

# Article 21-09: Site Development

## Sections

Section 21-09.01: Landscape . . . . .	9-1
Section 21-09.02: Fences & Walls . . . . .	9-10
Section 21-09.03: Stormwater . . . . .	9-12
Section 21-09.04: Outdoor Lighting . . . . .	9-13
Section 21-09.05: Clear Sight Area . . . . .	9-16
Section 21-09.06: Performance Standards . . . . .	9-17

## Section 21-09.01: Landscape

### (a) Intent

Landscape is an essential element of the site design process and is an important feature in promoting public health, safety, comfort, convenience, and general welfare. Landscape regulations are intended to:

- (1) mitigate incompatibilities between adjacent land uses and reduce the negative impacts of higher intensity land uses on less intense adjacent land uses;
- (2) provide critical visual and noise buffering between higher intensity district and less intense districts;
- (3) lessen the impact of development on the environment by reducing glare and heat buildup; and
- (4) break up large expanses of pavement so as to reduce impervious surface area, storm water run-off, and the level of pollutants from non-point sources.

### (b) Applicability

All new developments and all additions to existing development (building additions, parking area expansions, etc.) shall provide landscape as required by this section and within the applicable zoning district.

### (c) Installation of Landscape

All landscape required by this section or regulated within the applied zoning district shall be installed prior to the issuance of a final certificate of occupancy for the use on the real estate. If seasons, weather conditions, or other conditions beyond the applicants' control create a situation which is not appropriate for the installation of landscape immediately prior to the issuance of a final certificate of occupancy, the Zoning Administrator may

authorize a temporary certificate of occupancy pending the installation of landscape required; landscape shall be installed not later than 3 months after the start of the next planting season. The start of planting seasons shall be March 15 and August 15 of each year.

### (d) Minimum Plant Material Sizes at Time of Planting

All plant materials specified within this Ordinance shall comply with the minimum sizes at time of planting as specified in the following table.

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

Plant Category	Minimum Size
Deciduous Shade Tree	1.75" caliper at 6" above ground
Deciduous Ornamental Tree	1.5" caliper at 6" above ground
Evergreen Tree <sup>1</sup>	6' high
Hedge Plants / Shrubs	24" high

<sup>1</sup> Evergreen must be of a wide spread species that does not drop its lower branches (e.g., white pines).

### (e) Maintenance of Landscape

All plant materials shall be maintained in a healthy, growing condition. The owner shall be responsible for the replacement of any required planting that is removed or dies after the date of planting. Such replacement shall occur within three months after the start of the next planting season. Failure to maintain required landscape areas shall constitute a violation of this Ordinance enforceable under the provisions of [Section 21-13.02](#).

**(f) Live Vegetation**

All trees and shrubs required by this section shall be living vegetation.

**(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.

**(h) Tree Conservation**

All proposed development shall conserve on-site established trees, defined as any healthy tree with a caliper of 6 inches or more, measured at 6 inches above the ground.

**(1) Removal.** An on-site established tree may be removed only if at least one of the following conditions are satisfied:

- (A) The tree interferes with the construction of a structure or other site improvement, no feasible and prudent location alternative exists on-site for the proposed structure or other site improvement, and no possibility exists for incorporation of the tree into the proposed development.
- (B) The tree is causing damage to an existing structure or site improvement and no feasible remedy exists other than removing the tree.
- (C) The tree is diseased or injured beyond restoration, as determined by a licensed arborist.
- (D) The tree is dead, is in danger of falling, is located so as to pose a threat to existing structures, interferes with existing utility infrastructure, is in conflict with required clear sight area, or is otherwise considered hazardous or unsafe.

**(2) Replacement.** In the event that an on-site established tree of a minimum of 6 inches diameter, measured at 6 inches above the ground, is removed under any circumstances, including the accidental

killing of a tree during the course of construction activity, the following requirements apply:

- (A) For each established tree that is removed, one replacement tree shall be installed on-site beyond that which is otherwise required by this section. The replacement trees shall be installed in compliance with [Section 21-09.01\(c\)](#).
- (B) If the site cannot accommodate the number of trees required as replacements, the Zoning Administrator may allow the replacement trees to be installed off-site within the city limits of the City of South Bend.
- (C) A replacement tree may be planted in a public park or public right-of-way with the authorization of the City Forester.

**(i) Berms**

An earthen berm may be used, subject to the following:

- (1)** Berms are prohibited in a U1, U2, U3, UF, NC, or DT district.
- (2)** Each berm shall have a maximum height of 3 feet, or up to 6 feet in the I district. Berms shall be planted and covered with live vegetation.
- (3)** Each berm shall have a minimum crown width of 2 feet and a side slope not greater than 3 feet horizontal to 1 foot vertical (3:1).
- (4)** Berms shall not interfere with clear sight area or required drainage.

**(j) Relation to Utilities**

In those instances where overhead utilities are located within a required setback, required buffer, or tree lawns, plant material selections shall be limited to small growing trees which do not exceed 25 feet in height at maturity. Landscape plantings may be shifted to avoid underground utilities.

**(k) Location of Landscape**

To the extent possible, landscape required by this section shall be placed on the development site, with the exception of streetscape trees. When

## Landscape

circumstances dictate that landscape can or should be placed in the public right-of-way to meet the requirements of this section, permission shall be obtained from the City Forester prior to the placement of landscape within the right-of-way. Landscape shall not interfere with clear sight area or utilities.

### **(l) Alternate Landscape Plan**

The Zoning Administrator, upon request by an applicant, shall have the authority to approve an alternate landscape plan, subject to the provisions below, as long as the intent of this section is met. An alternate landscape plan may include the following:

- (1)** The redistribution or clustering of landscape materials.
- (2)** Any combination of shade trees, ornamental trees, evergreen trees, or hedge plants/shrubs, provided that the total amount of plant materials remains proportional to the base requirements of this section.
- (3)** The substitution of narrow spread evergreen trees for wide spread evergreen trees at a rate of 4 trees for each 1 required. If narrow spread evergreen trees are used, the required buffer width may be reduced by 5 feet.
- (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.

