or conflict with safe movement along sidewalks or walkways, to building entrances or exits, or to required parking spaces.
- (vii) ~~A drive through facility shall provide sufficient room for at least one waiting space after exiting the last pick up or service facility.~~
- (viii) ~~(vii)~~
- (ix) ~~(viii)~~
- (x) ~~(ix)~~

(11) Gas/Fuel Station

(A) Standards:

- (i) ~~Gasoline~~ Fuel dispensers and pump island canopies shall not be located within any minimum required setback. In a NC or DT district, ~~gasoline~~ fuel dispensers and pump island canopies shall not be located in an established front or corner yard.
- (ii) Gas/fuel stations shall not cause any interference to a public right-of-way or conflict with safe movement along sidewalks or walkways, to building entrances or exits, or to required parking spaces.
- (iii) The site design of any gas/fuel station shall provide for the safe and efficient ingress and egress to the site for fuel delivery vehicles and an area for such fuel delivery vehicles to park while unloading which does not interfere with or impede ingress or egress to or from any public street, required parking spaces, or any ~~gasoline~~ fuel sales area.
- (vi) A gas/fuel station canopy shall be consistent in design and materials with the primary building, shall be neutral colored, and shall have masonry support columns.

(21) Vehicle Sales or Rental

(A) Standards:

- (iii) A vehicle sales or rental use shall have a minimum lot size of 120' by 180'.
~~(iii)(iv)~~
~~(iv)(v)~~
~~(v)(vi)~~
~~(vi)(vii)~~
~~(vii)(viii)~~
~~(viii)(ix)~~
~~(ix)(x)~~

(22) Vehicle Service, Major

(A) Standards:

- (ii) No partially dismantled, wrecked, or unregistered vehicle shall be stored outdoors for more than 14 30 days, except in an I district, where the maximum time shall be 30 days.

SECTION XXV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Services, Gas Station diagrams are hereby amended as follows:

Gas/fuel station layout for an urban location

Gas/fuel station layout for a suburban location

SECTION XXVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (l) Transportation is hereby amended as follows:

(4) Parking Lot

(A) Standards:

- (i) See Section 21-07.03(h)(g) for parking structure regulations.

SECTION XXVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (b) Applicability is hereby amended as follows:

(4) Any structure that is less than 4 square feet in area and 9 feet in height, including, but not limited to, little free libraries and electric vehicle charging stations, shall not be considered an accessory structure.

SECTION XXVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (e) Maximum Number of Accessory Buildings is hereby amended as follows:

A lot in a S1, S2, U1, U2, U3, or UF district shall not have more than one detached accessory building; however, the following structures shall not count for the purposes of this calculation.

(2) Any structure that is less than 4 square feet in area and 6 feet in height.

(3)(2)

(3) A pergola of 200 square feet or less that is no taller than the eave of the primary structure or 18', whichever is less.

SECTION XXIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (f) Accessory Use Definitions and Standards is hereby amended as follows:

(4) **Chickens, Chicken Coops, and Chicken Pens**

(C) **Construction**

(i) The chicken coop shall be enclosed with solid material on all sides and have a solid roof and door(s). The coop shall be at least 18 inches high, and provide at least 4 square foot of floor area per chicken. Traditional building materials shall be used. Doors shall be constructed so that they can shut and lock. Vents, covered with wire, will be placed as necessary for adequate ventilation. The coop shall be impermeable to rodents, wild birds, and predators, including dogs and cats.

(12) **Home Occupations**

(A) **Standards**

(i) The home occupation shall be located within a fully enclosed building owned or occupied by the resident of the site. Clients may not be served or instructed before 7:00 a.m. or after 9:00 p.m.

(vi) There shall be no additional or separate entrance to the primary dwelling facing the street for the purpose of conducting the home occupation.

(B) Prohibited Home Occupations. The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, the following uses specified below and other similar or comparable uses shall not be permitted as home occupations: Bar/Tavern/Restaurant; Beer/Wine/Liquor Sales; Freight/Trucking/Shipping; Industrial (any); Medical/Dental Clinic; Tobacco/Hookah/Vaping; Vehicle Service (any); and Veterinary Clinic, Kennel, or Stable.

- (i) Antique, Book or Gift Shop
- (ii) Appliance Repair, large or small
- (iii) Barber Shop / Beauty Shop
- (iv) Bicycle Repair or Service
- (v) Dance, Yoga, or Exercise Studio
- (vi) Dental Office or Clinic
- (vii) Freight, Trucking or Shipping
- (viii) Lawn Mower Repair or Service
- (ix) Medical Office or Clinic
- (x) Painting of Vehicles, Trailers, Boats, etc.
- (xi) Private Schools with Organized Classes
- (xii) Restaurants, Eating, or Drinking Establishments
- (xiii) Upholstering
- (xiv) Television or Radio Repair
- (xv) Tool or Equipment Rental
- (xvi) Tooling, Welding, or Machine Shop
- (xvii) Vehicle Repairs, major or minor
- (xviii) Veterinary Clinic, Kennel, or Stable

(C) Permitted Home Occupations. By way of example, the following uses, when conducted in compliance with the conditions set forth above, qualify as permitted home occupations: Animal Care Establishment (i.e., Pet Grooming); Childcare Home as defined by IC 12-7-2-28.6; Food Preparation as defined in IC 16-42-5.3; Personal Care & Services, including, but not limited to Baking, Barber/Beauty Shop, and Teaching/Tutoring (including musical instruments, dance, yoga); and Professional Offices.

- (i) Artist's, Musician's, or Writer's Studio
- (ii) Cake Making or Decorating (not a catering or commercial bakery facility)
- (iii) Childcare Home as defined by IC 12-7-2-28.6

- (iv) ~~Data Processing, Word Processing, or Transcription Services~~
- (v) ~~Dressmaking, Millinery, Sewing, or Tailoring~~
- (vi) ~~Home School, including Cottage Schools~~
- (vii) ~~Personal Office~~
- (viii) ~~Teaching or Tutoring, including musical instruments or dance, when limited to one pupil at a time~~
- (ix) ~~Internet Sales, exclusively online~~

(24) Solar Energy System

(A) Standards:

- (v) Ground-mounted solar energy systems are limited to a maximum height of ~~+2~~ 18 feet. Power transmission lines from a ground mounted solar energy system to any structure shall be located underground, if possible, and shall be completely shielded against shock hazard.

SECTION XXX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (f) Accessory Use Definitions and Standards, (27) Trash Containers is hereby deleted and replaced as follows:

(27) Trash and Recycling Containers

Designated outdoor storage areas and equipment used to collect refuse and recyclables.

(A) Standards

- (i) Any trash or recycling container or combination of containers exceeding 36 cubic feet in capacity shall be placed on an impervious surface and screened on all sides by a building or a solid-walled enclosure not less than 6 feet in height nor more than 10 feet in height above grade and equipped with an opaque screen gate.
- (ii) The solid-walled portion of the enclosure shall be similar in design and materials to those of the building façade and shall be built to grade. Fences shall not be considered as a solid wall, and chain link fences with slats shall not be used as gate material.
- (iii) Gates or doors of the enclosure shall be kept completely closed except when refuse is being added or removed.

- (iv) Building foundation landscape, designed per Section 21-09.01(m), shall be installed along any sides of the enclosure not screened by a building.
- (v) The Zoning Administrator, upon request by an applicant, shall have the authority to approve an alternate design subject to the provisions below, as long as the intent of the ordinance is met.
 - a. Enclosure, material, and landscaping requirements may be reduced or waived if the enclosure is adjacent to and accessed from an alley and is not visible from a street.
 - b. An opaque fence may be used in place of a solid wall if the enclosure is located in an established rear yard or in a side yard not visible from a street and is designed so that refuse cannot leak or blow under it.
 - c. Landscaping may be reduced or waived if the enclosure is located in an established rear yard or in a side yard not visible from a street.

SECTION XXXI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.03 Temporary Uses and Structures, subsection (e) Duration is hereby amended as follows:

Except as specifically provided otherwise in this section-, a temporary use, building or structure shall be permitted for a period not to exceed one year. Except as specifically provided otherwise in this section, the improvement location permit, if required, may be renewed one or more times by the Zoning Administrator, for good cause shown, for an additional period(s) not to exceed a total of three years beyond the original expiration date.

SECTION XXXII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.03 Temporary Uses and Structures, subsection (j) Regulations for Mobile Classrooms is hereby amended as follows:

- (1) Mobile classrooms shall be for use by a within the following Civic & Institutional Use types: College/University, Religious Institution, School, Pre-K/Primary/Secondary; or and

SECTION XXXIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.03 Temporary Uses and Structures, subsection (k) Regulations for Temporary Seasonal Retail Sales is hereby amended as follows:

(2) ~~In districts where off street parking is required, a minimum of 3 off street parking spaces shall be provided on site for the temporary seasonal retail sales use;~~

~~(3)(2)~~

~~(4)(3)~~

~~(5)(4)~~

SECTION XXXIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 Access & Parking, Section 21-07.03 Vehicle Access & Parking, subsection (d) Off-Street Vehicle Parking Area Access is hereby amended as follows:

(2) Whenever practical, if an alley is present and open to traffic, all vehicular access ~~should shall~~ take place from the alley. When an alley is not present, access to corner lots from a secondary street is preferable to access from a primary street.

(4) Curb cuts shall not be allowed on lots of less than 30' in width. Under a shared driveway condition, this minimum may be reduced to 15' if the lots sharing the driveway are at least 30' in width combined.

~~(4)(5)~~

~~(5)(6)~~

~~(6)(7)~~

SECTION XXXV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 Access & Parking, Section 21-07.03 Vehicle Access & Parking, subsection (e) Design and Construction of Off-Street Vehicle Parking Areas is hereby amended as follows:

(1) **Parking Area Layout.** The layout of all off-street parking areas shall be in compliance with Table 21- 07B or the most recent version in the Architectural Graphic Standards for a Level of Service "A" or "B." An alley adjacent to the lot may be used to meet the requirement for drive aisle width. The Zoning Administrator may reduce any measurement within Table 21-07B by up to one (1) foot on space-constrained lots.

SECTION XXXVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 Access & Parking, Section 21-07.04 Off-Street Loading, subsection (e) Use of Loading Area is hereby deleted in its entirety.

SECTION XXXVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (c) Building Design is hereby amended as follows:

(2) Primary facades shall be oriented to a front lot line. Building designs that orient main entrances so that they are not visible from the primary street are prohibited. Any entrance on a side facade shall be visible from the street or clearly identified using architectural features, awnings/canopies, or lighting. The Zoning Administrator may waive this requirement for buildings oriented to a common open space or for Agricultural; Industrial, Manufacturing, & Processing; Transportation; and Utilities uses in an I district.

SECTION XXXVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (e) Building Materials for New Construction – Front and Corner Facades is hereby amended as follows:

(3) Standard, fluted, or split face concrete masonry units (CMUs) above the basement level are prohibited as face material. Glazed or heavily polished CMUs or CMUs that look like brick or stone are allowed.

(7) Security devices such as solid metal security gates, metal roll-down windows, coiling shutters, and link/grill systems shall not be installed on front or corner facades, except where such devices are at least 50 percent transparent and located wholly behind a window or door, when viewed from the street or open space.

~~(7)(8)~~
(8)(9) In a NC or DT district, the following additional regulations apply.

(A) Vinyl siding is prohibited.

~~(B) Security devices such as coiling shutters and accordion gates are prohibited on front or corner side facades, except where such devices are at least 50 percent transparent and located wholly behind a window or door, when viewed from the public right of way or open space.~~

~~(C)~~(B) Vents, air conditioners, and other utility elements, except where such elements are enclosed, camouflaged, screened, obscured, or otherwise not visible from the street, are prohibited as part of a front or corner facade.

~~(9)(10)~~
~~(10)(11)~~

SECTION XXXIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (g) Building Components is hereby amended as follows:

(5) **Building Entrance.** A point of ingress and egress for pedestrians into a building, ~~upper story use, or first floor tenant space.~~

SECTION XL. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (e) Detached House is hereby amended as follows:

(3) **Building Type Standards**

Building Dimensions

Building Height

<u>S2, U3, UF districts</u>	3 stories max.
<u>All other districts</u>	2.5 stories max.

SECTION XLI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (f) Cottage Court is hereby amended as follows:

(3) **Building Type Standards**

Building Dimensions

Building Height

<u>U2 district</u>	1.5 stories max.
<u>All other districts</u>	2 stories max.

SECTION XLII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (g) Duplex is hereby amended as follows:

(3) **Building Type Standards**

Building Dimensions

Building Height

<u>S1, U1, U2 districts</u>	2.5 stories max.
<u>All other districts</u>	3 stories max.

Building Width

<u>S1, S2 districts</u>	60' max.
<u>All other districts</u>	48' max.

Number of Dwelling Units

Duplex per Lot

<u>S1, U1 districts</u>	1 max.
<u>All other districts</u>	<u>2 max.</u>

SECTION XLIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (h) Townhouse is hereby amended as follows:

(3) Building Type Standards

Building Dimensions

Building Height 3 stories max.

SECTION XLIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (i) Apartment House is hereby amended as follows:

(3) Building Type Standards

Building Dimensions

Building Height 3 stories max.

SECTION XLV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (j) Stacked Flats is hereby amended as follows:

(3) Building Type Standards

Building Dimensions

Building Height (stories) 2 min. / 5 stories max.

Building Width

S2, DT districts 200' 250' max.

All other districts 120' 150' max.

SECTION XLVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (k) Shop is hereby amended as follows:

(3) Building Type Standards

Building Dimensions**Façade Height**

<u>UF district</u>	<u>12' min.</u>
<u>All other districts</u>	<u>16' min.</u>

Building Width

<u>DT district</u>	<u>250' max</u>
<u>All other districts</u>	<u>150' max</u>

SECTION XLVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.03 Building Frontage Types, subsection (d) Stoop is hereby amended as follows:

Standards

~~A stoop shall be at least 18" above the sidewalk and shall directly connect to the sidewalk, walkway, or driveway.~~

~~A stoop shall have a railing or wall, a covering, or be at least 18" above the adjacent walkway or driveway.~~

A stoop shall be at least 18" above the elevation of the city sidewalk achieved by building an elevated stoop and/or building on an elevated lot.

A stoop shall connect to the city sidewalk directly or via a walkway or driveway.

A stoop shall have a railing, a wall, a covering, or be elevated at least 18" above an adjoining driveway or walkway.

SECTION XLVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, subsection (d) Minimum Plant Material Sizes at Time of Planting is hereby amended as follows:

Table 21-09A: Minimum Size at Time of Planting

Plant Category	Minimum Size
Deciduous Shade Tree	<u>2 1/2"</u> <u>1.75"</u> caliper at 6" above ground
Deciduous Ornamental Tree	<u>2 1/2"</u> <u>1.5"</u> caliper at 6" above ground

SECTION XLIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, is hereby amended as follows:

(g) Ground Cover

In a front yard, corner yard, or tree lawn, ground cover shall include, but is not limited to, grasses; natural vegetated ground covers; preserved existing natural vegetation (e.g., thickets); or mulch. Artificial turf or similar synthetic material shall not be used.

