

# Article 21-01: Introductory Provisions

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## Section 21-01.01: Title, Purpose, & Applicability

### (a) Title

This Ordinance shall hereinafter be known and cited as "City of South Bend Zoning Ordinance," and hereinafter referred to as the "Ordinance."

### (b) Statutory Authority

This Ordinance is adopted pursuant to the authority contained in Indiana Code (IC) 36-7-4 et seq.

- (1) Whenever any provision of this Ordinance refers to or cites a section of the Indiana Code and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

### (c) Purpose of this Ordinance

In adopting this Ordinance, the Council has given reasonable consideration to, among other things: the comprehensive plan; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the City of South Bend; and, responsible development and growth of the City of South Bend, and hereby adopts this Ordinance for the purpose of:

- (1) Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
- (2) Lessening or avoiding congestion in public ways;
- (3) Promoting the public health, safety, comfort, morals, convenience, and general welfare;
- (4) Guiding the future development of the City of South Bend;

- (5) Ensuring that growth be commensurate with and promotive of the efficient and economical use of public funds; and

- (6) Otherwise accomplishing the purposes of IC 36-7-4 et seq.

### (d) Findings for Adoption of this Ordinance

The Council, in adopting this Ordinance, finds that the Ordinance has paid reasonable regard to:

- (1) The general policies and patterns of development set out in the Comprehensive Plan for the City of South Bend, Indiana;
- (2) Current conditions and the character of current structures and uses in each district;
- (3) The most desirable use for which the land in each district is adapted;
- (4) The conservation of property values throughout the City of South Bend; and
- (5) The responsible development and growth of the City of South Bend.

### (e) Effective Date of Ordinance

This Ordinance shall be effective at 12:01 a.m., on January 1, 2020.

### (f) Repealer of Prior Ordinance

Chapter 21 of the Municipal Code of the City of South Bend, Indiana (commonly referred to as the South Bend Zoning Ordinance), as adopted by the Council on the 12th day of April, 2004, and all amendments thereto, are repealed as of the effective date of this Ordinance.

**(g) Jurisdiction of this Ordinance**

Upon adoption of this Ordinance by the Council and the effective date of this Ordinance, the South Bend Plan Commission shall be the duly authorized Plan Commission for the incorporated areas of the City of South Bend pursuant to the Advisory Planning Law of the Indiana Code, and the Ordinance shall apply to all real property located within the corporate boundaries of the City of South Bend.

**(h) Minimum Requirements**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the health, safety, comfort, morals, convenience, and the general welfare of the public.

**(i) Scope and Application of this Ordinance; Compliance Required**

Except as expressly provided otherwise in this Ordinance, no land, building, structure, or improvement may be used or occupied; no building, structure, or improvement may be erected, converted, enlarged, reconstructed, moved, or altered for use; and no lots of record may be established, by subdivision or otherwise, that do not comply with all applicable regulations of this Ordinance.

**(j) Eminent Domain – United States of America or State of Indiana Owned Property**

Nothing in this Ordinance or in any rules, regulations, or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate or to authorize any unit of government, legislative body, Plan Commission, or Board of Zoning Appeals now or hereafter established, to restrict or regulate:

- (1) United States of America – the exercise of the power of eminent domain by the United States of America or by any department or agency of the United States of America, or the use of property owned or occupied by the United States of America or any department or agency of the United States of America; or,
- (2) State of Indiana – the exercise of the power of eminent domain by the State of Indiana or by any agency of the State of Indiana, or the use of property owned or occupied by the State of

Indiana or any agency of the State of Indiana. (For reference, see IC 36-7-4-1104.)

**(k) Private Provisions**

The provisions of this Ordinance are not intended to nullify, abolish, or repeal any easement, covenant, or other private agreement or restriction.

**(l) Conflicting Provisions**

In the case of any conflict or inconsistency between two or more provisions of this Ordinance (e.g., the restrictions set forth in an overlay district versus the restrictions set forth in a base district) or any other ordinance of the City of South Bend, the provision which imposes the greater or higher or more restrictive standard of performance shall control.