## 21-09.01(m): Streetscape Trees

**(1) Definition**

Streetscape trees provide healthy, long-living trees along or adjacent to the public right-of-way in order to improve the comfort of public streets and sidewalks while creating a buffer between pedestrians and vehicular travel.

**(2) Applicability**

Streetscape trees shall be provided for all new development and additions to existing development (i.e., building additions, parking area expansions) as required within the applicable zoning district.

**(3) Exemptions**

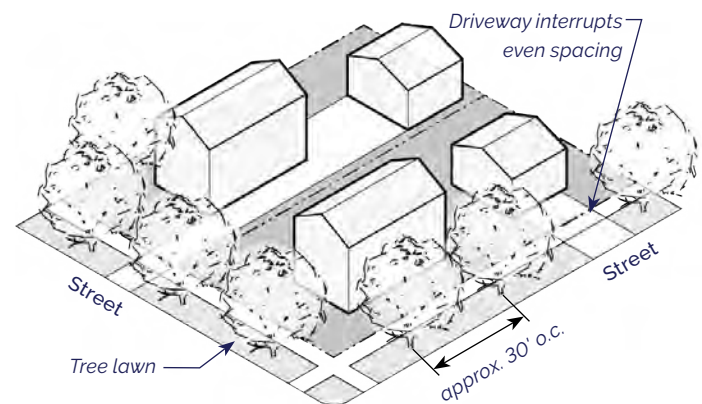
The Zoning Administrator may waive a development from the required streetscape trees for the following scenarios:

- (A) Streetscape trees of the minimum required number and size are already installed and maintained in a healthy, growing condition.
- (B) The crown of a well-established tree planted on-site and adjacent to the outer edge of the lot reaches over the public right-of-way area and would cause overcrowding of the new street tree.
- (C) The specific location of a curb cut, utility line, underground vault, transit stop/station, or other feature conflicts with the placement of a tree.

**(4) General Requirements**

All streetscape trees shall be installed in accordance with Chapter 19 Article 1 of the South Bend Municipal Code and planting standards of the Department of Venues, Parks, and Arts.

- (A) A minimum of one streetscape tree shall be installed on the adjacent street, for each full 30 feet of street frontage. For example, a 50 foot lot width would require one tree, while a 60 foot lot width would require two trees.
- (B) As indicated within the zoning district, streetscape trees may be permitted to be located within the established front yard of a lot instead of the street tree lawn.
- (C) Streetscape trees shall consist of native, deciduous shade trees and be selected from the recommended list of tree species for South Bend. Trees must be granted a permit by the City Forester.
- (D) To the extent possible, streetscape trees shall be evenly spaced, with the exception of driveways or other interferences within the lot or right-of-way.



Streetscape trees

**21-09.01(n): Building Foundation Landscape**

**(1) Definition**

Building foundation landscape is installed along or in relation to the perimeter foundation of a building or structure to enhance the appearance from the street.

**(2) Applicability**

Building foundation landscape shall be provided for all new buildings and building additions with facades over 35 feet in width facing a street or civic space as required within the applicable zoning district and in accordance with the following regulations.

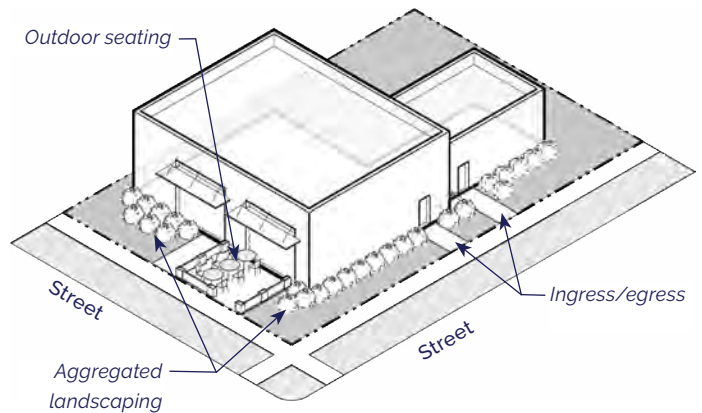
**(3) Exemptions**

Building foundation landscape is not required for the following scenarios:

- (A) Residential buildings of up to 4 units;
- (B) If a building is within 5 feet of an applicable lot line; and,
- (C) Buildings located in a NC or DT district.
- (D) The Zoning Administrator may waive the requirement for building foundation landscape if a building is located more than 50 feet from the street and the Zoning Administrator determines the building foundation landscape is not needed to meet the intent of this ordinance.

**(4) General Requirements**

- (A) Building foundation landscape shall be provided at a rate of at least 1 hedge plant or shrub for every 5 feet of applicable facade. Any fractional result shall be rounded up to the next whole number. For example, if a minimum requirement is applied to a 62 foot long elevation, the resulting fraction of 12.4 requires 13 hedge plants.
- (B) Building foundation landscape areas shall be a minimum of 3 feet in the smallest dimension.
- (C) Building foundation landscape shall be located along or adjacent to each applicable building facade, except where a portion of the facade is devoted to pedestrian or vehicular ingress/egress, loading or drop-off zones, or outdoor seating areas. In these cases, foundation landscape shall be aggregated into one or more locations abutting such building elevation.



*Building Foundation Landscape*

21-09.01(o): Landscape Buffer

**(1) Definition**

A landscape buffer provides screening or buffering between adjacent uses or zoning districts.

**(2) Applicability**

The following scenarios require the installation of a landscape buffer.

- (A) A buffer is required between specified zoning districts as regulated within the applicable zoning district.
- (B) A landscape buffer shall be provided where specific uses are introduced as part of any new development or change of use, as listed below.