(g)(h)

(h)(i)

(i)(j)

(j)(k)

(k)(l)

(4) The use of artificial turf for games courts or athletic fields if other alternatives are not feasible. Any approval to allow artificial turf must be noted in the landscape plan.

(l)(m)

(m)(n)

(o)(p)

SECTION L. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, subsection (l) Streetscape Trees is hereby amended as follows:

(4) General Requirements

(C) Streetscape trees shall consist of native, deciduous shade trees and be selected from the recommended list of tree species for South Bend, and Trees must be approved granted a permit by the City Forester.

SECTION LI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, subsection (n) Landscape Buffer is hereby amended as follows:

(2) Applicability

Table 21-09B: Buffers Required by Use

Uses	Standards
Gas/Fuel Station	21-06.01(k)(11)

SECTION LII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.02 Fences & Walls, subsection (c) Height is hereby amended as follows:

(4) An open fence more than 50% open enclosing a game court as defined by Section 21-06.02(f)(9) may be erected to a maximum of 12 feet in height, irrespective of the above standards.

(5) A fence more than 50% open providing safety at School, Pre-K/Primary/Secondary and Day Care Center uses may be erected to a maximum of 6 feet in height, irrespective of the above standards, to the extent determined by the Zoning Administrator.

SECTION LIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.05 Clear Sight Area, subsection (a) Clear Sight Area Requirements is hereby amended as follows:

(1) Except in a NC or DT district, no building, structure, or improvement, including landscape, shall be erected, placed, planted, or maintained so as to interfere with a clear sight area located between the heights of 3 feet and 10 feet above the crown of a street, driveway, or alley. A clear sight area shall be established for all streets and alleys, whether public or private.

SECTION LIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.01 General Provisions, Table 21-10A Allowed Temporary Signs is hereby amended as follows:

Temporary Signs for a Non-Residential Use

Total Sign Surface Area

S1, S2, U1, U2, or U3 district	24 <u>32</u> square feet max. total for all signs per street frontage
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SECTION LV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.02 Exempt Signs, subsection (a) Exempt Signs is hereby amended as follows:

(10) Parking Lot Directional and Information Sign

(B) S1, S2, U1, U2, U3, UF, and NC Districts – signs shall not exceed 4 square feet in surface area, or nor shall they exceed 4 feet in height;

(C) DT, OS, U and C Districts – signs shall not exceed 6 square feet in surface area, or nor shall they exceed 4 feet in height;

(13) **Window Sign.** One window sign per non-residential use provided it does not exceed 4 square feet and is non illuminated.

SECTION LVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.04 Sign Measurement, subsection (b) Sign Height is hereby amended as follows:

Sign height is measured as the vertical distance from the street grade at average natural ground level within 2 feet of the base of the sign or sign structure, to the highest point of the sign or sign structure.

SECTION LVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Signs, Section 21-10.05 On-Premise Signs, subsection (d) On-Premise Signs: Building Signs is hereby amended as follows:

(5) Roof Signs

(A) Roof signs are only permitted in the NC, ~~or DT, or I~~ districts and shall only be installed on a building with a flat roof.

(7) Wall Signs

(C) ~~No wall sign may extend above the window sills of the second story, unless the establishment extends to the second story or above. No portion of a wall sign may extend above the roofline or parapet wall of a building with a flat roof or above the lower eave of a building with a pitched roof.~~

SECTION LVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.07 Off-Premise Signs, subsection (d) Advertising Signs is hereby amended as follows:

(1) Sign Surface Area for Advertising Signs

(A) Limited Access Highways ~~and Arterial Streets~~ - The maximum sign surface area for advertising signs oriented toward a limited access highway shall be 672 square feet.

SECTION LIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 12 Administration, Section 21-12.07 Development Review Procedures, subsection (f) Common Procedures is hereby amended as follows:

(4) Use Variance Procedures

(A) Applicability

(ii) ~~When a combination of uses on a lot is not allowed in any of the zoning districts, the property should be zoned into the district that permits the most of those proposed uses and a use variance sought for the balance of uses~~
(iii) ~~(ii) In any of the above conditions, a~~ A use variance cannot be sought if a use could be permitted with a special exception.

(E) Procedure

(i) When a combination of uses on a lot is not allowed in any of the zoning districts, the property should be zoned into the district that permits the most of those proposed uses and a use variance sought for the balance of uses.

(ii)
(iii)
(iv)
(v)
(vi)
(vii)
(viii)
(ix)
(x)
(xi)
(xii)

SECTION LX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 13 Nonconformities & Enforcement, Section 21-13.01 Nonconformities, subsection (j) Reconstruction, Remodeling, or Enlargement of a Legally Established Nonconforming 1 Unit Dwelling or 2 Unit Dwelling is hereby amended as follows:

(2) Remodeled or enlarged, provided that such remodeling or additions comply with the development standards of the applicable district related to maximum building coverage, minimum setbacks (except as set forth in (1) below), maximum setbacks, and building height, and off street parking.

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

Canneth J. 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

Dec 8, 2025

Zoning Ordinance Amendment #7

Last Updated 12/5/2025

General updates providing a clarification and/ or correction to an existing rule, such as a typographical, consistency, and cross reference revision are addressed in the following sections:
 21-02.03(b)(3); 21-02.03(f)(1)(B - new); 21-05.02(f)(2)(D); 21-06.01(k)(7)(A)(iii); 21-06.01(l)(3)(A)(ii); 21-06.02(f)(12)(A)(i); 21-06.03(e); 21-06.03(j); 21-06.03(k); 21-07.03(d)(2); 21-07.04(e);
 21-08.01(e)(8)(B); 21-08.01(g)(5); 21-08.02(h)(3); 21-08.02(i)(3); 21-09.01(l)(4)(c); 21-09.02(c)(4); 21-10.02(a)(10)(B); 21-10.07(d)(1)(A); 21-12.07(f)(4)(A); 21-13.01(j)(2)

Standard	Ordinance Sections	Item	Proposed Change	Rationale
Accessory Standards	21-06.01(j)(1)(A)(ii)	ADU Occupancy Requirement	Eliminate owner-occupancy requirement for ADUs (everywhere except NNZO)	Promote ancillary dwellings which are beneficial to the housing supply and affordability.
	21-06.02(b)(4) new	EV Charging Station Update	Exempts free libraries and EV charging stations from accessory structure rules	Modernize rules to align with vehicle fueling options.
	21-06.02(e)	Maximum Number of Accessory Buildings	Eliminates accessory building limits in commercial and industrial districts	Allow for more functional land use and consistent with the character of non-residential districts.
	21-06.02(e)(2)	EV Charging Station Update	Exempts free libraries and EV charging stations from accessory structure rules	Modernize rules to align with vehicle fueling options.
	21-06.02(e)(3) new	Accessory Buildings	Allow for Pergolas as long as criteria are met	Avoids need for variances for this typical accessory type.
	21-06.02(f)(24)(A)(v)	Max height ground mounted solar energy system	Increase max height ground mounted solar energy system from 12' to 18'	Avoids need for variances for typical permit requests and to promote renewable energy. Also aligns with accessory standards.
	21-06.02(f)(27)	Trash Enclosure	Rewrite of the trash and recycling enclosure rules, adding allowable alternatives to enclosure requirements when not visible from street	Provide clarity and allows for more cost-effective construction and administrative flexibility.
	21-06.02(f)(4)(C)(l)	Size of chicken coop	2 sq ft minimum floor area per chicken in a coop	Creates consistency with Chapter 5, Animal Welfare regulations.
	21-02.03(d)(2)(D)	Building Stories and Rooftop Spaces	Allow Zoning Administrator to waive stories standard for rooftop amenity spaces above 4 stories, conditions apply	Allows for administrative flexibility and eliminates need for variance.
	21-02.03(e)(1)	Contextual Setback	Allows Zoning Administrator to increase building frontage encroachment when a contextual setback is applied	Allows for contextual placement of building frontages.
Building Design & Measurements	21-02.03(f)(2) new	Building Width definition	Add a Building Width definition, including a Zoning Administrator waiver for the max width of certain building types.	Improves user understanding by more clearly stating existing rules for building standards.
	21-03.01(h)	Façade transparency in S1	Adds façade transparency in S1 - 10% front, 5% corner	
	21-03.02(h)	Façade transparency in S2	Adds façade transparency in S2 - 10% front-ground, 5% corner-ground, 15% front & corner-upper	Creates more appealing residential building designs
	21-08.01(c)(2)	Building Entrance - Industrial	Allow Zoning Administrator to waive front entrance requirement for I Industrial	Allows for flexibility in building design.
	21-08.01(e)(3)	Façade Materials	Allow CMUs that look like brick or stone	Improves user understanding by providing a clarification and/ or correction to an existing rule. Also, allows for more flexibility in use of currently available design materials.
	21-02.03(f)(1)(C)	Transparency - Half Story	Zoning Administrator can reduce the required transparency by 50% for certain top floor designs consistent with the architectural style	Allows for administrative flexibility with regards to some common architectural styles.
	21-03.01(g)	Balcony Encroachment	Allow rear balcony encroachment of 5' in S1	
	21-03.02(g)		Allow rear balcony encroachment of 5' in S2	
	21-03.03(g)		Allow rear balcony encroachment of 5' in U1	Removes an unnecessary restriction on building design.
	21-03.04(g)		Allow rear balcony encroachment of 5' in U2	
	21-03.05(g)		Allow rear balcony encroachment of 3' in U3	
	21-03.06(g)		Allow rear balcony encroachment of 3' in UF	
Building Standards	21-04.04(f)	Building Entrance - Industrial	Allow Zoning Administrator to waive front entrance requirement for some uses in I Industrial	Allows for flexibility in industrial building design.
	21-04.04(g)	Building Materials - Industrial	Allow CMUs that look like brick or stone	Creates more flexibility for industrial building design while maintaining quality.
	21-08.02(e)(3)	Building Height - Detached Home	Allow detached homes in S2, U3, and UF to 3 stories	
	21-08.02(f)(3)	Building Height - Cottage Court	Allow cottage courts to 2 stories in S2, UF, U3 Districts	Allows for increased detached home heights consistent with district building standards.
	21-08.02(g)(3)	Building Height - Duplex	Allow duplexes in S2, U3, and UF to 3 stories	
	21-08.02(g)(3)	Building Width - Duplex	Allow duplexes up to 60' in S1 & S2	Supports ease of duplex development on larger suburban lots.
	21-08.02(g)(3)	Building Type - Duplex	Allows a second duplex in all districts except S1 and U1	Supports ease of development of duplexes.
	21-08.02(j)(3)	Building Height - Stacked Flats	Removes minimum height for stacked flats	Removes an unnecessary restriction on building design.
	21-08.02(j)(3)	Building Width - Stacked Flats	Increases S2 and DT Stacked Flats building width from 120' to 250', and all other districts to 150'	Allow for flexibility in building design for elevator buildings and larger suburban lots.
	21-08.02(k)(3)	Building Width - Shop	Increases DT Shop building widths from 150' to 250' max	Aligns better with the size of Downtown lots.
District Standards	21-08.02(k)(3)	Building Type - Shop	Reduces façade minimum height from 16' to 12' in UF	Allows for district appropriate façade heights.
	21-08.03(d)(2)	Building Frontage	Clarifies how a stoop is connected and elevated to the sidewalk in relation to the parcel	States rule more explicitly to meet ordinance intent.
	21-03.03(d)	U1 Lot Width	20' min. Footnote - *Lot Width minimum may be 20' for attached dwellings	Supports ease of development of for-sale duplexes in urban districts.
	21-03.06(f)	UF Max. Square Footage	Increase total retail and service use area to 5000 sf	Creates more flexibility for non-residential development in UF. Eases reuse of existing neighborhood business buildings.

District Standards	21-03.08(d)	DT Minimum Lot Width	Reduces DT minimum lot width to 15'	Supports ease of development, especially for townhouses, in urban districts.
	21-05.02(g)(1) new	NNZO Owner Occupancy Requirement	Adds rule in S1, U1 that a property owner must live on premises when there is an ADU.	Adds rule to NNZO due to concerns over short term rentals.
Landscape or Fence	21-03.01(j)(footnote 1)	Trees	Revises existing tree caliper from 2" to 1.75"	Creates consistency with revised tree ordinance Chapter 19.
	21-03.02(j)(footnote 1)			
	21-03.03(j)(footnote 1)			
	21-03.04(j)(footnote 1)			
	21-03.05(j)(footnote 1)			
	21-03.06(j)(footnote 1)		Revises tree sizes - 1.75" caliper new shade tree. 1.5" caliper new ornamental tree	
	21-03.07(j)(footnote 1)			
	21-03.08(j)(footnote 1)			
	21-04.01(j)(footnote 1)			
	21-04.02(j)(footnote 1)			
	21-04.03(j)(footnote 1)			
	21-04.04(j)(footnote 1)			
	21-09.01(d)(table 21-09A)			
Parking/ Access	21-09.01(g) new	Ground Cover	Adds ground cover requirement and prohibits use of artificial turf in areas seen from the street, including front/corner yard and tree lawn	Clarifies that natural materials should be used for ground cover while allowing for administrative flexibility with regards to use of artificial turf.
	21-09.01(k)(4) new	Alternate Landscape Plan	Allow for use of artificial turf with Zoning Administrator approval	
	21-09.02(c)(5)	Fence Height	Permits Zoning Administrator to allow 6' max fence height for schools and daycare centers	Improves public safety for vulnerable populations.
	21-09.05(a)(1)		Apply Clear Sight Area to tall fences at intersection of alleys	Supports increased public safety.
	21-07.03(d)(4)	Minimum Lot Width for Curb Cut	Creates a 30' minimum lot width to get a curb cut (15' under a shared driveway condition)	Ensures that the city does not have garage dominated streetscapes and to minimize the need for curb cuts.
Principal Uses	21-07.03(e)(1)	Parking Space Widths	Allows Zoning Administrator to reduce parking dimensions up to one foot	Allows for design flexibility on smaller urban parcels.
	21-03.07(c) Principal Uses	EV Charging Station Update	Change use name to Gas/Fuel Station	
	21-03.08(c) Principal Uses		Change section heading to Gas/Fuel Station	Modernize rules to align with vehicle fueling options.
	21-06.01(k)(11)		Add EV charging stations to fuel station standards	
	21-06.01(k)(11)(A)	Minimum Lot Size for Auto Sales	Add 120'x180' minimum lot size for Auto Sales	Ensure adequate space for required site development standards.
	21-06.01(k)(21)(A)(iii)		Reduces allowed storage time from 30 days to 14 days for unregistered or salvaged vehicles for districts other than I	Enhances urban aesthetics and property values, but also addresses potential public safety issues.
	21-06.01(k)(22)(A)(ii)	Outdoor vehicle storage	Delete requirement for one waiting space after pick-up window	Unnecessary rule since parking is allowed in front.
	21-06.01(k)(7)(A)(vii)	Drive-Through Facility	Change gas station diagram captions to "Gas/Fuel station..."	Modernize rules to align with vehicle fueling options.
	21-06.01(k) Diagram Captions	EV Charging Station Update	Adds a operating hours restriction from 7am to 9pm	Restricts the operating hours of home-based businesses to minimize disturbance to neighbors.
	21-06.02(f)(12)(A)(iii)	Home Occupation	Adds clarification that the entrance cannot face the street	Makes a reasonable accommodation of home-based businesses.
Principal Uses	21-06.02(f)(12)(B)	Home Occupation	Update and reformat examples of prohibited and permitted home occupations	Modernize home-based business rules to align with current economy.
	21-06.02(f)(12)(C)	Home Occupation	Update and reformat examples of prohibited and permitted home occupations	Modernize home-based business rules to align with current economy.
	21-09.01(n)(2)(table 21-09B)	EV Charging Station Update	Change use name to Gas/Fuel Station	Modernize rules to align with vehicle fueling options.