**(m) Severability**

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance because the same would have been enacted without the incorporation into this Ordinance of such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

**(n) Amendments to this Ordinance**

In its continuing administration of the purposes set forth in [Section 21-01.01\(c\)](#), the Council may find it reasonable and necessary to propose and adopt amendments to the text of this Ordinance or determine changes to the Zone Maps incorporated into this Ordinance. All such amendments shall be considered and adopted in compliance with IC 36-7-4-600 et seq., the provisions of this Ordinance, and any applicable Rules of Procedure subsequently adopted by the Plan Commission or the Council governing such procedures.

**Section 21-01.02: Zoning Map & Districts**

**(a) Districts**

The following districts are hereby established for the corporate limits of the City of South Bend, and land within said areas shall be designated on the Official Zone Map by the following symbols:

<b>Table 21-01A: Zoning Districts</b>	<b>Symbol</b>
<b>Standard Districts</b>	
Suburban Neighborhood 1	S1
Suburban Neighborhood 2	S2
Urban Neighborhood 1	U1
Urban Neighborhood 2	U2
Urban Neighborhood 3	U3
Urban Neighborhood Flex	UF
Neighborhood Center	NC
Downtown	DT
<b>Special Districts</b>	
Open Space	OS
University	U
Commercial	C
Industrial	I
<b>Overlay Districts</b>	
Historic Preservation Overlay	HP
Northeast Neighborhood Overlay	NNZO

**(1) Overlay Districts.** Overlay Districts are hereby established for the City of South Bend as set forth in [Section 21-05](#).

**(b) Official Zone Map**

In order to carry out the purpose of this Ordinance and to allow a variety of uses in different districts which are appropriate in location, arrangement, and density to the character of the individual districts and the establishment of a well considered pattern of development for the City of South Bend, all real property located within the corporate boundaries of the City of South Bend are hereby divided into districts as shown on the Official Zone Map which, together with all explanatory matter, is incorporated by reference and declared to be a part of this Ordinance.

**(c) Retention and Preservation of Record**

An Official Zone Map for the City of South Bend shall be maintained by the Zoning Administrator. Unless the prior Official Zone Map has been lost or completely destroyed, the prior Official Zone Map, along with all available records pertaining to its adoption or amendment, shall be retained and preserved in the office of the Plan Commission.

**(d) Official Zone Map Changes**

If, after adoption of the Official Zone Map, the Common Council, in accordance with the provisions of this Ordinance and the IC 36-7-4-600 et seq., changes any of the district boundaries or other matter portrayed on the Official Zone Map, such changes shall be entered to the electronic format Official Zone Map, which is maintained in the office of the Plan Commission. The working copy of the Official Zone Map shall be available for public inspection and reference during all normal business hours. In the event that the Official Zone Map becomes damaged, destroyed, or lost, staff shall, on an as needed basis, prepare a revised Official Zone Map for review and recommendation by the Plan Commission to the Common Council at a public hearing for which proper notice has been provided. No change of any nature shall be made in the Official Zone Map, or matter shown thereon, except in conformity with the amendment procedures set forth in this Ordinance.

**(e) Interpretation of the Official Zone Map**

Where uncertainty exists with respect to the boundaries of districts shown on the Official Zone Map, the following rules shall apply to the interpretation of those boundaries:

- (1)** Boundaries indicated as approximately following platted lot lines shall be construed to follow the platted lot lines.
- (2)** Boundaries indicated as approximately following the center lines of thoroughfares, highways, streets, or alleys shall be construed to follow the center lines.