Table 21-09B: Buffers Required by Use	
Uses	Standards
Drive-Through Facility	<a href="#">21-06.01(k)(7)</a>
Gas/Fuel Station	<a href="#">21-06.01(k)(11)</a>
Industrial, Heavy	<a href="#">21-06.01(g)(2)</a>
Industrial, Light	<a href="#">21-06.01(g)(3)</a>
Outdoor Storage	<a href="#">21-06.02(f)(25)</a>
Parking Lots	<a href="#">21-06.01(l)(4)</a>
Retail & Service, Heavy	<a href="#">21-06.01(k)(17)</a>
Self-Storage Facility	<a href="#">21-06.01(k)(18)</a>
Utilities, Major	<a href="#">21-06.01(m)(2)</a>
Utilities, Minor	<a href="#">21-06.01(m)(3)</a>
Vehicle Sales or Rental	<a href="#">21-06.01(k)(21)</a>
Vehicle Service, Major	<a href="#">21-06.01(k)(22)</a>
Warehouse/Distribution	<a href="#">21-06.01(g)(5)</a>
Waste Processing/ Recycling Facility	<a href="#">21-06.01(g)(6)</a>
Wireless Communications	<a href="#">21-06.01(m)(4)</a>

**(3) Exemptions**

A buffer is not required for the following scenarios:

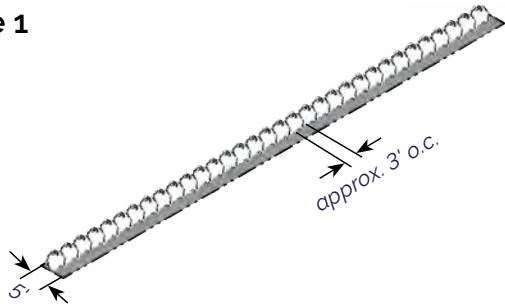
- (A) Residential buildings of up to 4 units located in any zoning district.
- (B) Except as otherwise required, when an alley separates applicable zoning districts, a buffer is not required along the lot line abutting the alley.

**(4) General Requirements**

- (A) Buffers shall be located along the outer perimeter of the lot, parallel to and extending along 100 percent of the shared lot line, unless otherwise indicated in the use standards.
- (B) Any fractional result shall be rounded up to the next whole number. For example, if a minimum requirement of 2 evergreen trees per 25' of adjacent lot line is applied to a 40' lot, the resulting fraction of 3.2 is rounded up to 4 required trees.
- (C) Parking areas, loading, and driveways shall not be located in any buffer.
- (D) Landscape buffers may include a combination of shrubs, trees, fences, and walls installed per the requirements [Table 21-09C](#).
- (E) When two buffer types are required in the same general location, only the more intense buffer is required to be installed.

**Table 21-09C: Landscape Buffer Standards**

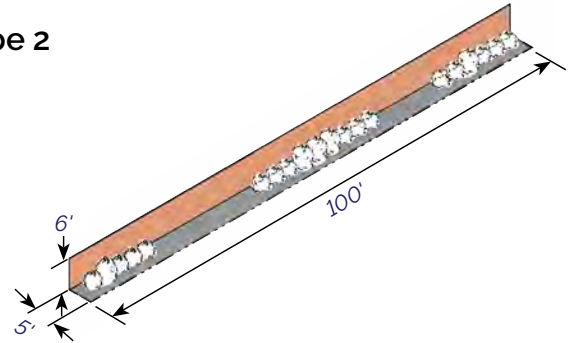
**Type 1**



**Type 1 Buffer**

A min. depth of 5' and requires a continuous hedge row of shrubs planted 3' on center. The hedge may be replaced with a solid, masonry wall of 2-3' in height. The low wall may incorporate additional landscape.

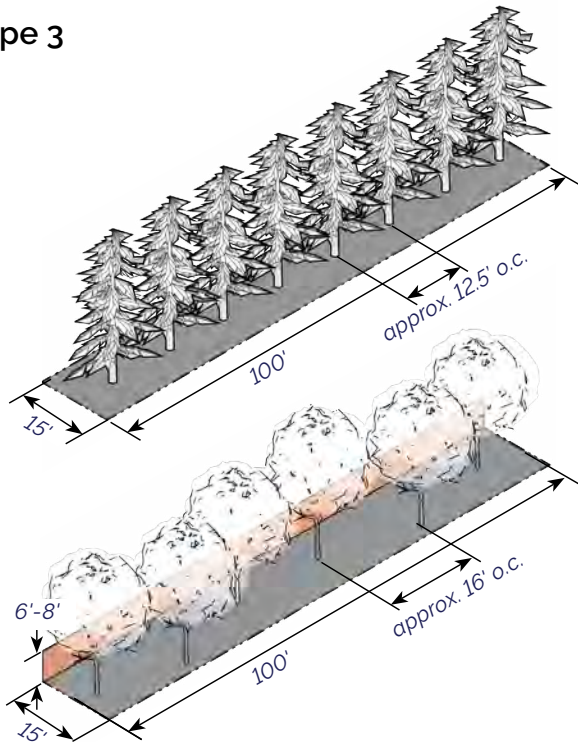
**Type 2**



**Type 2 Buffer**

A min. depth of 5' with 20 shrubs for every 100' of length, spaced evenly or grouped together as desired. A continuous 6' high solid fence is required. A higher fence is permitted if allowed by the applicable zoning district.