Signs	21-10.01(TABLE 21-10A)	Temporary Signs for a Non-Residential Use	Increase max size for Temporary Signs for a Non-Residential Use size from 24 square feet to 32 square feet	Allows for common sign size.
	21-10.02(a)(13)	Open Signs	Permit open signs to be illuminated	Current code bans illuminated open signs.
	21-10.04(b)	Sign Height	Sign height is measured from natural grade	Creates consistency with other similar rules.
	21-10.05(d)(5)(A)		Allows roof signs in I	Creates consistency with other similar districts.
	21-10.05(d)(7)(C)	On Premise Signs	Delete second-floor sign rule	Eliminate need for variances and allows for flexibility in sign placement.
Special Exception	21-03.03(c)	U1 Duplex Special Exception	Remove Special Exception for new construction duplexes in U1	Supports ease of development of duplexes in urban districts which encourages efficient use of land and increased housing supply.
	21-03.08(c) Principal Uses table	New Special Exception - Beer/Wine/Liquor Sales & Tobacco/Hookah/Vaping	Add Special Exception for Beer/Wine/Liquor Sales in DT district; Add Special Exception for Tobacco/Hookah/Vaping in DT district	Allows further review of uses, including limiting proximity to sensitive areas like schools and homes.
	21-04.03(b) Principal Uses table		Add Special Exception for Gas Stations in C & I districts and change use name to Gas/Fuel Station; Add Special Exception for Beer/Wine/Liquor Sales in C & I districts	Allows further review of uses, including limiting proximity to sensitive areas like schools and homes.
	21-04.04(b) Principal Uses table	New Special Exception - Gas Stations		Allows further review of uses, including limiting proximity to sensitive areas like schools and homes.
	21-06.01(j)(3)(A)(ii) new	U1 Duplex Conversion	Clarifies that duplex conversions in U1 requires Special Exception	Allows for further review of requests to convert a one unit dwelling to a duplex.
	21-06.01(Table 21-06A)	New Special Exceptions - Gas, Liquor, Tobacco uses	Add Special Exception for Beer/Wine/Liquor Sales in DT, C, & I districts; Add Special Exception for Tobacco/Hookah/Vaping in DT, C, & I districts; Add Special Exception for Gas Stations in C & I districts and change use name to Gas/Fuel Station; Remove Special Exception requirement for new construction U1 Duplex	Allows further review of uses, including limiting proximity to sensitive areas like schools and homes.



City of South Bend PLAN COMMISSION

City Hall
215 S. Dr. Martin Luther King, Jr. Blvd.
Suite 500
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning

December 29, 2025

Honorable Dr. Oliver Davis
3rd Floor, City Hall
South Bend, IN 46601

RE: Proposed Zoning Text Amendment #7 Substitute 2

Filed in Clerk's Office

Dec 29, 2025

Bianca Tirado
City Clerk, South Bend, IN

Dear Committee Chair Dr. Davis:

Enclosed is a substitute Ordinance for a proposed Text Amendment to Chapter 21. The substitute ordinance attached is the version heard and given a favorable recommendation at the December 15, 2025, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission was forwarded to the Office of the City Clerk following the public hearing.

List of changes being presented in this substitute:

- Removal of the Special Exception requirement for U1 Duplex (*section removed therefore no change to the current zoning code*)
- Allow for more duplex units per lot (*section removed therefore no change to the current zoning code*)
- ADU owner occupancy requirement (*section removed therefore no change to the current zoning code*)
- Minor text revisions to section (B) Prohibited Home Occupations (*minor text revisions*)

Please include the attached substitute Ordinance on the Council agenda set for public hearing at your January 12, 2026, Council meeting.

If you have any questions, please call our office at (574) 235-7627.

Sincerely,

A handwritten signature in black ink that reads "Brian Killen".

Brian Killen
Zoning Administrator

Dec 29, 2025

SECOND SUBSTITUTE BILL NO. 80-25

Bianca Tirado
City Clerk, South Bend, IN

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE
TO MAKE MISCELLANEOUS CHANGES FOR CLARIFICATION AND CONSISTENCY
TO SIMPLIFY DEVELOPMENT PROCESS AND
TO ACHIEVE HIGHER QUALITY DEVELOPMENT

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance for the City of South Bend that went into effect on January 1, 2020. Since its adoption in November 2019, use of the Ordinance has identified a few standards that need further clarification, correction, or revision. Changes to these standards will support a more vibrant, resilient community while improving the ease of use of the zoning ordinance.

NOW, THEREFORE, be it ordained by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (b) Building Placement is hereby amended as follows:

(3) **Building Setbacks.** A setback distance is measured perpendicularly from the lot line to the closest exterior wall of a building's facade, exclusive of building frontage type (e.g., porch, stoop). A setback is measured from the greater of an actual or proposed street right-of-way.

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (d) Building Form is hereby amended as follows:

(2) Building Height (Stories).

(D) A single one-story shared amenity space per building shall not count as a story toward the maximum number if it meets the following criteria:

- i. Is open only to building occupants and their guests;
- ii. Has a gross floor area of no more than 25% of the gross floor area of the floor below;

- iii. Is set back where it is not visible from the street; and
- iv. Has no significant impact, as determined by the Zoning Administrator, on surrounding residential uses in a S1, U1, or U2 district.

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (e) Building Components is hereby amended as follows:

- (1) When a building component is allowed to be built into a minimum required setback, it is called an encroachment and shall meet all regulations for building components per Section 21-08.01. Where a contextual setback is applied, the Zoning Administrator may allow additional building frontage type encroachment.

SECTION IV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (f) Building Standards is hereby amended as follows:

(1) Facade Transparency.

- (B) Façade transparency percentages are calculated independently for each floor on each facade.
- (C) Upper floor transparency is calculated based on the total façade area located between the surface of any floor to the surface of the floor above it or, if there is no floor above, from the surface of the floor to the surface of the roof. The Zoning Administrator may reduce the required transparency on the top floor of a building by up to 50% for designs consistent with the building's architectural style.

(2) Building Width. Width is measured as the horizontal length of a building façade measured parallel to a primary or secondary street. Building widths are applied only to facades visible from a street.

- (A) For the Stacked Flats, Shop, and Mid-Rise/Tower building types:

- (i) Elevated hallway connections between structures that are set back at least 20 feet from the front or corner facade shall not count toward continuity of building width.

(ii) The Zoning Administrator may permit an increase in the maximum building width of up to 25% to fill out the lot frontage when it is contextually appropriate and the building design meets the intent of the ordinance.

SECTION V. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.01 S1 Suburban Neighborhood 1, subsection (g) Building Components; Section 21-03.02 S2 Suburban Neighborhood 2, subsection (g) Building Components; Section 21-03.03 U1 Urban Neighborhood 1, subsection (g) Building Components; Section 21-03.04 U2 Urban Neighborhood 2, subsection (g) Building Components are hereby amended as follows:

Allowed Encroachments (max.)	Rear
Balcony	<u>Not Allowed 5'</u>

SECTION VI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.01 S1 Suburban Neighborhood 1, subsection (h) Building Standards is hereby amended as follows:

<u>Façade Transparency (min.)</u>	
Ground Floor - Front Façade	10%
Ground Floor - Corner Façade	5%
Upper Floor - Front Façade	10%
Upper Floor - Corner Façade	5%

SECTION VII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.01 S1 Suburban Neighborhood 1, subsection (j) Landscape; Section 21-03.02 S2 Suburban Neighborhood 2, subsection (j) Landscape; Section 21-03.03 U1 Urban Neighborhood 1, subsection (j) Landscape; Section 21-03.04 U2 Urban Neighborhood 2, subsection (j) Landscape; Section 21-03.05 U3 Urban Neighborhood 3, subsection (j) Landscape; Section 21-03.06 UF Urban Neighborhood Flex, subsection (j) Landscape; Section 21-03.07 NC Neighborhood Center, subsection (j) Landscape; Section 21-03.08 DT Downtown, subsection (j) Landscape are hereby amended as follows:

¹ An existing tree of at least 2" 1.75" may fulfill this requirement.

SECTION VIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.02 S2 Suburban Neighborhood 2, subsection (h) Building Standards is hereby amended as follows:

Façade Transparency (min.)

<u>Ground Floor - Front Facade</u>	10%
<u>Ground Floor - Corner Facade</u>	5%
<u>Upper Floor - Front & Corner Facade</u>	15%

SECTION IX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.03 U1 Urban Neighborhood 1, subsection (d) Building Placement is hereby amended as follows:

Lot Width¹ 30' min.

Building Setbacks **Front²** **Side²**

¹ Lot width may be reduced to 20' for attached dwellings.

² 2

² 3

SECTION X. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.05 U3 Urban Neighborhood 3, subsection (g) Building Components; Section 21-03.06 UF Urban Neighborhood Flex, subsection (g) Building Components are hereby amended as follows:

Allowed Encroachments (max.)
Balcony

Rear
Not allowed 3'

SECTION XI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.06 UF Urban Neighborhood Flex, subsection (f) Building Form is hereby amended as follows:

Building Design

Total Non-Residential or Non-Civic Use (max.)	5,000 square feet
Total Retail & Service Use (max.)	2,500 square feet

SECTION XII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.07 NC Neighborhood Center, subsection (c) Principal Uses is hereby amended as follows:

Gas/Fuel Station

SECTION XIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.08 DT Downtown, subsection (c) Principal Uses is hereby amended as follows:

Gas/Fuel Station	<u>Allowed Special Exception</u>
Beer/Wine/Liquor Sales	<u>Allowed Special Exception</u>
Tobacco/Hookah/Vaping	<u>Allowed Special Exception</u>

SECTION XIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.08 DT Downtown, subsection (d) Building Placement is hereby amended as follows:

Lot Size	
Lot Width	<u>20'</u> <u>15'</u> min

SECTION XV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.01 OS Open Space, subsection (i) Landscape; Section 21-04.02 U University, subsection (i) Landscape; Section 21-04.03 C Commercial, subsection (i) Landscape; Section 21-04.04 I Industrial, subsection (i) Landscape are hereby amended as follows:

¹ An existing tree of at least 2" 1.75" may fulfill this requirement.

SECTION XVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.03 C Commercial, subsection (b) Principal Uses; Section 21-04.04 I Industrial, subsection (b) Principal Uses is hereby amended as follows:

Gas/Fuel Station	<u>Allowed Special Exception</u>
Beer/Wine/Liquor Sales	<u>Allowed Special Exception</u>
Tobacco/Hookah/Vaping	<u>Allowed Special Exception</u>

SECTION XVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.04 I Industrial, subsection (f) Building Components is hereby amended as follows:

Main entrances shall be prominently located and visible from the primary street or open space; the Zoning Administrator may waive this requirement for any Agricultural; Industrial, Manufacturing, & Processing; Transportation; or Utilities use if not needed to meet the intent of this ordinance.

SECTION XVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.04 I Industrial, subsection (g) Building Standards is hereby amended as follows:

Standard, fluted, or split face concrete masonry units (CMUs) above the basement level are prohibited as face material. Glazed or heavily polished CMUs or CMUs that look like brick or stone are allowed.

SECTION XIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-05.02 NNZO Northeast Neighborhood Zoning Overlay, subsection (f) Building Standards is hereby amended as follows:

(2) Building Materials

(D) ~~Security devices such as solid metal security gates, metal roll down windows, ceiling shutters, and link/grill systems shall not be installed on front or corner facades, except where such devices are at least 50 percent transparency and located wholly behind a window or door, when viewed from the street or open space.~~

(E)(D)

(F)(E)

(G)(F)

(H)(G)

SECTION XX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, Table 21-06A: Principal Uses by Zoning District is hereby amended as follows:

Retail & Service

Beer/Wine/Liquor Sales
Tobacco/Hookah/Vaping

DT

Allowed Special Exception
Allowed Special Exception

Retail & Service

Beer/Wine/Liquor Sales
Gas/Fuel Station
Tobacco/Hookah/Vaping

C, I

Allowed Special Exception
Allowed Special Exception
Allowed Special Exception

SECTION XXI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Services is hereby amended as follows:

(7) Drive-Through Facility

(A) Standards:

- (iii) A drive-through facility shall not cause any interference to a public right-of-way or conflict with safe movement along sidewalks or walkways, to building entrances or exits, or to required parking spaces.
- (vii) ~~A drive through facility shall provide sufficient room for at least one waiting space after exiting the last pick up or service facility.~~
- (viii) ~~(vii)~~
- (ix) ~~(viii)~~
- (x) ~~(ix)~~

(11) Gas/Fuel Station

(A) Standards:

- (i) ~~Gasoline~~ Fuel dispensers and pump island canopies shall not be located within any minimum required setback. In a NC or DT district, ~~gasoline~~ fuel dispensers and pump island canopies shall not be located in an established front or corner yard.
- (ii) Gas/fuel stations shall not cause any interference to a public right-of-way or conflict with safe movement along sidewalks or walkways, to building entrances or exits, or to required parking spaces.
- (iii) The site design of any gas/fuel station shall provide for the safe and efficient ingress and egress to the site for fuel delivery vehicles and an area for such fuel delivery vehicles to park while unloading which does not interfere with or impede ingress or egress to or from any public street, required parking spaces, or any ~~gasoline~~ fuel sales area.
- (vi) A gas/fuel station canopy shall be consistent in design and materials with the primary building, shall be neutral colored, and shall have masonry support columns.

(21) Vehicle Sales or Rental

(A) Standards:

- (iii) A vehicle sales or rental use shall have a minimum lot size of 120' by 180'.

