



City of South Bend PLAN COMMISSION

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

AGENDA

Monday, June 15, 2020 - 4:00 P.M.

County-City Building
Fourth-Floor Council Chambers

PUBLIC HEARING:

A. REZONINGS – 4:00 PM

- 1) **Location:** 514 FRANCES ST PC#0007-20
Petitioner: LORI HISCOCK
Requested Action:
Rezoning: From U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2
- 2) **Location:** 128 LAUREL ST, 132 LAUREL ST, 134 LAUREL ST, 136 LAUREL ST, 915 THOMAS ST, 125 LAUREL ST, 129 LAUREL ST, 133 LAUREL ST, 205 LAUREL ST and 207 LAUREL ST PC#0012-20
Petitioner: NORTHERN INDIANA HISTORICAL SOCIETY INC
Requested Action:
Rezoning: From U1 Urban Neighborhood 1 to NC Neighborhood Center
Variance(s): 1) From the required maximum 12' front setback to 70' ; 2) From the required 60% ground floor transparency to 0%; 3) To allow a Detached House Building Type in the NC District
- 3) **Location:** 310 WALTER ST PC#0015-20
Petitioner: DEBBIE S SPETH
Requested Action:
Rezoning: From S1 Suburban Neighborhood 1 to C Commercial

B. MAJOR SUBDIVISIONS – 4:30 PM

- 1) **Name:** PORTAGE PRAIRIE BUSINESS PARK PC#0008-20
Location: North side of Adams Rd. along Dylan Dr.
- 2) **Name:** FREDRICKSON COMMONS PC#0011-20
Location: South of Fredrickson Park and North of Howard Street
- 3) **Name:** EDDY COMMONS PHASE III MAJOR SUBDIVISION PC#0014-20
Location: the southwest corner of State Road 23 and Howard Street

C. TEXT AMENDMENTS – 5:00 PM

- 1) **Requested Action:** PC#0009-20
A proposed ordinance of South Bend Plan Commission, amending Chapter 21 of the South Bend Municipal Code to correct typographical errors in various Articles and to add clarifying language and tables.

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Daniel Brewer
Commission President



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D. DEVELOPMENT PLANS – 5:15 PM

1) **Requested Action:**

PC#0016-20 A

proposed resolution of the South Bend Plan Commission approving a development plan titled Miami Hills Small Area Plan - **Tabled to July 20, 2020**

ITEMS NOT REQUIRING A PUBLIC HEARING:

A. MINOR SUBDIVISIONS – 5:30 PM

1) **Name:** LATHROP STREET AND OLD CLEVELAND ROAD MINOR SUBDIVISION

PC#0010-20

Location: North and East of the South Bend Airport

2) **Name:** SAMPLE AND LAFAYETTE MINOR SUBDIVISION

PC#0013-20

Location: Southwest corner of Sample Street and Lafayette Boulevard

B. FINDINGS OF FACT

C. UPDATES FROM STAFF

D. MINUTES

E. ADJOURNMENT

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Daniel Brewer
Commission President