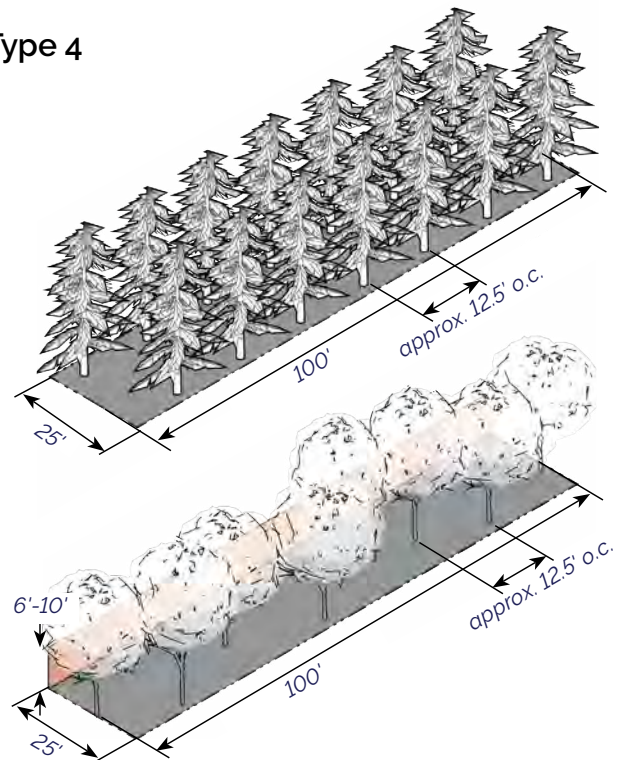
**Type 3**



**Type 3 Buffer**

A min. depth of 15' and requires 8 evergreen trees for every 100' of length, spaced evenly in a single row at approximately 12.5' on center. If a 6' min. height fence is provided, evergreens may be replaced with shade trees provided at a rate of 6 shade trees for every 100' of length, spaced evenly or grouped together as desired.

**Type 4**



**Type 4 Buffer**

A min. depth of 25' and requires 14 evergreen trees for every 100' of length, spaced evenly in a staggered double row at approximately 12.5' on center. If a 6' min. height fence is provided, evergreens may be replaced with shade trees provided at a rate of 8 trees for every 100' of length, spaced evenly or grouped together as desired.

21-09.01(p): Parking Lot Landscape

(1) Definition

Parking lot landscape screens parking lots, enhances the aesthetics of a lot and the adjacent public realm, provides shade protection, and reduces the impervious surfaces on a lot.

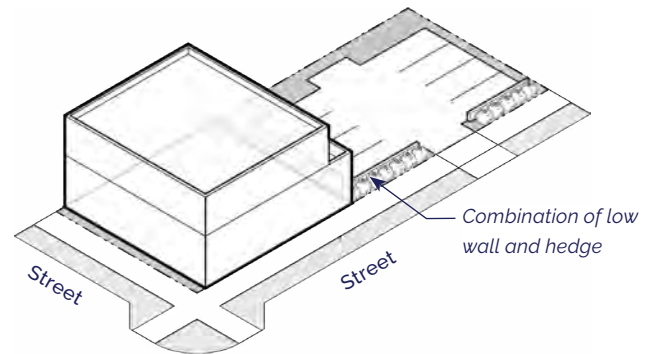
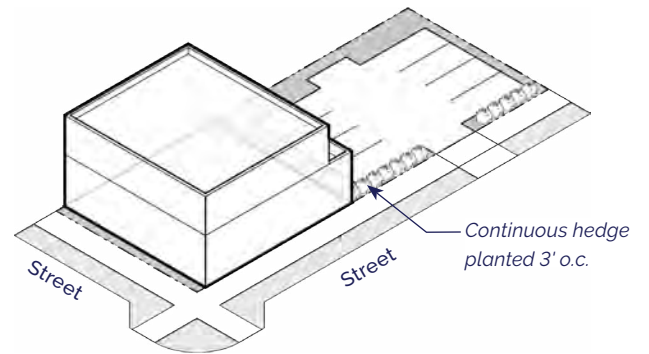
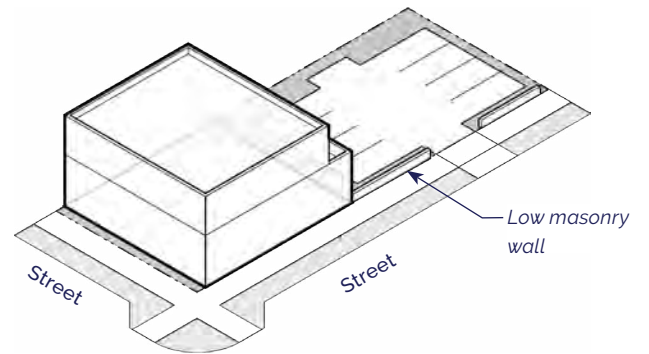
(2) Parking Lot Screening.

All new surface, off-street parking lots and expanded surface off-street parking lots that contain 4 or more parking spaces, for any use, excluding driveways, shall provide parking screening subject to the following regulations:

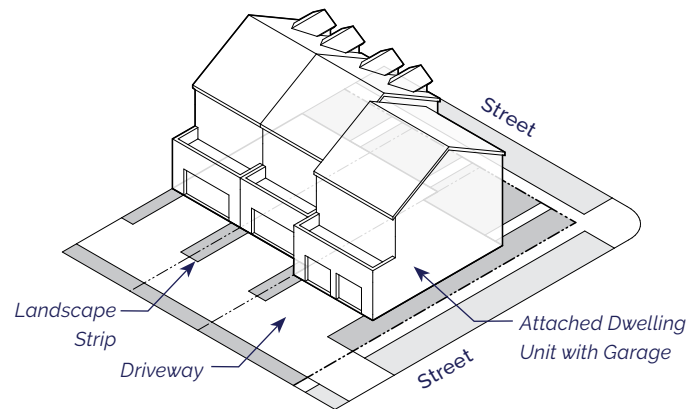
- (A) Where a parking lot is located along, within 50 feet of, and visible from a street or open space, other than an alley, the parking lot shall be screened by a Type 1 buffer per Section 21-09.01(o). The buffer shall be placed along the edge of the parking lot or access drive that faces the street, with breaks permitted for vehicular and pedestrian access.
- (B) Where any parking lot is located along, within 50 feet of, and visible from a side or rear lot line that abuts any lot in a S1, U1, or U2 district, the parking shall be screened by a Type 1 buffer located at the edge of the parking area or a Type 2 buffer located along the abutting lot line, designed per Section 21-09.01(o). When an alley separates zoning districts, a buffer is not required along the lot line abutting the alley.
- (C) When a more intense buffer type exists between a parking lot and the applicable lot line, the parking lot screening is not required.