- (iii)(iv)
- (iv)(v)
- (v)(vi)
- (vi)(vii)
- (vii)(viii)
- (viii)(ix)
- (ix)(x)

(22) Vehicle Service, Major

(A) Standards:

- (ii) No partially dismantled, wrecked, or unregistered vehicle shall be stored outdoors for more than 14 30 days, except in an I district, where the maximum time shall be 30 days.

SECTION XXII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Services, Gas Station diagrams are hereby amended as follows:

Gas/fuel station layout for an urban location

Gas/fuel station layout for a suburban location

SECTION XXIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (l) Transportation is hereby amended as follows:

(4) Parking Lot

(A) Standards:

- (ii) See Section 21-07.03(h)(g) for parking structure regulations.

SECTION XXIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (b) Applicability is hereby amended as follows:

- (4)** Any structure that is less than 4 square feet in area and 9 feet in height, including, but not limited to, little free libraries and electric vehicle charging stations, shall not be considered an accessory structure.

SECTION XXV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (e) Maximum Number of Accessory Buildings is hereby amended as follows:

A lot in a S1, S2, U1, U2, U3, or UF district shall not have more than one detached accessory building; however, the following structures shall not count for the purposes of this calculation.

(2) ~~Any structure that is less than 4 square feet in area and 6 feet in height.~~

~~(3)(2)~~

(3) A pergola of 200 square feet or less that is no taller than the eave of the primary structure or 18', whichever is less.

SECTION XXVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (f) Accessory Use Definitions and Standards is hereby amended as follows:

(4) Chickens, Chicken Coops, and Chicken Pens

(C) Construction

(i) The chicken coop shall be enclosed with solid material on all sides and have a solid roof and door(s). The coop shall be at least 18 inches high, and provide at least 4 2 square foot of floor area per chicken. Traditional building materials shall be used. Doors shall be constructed so that they can shut and lock. Vents, covered with wire, will be placed as necessary for adequate ventilation. The coop shall be impermeable to rodents, wild birds, and predators, including dogs and cats.

(12) Home Occupations

(A) Standards

(i) The home occupation shall be located within a fully enclosed building owned or occupied by the resident of the site.
(iii) No more than one client may be served or instructed at a time. Clients may not be served or instructed before 7:00 a.m. or after 9:00 p.m.

(vi) There shall be no additional or separate entrance to the primary dwelling facing the street for the purpose of conducting the home occupation.

(B) Prohibited Home Occupations. The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, the following uses specified below and other similar or comparable uses shall not be permitted as home occupations: Bar/Tavern/Restaurant; Beer/Wine/Liquor Sales; Industrial (any); Medical/Dental Clinic; Tobacco/Hookah/Vaping; Transportation (any); Vehicle Service (any); and Veterinary Clinic, Kennel, or Stable.

- (i) Antique, Book or Gift Shop
- (ii) Appliance Repair, large or small
- (iii) Barber Shop / Beauty Shop
- (iv) Bicycle Repair or Service
- (v) Dance, Yoga, or Exercise Studio
- (vi) Dental Office or Clinic
- (vii) Freight, Trucking or Shipping
- (viii) Lawn Mower Repair or Service
- (ix) Medical Office or Clinic
- (x) Painting of Vehicles, Trailers, Boats, etc.
- (xi) Photography Studio
- (xii) Private Schools with Organized Classes
- (xiii) Restaurants, Eating, or Drinking Establishments
- (xiv) Upholstering
- (xv) Television or Radio Repair
- (xvi) Tool or Equipment Rental
- (xvii) Tooling, Welding, or Machine Shop
- (xviii) Vehicle Repairs, major or minor
- (xix) Veterinary Clinic, Kennel, or Stable

(C) Permitted Home Occupations. By way of example, the following uses, when conducted in compliance with the conditions set forth above, qualify as permitted home occupations: Animal Care Establishment (i.e., Pet Grooming); Childcare Home as defined by IC 12-7-2-28.6; Food Preparation as defined in IC 16-42-5.3; Personal Care & Services, including, but not limited to Baking, Barber/Beauty Shop, and Teaching/Tutoring (including musical instruments, dance, yoga); and Professional Offices.

- (i) Artist's, Musician's, or Writer's Studio
- (ii) Cake Making or Decorating (not a catering or commercial bakery facility)

- (iii) ~~Childcare Home as defined by IC 12-7-2-28.6~~
- (iv) ~~Data Processing, Word Processing, or Transcription Services~~
- (v) ~~Dressmaking, Millinery, Sewing, or Tailoring~~
- (vi) ~~Home School, including Cottage Schools~~
- (vii) ~~Personal Office~~
- (viii) ~~Teaching or Tutoring, including musical instruments or dance, when limited to one pupil at a time~~
- (ix) ~~Internet Sales, exclusively online~~

(24) Solar Energy System

(A) Standards:

- (v) Ground-mounted solar energy systems are limited to a maximum height of ~~+2~~ 18 feet. Power transmission lines from a ground mounted solar energy system to any structure shall be located underground, if possible, and shall be completely shielded against shock hazard.

SECTION XXVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (f) Accessory Use Definitions and Standards, (27) Trash Containers is hereby deleted and replaced as follows:

(27) Trash and Recycling Containers

Designated outdoor storage areas and equipment used to collect refuse and recyclables.

(A) Standards

- (i) Any trash or recycling container or combination of containers exceeding 36 cubic feet in capacity shall be placed on an impervious surface and screened on all sides by a building or a solid-walled enclosure not less than 6 feet in height nor more than 10 feet in height above grade and equipped with an opaque screen gate.
- (ii) The solid-walled portion of the enclosure shall be similar in design and materials to those of the building façade and shall be built to grade. Fences shall not be considered as a solid wall, and chain link fences with slats shall not be used as gate material.
- (iii) Gates or doors of the enclosure shall be kept completely closed except when refuse is being added or removed.

- (iv) Building foundation landscape, designed per Section 21-09.01(m), shall be installed along any sides of the enclosure not screened by a building.
- (v) The Zoning Administrator, upon request by an applicant, shall have the authority to approve an alternate design subject to the provisions below, as long as the intent of the ordinance is met.
 - a. Enclosure, material, and landscaping requirements may be reduced or waived if the enclosure is adjacent to and accessed from an alley and is not visible from a street.
 - b. An opaque fence may be used in place of a solid wall if the enclosure is located in an established rear yard or in a side yard not visible from a street and is designed so that refuse cannot leak or blow under it.
 - c. Landscaping may be reduced or waived if the enclosure is located in an established rear yard or in a side yard not visible from a street.

SECTION XXVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.03 Temporary Uses and Structures, subsection (e) Duration is hereby amended as follows:

Except as specifically provided otherwise in this section-, a temporary use, building or structure shall be permitted for a period not to exceed one year. Except as specifically provided otherwise in this section, the improvement location permit, if required, may be renewed one or more times by the Zoning Administrator, for good cause shown, for an additional period(s) not to exceed a total of three years beyond the original expiration date.

SECTION XXIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.03 Temporary Uses and Structures, subsection (j) Regulations for Mobile Classrooms is hereby amended as follows:

- (1) Mobile classrooms shall be for use by a within the following Civic & Institutional Use types: College/University, Religious Institution, School, Pre-K/Primary/Secondary; or and

SECTION XXX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.03 Temporary Uses and Structures, subsection (k) Regulations for Temporary Seasonal Retail Sales is hereby amended as follows:

(2) ~~In districts where off street parking is required, a minimum of 3 off street parking spaces shall be provided on site for the temporary seasonal retail sales use;~~

~~(3)(2)~~
~~(4)(3)~~
~~(5)(4)~~

SECTION XXXI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 Access & Parking, Section 21-07.03 Vehicle Access & Parking, subsection (d) Off-Street Vehicle Parking Area Access is hereby amended as follows:

(2) Whenever practical, if an alley is present and open to traffic, all vehicular access ~~should~~ shall take place from the alley. When an alley is not present, access to corner lots from a secondary street is preferable to access from a primary street.

(4) Curb cuts shall not be allowed on lots of less than 30' in width. Under a shared driveway condition, this minimum may be reduced to 15' if the lots sharing the driveway are at least 30' in width combined.

~~(4)(5)~~
~~(5)(6)~~
~~(6)(7)~~

SECTION XXXII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 Access & Parking, Section 21-07.03 Vehicle Access & Parking, subsection (e) Design and Construction of Off-Street Vehicle Parking Areas is hereby amended as follows:

(1) **Parking Area Layout.** The layout of all off-street parking areas shall be in compliance with Table 21- 07B or the most recent version in the Architectural Graphic Standards for a Level of Service “A” or “B.” An alley adjacent to the lot may be used to meet the requirement for drive aisle width. The Zoning Administrator may reduce any measurement within Table 21-07B by up to one (1) foot on space-constrained lots.

SECTION XXXIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 Access & Parking, Section 21-07.04 Off-Street Loading, subsection (e) Use of Loading Area is hereby deleted in its entirety.

SECTION XXXIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (c) Building Design is hereby amended as follows:

(2) Primary facades shall be oriented to a front lot line. Building designs that orient main entrances so that they are not visible from the primary street are prohibited. Any entrance on a side facade shall be visible from the street or clearly identified using architectural features, awnings/canopies, or lighting. The Zoning Administrator may waive this requirement for buildings oriented to a common open space or for Agricultural; Industrial, Manufacturing, & Processing; Transportation; and Utilities uses in an I district.

SECTION XXXV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (e) Building Materials for New Construction – Front and Corner Facades is hereby amended as follows:

(3) Standard, fluted, or split face concrete masonry units (CMUs) above the basement level are prohibited as face material. Glazed or heavily polished CMUs or CMUs that look like brick or stone are allowed.

(7) Security devices such as solid metal security gates, metal roll-down windows, coiling shutters, and link/grill systems shall not be installed on front or corner facades, except where such devices are at least 50 percent transparent and located wholly behind a window or door, when viewed from the street or open space.

(8)(9) In a NC or DT district, the following additional regulations apply.

(A) Vinyl siding is prohibited.

(B) Security devices such as coiling shutters and accordion gates are prohibited on front or corner side facades, except where such devices are at least 50 percent transparent and located wholly behind a window or door, when viewed from the public right of way or open space.

(C)(B) Vents, air conditioners, and other utility elements, except where such elements are enclosed, camouflaged, screened, obscured, or otherwise not visible from the street, are prohibited as part of a front or corner facade.

(9)(10)

(10)(11)

SECTION XXXVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (g) Building Components is hereby amended as follows:

(5) **Building Entrance.** A point of ingress and egress for pedestrians into a building, ~~upper story use, or first floor tenant space.~~

SECTION XXXVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (e) Detached House is hereby amended as follows:

(3) **Building Type Standards**

Building Dimensions

Building Height

<u>S2, U3, UF districts</u>	3 stories max.
<u>All other districts</u>	2.5 stories max.

SECTION XXXVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (f) Cottage Court is hereby amended as follows:

(3) **Building Type Standards**

Building Dimensions

Building Height

<u>U2 district</u>	1.5 stories max.
<u>All other districts</u>	2 stories max.

SECTION XXXIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (g) Duplex is hereby amended as follows:

(3) **Building Type Standards**

Building Dimensions

Building Height

<u>S1, U1, U2 districts</u>	2.5 stories max.
<u>All other districts</u>	3 stories max.

Building Width

<u>S1, S2 districts</u>	60' max.
<u>All other districts</u>	48' max.

SECTION XL. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (h) Townhouse is hereby amended as follows:

(3) Building Type Standards

Building Dimensions

Building Height 3 storyies max.

SECTION XLI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (i) Apartment House is hereby amended as follows:

(3) Building Type Standards

Building Dimensions

Building Height 3 storyies max.

SECTION XLII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (j) Stacked Flats is hereby amended as follows:

(3) Building Type Standards

Building Dimensions

Building Height (stories) 2 min. / 5 stories max.

Building Width
S2, DT districts 200' 250' max.
All other districts 120' 150' max.

SECTION XLIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (k) Shop is hereby amended as follows:

(3) Building Type Standards

Building Dimensions

Façade Height
UF district 12' min.
All other districts 16' min.

Building Width
DT district 250' max
All other districts 150' max

SECTION XLIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.03 Building Frontage Types, subsection (d) Stoop is hereby amended as follows:

(2) Frontage Standards

Standards

A stoop shall be at least 18" above the sidewalk and shall directly connect to the sidewalk, walkway, or driveway.

A stoop shall have a railing or wall, a covering, or be at least 18" above the adjacent walkway or driveway.

A stoop shall be at least 18" above the elevation of the city sidewalk achieved by building an elevated stoop and/or building on an elevated lot.

A stoop shall connect to the city sidewalk directly or via a walkway or driveway.

A stoop shall have a railing, a wall, a covering, or be elevated at least 18" above an adjoining driveway or walkway.

SECTION XLV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, subsection (d) Minimum Plant Material Sizes at Time of Planting is hereby amended as follows:

Table 21-09A: Minimum Size at Time of Planting

Plant Category	Minimum Size
Deciduous Shade Tree	<u>2 1/2"</u> <u>1.75"</u> caliper at 6" above ground
Deciduous Ornamental Tree	<u>1 1/2"</u> <u>1.5"</u> caliper at 6" above ground

SECTION XLVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, is hereby amended as follows:

(g) Ground Cover

In a front yard, corner yard, or tree lawn, ground cover shall include, but is not limited to, grasses; natural vegetated ground covers; preserved existing natural vegetation (e.g., thickets); or mulch. Artificial turf or similar synthetic material shall not be used.

(g)(h)

(h)(i)

(i)(j)

(j)(k)

(k)(l)

(4) The use of artificial turf for games courts or athletic fields if other alternatives are not feasible. Any approval to allow artificial turf must be noted in the landscape plan.

(l)(m)

(m)(n)

(o)(p)

SECTION XLVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, subsection (l) Streetscape Trees is hereby amended as follows:

(4) General Requirements

(C) Streetscape trees shall consist of native, deciduous shade trees and be selected from the recommended list of tree species for South Bend, and Trees must be approved granted a permit by the City Forester.

SECTION XLVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, subsection (n) Landscape Buffer is hereby amended as follows:

(1) Applicability

Table 21-09B: Buffers Required by Use

Uses	Standards
Gas/Fuel Station	21-06.01(k)(11)

SECTION XLIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.02 Fences & Walls, subsection (c) Height is hereby amended as follows:

(4) An open fence more than 50% open enclosing a game court as defined by Section 21-06.02(f)(9) may be erected to a maximum of 12 feet in height, irrespective of the above standards.

(5) A fence more than 50% open providing safety at School, Pre-K/Primary/Secondary and Day Care Center uses may be erected to a maximum of 6 feet in height, irrespective of the above standards, to the extent determined by the Zoning Administrator.