- (3) Boundaries indicated as approximately following the corporate boundary of the City of South Bend shall be construed as following such corporate boundary of the City of South Bend.
- (4) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as approximately following along a public right-of-way which is subsequently vacated shall be construed to follow the center line of the vacated public right-of-way.
- (6) Boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed as following the center lines of such bodies of water.
- (7) Boundaries indicated as approximately following floodplain lines shall be construed to follow the floodplain lines. If the floodplain lines are changed, either naturally or as permitted by law, and such floodplain line changes are documented and concurred with by the City Engineer, such boundary shall be construed as moving with such change.
- (8) Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices.
- (9) Boundaries indicated as parallel to or extensions of features indicated in the subsections above shall be so controlled.
- (10) Distances not specifically indicated on the Official Zone Map shall be determined by the scale of the map.
- (11) Where a discrepancy exists between the depictions on the Official Zone Map and the text of a legal description accompanying an ordinance for zone map change duly adopted by the Common Council, the text of the legal description shall control.
- (12) Where physical or cultural features existing on the ground do not agree with those shown on the Official Zone Map, or in other circumstances not covered above, the Zoning Administrator shall interpret the boundaries. Any party dissatisfied with the interpretation of the Zoning Administrator may appeal such interpretation to the Board of Zoning Appeals.
- (f) Determination of Land Uses Not Listed in this Ordinance**
- It is recognized that this Ordinance may require interpretation to assign all possible uses to individual districts. Therefore, any use which is not specifically set forth in this Ordinance shall be reviewed by the Zoning Administrator for consistency with the intent set forth in each district and for compatibility with use characteristics typical of uses permitted within those districts. Based upon this review, the Zoning Administrator shall determine the appropriate district for any use which is not specifically set forth herein. In case of disagreement with the determination of the Zoning Administrator in assigning a use to an appropriate district, any aggrieved party may file an appeal with the Board of Zoning Appeals pursuant to the provisions of [Section 21-12.03](#) of this Ordinance. If it is: (i) determined by the Zoning Administrator that a particular use is not permitted in any district provided for in this Ordinance and no appeal of the Zoning Administrator's decision is filed with the Board of Zoning Appeals pursuant to the provisions of [Section 21-12.03](#) of this Ordinance; or, (ii) determined upon appeal that a particular use is not permitted in any district provided for in this Ordinance, then such use shall be deemed to require a variance.
- (g) Zoning of Newly Annexed Land**
- Any new land annexed into the City of South Bend shall be designated as the zoning district most comparable to the existing zoning district, per discretion of the Zoning Administrator. The selected zoning designation shall be based on which district the land use or building type most typically appears or is most closely related.

**(h) Conversion to New Districts**

For interpretation and administrative purposes, any reference to a previously mapped zoning district shall be replaced with the equivalent zoning district per the following table:

<b>Table 21-01B: Zoning Districts Conversion</b>		
	<b>Symbol</b>	<b>Replaces</b>
<b>Standard Districts</b>		
Suburban Neighborhood 1	S1	SF1
Suburban Neighborhood 2	S2	MF2
Urban Neighborhood 1	U1	SF2
Urban Neighborhood 2	U2	SF3
Urban Neighborhood 3	U3	MF1
Urban Neighborhood Flex	UF	OB
Neighborhood Center	NC	MU, O
Downtown	DT	CBD
<b>Special Districts</b>		
Open Space	OS	(New)
University	U	U
Commercial	C	LB, CB, GB
Industrial	I	LI, GI

MORE SUBURBAN



<p><b>S1</b> Suburban Neighborhood 1</p>	<p><b>S2</b> Suburban Neighborhood 2</p>	<p><b>U1</b> Urban Neighborhood 1</p>	<p><b>U2</b> Urban Neighborhood 2</p>
			