(3) Parking Drive Landscape.

For the townhouse building type, individual driveways that are 18 feet long or more and lead to attached garages serving individual dwelling units shall provide a landscape strip at least 4 feet wide between driveways.



Off-Street Parking Lot Screening Options



Parking Drive Landscape

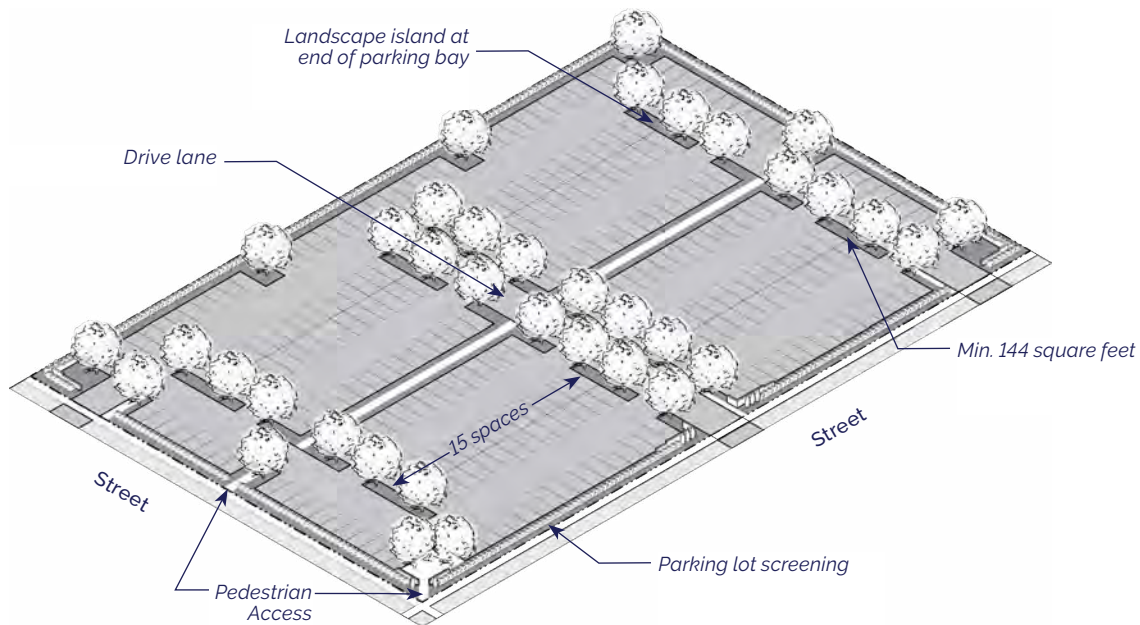
Landscape

**(4) Parking Lot Landscape Islands.**

In addition to parking screening requirements, all new surface parking lots containing 30 or more parking spaces and all expanded surface parking lots which are increased by 30 or more parking spaces, whether such increase occurs at one time or in successive stages, shall be subject to the following regulations:

- (A) All such off-street parking areas shall include at least 1 required landscape island for every 15 parking spaces (or fraction thereof).
- (B) Each required landscape island shall measure a minimum 144 square feet in area.
- (C) Each required landscape island shall contain a minimum of 1 deciduous shade tree or 1 deciduous ornamental tree.

- (D) Parking islands should be located at the end of parking bays so as to define vehicular and pedestrian traffic patterns.
- (E) Area devoted to landscape islands shall be in addition to any required streetscape, building foundation landscape, landscape buffer, building foundation landscape, or parking lot screening required by this section.
- (F) Parking lots shall include areas used for Vehicle Sales or Rental uses.
- (G) Parking lots do not include areas used for semi-truck loading, maneuvering, or parking.
- (H) Zoning Administrator may approve a design where landscape islands are aggregated into one or more larger landscape islands.



*Parking Lot Landscape Islands*

## Section 21-09.02: Fences & Walls

**(a) Applicability**

The construction of a new fence or wall, or reconstruction of an existing fence or wall, shall comply with the standards of this section.

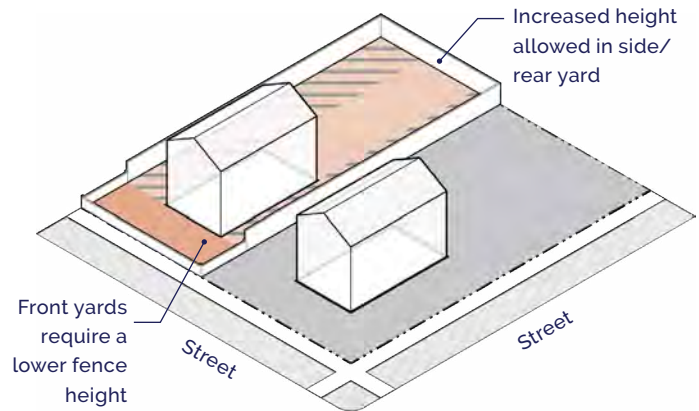
**(b) Location**

- (1) Fences and walls may encroach into any required setback and be located in any established yard. No fence or wall shall encroach across a lot line or into a public right-of-way.
- (2) All fences shall comply with the Clear Sight Area provisions of [Section 21-09.05](#).