SECTION L. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.05 Clear Sight Area, subsection (a) Clear Sight Area Requirements is hereby amended as follows:

(1) Except in a NC or DT district, no building, structure, or improvement, including landscape, shall be erected, placed, planted, or maintained so as to interfere with a clear sight area located between the heights of 3 feet and 10 feet above the crown of a street, driveway, or alley. A clear sight area shall be established for all streets and alleys, whether public or private.

SECTION LI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.01 General Provisions, Table 21-10A Allowed Temporary Signs is hereby amended as follows:

Temporary Signs for a Non-Residential Use

Total Sign Surface Area	
S1, S2, U1, U2, or U3 district	24 <u>32</u> square feet max. total for all signs per street frontage

SECTION LII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.02 Exempt Signs, subsection (a) Exempt Signs is hereby amended as follows:

(10) Parking Lot Directional and Information Sign

(B) S1, S2, U1, U2, U3, UF, and NC Districts – signs shall not exceed 4 square feet in surface area, ~~or nor shall they exceed~~ 4 feet in height;

(C) DT, OS, U and C Districts – signs shall not exceed 6 square feet in surface area, ~~or nor shall they exceed~~ 4 feet in height;

(13) **Window Sign.** One window sign per non-residential use provided it does not exceed 4 square feet ~~and is non illuminated~~.

SECTION LIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.04 Sign Measurement, subsection (b) Sign Height is hereby amended as follows:

Sign height is measured as the vertical distance from the ~~street grade at average natural ground level within 2 feet of~~ the base of the sign or sign structure, to the highest point of the sign or sign structure.

SECTION LIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Signs, Section 21-10.05 On-Premise Signs, subsection (d) On-Premise Signs: Building Signs is hereby amended as follows:

(5) Roof Signs

(A) Roof signs are only permitted in the NC, or DT, or I districts and shall only be installed on a building with a flat roof.

(7) Wall Signs

(C) ~~No wall sign may extend above the window sills of the second story, unless the establishment extends to the second story or above.~~ No portion of a wall sign may extend above the roofline or parapet wall of a building with a flat roof or above the lower eave of a building with a pitched roof.

SECTION LV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.07 Off-Premise Signs, subsection (d) Advertising Signs is hereby amended as follows:

(1) Sign Surface Area for Advertising Signs

(A) Limited Access Highways ~~and Arterial Streets~~ - The maximum sign surface area for advertising signs oriented toward a limited access highway shall be 672 square feet.

SECTION LVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 12 Administration, Section 21-12.07 Development Review Procedures, subsection (f) Common Procedures is hereby amended as follows:

(4) Use Variance Procedures

(A) Applicability

(ii) ~~When a combination of uses on a lot is not allowed in any of the zoning districts, the property should be zoned into the district that permits the most of those proposed uses and a use variance sought for the balance of uses~~
(iii) ~~(ii) In any of the above conditions, a~~ A use variance cannot be sought if a use could be permitted with a special exception.

(E) Procedure

(i) When a combination of uses on a lot is not allowed in any of the zoning districts, the property should be zoned into the district that permits the most of those proposed uses and a use variance sought for the balance of uses.

(i)(ii)
(i)(iii)
(i)(iv)
(i)(v)
(i)(vi)
(i)(vii)
(i)(viii)
(i)(ix)
(i)(x)
(i)(xi)
(i)(xii)

SECTION LVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 13 Nonconformities & Enforcement, Section 21-13.01 Nonconformities, subsection (j) Reconstruction, Remodeling, or Enlargement of a Legally Established Nonconforming 1 Unit Dwelling or 2 Unit Dwelling is hereby amended as follows:

(2) Remodeled or enlarged, provided that such remodeling or additions comply with the development standards of the applicable district related to maximum building coverage, minimum setbacks (except as set forth in (l) below), maximum setbacks, and building height, and off street parking.

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

Common Council President

Attest:

Bianca Tirado, City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2026, at _____ o'clock _____. m.

Bianca Tirado, City Clerk

Approved and signed by me on the _____ day of _____, 2026, at
_____ o'clock _____. m.

James Mueller
Mayor, City of South Bend, Indiana

Dec 29, 2025

Bianca Tirado
City Clerk, South Bend, IN

Zoning Ordinance Amendment #7

Last Updated

12/19/2025

General updates providing a clarification and/ or correction to an existing rule, such as a typographical, consistency, and cross reference revision are addressed in the following sections:
 21-02.03(l)(3); 21-02.03(l)(1)(B - new); 21-05.02(l)(2)(D); 21-06.01(k)(7)(A)(iii); 21-06.01(l)(3)(A)(ii); 21-06.02(l)(12)(A)(i); 21-06.03(e); 21-06.03(j); 21-06.03(k); 21-07.03(d)(2); 21-07.04(e)
 21-08.01(e)(8)(B); 21-08.01(g)(5); 21-08.02(h)(3); 21-08.02(i)(3); 21-09.01(l)(4)(c); 21-09.02(c)(4); 21-10.02(a)(10)(B); 21-10.02(a)(10)(C); 21-10.07(d)(1)(A); 21-12.07(f)(4)(A); 21-13.01(j)(2)

Standard	Ordinance Sections	Item	Proposed Change	Rationale
Accessory Standards	21-06.02(b)(4) new	EV Charging Station Update	Exempts free libraries and EV charging stations from accessory structure rules	Modernize rules to align with vehicle fueling options.
	21-06.02(e)	Maximum Number of Accessory Buildings	Eliminates accessory building limits in commercial and industrial districts	Allow for more functional land use and consistent with the character of non-residential districts.
	21-06.02(e)(2)	EV Charging Station Update	Exempts free libraries and EV charging stations from accessory structure rules and moves from (e)(2) to (b)(4)	Modernize rules to align with vehicle fueling options.
	21-06.02(e)(3) new	Accessory Buildings	Allow for Pergolas as long as criteria are met	Avoids need for variances for this typical accessory type.
	21-06.02(f)(24)(A)(v)	Max height ground mounted solar energy system	Increase max height ground mounted solar energy system from 12' to 18'	Avoids need for variances for typical permit requests and to promote renewable energy. Also aligns with accessory standards.
	21-06.02(f)(27)	Trash Enclosure	Rewrite of the trash and recycling enclosure rules, adding allowable alternatives to enclosure requirements when not visible from street	Provide clarity and allows for more cost-effective construction and administrative flexibility.
	21-06.02(f)(4)(C)(i)	Size of chicken coop	2 sq ft minimum floor area per chicken in a coop	Creates consistency with Chapter 5, Animal Welfare regulations.
Building Design & Measurements	21-02.03(d)(2)(D)	Building Stories and Rooftop Spaces	Allow Zoning Administrator to waive stories standard for rooftop amenity spaces above 4 stories, conditions apply	Allows for administrative flexibility and eliminates need for variance.
	21-02.03(e)(1)	Contextual Setback	Allows Zoning Administrator to increase building frontage encroachment when a contextual setback is applied	Allows for contextual placement of building frontages.
	21-02.03(f)(2) new	Building Width definition	Add a Building Width definition, including a Zoning Administrator waiver for the max width of certain building types.	Improves user understanding by more clearly stating existing rules for building standards.
	21-03.01(h)	Façade transparency in S1	Adds façade transparency in S1 - 10% front, 5% corner	
	21-03.02(h)	Façade transparency in S2	Adds façade transparency in S2 - 10% front-ground, 5% corner-ground, 15% front & corner-upper	Creates more appealing residential building designs
	21-08.01(c)(2)	Building Entrance - Industrial	Allow Zoning Administrator to waive front entrance requirement for I Industrial	Allows for flexibility in building design.
	21-08.01(e)(3)	Façade Materials	Allow CMUs that look like brick or stone	Improves user understanding by providing a clarification and/ or correction to an existing rule. Also, allows for more flexibility in use of currently available design materials.
Building Standards	21-02.03(f)(1)(C)	Transparency - Half Story	Zoning Administrator can reduce the required transparency by 50% for certain top floor designs consistent with the architectural style	Allows for administrative flexibility with regards to some common architectural styles.
	21-03.01(g)	Balcony Encroachment	Allow rear balcony encroachment of 5' in S1	Removes an unnecessary restriction on building design.
	21-03.02(g)		Allow rear balcony encroachment of 5' in S2	
	21-03.03(g)		Allow rear balcony encroachment of 5' in U1	
	21-03.04(g)		Allow rear balcony encroachment of 5' in U2	
	21-03.05(g)		Allow rear balcony encroachment of 3' in U3	
	21-03.06(g)		Allow rear balcony encroachment of 3' in UF	
	21-04.04(f)	Building Entrance - Industrial	Allow Zoning Administrator to waive front entrance requirement for some uses in I Industrial	Allows for flexibility in industrial building design.
	21-04.04(g)	Building Materials - Industrial	Allow CMUs that look like brick or stone	Creates more flexibility for industrial building design while maintaining quality.
	21-08.02(e)(3)	Building Height - Detached Home	Allow detached homes in S2, U3, and UF to 3 stories	Allows for increased detached home heights consistent with district building standards.
	21-08.02(f)(3)	Building Height - Cottage Court	Allow cottage courts to 2 stories in S2, UF, U3 Districts	
	21-08.02(g)(3)	Building Height - Duplex	Allow duplexes in S2, U3, and UF to 3 stories	Supports ease of duplex development on larger suburban lots.
		Building Width - Duplex	Allows duplexes up to 60' in S1 & S2	Removes minimum height for stacked flats.
		Building Height - Stacked Flats	Removes minimum height for stacked flats	
	21-08.02(j)(3)	Building Width - Stacked Flats	Increases S2 and DT Stacked Flats building width from 120' to 250', and all other districts to 150'	Allows for flexibility in building design for elevator buildings and larger suburban lots.
	21-08.02(k)(3)	Building Width - Shop	Reduces façade minimum height from 16' to 12' in UF	Aligns better with the size of Downtown lots.
		Building Type - Shop		Allows for district appropriate façade heights.
	21-08.03(d)(2)	Building Frontage	Clarifies how a stoop is connected and elevated to the sidewalk in relation to the parcel	States rule more explicitly to meet ordinance intent.

District Standards	21-03.03(d)	U1 Lot Width	20' min. Footnote - *Lot Width minimum may be 20' for attached dwellings	Supports ease of development of for-sale duplexes in urban districts.
	21-03.06(f)	UF Max. Square Footage	Increase total retail and service use area to 5000 sf	Creates more flexibility for non-residential development in UF. Eases reuse of existing neighborhood business buildings.
	21-03.08(d)	DT Minimum Lot Width	Reduces DT minimum lot width to 15'	Supports ease of development, especially for townhouses, in urban districts.
Landscape or Fence	21-03.01(j)(footnote 1)	Trees	Revises existing tree caliper from 2" to 1.75"	Creates consistency with revised tree ordinance Chapter 19.
	21-03.02(j)(footnote 1)			
	21-03.03(j)(footnote 1)			
	21-03.04(j)(footnote 1)			
	21-03.05(j)(footnote 1)			
	21-03.06(j)(footnote 1)		Revises tree sizes - 1.75" caliper new shade tree. 1.5" caliper new ornamental tree	
	21-03.07(j)(footnote 1)			
	21-03.08(j)(footnote 1)			
	21-04.01(j)(footnote 1)			
	21-04.02(j)(footnote 1)			
	21-04.03(j)(footnote 1)			
	21-04.04(j)(footnote 1)			
	21-09.01(d)(table 21-09A)			
	21-09.01(g) new	Ground Cover	Adds ground cover requirement and prohibits use of artificial turf in areas seen from the street, including front/corner yard and tree lawn	Clarifies that natural materials should be used for ground cover while allowing for administrative flexibility with regards to use of artificial turf.
	21-09.01(k)(4) new	Alternate Landscape Plan	Allow for use of artificial turf with Zoning Administrator approval	
	21-09.02(c)(5)	Fence Height	Permits Zoning Administrator to allow 6' max fence height for schools and daycare centers	Improves public safety for vulnerable populations.
	21-09.05(a)(1)		Apply Clear Sight Area to tall fences at intersection of alleys	Supports increased public safety.
Parking/Access	21-07.03(d)(4)	Minimum Lot Width for Curb Cut	Creates a 30' minimum lot width to get a curb cut (15' under a shared driveway condition)	Ensures that the city does not have garage dominated streetscapes and to minimize the need for curb cuts.
	21-07.03(e)(1)	Parking Space Widths	Allows Zoning Administrator to reduce parking dimensions up to one foot	Allows for design flexibility on smaller urban parcels.
Principal Uses	21-03.07(c) Principal Uses	EV Charging Station Update	Change use name to Gas/Fuel Station	Modernize rules to align with vehicle fueling options.
	21-03.08(c) Principal Uses		Change section heading to Gas/Fuel Station	
	21-06.01(k)(11)		Add EV charging stations to fuel station standards	
	21-06.01(k)(11)(A)		Add 120'x180' minimum lot size for Auto Sales	
	21-06.01(k)(21)(A)(iii)		Reduces allowed storage time from 30 days to 14 days for unregistered or salvaged vehicles for districts other than I	
	21-06.01(k)(22)(A)(ii)	Outdoor vehicle storage	Delete requirement for one waiting space after pick-up window	Enhances urban aesthetics and property values, but also addresses potential public safety issues.
	21-06.01(k)(7)(A)(vii)	Drive-Through Facility	Change gas station diagram captions to "Gas/Fuel station..."	Unnecessary rule since parking is allowed in front.
	21-06.01(k) Diagram Captions	EV Charging Station Update	Adds a operating hours restriction from 7am to 9pm	Modernize rules to align with vehicle fueling options.
	21-06.02(f)(12)(A)(iii)	Home Occupation	Adds clarification that the entrance cannot face the street	Restricts the operating hours of home-based businesses to minimize disturbance to neighbors.
	21-06.02(f)(12)(A)(vi)	Home Occupation	Update and reformat examples of prohibited and permitted home occupations and align specific uses to use types listed in the Principle Uses table 21-06A	Makes a reasonable accommodation of home-based businesses.
	21-06.02(f)(12)(B)	Home Occupation		Modernize home-based business rules to align with current economy.
	21-06.02(f)(12)(C)	Home Occupation	Update and reformat examples of prohibited and permitted home occupations and align specific uses to use types listed in the Principle Uses table 21-06A	Modernize home-based business rules to align with current economy.
	21-09.01(n)(2)(table 21-09B)	EV Charging Station Update	Change use name to Gas/Fuel Station	Modernize rules to align with vehicle fueling options.