<p><b>Intent</b></p> <p>The S1 District is established to provide for and maintain suburban neighborhoods in outlying areas of the City.</p>	<p>The S2 District is established to provide for, maintain, and enhance suburban neighborhoods of primarily apartment complexes or houses grouped together outside of the City's core.</p>	<p>The U1 District is established to provide for, promote, and maintain urban neighborhoods located in core and outlying areas of the City.</p>	<p>The U2 District is established to provide for, promote, and maintain the development of diverse housing types in urban neighborhoods located near neighborhood centers in core and outlying areas of the City.</p>
<p><b>Typical Characteristics</b></p> <p>Primarily single unit residential development.</p> <p>Buildings with relatively deep setbacks on larger lots.</p> <p>Attached garages accessed by a driveway from the street.</p> <p>Larger city blocks with informal character and plantings.</p>	<p>A full range of residential development, including single unit, two unit, multi-unit, and ADUs.</p> <p>Larger size buildings with relatively deep setbacks on larger lots.</p> <p>Attached garages accessed by a driveway from the street or shared parking areas located in the rear or interior of the lot.</p> <p>Larger city blocks with informal character and plantings.</p>	<p>Primarily single and two unit residential development, allowing the addition of ADUs.</p> <p>Buildings with modest setbacks and inviting building frontages that create a consistent block face along smaller city blocks.</p> <p>Detached garages located at the rear of the lot, often accessed from an alley.</p> <p>Pedestrian-oriented scale with sidewalks and street trees.</p>	<p>Primarily single and two unit residential development, allowing up to four units and the addition of ADUs.</p> <p>Buildings with modest setbacks and inviting building frontages that create a consistent block face along smaller city blocks.</p> <p>Detached garages accessed from an alley.</p> <p>Pedestrian-oriented scale with sidewalks and street trees.</p>
<p><b>Building Types</b></p> <ul style="list-style-type: none"> <li>■ Carriage House</li> <li>■ Detached House</li> <li>■ Duplex</li> </ul>	<ul style="list-style-type: none"> <li>■ Carriage House</li> <li>■ Detached House</li> <li>■ Cottage Court</li> <li>■ Duplex</li> <li>■ Townhouse</li> <li>■ Apartment House</li> <li>■ Stacked Flats</li> </ul>	<ul style="list-style-type: none"> <li>■ Carriage House</li> <li>■ Detached House</li> <li>■ Duplex</li> </ul>	<ul style="list-style-type: none"> <li>■ Carriage House</li> <li>■ Detached House</li> <li>■ Cottage Court</li> <li>■ Duplex</li> <li>■ Townhouse</li> <li>■ Apartment House</li> </ul>



**MORE URBAN** 

<p><b>U3</b> Urban Neighborhood 3</p>	<p><b>UF</b> Urban Neighborhood Flex</p>	<p><b>NC</b> Neighborhood Center</p>	<p><b>DT</b> Downtown</p>
 	 	 	 
<p>The U3 District is established to provide for, promote, and maintain the development of a full range of housing types located near neighborhood centers and along major streets in urban neighborhoods in core and outlying areas of the City.</p>	<p>The UF District is established to enhance and support a full range of housing types and small-scale commercial uses found outside neighborhood centers in core and outlying areas of the City.</p>	<p>The NC District is established to promote higher intensity, urban neighborhood centers, typically located near the intersection of major streets, in core and outlying areas of the City that are well connected to surrounding neighborhoods.</p>	<p>The DT District is established to promote the development of the downtown region of the City of South Bend as a high intensity urban center for a multi-county region.</p>
<p>Single unit, two-unit, and multi-unit residential development, together with ADUs.</p> <p>Buildings with modest setbacks and inviting building frontages that create a consistent block face along smaller city blocks.</p> <p>Detached garages or shared parking accessed from an alley.</p> <p>Pedestrian-oriented scale with sidewalks and street trees.</p>	<p>A mixture of single unit, two unit, multi-unit, and ADUs. Integrates limited small-scale office, commercial, and institutional uses that are compatible in scale.</p> <p>Buildings with smaller setbacks create a consistent block face along smaller city blocks.</p> <p>Detached garages or shared parking accessed from an alley.</p> <p>Pedestrian-oriented scale with sidewalks and street trees.</p>	<p>A mixture of storefront retail, professional offices, and dwelling units located in townhouses, apartment buildings, and in the upper stories or rear of mixed-use buildings.</p> <p>Buildings with active building frontages set at or close to the sidewalk.</p> <p>Pedestrian-oriented scale with sidewalks and street trees.</p>	<p>A mixture of mid-rise and high rise mixed-use developments including a variety of compatible building types and urban uses.</p> <p>Buildings with active building frontages set at or close to the sidewalk.</p> <p>Pedestrian-oriented scale with sidewalks and street trees.</p>
<ul style="list-style-type: none"> <li> Carriage House</li> <li> Detached House</li> <li> Cottage Court</li> <li> Duplex</li> <li> Townhouse</li> <li> Apartment House</li> <li> Stacked Flats</li> </ul>	<ul style="list-style-type: none"> <li> Carriage House</li> <li> Detached House</li> <li> Cottage Court</li> <li> Duplex</li> <li> Townhouse</li> <li> Apartment House</li> <li> Stacked Flats</li> <li> Shop</li> </ul>	<ul style="list-style-type: none"> <li> Carriage House</li> <li> Townhouse</li> <li> Apartment House</li> <li> Stacked Flats</li> <li> Shop</li> </ul>	<ul style="list-style-type: none"> <li> Townhouse</li> <li> Apartment House</li> <li> Stacked Flats</li> <li> Shop</li> <li> Mid-Rise/Tower</li> </ul>