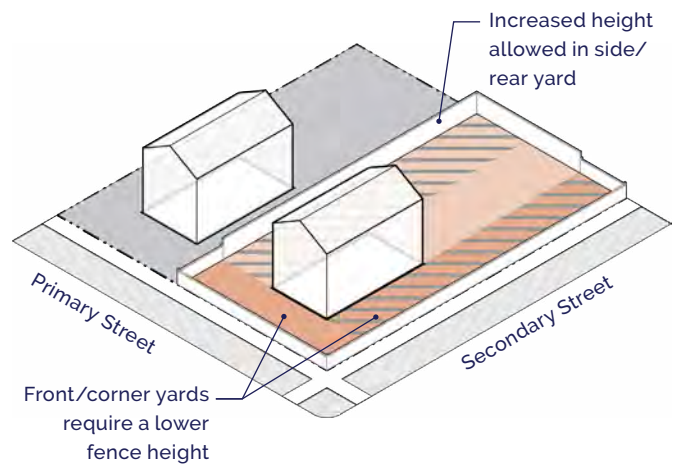
**(c) Height**

The height of all fences and walls is measured from the average natural ground level within 2 feet of the base of the fence or wall. An additional 1 foot of height is allowed, above the maximum permitted height, for posts, columns, or light fixtures.

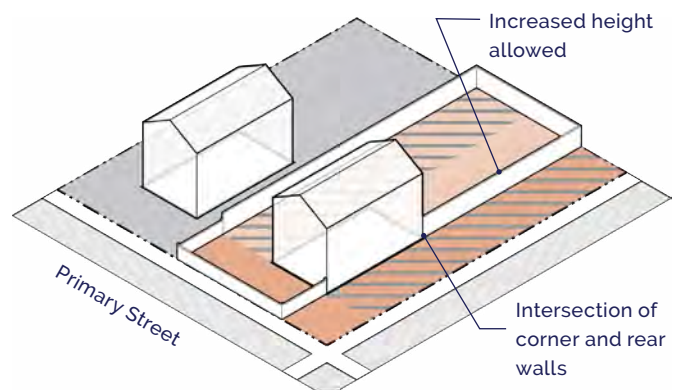
- (1) Fences and walls shall not exceed the maximum height listed in Table 21-09D.
- (2) On a lot without a primary building, the height of fences and walls shall not exceed 3 feet if less than or equal to 50 percent open or 4 feet if more than 50 percent open.
- (3) In the NNZO, fences and walls shall be erected in compliance with the provisions of [Section 21-05.02\(g\)\(1\)](#).
- (4) A 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.



Interior Lot - Fence Height



Corner Lot - Fence Height



Corner Lot - Fence at building facade line



**Table 21-09D: Fences & Walls Maximum Height**

District <sup>1</sup>	Established Front & Corner Yard		Established Side & Rear Yard
	Less than or Equal to 50% Open	More than 50% Open	Any Fence Type
S1, S2, U1, U2, U3	3'	4'	6'
UF, NC, DT, OS, U, C	3'	4'	8'
I	6'	6'	10'

<sup>1</sup> In the NNZO, fences and walls shall also comply with the provisions of [Section 21-05.02\(g\)\(1\)](#).

**(d) Finish**

All fence posts and related supporting members of a fence shall be erected so that the finished sides of the fence face the adjacent lot or public right-of-way.

**(e) Materials**

- (1) Fence and wall materials may include, but are not limited to, chain link, solid, stockade, architectural screen, lattice-work, shadow-box, vinyl, or masonry.
- (2) In a NC or DT district, chain link fence materials are prohibited in an established front or corner yard or within 10 feet of a front or corner lot line.
- (3) In the NNZO, fences and walls shall also comply with the provisions of [Section 21-05.02\(g\)\(1\)](#).
- (4) Fences or walls constructed of barbed wire, electric, razor wire, or other similar types of security wire fences shall only be permitted for non-residential uses such as, but not limited to, utility sites such as water, sewer, electric and gas main facilities; heating, ventilating and air-conditioning equipment; restricted public access areas such as airports, sewer and water treatment facilities; public safety facilities; and public and private communication facilities such as wireless, radio, and television communication towers. These materials shall not be located in any established front or corner yard. The Zoning Administrator shall have the authority to determine the extent and location of such fences.

## Section 21-09.03: Stormwater

**(a) Applicability**

All projects shall meet the stormwater requirements in the latest version of the Design and Construction Standards and Prevailing Specifications for Public Works.

**(b) Above Ground Retention**

- (1)** Above ground retention shall not be located in a U1, U2, U3, UF, NC, or DT district, or within an Airport Approach Surface as determined by the Federal Aviation Administration.

**Section 21-09.04: Outdoor Lighting**

**(a) Intent**

The following regulations are intended to provide for the installation of outdoor light fixtures which:

- (1) Provide adequate light for safety, utility, and security,
- (2) Promote efficient lighting that conserves energy,
- (3) Mitigate objectionable glare, offensive light sources, and the spillover of light beyond lot lines, and
- (4) Reduce light pollution and improve night sky visibility.

**(b) Applicability**

The outdoor lighting regulations contained in this section, except as specifically stated otherwise, apply to all outdoor light fixtures.

- (1) **Nonconforming Lighting.** Routine repair and maintenance of nonconforming lighting is permitted, provided such changes do not result in a higher lumen output. Routine repair and maintenance includes changing lamps or light bulbs, ballast, starter, photo control, housing, lenses, and other similar components. Nonconforming lighting may be altered to eliminate or reduce a nonconformity or to create conforming lighting.

**(c) Exempt**

The following outdoor light fixtures are exempt from the regulations of this section.