Signs	21-10.01(TABLE 21-10A)	Temporary Signs for a Non-Residential Use	Increase max size for Temporary Signs for a Non-Residential Use size from 24 square feet to 32 square feet	Allows for common sign size.
	21-10.02(a)(13)	Open Signs	Permit open signs to be illuminated	Current code bans illuminated open signs.
	21-10.04(b)	Sign Height	Sign height is measured from natural grade	Creates consistency with other similar rules.
	21-10.05(d)(5)(A)		Allows roof signs in I	Creates consistency with other similar districts.
	21-10.05(d)(7)(C)	On Premise Signs	Delete second-floor sign rule	Eliminate need for variances and allows for flexibility in sign placement.
Special Exception	21-03.08(c) Principal Uses table	New Special Exception - Beer/Wine/Liquor Sales & Tobacco/Hookah/Vaping	Add Special Exception for Beer/Wine/Liquor Sales in DT district; Add Special Exception for Tobacco/Hookah/Vaping in DT district	Allows further review of uses, including limiting proximity to sensitive areas like schools and homes.
	21-04.03(b) Principal Uses table	New Special Exception - Gas Stations	Add Special Exception for Gas Stations in C & I districts and change use name to Gas/Fuel Station; Add Special Exception for Beer/Wine/Liquor Sales in C & I districts	Allows further review of uses, including limiting proximity to sensitive areas like schools and homes.
	21-04.04(b) Principal Uses table			Allows further review of uses, including limiting proximity to sensitive areas like schools and homes.
	21-06.01(Table 21-06A)	New Special Exceptions - Gas, Liquor, Tobacco uses	Add Special Exception for Beer/Wine/Liquor Sales in DT, C, & I districts; Add Special Exception for Tobacco/Hookah/Vaping in DT, C, & I districts; Add Special Exception for Gas Stations in C & I districts and change use name to Gas/Fuel Station; Remove Special Exception requirement for new construction U1 Duplex	Allows further review of uses, including limiting proximity to sensitive areas like schools and homes.



City of South Bend PLAN COMMISSION

City Hall
215 S. Dr. Martin Luther King, Jr. Blvd.
Suite 500
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning

January 8, 2026

Honorable Dr. Oliver Davis
3rd Floor, City Hall
South Bend, IN 46601

RE: Proposed Zoning Text Amendment #7 Substitute 3

Dear Committee Chair Dr. Davis:

Enclosed is a substitute Ordinance for a proposed Text Amendment to Chapter 21. The ordinance (substitute 2) was heard and given a favorable recommendation at the December 15, 2025, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission was forwarded to the Office of the City Clerk following the public hearing. This third and hopefully final substitute represents minor revisions with no further substantive changes.

List of the minor changes presented in this substitute:

- SECTION XXVI (home occupation) – removes Baking since this home occupation is included in Food Preparation
- SECTION XXIX (mobile classrooms) – correcting markups and punctuation
- SECTION XXXII (parking areas layout) – minor revision using number 1 instead of spelling out
- SECTION XXXV (security gates) – edited to make text more concise
- SECTION XLVI (ground cover, artificial turf) – 1) removing “s” from game, 2) correcting the subsection bulleting, and 3) removed an extra space before “Artificial”

Please include the attached substitute Ordinance on the Council agenda set for public hearing at your January 12, 2026, Council meeting.

If you have any questions, please call our office at (574) 235-7627.

Sincerely,

A handwritten signature in black ink that reads "Brian Killen".

Brian Killen
Zoning Administrator

Tim Corcoran
Planning Director

Brian Killen
Zoning Administrator

Francisco Fotia
Commission President

Jan 8, 2026

THIRD SUBSTITUTE BILL NO. 80-25Bianca Tirado
City Clerk, South Bend, IN**ORDINANCE NO. _____**

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE
TO MAKE MISCELLANEOUS CHANGES FOR CLARIFICATION AND CONSISTENCY
TO SIMPLIFY DEVELOPMENT PROCESS AND
TO ACHIEVE HIGHER QUALITY DEVELOPMENT

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance for the City of South Bend that went into effect on January 1, 2020. Since its adoption in November 2019, use of the Ordinance has identified a few standards that need further clarification, correction, or revision. Changes to these standards will support a more vibrant, resilient community while improving the ease of use of the zoning ordinance.

NOW, THEREFORE, be it ordained by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (b) Building Placement is hereby amended as follows:

(3) **Building Setbacks.** A setback distance is measured perpendicularly from the lot line to the closest exterior wall of a building's facade, exclusive of building frontage type (e.g., porch, stoop). A setback is measured from the greater of an actual or proposed street right-of-way.

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (d) Building Form is hereby amended as follows:

(2) **Building Height (Stories).**

(D) A single one-story shared amenity space per building shall not count as a story toward the maximum number if it meets the following criteria:

- i. Is open only to building occupants and their guests;
- ii. Has a gross floor area of no more than 25% of the gross floor area of the floor below;

- iii. Is set back where it is not visible from the street; and
- iv. Has no significant impact, as determined by the Zoning Administrator, on surrounding residential uses in a S1, U1, or U2 district.

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (e) Building Components is hereby amended as follows:

- (1) When a building component is allowed to be built into a minimum required setback, it is called an encroachment and shall meet all regulations for building components per Section 21-08.01. Where a contextual setback is applied, the Zoning Administrator may allow additional building frontage type encroachment.

SECTION IV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (f) Building Standards is hereby amended as follows:

(1) **Facade Transparency.**

- (B) Façade transparency percentages are calculated independently for each floor on each facade.
- (C) Upper floor transparency is calculated based on the total façade area located between the surface of any floor to the surface of the floor above it or, if there is no floor above, from the surface of the floor to the surface of the roof. The Zoning Administrator may reduce the required transparency on the top floor of a building by up to 50% for designs consistent with the building's architectural style.

- (2) **Building Width.** Width is measured as the horizontal length of a building façade measured parallel to a primary or secondary street. Building widths are applied only to facades visible from a street.

- (A) For the Stacked Flats, Shop, and Mid-Rise/Tower building types:

- (i) Elevated hallway connections between structures that are set back at least 20 feet from the front or corner facade shall not count toward continuity of building width.
 - (ii) The Zoning Administrator may permit an increase in the maximum building width of up to 25% to fill out the lot

frontage when it is contextually appropriate and the building design meets the intent of the ordinance.

SECTION V. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.01 S1 Suburban Neighborhood 1, subsection (g) Building Components; Section 21-03.02 S2 Suburban Neighborhood 2, subsection (g) Building Components; Section 21-03.03 U1 Urban Neighborhood 1, subsection (g) Building Components; Section 21-03.04 U2 Urban Neighborhood 2, subsection (g) Building Components are hereby amended as follows:

Allowed Encroachments (max.)	Rear Net Allowed 5'
Balcony	

SECTION VI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.01 S1 Suburban Neighborhood 1, subsection (h) Building Standards is hereby amended as follows:

Façade Transparency (min.)	
Ground Floor - Front Façade	10%
Ground Floor - Corner Façade	5%
Upper Floor - Front Façade	10%
Upper Floor - Corner Façade	5%

SECTION VII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.01 S1 Suburban Neighborhood 1, subsection (j) Landscape; Section 21-03.02 S2 Suburban Neighborhood 2, subsection (j) Landscape; Section 21-03.03 U1 Urban Neighborhood 1, subsection (j) Landscape; Section 21-03.04 U2 Urban Neighborhood 2, subsection (j) Landscape; Section 21-03.05 U3 Urban Neighborhood 3, subsection (j) Landscape; Section 21-03.06 UF Urban Neighborhood Flex, subsection (j) Landscape; Section 21-03.07 NC Neighborhood Center, subsection (j) Landscape; Section 21-03.08 DT Downtown, subsection (j) Landscape are hereby amended as follows:

¹ An existing tree of at least 2" 1.75" may fulfill this requirement.

SECTION VIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.02 S2 Suburban Neighborhood 2, subsection (h) Building Standards is hereby amended as follows:

Façade Transparency (min.)	
Ground Floor - Front Façade	10%
Ground Floor - Corner Façade	5%

Upper Floor - Front & Corner Facade 15%

SECTION IX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.03 U1 Urban Neighborhood 1, subsection (d) Building Placement is hereby amended as follows:

Lot Width¹ 30' min.

Building Setbacks **Front**^{1,2} **Side**^{2,3}

¹ Lot width may be reduced to 20' for attached dwellings.
² 2
³ 3

SECTION X. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.05 U3 Urban Neighborhood 3, subsection (g) Building Components; Section 21-03.06 UF Urban Neighborhood Flex, subsection (g) Building Components are hereby amended as follows:

Allowed Encroachments (max.)	Rear
Balcony	<u>Not allowed</u> 3'

SECTION XI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.06 UF Urban Neighborhood Flex, subsection (f) Building Form is hereby amended as follows:

Building Design

Total Non-Residential or Non-Civic Use (max.)	5,000 square feet
Total Retail & Service Use (max.)	2,500 square feet

SECTION XII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.07 NC Neighborhood Center, subsection (c) Principal Uses is hereby amended as follows:

Gas/Fuel Station

SECTION XIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.08 DT Downtown, subsection (c) Principal Uses is hereby amended as follows:

Gas/Fuel Station	<u>Allowed Special Exception</u>
Beer/Wine/Liquor Sales	<u>Allowed Special Exception</u>
Tobacco/Hookah/Vaping	<u>Allowed Special Exception</u>

SECTION XIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.08 DT Downtown, subsection (d) Building Placement is hereby amended as follows:

Lot Size	
Lot Width	<u>20'</u> <u>15'</u> min

SECTION XV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.01 OS Open Space, subsection (i) Landscape; Section 21-04.02 U University, subsection (i) Landscape; Section 21-04.03 C Commercial, subsection (i) Landscape; Section 21-04.04 I Industrial, subsection (i) Landscape are hereby amended as follows:

¹ An existing tree of at least 2" 1.75" may fulfill this requirement.

SECTION XVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.03 C Commercial, subsection (b) Principal Uses; Section 21-04.04 I Industrial, subsection (b) Principal Uses is hereby amended as follows:

Gas/Fuel Station	<u>Allowed Special Exception</u>
Beer/Wine/Liquor Sales	<u>Allowed Special Exception</u>
Tobacco/Hookah/Vaping	<u>Allowed Special Exception</u>

SECTION XVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.04 I Industrial, subsection (f) Building Components is hereby amended as follows:

Main entrances shall be prominently located and visible from the primary street or open space; the Zoning Administrator may waive this requirement for any Agricultural; Industrial, Manufacturing, & Processing; Transportation; or Utilities use if not needed to meet the intent of this ordinance.

SECTION XVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.04 I Industrial, subsection (g) Building Standards is hereby amended as follows:

Standard, fluted, or split face concrete masonry units (CMUs) above the basement level are prohibited as face material. Glazed or heavily polished CMUs or CMUs that look like brick or stone are allowed.

SECTION XIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-05.02 NNZO Northeast Neighborhood Zoning Overlay, subsection (f) Building Standards is hereby amended as follows:

(2) Building Materials

(D) ~~Security devices such as solid metal security gates, metal roll down windows, rolling shutters, and link/grill systems shall not be installed on front or corner facades, except where such devices are at least 50 percent transparency and located wholly behind a window or door, when viewed from the street or open space.~~

(E)(D)

(F)(E)

(G)(F)

(H)(G)

SECTION XX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, Table 21-06A: Principal Uses by Zoning District is hereby amended as follows:

Retail & Service	DT
Beer/Wine/Liquor Sales	<u>Allowed Special Exception</u>
Tobacco/Hookah/Vaping	<u>Allowed Special Exception</u>

Retail & Service	C, I
Beer/Wine/Liquor Sales	<u>Allowed Special Exception</u>
Gas/Fuel Station	<u>Allowed Special Exception</u>
Tobacco/Hookah/Vaping	<u>Allowed Special Exception</u>

SECTION XXI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Services is hereby amended as follows:

(7) Drive-Through Facility

(A) Standards:

- (iii) A drive-through facility shall not cause any interference to a public right-of-way or conflict with safe movement along sidewalks or walkways, to building entrances or exits, or to required parking spaces.
- (vii) ~~A drive through facility shall provide sufficient room for at least one waiting space after exiting the last pick up or service facility.~~
- (viii) ~~(vii)~~
- (ix) ~~(viii)~~
- (x) ~~(ix)~~

(11) Gas/Fuel Station

(A) Standards:

- (i) ~~Gasoline~~ Fuel dispensers and pump island canopies shall not be located within any minimum required setback. In a NC or DT district, ~~gasoline~~ fuel dispensers and pump island canopies shall not be located in an established front or corner yard.
- (ii) Gas/fuel stations shall not cause any interference to a public right-of-way or conflict with safe movement along sidewalks or walkways, to building entrances or exits, or to required parking spaces.
- (iii) The site design of any gas/fuel station shall provide for the safe and efficient ingress and egress to the site for fuel delivery vehicles and an area for such fuel delivery vehicles to park while unloading which does not interfere with or impede ingress or egress to or from any public street, required parking spaces, or any ~~gasoline~~ fuel sales area.
- (vi) A gas/fuel station canopy shall be consistent in design and materials with the primary building, shall be neutral colored, and shall have masonry support columns.

(21) Vehicle Sales or Rental

(A) Standards:

- (iii) A vehicle sales or rental use shall have a minimum lot size of 120' by 180'.

- (iii)(iv)
- (iv)(v)
- (v)(vi)
- (vi)(vii)
- (vii)(viii)
- (viii)(ix)
- (ix)(x)

(22) Vehicle Service, Major

(A) Standards:

- (ii) No partially dismantled, wrecked, or unregistered vehicle shall be stored outdoors for more than 14 30 days, except in an I district, where the maximum time shall be 30 days.

SECTION XXII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (k) Retail & Services, Gas Station diagrams are hereby amended as follows:

Gas/fuel station layout for an urban location

Gas/fuel station layout for a suburban location

SECTION XXIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.01 Principal Uses, subsection (l) Transportation is hereby amended as follows:

(4) Parking Lot

(A) Standards:

- (ii) See Section 21-07.03(h)(g) for parking structure regulations.

SECTION XXIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (b) Applicability is hereby amended as follows:

- (4)** Any structure that is less than 4 square feet in area and 9 feet in height, including, but not limited to, little free libraries and electric vehicle charging stations, shall not be considered an accessory structure.

SECTION XXV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (e) Maximum Number of Accessory Buildings is hereby amended as follows:

A lot in a S1, S2, U1, U2, U3, or UF district shall not have more than one detached accessory building; however, the following structures shall not count for the purposes of this calculation.

(2) Any structure that is less than 4 square feet in area and 6 feet in height.

(3)(2)

(3) A pergola of 200 square feet or less that is no taller than the eave of the primary structure or 18', whichever is less.

SECTION XXVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (f) Accessory Use Definitions and Standards is hereby amended as follows:

(4) Chickens, Chicken Coops, and Chicken Pens

(C) Construction

(i) The chicken coop shall be enclosed with solid material on all sides and have a solid roof and door(s). The coop shall be at least 18 inches high, and provide at least + 2 square foot of floor area per chicken. Traditional building materials shall be used. Doors shall be constructed so that they can shut and lock. Vents, covered with wire, will be placed as necessary for adequate ventilation. The coop shall be impermeable to rodents, wild birds, and predators, including dogs and cats.

