



# OFFICE OF THE CITY CLERK

## BIANCA L. TIRADO, CITY CLERK

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### ZONING & ANNEXATION

NOVEMBER 24, 2025, 4:00 P.M.

Committee Members Present:

Dr. Oliver Davis, Rachel Tomas Morgan,  
Karen L. White, Troy Warner\*, Stacey  
Odom

Committee Members Absent:

Henry Davis Jr.

Other Council Members Present:

Canneth Lee, Sheila Niezgodski\*

Others Present:

Bianca Tirado, Matthew Neal, Lari'onna  
Green, Veronica Pitt-Payne, Bob Palmer

Presenters:

Tim Staub, Angela Smith, Michael Divita,  
Brian Killen

Agenda:

Bill No. 69-25 - Amending the Zoning  
Ordinance for Property Located at 1011  
Howard Street

Bill No. 73-25 - Amending the Zoning  
Ordinance for Property Located at 725 West  
LaSalle Avenue

Update – Zoning Ordinance Amendment  
Package Review

Members marked with an asterisk (\*) are in virtual attendance.

**Please note the attached link for the meeting recording:**

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=401890>

Committee Chair Dr. Oliver Davis called to order the Zoning and Annexation Committee meeting at 4:00 P.M.

**Bill No. 69-25 - Amending the Zoning Ordinance for Property Located at 1011 Howard Street**

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CHIEF DEPUTY CITY CLERK / CHIEF OF STAFF

Matthew Neal  
DEPUTY CITY CLERK / DIRECTOR OF POLICY

Margaret Gotsch  
DIRECTOR OF SPECIAL PROJECTS

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Tim Staub, Zoning Specialist, with offices on the fifth (5<sup>th</sup>) floor of City Hall, South Bend, IN 46601, gave a PowerPoint presentation on the bill. He said the petitioner wants to rezone the property from neighborhood center to urban neighborhood one (1). The bill comes with a favorable recommendation from the Planning Commission.

Angela Smith, JPR Associates, 325 South Lafayette Boulevard, South Bend, IN 46601, said the property was originally upzoned for the University of Notre Dame law clinic. Since the law clinic was built elsewhere, they want to return the property to its original zoning district. She said four (4) single family homes will be built on the property.

Committee Chair Dr. Davis asked about the neighbors' opinions.

Angela Smith said there is no opposition from neighbors.

Committee Vice Chair Rachel Tomas Morgan expressed support for downzoning the property.

Committee Chair Dr. Davis held the public hearing, and nobody spoke.

Committee Member Karen L. White moved to send Bill No. 69-25 to the Committee of the Whole with a favorable recommendation, which was seconded by Committee Vice Chair Tomas Morgan and carried by a vote of five (5) ayes with one (1) Citizen Member absent.

Committee Chair Dr. Oliver Davis – <i>Aye</i>	Committee Vice Chair Rachel Tomas Morgan – <i>Aye</i>
Committee Member Troy Warner – <i>Aye</i>	Committee Member Karen L. White – <i>Aye</i>
Citizen Member Stacey Odom – <i>Aye</i>	Citizen Member Henry Davis Jr. – <i>Absent</i>

**Bill No. 73-25 - Amending the Zoning Ordinance for Property Located at 725 West LaSalle Avenue**

Tim Staub gave a PowerPoint presentation on the bill. He said the City identified an unzoned parcel while cleaning up right-of-way lines, and they want to zone it to the same zoning district as the adjacent lots. The bill comes with a favorable recommendation from the Planning Commission.

Michael Divita, Assistant Director of Planning, with offices on the fifth (5<sup>th</sup>) floor of City Hall, South Bend, IN 46601, said the parcel needs to be zoned so it can be made available for development.

Committee Chair Dr. Davis held the public hearing, and nobody spoke.

Committee Vice Chair Tomas-Morgan moved to send Bill No. 73-25 to the Committee of the Whole with a favorable recommendation, which was seconded by Committee Member White and carried by a vote of five (5) ayes with one (1) Citizen Member absent.

Committee Chair Dr. Oliver Davis – <i>Aye</i>	Committee Vice Chair Rachel Tomas Morgan – <i>Aye</i>
Committee Member Troy Warner – <i>Aye</i>	Committee Member Karen L. White – <i>Aye</i>
Citizen Member Stacey Odom – <i>Aye</i>	Citizen Member Henry Davis Jr. – <i>Absent</i>

**Update – Zoning Ordinance Amendment Package Review**



Michael Divita spoke about an upcoming package of amendments to the zoning ordinance. He said the amendments were introduced to make development easier, reduce unnecessary variances, and modernize the ordinance.

Brian Killen, Zoning Administrator, with offices on the fifth (5<sup>th</sup>) floor of City Hall, South Bend, IN 46601, gave a PowerPoint presentation on the amendment package, which includes eighty-one (81) rule changes and one-hundred-thirty (130) citation changes.

Committee Chair Dr. Davis asked about previous amendments to the ordinance.

Brian Killen said the ordinance has not been amended since 2021. He said the lack of updates has been due to staffing constraints, and they plan to update the ordinance more frequently going forward.

Committee Chair Dr. Davis asked about special exceptions for vape shops.

Brian Killen said zoning for vape shops is being changed from by-right to special exception. He said each special exception will have to be approved by Council.

A discussion ensued between Committee Chair Dr. Davis, Brian Killen, and Michael Divita regarding further restrictions on vape shops. Committee Chair Dr. Davis expressed concern about their proximity to schools.

Committee Chair Dr. Davis asked about the rule changes for ancillary dwellings.

Brian Killen said the current owner occupancy requirement prevents landlords from converting ancillary dwellings into additional rental units.

Michael Devita said the amendment would remove the owner occupancy requirement, allowing for more housing units in a neighborhood without changing the character of the neighborhood.

Committee Member White asked about special exceptions for gas stations.

A discussion ensued between Committee Member White, Michael Divita, Council President Lee, and Committee Chair Dr. Davis regarding concerns with gas stations. They talked about Mishawaka's process for zoning gas stations, and they discussed how changing gas station zoning from by-right to special exception will require Council to approve new gas stations.

Committee Vice Chair Tomas Morgan asked about transparency requirements.

Michael Divita said transparency is defined as windows and doors that can be seen through. He clarified that signs and window coverings reduce a building's transparency percentage, and falling below the minimum required transparency percentage is a zoning violation.

Committee Chair Dr. Davis asked about rooftop structures.

Michael Divita said rooftop structures were previously considered an additional floor, and they were not permitted for buildings already at the maximum number of floors. He said they will now be allowed if the building remains within the overall height requirement.



Committee Chair Dr. Davis asked how this would impact neighbors with light and noise concerns.

Michael Divita said there are lighting and noise rules in the ordinance that would apply.

Citizen Member Stacy Odom asked for clarification regarding the rules for gas stations and vape shops.

Michael Divita said new vape shops and gas stations will require public hearings and Council approval. He said they need to meet the minimum transparency requirement, and violations are handled by code enforcement.

With no further business, Committee Chair Dr. Davis adjourned the Zoning and Annexation Committee meeting at 4:46 P.M.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Oliver Davis".

Dr. Oliver Davis, Committee Chair

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