- (1) **Residential Buildings of up to 4 Units.** All outdoor light fixtures used for the illumination of personal property, provided that such outdoor light fixtures shall meet the maximum allowable light levels permitted by [Section 21-09.04\(f\)](#) and the maximum color temperature permitted by [Section 21-09.04\(i\)\(2\)](#).
- (2) **Public Lighting.** All outdoor light fixtures required by government agencies or originating from public areas and ways, including but not limited to parks, rights-of-way, public art, or other public facilities, that are installed for the benefit of the public health, safety, and welfare.

- (3) **Construction and Emergency Lighting.** All outdoor light fixtures provided for construction work or the abatement of an emergency situation necessitating said lighting, provided that the use of fixtures is discontinued during hours when construction activity or emergency abatement is not in progress and that such outdoor light fixtures are removed upon completion of the construction activity or the abatement of the emergency.

- (4) **Special Event Lighting.** Outdoor light fixtures for civic and special events, such as festivals, fairs, carnivals, and sporting events, may be placed on a temporary basis subject to the following standards:

- (A) The Zoning Administrator shall approve special event lighting.

- (B) Special event lighting shall not be installed more than thirty days prior to the special event and shall be removed not more than fifteen days after the special event.

- (C) **Searchlights.** Notwithstanding anything contained in this section, one portable, rotating searchlight may be used for a special event, provided that it shall not be permitted for more than three occurrences during a calendar year; shall not be used for a period of more than two consecutive days during a special event; and shall not be operated between the hours of 12:00 midnight and 8:00 a.m.

- (5) **Holiday Decorations.** All outdoor light fixtures used for holiday decorations, up to 60 days per year.

- (6) **Low Intensity Lights.** Low voltage (12 or fewer volts), low wattage ornamental landscape light fixtures and solar operated light fixtures having self-contained rechargeable batteries, where any single light fixture does not exceed 100 lumens.

- (7) **Internal Illumination of Signs.** All outdoor light fixtures which are completely enclosed within a sign cabinet and which provide illumination only for a sign face, subject to [Section 21-10.01\(j\)](#).

**(d) Prohibited Lights**

- (1) Unshielded lighting, except as otherwise provided in this section.
- (2) Searchlights, beacons, and other high-intensity narrow-beam fixtures, except as provided for in [Section 21-09.04\(c\)\(4\)](#).
- (3) Any lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation. Includes strobe lights. This provision is not intended to prohibit artistic lights installed along the river or in a public open space.

**(e) General Provisions**

- (1) **Basis of Design.** In general, all exterior light sources shall be directed downward and the illumination confined to necessary or useful areas.
- (2) **Power Supply.** Outdoor light fixtures located on light poles shall be provided power by underground wiring.

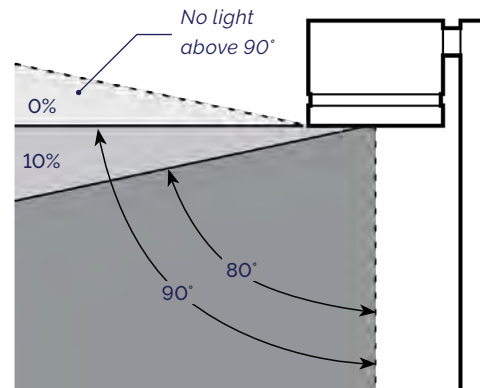
**(f) Maximum Light Levels at Lot Line**

- (1) The maximum light level at any point on a lot line abutting an S1, S2, U1, U2, or U3 lot shall not exceed 0.2 foot candles. All others shall not exceed 1.0 foot candles. Foot candles are measured with the light-reading sensor of a light meter held parallel to the ground and at ground level, facing up.
- (2) The Zoning Administrator may determine that certain light fixtures are exempt from these requirements because they do not adversely affect an adjacent property owner or right-of-way, or because they are necessary for the functioning of the use.

**(g) Shielding & Cutoff**

- (1) All outdoor light fixtures shall be placed and directed to prevent light trespass or glare onto adjacent rights-of-way or properties that may create a nuisance or may distract or interfere with the vision of drivers.

- (2) All outdoor light fixtures shall be full cutoff or fully shielded to prevent light at or above horizontal 90 degrees (above nadir) and limited to a value not exceeding 10 percent of lamp lumens at or above 80 degrees.
- (3) All outdoor light fixtures shall be fitted so that no portion of the light source or drop lens is visible below the fixture when viewed directly from the side.

*Full Cutoff***(h) Fixture Mounting & Height**

- (1) Outdoor light fixtures shall be mounted parallel to the ground and shall utilize a rigid mounting arm with no built-in up tilt and no adjustment feature.
- (2) Outdoor lighting used to illuminate a particular area (i.e., entryway, sidewalk, parking area, or loading area) shall, within those areas, be of uniform height, size, and design.
- (3) Outdoor lighting used to illuminate areas for pedestrians shall not exceed 15 feet.
- (4) Outdoor lighting used to illuminate areas for vehicular travel and parking shall not exceed 30 feet.

**(i) Type of Bulb**

- (1) All outdoor light fixtures shall be energy efficient and produce at least 80 lumens per watt of energy consumed.
- (2) Lights may not have a color temperature of more than 3,000 Kelvin.

### (j) Special Regulations for Outdoor Lighting

#### (1) Accent Lighting

- (A) Outdoor lighting used to accent architectural features, landscaping, or art may be directed upward, provided that light fixtures are located, aimed, or shielded to reflect the light off surfaces to emphasize form and texture and minimize light spill into the night sky. Upward aimed building facade lighting shall not exceed 900 lumens.
- (B) Building facade lighting exceeding 900 lumens shall be fully shielded and aimed downward.
- (C) Building facade lighting that is measurable at the ground level shall be included in the maximum allowable light levels permitted by [Section 21-09.04\(f\)](#).

#### (2) Security Lighting

- (A) Building-mounted (wall pack) security light fixtures are only permitted for loading, storage, or service areas and/or rear entrances to buildings and not as substitutes for appropriate light fixtures for parking areas or pedestrian walkways.
- (B) Building-mounted (wall pack) security light fixtures are not permitted to project above the roof line of a building.