(12) Home Occupations

(A) Standards

(i) The home occupation shall be located within a fully enclosed building owned or occupied by the resident of the site.:-

(iii) No more than one client may be served or instructed at a time. Clients may not be served or instructed before 7:00 a.m. or after 9:00 p.m.

(vi) There shall be no additional or separate entrance to the primary dwelling facing the street for the purpose of conducting the home occupation.

(B) Prohibited Home Occupations. The following uses, by the nature of the investment or operation, have a pronounced tendency, once started, to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, the following uses specified below and other similar or comparable uses shall not be permitted as home occupations: Bar/Tavern/Restaurant; Beer/Wine/Liquor Sales; Industrial (any); Medical/Dental Clinic; Tobacco/Hookah/Vaping; Transportation (any); Vehicle Service (any); and Veterinary Clinic, Kennel, or Stable.

- (i) Antique, Book or Gift Shop
- (ii) Appliance Repair, large or small
- (iii) Barber Shop / Beauty Shop
- (iv) Bicycle Repair or Service
- (v) Dance, Yoga, or Exercise Studio
- (vi) Dental Office or Clinic
- (vii) Freight, Trucking or Shipping
- (viii) Lawn Mower Repair or Service
- (ix) Medical Office or Clinic
- (x) Painting of Vehicles, Trailers, Boats, etc.
- (xi) Photography Studio
- (xii) Private Schools with Organized Classes
- (xiii) Restaurants, Eating, or Drinking Establishments
- (xiv) Upholstering
- (xv) Television or Radio Repair
- (xvi) Tool or Equipment Rental
- (xvii) Tooling, Welding, or Machine Shop
- (xviii) Vehicle Repairs, major or minor
- (xix) Veterinary Clinic, Kennel, or Stable

(C) Permitted Home Occupations. By way of example, the following uses, when conducted in compliance with the conditions set forth above, qualify as permitted home occupations: Animal Care Establishment (Pet Grooming); Childcare Home as defined by IC 12-7-2-28.6; Food Preparation as defined in IC 16-42-5.3; Personal Care & Services, including Barber/Beauty Shop; Professional Offices; and Teaching/Tutoring (including musical instruments, dance, yoga).

- (i) Artist's, Musician's, or Writer's Studio
- (ii) Cake Making or Decorating (not a catering or commercial bakery facility)

- (iii) ~~Childcare Home as defined by IC 12-7-2-28.6~~
- (iv) ~~Data Processing, Word Processing, or Transcription Services~~
- (v) ~~Dressmaking, Millinery, Sewing, or Tailoring~~
- (vi) ~~Home School, including Cottage Schools~~
- (vii) ~~Personal Office~~
- (viii) ~~Teaching or Tutoring, including musical instruments or dance, when limited to one pupil at a time~~
- (ix) ~~Internet Sales, exclusively online~~

(24) Solar Energy System

(A) Standards:

- (v) Ground-mounted solar energy systems are limited to a maximum height of ~~12~~ 18 feet. Power transmission lines from a ground mounted solar energy system to any structure shall be located underground, if possible, and shall be completely shielded against shock hazard.

SECTION XXVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.02 Accessory Uses and Structures, subsection (f) Accessory Use Definitions and Standards, (27) Trash Containers is hereby deleted and replaced as follows:

(27) Trash and Recycling Containers

Designated outdoor storage areas and equipment used to collect refuse and recyclables.

(A) Standards

- (i) Any trash or recycling container or combination of containers exceeding 36 cubic feet in capacity shall be placed on an impervious surface and screened on all sides by a building or a solid-walled enclosure not less than 6 feet in height nor more than 10 feet in height above grade and equipped with an opaque screen gate.
- (ii) The solid-walled portion of the enclosure shall be similar in design and materials to those of the building façade and shall be built to grade. Fences shall not be considered as a solid wall, and chain link fences with slats shall not be used as gate material.
- (iii) Gates or doors of the enclosure shall be kept completely closed except when refuse is being added or removed.

- (iv) Building foundation landscape, designed per Section 21-09.01(m), shall be installed along any sides of the enclosure not screened by a building.
- (v) The Zoning Administrator, upon request by an applicant, shall have the authority to approve an alternate design subject to the provisions below, as long as the intent of the ordinance is met.
 - a. Enclosure, material, and landscaping requirements may be reduced or waived if the enclosure is adjacent to and accessed from an alley and is not visible from a street.
 - b. An opaque fence may be used in place of a solid wall if the enclosure is located in an established rear yard or in a side yard not visible from a street and is designed so that refuse cannot leak or blow under it.
 - c. Landscaping may be reduced or waived if the enclosure is located in an established rear yard or in a side yard not visible from a street.

SECTION XXVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.03 Temporary Uses and Structures, subsection (e) Duration is hereby amended as follows:

Except as specifically provided otherwise in this section-, a temporary use, building or structure shall be permitted for a period not to exceed one year. Except as specifically provided otherwise in this section, the improvement location permit, if required, may be renewed one or more times by the Zoning Administrator, for good cause shown, for an additional period(s) not to exceed a total of three years beyond the original expiration date.

SECTION XXIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.03 Temporary Uses and Structures, subsection (j) Regulations for Mobile Classrooms is hereby amended as follows:

- (1) Mobile classrooms shall be for use within the following Civic & Institutional Use types: by a religious institution, school, or college/-/university; Religious Institutions; and School, Pre-K/Primary/Secondary; or and

SECTION XXX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 6 Uses, Section 21-06.03 Temporary Uses and Structures, subsection (k) Regulations for Temporary Seasonal Retail Sales is hereby amended as follows:

(2) ~~In districts where off street parking is required, a minimum of 3 off street parking spaces shall be provided on site for the temporary seasonal retail sales use;~~

~~(3)(2)~~
~~(4)(3)~~
~~(5)(4)~~

SECTION XXXI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 Access & Parking, Section 21-07.03 Vehicle Access & Parking, subsection (d) Off-Street Vehicle Parking Area Access is hereby amended as follows:

(2) Whenever practical, if an alley is present and open to traffic, all vehicular access ~~should shall~~ take place from the alley. When an alley is not present, access to corner lots from a secondary street is preferable to access from a primary street.

(4) Curb cuts shall not be allowed on lots of less than 30' in width. Under a shared driveway condition, this minimum may be reduced to 15' if the lots sharing the driveway are at least 30' in width combined.

~~(4)(5)~~
~~(5)(6)~~
~~(6)(7)~~

SECTION XXXII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 Access & Parking, Section 21-07.03 Vehicle Access & Parking, subsection (e) Design and Construction of Off-Street Vehicle Parking Areas is hereby amended as follows:

(1) **Parking Area Layout.** The layout of all off-street parking areas shall be in compliance with Table 21-07B or the most recent version in the Architectural Graphic Standards for a Level of Service "A" or "B." An alley adjacent to the lot may be used to meet the requirement for drive aisle width. The Zoning Administrator may reduce any measurement within Table 21-07B by up to 1 foot on space-constrained lots.

SECTION XXXIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 Access & Parking, Section 21-07.04 Off-Street Loading, subsection (e) Use of Loading Area is hereby deleted in its entirety.

SECTION XXXIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (c) Building Design is hereby amended as follows:

(2) Primary facades shall be oriented to a front lot line. Building designs that orient main entrances so that they are not visible from the primary street are prohibited. Any entrance on a side facade shall be visible from the street or clearly identified using architectural features, awnings/canopies, or lighting. The Zoning Administrator may waive this requirement for buildings oriented to a common open space or for Agricultural; Industrial, Manufacturing, & Processing; Transportation; and Utilities uses in an I district.

SECTION XXXV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (e) Building Materials for New Construction – Front and Corner Facades is hereby amended as follows:

(3) Standard, fluted, or split face concrete masonry units (CMUs) above the basement level are prohibited as face material. Glazed or heavily polished CMUs or CMUs that look like brick or stone are allowed.

(7) Security devices such as solid metal security gates, metal roll-down windows, coiling shutters, and link/grill systems shall not be installed on front or corner facades or facing open space, except where such devices are at least 50 percent transparent and located wholly behind a window or door.

(7)(8)

(8)(2) In a NC or DT district, the following additional regulations apply.

(A) Vinyl siding is prohibited.

(B) ~~Security devices such as coiling shutters and accordion gates are prohibited on front or corner side facades, except where such devices are at least 50 percent transparent and located wholly behind a window or door, when viewed from the public right of way or open space.~~

(C)(B) Vents, air conditioners, and other utility elements, except where such elements are enclosed, camouflaged, screened, obscured, or otherwise not visible from the street, are prohibited as part of a front or corner facade.

(9)(10)

(10)(11)

SECTION XXXVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (g) Building Components is hereby amended as follows:

(5) **Building Entrance.** A point of ingress and egress for pedestrians into a building, ~~upper story use, or first floor tenant space.~~

SECTION XXXVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (e) Detached House is hereby amended as follows:

(3) **Building Type Standards**

Building Dimensions

Building Height	
<u>S2, U3, UF districts</u>	3 stories max.
<u>All other districts</u>	2.5 stories max.

SECTION XXXVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (f) Cottage Court is hereby amended as follows:

(3) **Building Type Standards**

Building Dimensions

Building Height	
<u>U2 district</u>	1.5 stories max.
<u>All other districts</u>	2 stories max.

SECTION XXXIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (g) Duplex is hereby amended as follows:

(3) **Building Type Standards**

Building Dimensions

Building Height	
<u>S1, U1, U2 districts</u>	2.5 stories max.
<u>All other districts</u>	3 stories max.
Building Width	
<u>S1, S2 districts</u>	60' max.
<u>All other districts</u>	48' max.

SECTION XL. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (h) Townhouse is hereby amended as follows:

(3) Building Type Standards

Building Dimensions

Building Height 3 ~~story~~ies max.

SECTION XLI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (i) Apartment House is hereby amended as follows:

(3) Building Type Standards

Building Dimensions

Building Height 3 ~~story~~ies max.

SECTION XLII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (j) Stacked Flats is hereby amended as follows:

(3) Building Type Standards

Building Dimensions

Building Height (~~stories~~) 2 ~~min.~~ / 5 stories max.

Building Width

S2, DT districts 200' 250' max.

All other districts 120' 150' max.

SECTION XLIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.02 Building Types, subsection (k) Shop is hereby amended as follows:

(3) Building Type Standards

Building Dimensions

Façade Height

UF district 12' min.

All other districts 16' min.

Building Width

DT district 250' max

All other districts 150' max

SECTION XLIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.03 Building Frontage Types, subsection (d) Stoop is hereby amended as follows:

(2) Frontage Standards

Standards

~~A stoop shall be at least 18" above the sidewalk and shall directly connect to the sidewalk, walkway, or driveway.~~

~~A stoop shall have a railing or wall, a covering, or be at least 18" above the adjacent walkway or driveway.~~

~~A stoop shall be at least 18" above the elevation of the city sidewalk achieved by building an elevated stoop and/or building on an elevated lot.~~

~~A stoop shall connect to the city sidewalk directly or via a walkway or driveway.~~

~~A stoop shall have a railing, a wall, a covering, or be elevated at least 18" above an adjoining driveway or walkway.~~

SECTION XLV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, subsection (d) Minimum Plant Material Sizes at Time of Planting is hereby amended as follows:

Table 21-09A: Minimum Size at Time of Planting

Plant Category	Minimum Size
Deciduous Shade Tree	2 1/2" <u>1.75"</u> caliper at 6" above ground
Deciduous Ornamental Tree	1 1/2" <u>1.5"</u> caliper at 6" above ground

SECTION XLVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, is hereby amended as follows:

(g) Ground Cover

In a front yard, corner yard, or tree lawn, ground cover shall include, but is not limited to, grasses; natural vegetated ground covers; preserved existing natural vegetation (e.g., thickets); or mulch. Artificial turf or similar synthetic material shall not be used.

(g)(h)

(h)(i)

(i)(j)

(j)(k)

(k)(l)

(4) The use of artificial turf for game courts or athletic fields if other alternatives are not feasible. Any approval to allow artificial turf must be noted in the landscape plan.

(f)(m)
(m)(n)
(n)(o)
(o)(p)

SECTION XLVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, subsection (l) Streetscape Trees is hereby amended as follows:

(4) General Requirements

(C) Streetscape trees shall consist of native, deciduous shade trees and be selected from the recommended list of tree species for South Bend, and Trees must be approved granted a permit by the City Forester.

SECTION XLVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.01 Landscape, subsection (n) Landscape Buffer is hereby amended as follows:

(2) Applicability

Table 21-09B: Buffers Required by Use

Uses	Standards
Gas/Fuel Station	21-06.01(k)(11)

SECTION XLIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.02 Fences & Walls, subsection (c) Height is hereby amended as follows:

(4) An open fence more than 50% open enclosing a game court as defined by Section 21-06.02(f)(9) may be erected to a maximum of 12 feet in height, irrespective of the above standards.

(5) A fence more than 50% open providing safety at School, Pre-K/Primary/Secondary and Day Care Center uses may be erected to a maximum of 6 feet in height, irrespective of the above standards, to the extent determined by the Zoning Administrator.

SECTION L. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Site Development, Section 21-09.05 Clear Sight Area, subsection (a) Clear Sight Area Requirements is hereby amended as follows:

(1) Except in a NC or DT district, no building, structure, or improvement, including landscape, shall be erected, placed, planted, or maintained so as to interfere with a clear sight area located between the heights of 3 feet and 10 feet above the crown of a street, driveway, or alley. A clear sight area shall be established for all streets and alleys, whether public or private.

SECTION LI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.01 General Provisions, Table 21-10A Allowed Temporary Signs is hereby amended as follows:

Temporary Signs for a Non-Residential Use

Total Sign Surface Area

S1, S2, U1, U2, or U3 district	24 <u>32</u> square feet max. total for all signs per street frontage
--------------------------------	---

SECTION LII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.02 Exempt Signs, subsection (a) Exempt Signs is hereby amended as follows:

(10) Parking Lot Directional and Information Sign

(B) S1, S2, U1, U2, U3, UF, and NC Districts – signs shall not exceed 4 square feet in surface area, ~~or nor shall they exceed~~ 4 feet in height;

(C) DT, OS, U and C Districts – signs shall not exceed 6 square feet in surface area, ~~or nor shall they exceed~~ 4 feet in height;

(13) **Window Sign.** One window sign per non-residential use provided it does not exceed 4 square feet ~~and is non illuminated~~.

SECTION LIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.04 Sign Measurement, subsection (b) Sign Height is hereby amended as follows:

Sign height is measured as the vertical distance from the ~~street grade at average natural ground level within 2 feet of~~ the base of the sign or sign structure, to the highest point of the sign or sign structure.