SPECIAL DISTRICTS

<p>OS Open Space</p>	<p>U University</p>	<p>C Commercial</p>	<p>I Industrial</p>
			
			
<p><b>Intent</b></p>			
<p>The OS District is established to promote the development of a range of public shared open spaces dispersed through the City.</p>	<p>The U District is established to promote the development of major college or university campuses.</p>	<p>The C District is established to provide a location for medium- to high intensity commercial uses that are auto-oriented, typically located along major corridors at the fringe of the City or as small groupings located outside of neighborhood centers.</p>	<p>The I District is established to provide a location for medium- to high intensity industrial uses, typically grouped along highways and major streets and separated from residential uses.</p>
<p><b>Typical Characteristics</b></p>			
<p>Active or passive open spaces, including neighborhood parks, formal greens or plazas, greenways, trails, recreational fields, or natural spaces that accommodate a wide range of ages, physical abilities, and programming.</p> <p>Buildings and uses that activate and address the open space or support park functions.</p> <p>Wide sidewalks and pathways for multiple uses surrounded by a formal or informal arrangement of trees and landscaping.</p> <p>Seating and site amenities that encourage pedestrian use and comfort.</p>	<p>A diversity of uses, functions, and facilities that facilitate the highest level of education.</p> <p>A range of commercial uses which are accessory to or typically associated with a college or university campus, such as a bookstore, hotel, food sales and service, school supplies, and personal services.</p> <p>Pedestrian-oriented scale with sidewalks and a formal or informal arrangement of trees and landscaping.</p>	<p>Auto-oriented commercial uses that may include outdoor sales or operations.</p> <p>Buildings located on larger lots and city blocks in a suburban format.</p> <p>Coordinated to facilitate vehicular and pedestrian access from nearby neighborhoods.</p> <p>Landscaped to be attractive and provide appropriate buffering to residential uses.</p>	<p>Office/warehouse, distribution, wholesale, assembly, and manufacturing or processing facilities that may require substantial amounts of outdoor storage or operations.</p> <p>Uses typically generate heavy traffic.</p> <p>Buildings located on larger lots on bigger city blocks.</p> <p>Landscaped to be attractive and provide appropriate buffering to other uses.</p>

**OVERLAY DISTRICTS**

<p><b>HP</b> Historic Preservation</p>	<p><b>NNZO</b> Northeast Neighborhood</p>
	
<p>The HP Overlay District is established to preserve buildings, other structures, and sites of historical, architectural, engineering, and cultural significance in South Bend.</p>	<p>The NNZO Overlay District codifies the recommendations of the Northeast Neighborhood Design Guidelines which are most relevant and applicable to new development in the NNZO.</p>
<p>Chapin Park and Leeper Park East Wayne Street Edgewater Place Lincolnway East North St. Joseph Street River Bend Riverside Drive Taylor's Field West North Shore Drive Local Landmarks</p>	<p>Establish a comprehensive design approach for the NNZO.</p> <p>Encourage high-quality design of future buildings and site development that preserves and enhances the character of a traditional neighborhood.</p> <p>Create a strong, unique neighborhood identity image.</p> <p>Provide a range of design options to address future development opportunities.</p> <p>Instill and enforce the sense of "pride of place" among residents, businesses, and property owners.</p>

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