#### (3) Sports Fields. Freestanding outdoor light fixtures may be installed for sport and athletic fields, provided they do not exceed 110 feet in height above grade and meet the maximum allowable light levels permitted by [Section 21-09.04\(f\)](#).

#### (4) Vehicular Canopies

- (A) Lighting for any canopy area over fuel sales, drive through lanes, automated teller machines, or similar structures shall use recessed fixtures.
- (B) Highly reflective material installed on the underside of the canopy is prohibited.

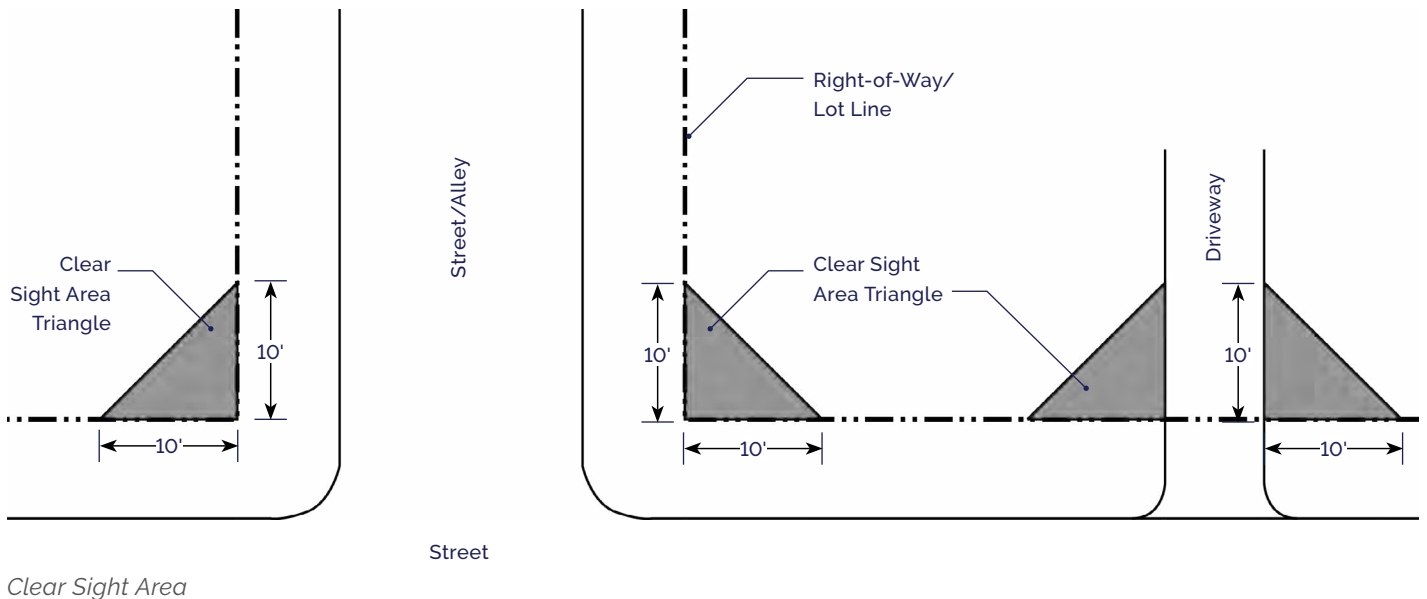
## Section 21-09.05: Clear Sight Area

### (a) Clear Sight Area Requirements

- (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.
- (2) The clear sight area is the triangular area formed by the street right-of-way line; another street right-

of-way line, alley right-of-way line, or driveway surface edge; and a line connecting points 10 feet from the intersection of said lines. In the case of a round or corner-cut right-of-way, the measurement shall be taken from the intersection of the right-of-way lines extended.

- (3) The City Engineer or designee may require a larger clear sight area, as provided by Indiana Department of Transportation Design Manual standards, when necessary to provide for the safe movement of pedestrians and vehicles.



Clear Sight Area

**Section 21-09.06: Performance Standards**

**(a) Intent**

All land development activity is subject to the following performance and design criteria.

**(b) General Provisions**

All uses in existence prior to the effective date of this Ordinance or established after the effective date of this Ordinance in any district shall comply with the performance standards of the applicable municipal, state, or federal regulations pertaining to: smoke, dust, and particulate matter; odor; noise; heat and glare; vibration; waste, hazardous materials, and other noxious matter; and electrical interference, and shall be subject to enforcement action by the applicable municipal, state, or federal agency responsible for monitoring and enforcing such regulations.

**(c) Smoke, Dust, and Particulate Matter**

Smoke, dust, and other types of air pollution that can be borne by the wind from the use shall be controlled through appropriate landscape, sheltering, paving, wetting, collecting, or other means.

**(d) Odor**

No use may emit odors of an intensity and character as to be detrimental to the public health, safety, and welfare. Odors lasting less than 15 minutes for every 24-hour period are exempt.

**(e) Noise**

No use may be conducted in a manner that generates a sound level that is in violation of Chapter 13, Article 7 of the South Bend Municipal Code.

**(f) Heat and Glare**

Any activity or the operation of any use that produces heat or glare shall be conducted so that no heat or glare from the activity or operation is detectable at any point off-site. Flickering or intense sources of light shall be fully shielded.

**(g) Vibration**

No use may produce continuous, frequent, or repetitive vibrations that are of an intensity and character as to be detrimental to the public health, safety, and welfare.

**(h) Waste, Hazardous Materials, and Other Noxious Matter**

The use, storage, handling, transport, discharge, and disposal of waste and hazardous materials shall comply with all applicable laws.

**(i) Electromagnetic Interference**

Electromagnetic interference from any use shall not adversely affect the operation of any equipment located off the lot where the interference originates.

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