SECTION LIV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 9 Signs, Section 21-10.05 On-Premise Signs, subsection (d) On-Premise Signs: Building Signs is hereby amended as follows:

(5) Roof Signs

(A) Roof signs are only permitted in the NC, or DT, or I districts and shall only be installed on a building with a flat roof.

(7) Wall Signs

(C) ~~No wall sign may extend above the window sills of the second story, unless the establishment extends to the second story or above.~~ No portion of a wall sign may extend above the roofline or parapet wall of a building with a flat roof or above the lower eave of a building with a pitched roof.

SECTION LV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 10 Signs, Section 21-10.07 Off-Premise Signs, subsection (d) Advertising Signs is hereby amended as follows:

(1) Sign Surface Area for Advertising Signs

(A) Limited Access Highways ~~and Arterial Streets~~ - The maximum sign surface area for advertising signs oriented toward a limited access highway shall be 672 square feet.

SECTION LVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 12 Administration, Section 21-12.07 Development Review Procedures, subsection (f) Common Procedures is hereby amended as follows:

(4) Use Variance Procedures

(A) Applicability

(ii) ~~When a combination of uses on a lot is not allowed in any of the zoning districts, the property should be zoned into the district that permits the most of those proposed uses and a use variance sought for the balance of uses~~
(iii) ~~(ii) In any of the above conditions, a~~ A use variance cannot be sought if a use could be permitted with a special exception.

(E) Procedure

(i) When a combination of uses on a lot is not allowed in any of the zoning districts, the property should be zoned into the district that permits the most of those proposed uses and a use variance sought for the balance of uses.

(i) (ii)
(i) (iii)
(i) (iv)
(i) (v)
(i) (vi)
(i) (vii)
(i) (viii)
(i) (ix)
(i) (x)
(i) (xi)
(i) (xii)

SECTION LVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 13 Nonconformities & Enforcement, Section 21-13.01 Nonconformities, subsection (j) Reconstruction, Remodeling, or Enlargement of a Legally Established Nonconforming 1 Unit Dwelling or 2 Unit Dwelling is hereby amended as follows:

(2) Remodeled or enlarged, provided that such remodeling or additions comply with the development standards of the applicable district related to maximum building coverage, minimum setbacks (except as set forth in (1) below), maximum setbacks, and building height, and off street parking.

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

Canneth J. 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 _____, 2026, at _____ o'clock .m.

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

Approved and signed by me on the _____ day of _____, 2026, at ___ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana



25-47

Filed in Clerk's Office

Nov 4, 2025

Bianca Tirado
City Clerk, South Bend, IN

City of South Bend Common Council

300 City Hall • 215 S. Martin Luther King, Jr. Blvd.
South Bend, Indiana 46601

November 4, 2025

Canneth Lee
President

Rachel Tomas Morgan
Vice President

Troy Warner
Chairperson, Committee
of the Whole

Canneth Lee
First District

Ophelia Gooden-Rodgers
Second District

Sharon L. McBride
Third District

Troy Warner
Fourth District

Sherry Bolden-Simpson
Fifth District

Sheila Niezgodski
Sixth District

Dr. Oliver Davis
At Large

Rachel Tomas Morgan
At Large

Karen L. White
At Large

Chairperson Sheila Niezgodski

South Bend Common Council

215 S. Dr. Martin Luther King, Jr. Blvd., Suite 300

South Bend, IN 46601

Re A RESOLUTION OF THE SOUTH BEND COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ACKNOWLEDGING THE IMPACT OF THE FEDERAL GOVERNMENT SHUTDOWN ON SNAP RECIPIENTS AND CALLING FOR A PUBLIC HEARING TO CONSIDER EMERGENCY MEASURES TO SUPPORT RESIDENTS EXPERIENCING FOOD INSECURITY

Dear Chairperson Niezgodski:

This resolution calls upon the South Bend Common Council's Personnel and Finance Committee to convene an emergency public hearing with the Department of Administration and Finance to assess how city reserves—including General Fund and Rainy Day Fund resources—can be temporarily leveraged to support approximately 20,000 South Bend residents facing the imminent suspension of federal Supplemental Nutrition Assistance Program (SNAP) benefits due to the ongoing federal government shutdown. The resolution emphasizes the city's fiduciary duty to safeguard the well-being of its residents, especially vulnerable children, seniors, and working families, and urges local leadership to explore all feasible options to prevent a local food insecurity crisis.

Please schedule this proposed resolution for the Personnel and Finance Committee meeting on November 10, 2025, and place it on the full Council agenda for later that night.

Thank you for your consideration.

Sincerely yours,

Dr. Oliver Davis,
At-Large, South Bend Common Council

Sherry Bolden-Simpson
5th District, South Bend Common Council

Nov 4, 2025

BILL NO. 25-47
RESOLUTION NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**A RESOLUTION OF THE SOUTH BEND COMMON COUNCIL OF THE CITY OF
SOUTH BEND, INDIANA, ACKNOWLEDGING THE IMPACT OF THE FEDERAL
GOVERNMENT SHUTDOWN ON SNAP RECIPIENTS AND CALLING FOR A
PUBLIC HEARING TO CONSIDER EMERGENCY MEASURES TO SUPPORT
RESIDENTS EXPERIENCING FOOD INSECURITY**

WHEREAS, as of October 30, 2025, the United States Federal Government has remained in partial shutdown for 30 days, resulting in suspended or reduced funding for numerous essential programs that directly affect the residents of the City of South Bend; and

WHEREAS, the Supplemental Nutrition Assistance Program (SNAP), commonly known as the food stamp /EBT program, provides critical monthly food support to thousands of South Bend residents, including families with children, seniors, and persons with disabilities; and

WHEREAS, more than 20,000 South Bend residents—roughly one in five residents in the city—depend on SNAP benefits to meet their most basic sustenance and nutritional needs; and

WHEREAS, the current federal government shutdown has interrupted or imminently threatens to interrupt these benefits, placing thousands of households at risk of hunger, malnutrition, and related health and safety concerns; and

WHEREAS, the City of South Bend, as a home-rule municipality, maintains healthy general and rainy-day fund cash reserves that reflect years of strategic and prudent fiscal management, and the South Bend Common Council has a fiduciary responsibility to safeguard taxpayer dollars; and

WHEREAS, the Common Council of the City of South Bend recognizes that fiscal stewardship also entails the responsible and compassionate deployment of public resources in moments of emergency that threaten the welfare of the city's residents and neighborhoods; and

WHEREAS, it is both reasonable and necessary for the South Bend Common Council to hold an emergency public hearing to evaluate potential strategies—including, but not limited to, the temporary allocation of city reserve funds—to ensure that all residents, particularly children, seniors, and people with disabilities, have access to adequate food during the continuation of the federal shutdown; and

WHEREAS, the Common Council affirms its commitment to transparency, accountability, and the public trust by engaging residents, community organizations, and city departments in open discussion regarding the potential use of local resources to alleviate immediate hardship; and

WHEREAS, replacement state funding is needed to maintain the level of public safety and services that residents of South Bend expect and deserve.

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

Section I. The Council shall convene, through its Personnel and Finance Committee, a public hearing to receive testimony, review available fiscal data, and consider the feasibility of allocating a portion of city reserves to provide short-term food assistance or related relief to South Bend residents affected by the federal shutdown.

Section II. The City Clerk of the Common Council shall transmit this resolution to all Members of the South Bend Common Council, Mayor of the City of South Bend, and to the Department of Administration and Finance for prompt review and coordination.

Section III. This resolution shall become effective upon the date of passage.

Dated this 10th day of November 2025.

Canneth J. 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



01-26

City of South Bend Common Council

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

Filed in Clerk's Office

Jan 7, 2026

Bianca Tirado
City Clerk, South Bend, IN

Canneth Lee
President

Sheila Niezgodski
Vice President

Troy Warner
Chairperson, Committee
of the Whole

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First District

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Sharon L. McBride
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Troy Warner
Fourth District

Sherry Bolden-Simpson
Fifth District

Sheila Niezgodski
Sixth District

Dr. Oliver Davis
At Large

Rachel Tomas Morgan
At Large

Karen L. White
At Large

January 7, 2026

South Bend Common Council

215 S. Dr. Martin Luther King Jr. Blvd.

Suite 300

South Bend, IN 46601

**Re: AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA, REPEALING, SUPERSEDING
AND REPLACING CHAPTER 2, ARTICLE 1, SECTION 2-10.1 BY
ESTABLISHING THE POWERS AND DUTIES OF THE
COMMON COUNCIL RULES COMMITTEE AND ELIMINATING
THE PROCESS AND PROCEDURES FOR FILING COMPLAINTS
AGAINST COUNCIL MEMBERS**

Dear Council Members:

There have been calls by residents and Council members alike to amend Chapter 2 Article 1 Section 2-10.1 of the Municipal Code regarding written Complaints made against Council members and the manner in which those complaints are resolved.

The current ordinance provides that the initial meeting of the Rules Committee to discuss complaints to be in a non-public executive session. That provision of the ordinance was enacted approximately fourteen (14) years prior the enactment of the applicable Indiana Open Door statute which has been interpreted by the former Public Access Counselor as requiring a public meeting, even at the initial confidential stage of the process. Recent public meetings of the Rules Committee demonstrated the impossibility of complying with the confidentiality provisions of the ordinance and the former PAC's interpretation of the Open Door law.

This led the Rules Committee to investigate how other municipalities address Complaints against Common Council members. The results were unexpected. The search revealed that almost no municipality has a similar ordinance providing for Complaints to be filed, including Mishawaka, Elkhart, Ft. Wayne, Gary, or St. Joseph County. One municipality that has a

somewhat similar complaint system also provides for confidentiality. It is not known whether this provision has ever been challenged.

We believe that the City of South Bend should join those municipalities that do not provide for a process of receiving and resolving complaints against elected officials. Eliminating the formal complaint process does not leave our residents without redress. Reports of improper conduct can be filed with the Police Department or the Prosecutor's office. Those entities are far better equipped to investigate alleged misconduct than is the Council. Additional remedies against elected officials are contained in Indiana state statutes. Residents, and others, will continue to have the privilege of the floor available at Council meetings. The Rules Committee will continue to have jurisdiction over issues of public trust. Finally, the citizens' ultimate remedy is the ballot box.

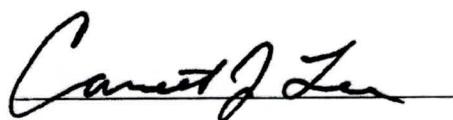
The proliferation of frivolous, meritless, repetitive, and legally incorrect complaints, combined with the elimination of nonpublic executive sessions for initial consideration of complaints, has resulted in an inordinate amount of time devoted to resolving such complaints and hinders the Rules Committee in performing its necessary duties. The current ordinance provides no expeditious way to resolve such complaints short of a Rules Committee hearing. This proposed amended ordinance will remedy this situation.

This ordinance repeals, supersedes and replaces Chapter 2, Article 1, section 2-10.1 in its entirety. The amendments will eliminate frivolous, meritless, or legally incorrect complaints which the Rules Committee is compelled to resolve under the procedure contained in the current ordinance.

We ask that this proposed ordinance be assigned to the Rules Committee on January 12, 2026, and scheduled for second and third readings and public hearing on January 26, 2026.

Thank you for your consideration.

Sincerely yours,



Canneth Lee, First District Member
South Bend Common Council



Troy Warner, Fourth District Member
South Bend Common Council



Rachel Tomas Morgan, At Large Member
South Bend Common Council



Jan 7, 2026

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 01-26

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, REPEALING, SUPERSEDING AND REPLACING CHAPTER 2, ARTICLE
1, SECTION 2-10.1 BY ESTABLISHING THE POWERS AND DUTIES OF THE
COMMON COUNCIL RULES COMMITTEE AND ELIMINATING THE PROCESS
AND PROCEDURES FOR FILING COMPLAINTS AGAINST COUNCIL MEMBERS**

STATEMENT OF PURPOSE AND INTENT

Section 2-10.1 of the Municipal Code as currently written provides for complaints against Common Council members to be filed by a complaining party or initiated by at least two members of the Rules Committee without specifying who may be a complaining party.

The current ordinance also provides that the initial meeting of the Rules Committee to discuss complaints to be in a nonpublic executive session. That provision of the ordinance was enacted approximately fourteen (14) years prior the enactment of the applicable Indiana Open Door statute.

The proliferation of frivolous, meritless, repetitive, and legally incorrect complaints, combined with the elimination of nonpublic executive sessions for initial consideration of complaints, has resulted in an inordinate amount of time devoted to resolving such complaints and hinders the Rules Committee in performing its necessary duties. This ordinance repeals, supersedes and replaces Chapter 2, Article 1, section 2-10.1 in its entirety.

This amendment also establishes the Rules Committee's duties in reference to the operation of the South Bend Common Council.

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

Section I. South Bend Municipal Code Chapter 2, Article 1, Section 2-10.1 is repealed, superseded, and replaced in its entirety as follows:

Sec. 2-10.1. Powers, duties, and procedures of the Council Rules Committee.

(a) *Standard of conduct generally:* The Common Council recognizes that Council Members hold their offices as a trust conferred upon them by the citizen voters of the community, and that this public trust requires all Council Members to observe the highest standard of conduct in carrying out their official duties.

- (b) *Function:* The Council further recognizes the Council Rules Committee's role in the operation of the South Bend Common Council.
- (c) *Composition:* The Council Rules Committee referred to hereinafter as "committee" shall consist of not less than three (3) members, of whom there shall be a reflection of the political composition of the Council. However, the remaining odd-numbered member shall be the President of the Common Council.
- (d) *Vacancies:* A vacancy on the Rules Committee due to cause shall be filled for the unexpired term in the same manner as the original appointment.
- (e) *Officers and staff:* The committee shall elect from its membership a Chairperson and a Vice-Chairperson who shall each be selected for one-year terms. The City Clerk or a designee of said office shall serve as the custodian of its records and minutes. The City Attorney's Office and the Council Attorneys may furnish legal assistance to the committee, and the committee, within the limits of its budgetary appropriation may be authorized to employ or engage the services of such other personnel on a limited basis as it deems necessary for the purposes for which it was created.
- (f) *Duties:* The Rules Committee in addition to such other duties as may be prescribed to it by this Code, shall consider and report on all ordinances, resolutions and other matters concerning the operation of the South Bend Common Council, including but not limited to, the subcommittee on Council minutes, standard operating procedures, issues of public trust and any other matter properly referred to the Committee by the Council President.

Section II. Severability.

If any part, section, subsection, paragraph, sentence, clause, or phrase of this ordinance is for any reason declared to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section III. Effective Date.

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

Canneth J. 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 _____, 2026, at _____ o'clock .m.

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

Approved and signed by me on the _____ day of _____, 2026, at _____ o'clock
_____.m.

James Mueller, Mayor
City of South Bend, Indiana