Property Information

Location: 514 FRANCES ST
Owner: LORI HISCOCK

Requested Action

Rezone from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2

Project Summary

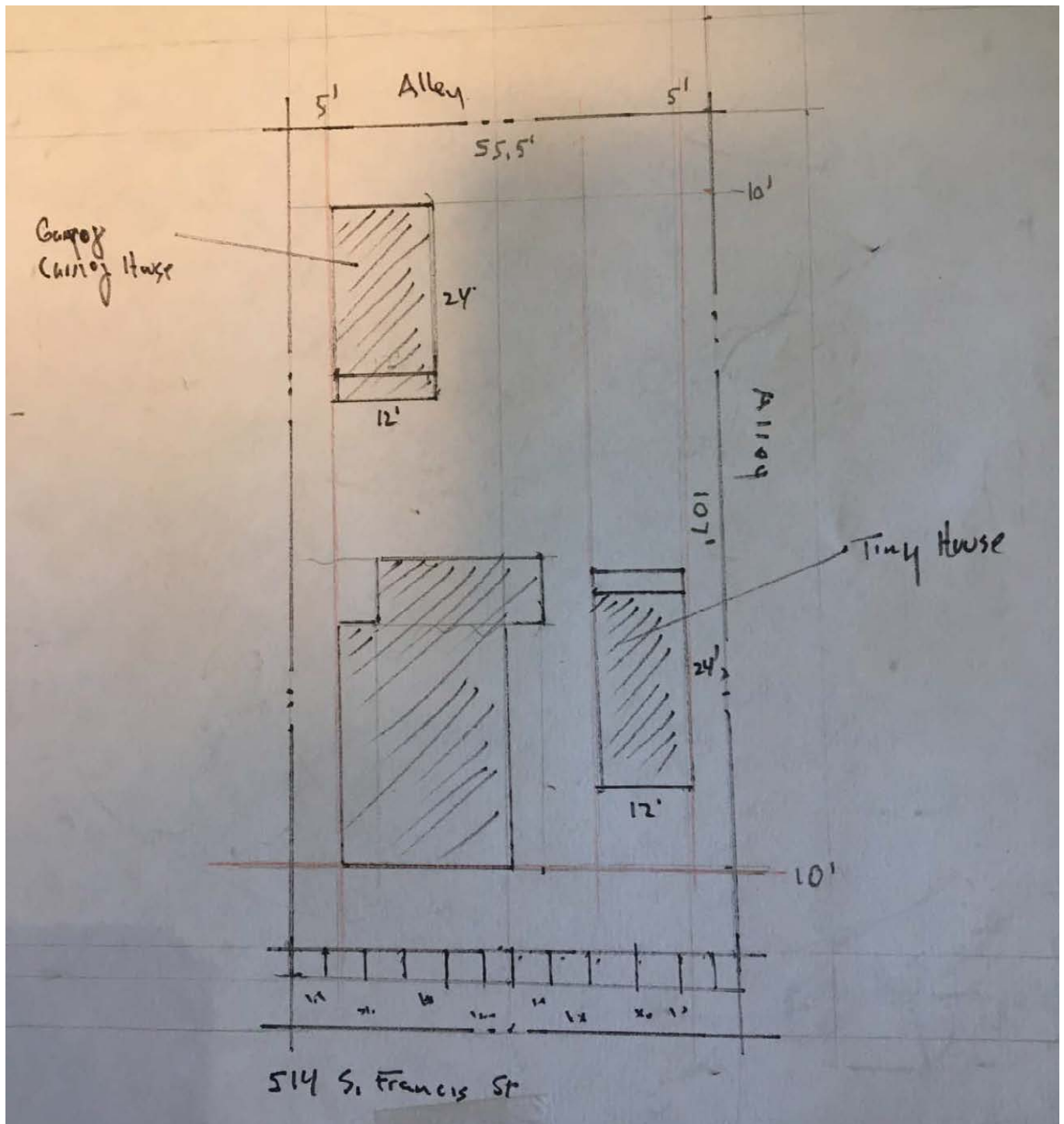
The petitioner requests a rezoning to the U2 district to allow for the construction of a carriage house on the property and other uses, as allowed, in a manner that will fit within the neighborhood.

Location Map

Recommendation

Staff Recommendation: Based on information available prior to the public hearing, the staff recommends the Plan Commission send the rezoning petition to the Common Council with a favorable recommendation.

Proposed Site Plan



Site & Context

Land Uses and Zoning:

On site: On the site is a single family home.
 North: To the north is a single family home zoned U1 Urban Neighborhood 1.
 East: To the east is a vacant lot zoned U1 Urban Neighborhood 1.
 South: To the south is a single family home zoned U1 Urban Neighborhood 1.
 West: To the west is a single family home zoned U1 Urban Neighborhood 1.

District Intent:

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.

Site Plan Description:

The site plan as submitted shows the construction of a detached "tiny house" to the south of the current house and a "Garage Carriage House" to the east of the current house. The house to south will require a subdivision prior to design and installation. The carriage house will be designed to meet the current development standards of the district.

Zoning and Land Use History and Trends:

The surrounding properties have seen a marked change in the past 15 years from single family homes and light industrial uses to primarily dense single family and townhomes with the construction of housing on the old TRANSPOT Depot site just across the street from this parcel. In 2015 and 2016, two large parcels on the west side of Frances were rezoned to MF1 to allow for townhomes. In 2019, several lots on the west side of Frances received a Special Exception for duplexes.

Traffic and Transportation Considerations:

Frances Street is two lanes with on-street parking. The property is bordered to the south by an alley as well as an alley to the east.

Agency Comments

Agency Comments:

There were no Engineering comments at this time.

Staff Comments:

Zoning of properties to U2 Urban Neighborhood 2 allows for the creation of more diverse and affordable housing types. These housing types blend well with the character and scale of existing urban neighborhoods. With its location in a walkable neighborhood that is close to downtown, amenities, and transit, and that already has a wide variety of housing types, this property is well suited for U2 zoning.

Criteria for Decision Making

Rezoning

Per State Law, the Plan Commission and Common Council shall pay reasonable regard to:

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006), Objective H 1: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of households now and in the future.

Land Use Plan:

The Future Land Use Plan identifies this area for Medium Density Residential.

Plan Implementation/Other Plans:

The petition is consistent with The Howard Park Neighborhood Plan (2012), which encourages an increase of residential opportunities in the neighborhood, specifically "Preferred Direction #4 Promote the continuation of historic density, street patterns and open space. "

2. Current Conditions and Character:

The neighborhood is currently evolving to a medium density residential area with a mix of dense single family homes, duplexes, and townhouses.

3. Most Desirable Use:

The most desirable use, at this time, is medium density residential, that will fit the established character of the neighborhood.

4. Conservation of Property Values:

Allowing this property to add units should help continue the residential growth in a reasonable manner while providing diverse housing options in a desirable neighborhood.

5. Responsible Development and Growth:

It is responsible development and growth to allow for a variety of housing options within this urban neighborhood.

Analysis & Recommendation

Commitments: There are no commitments proposed at this time.

Analysis: Rezoning the site to U2 Urban Neighborhood 2 will allow for continued residential growth in the neighborhood while not drastically changing the established character.

Recommendation: Based on information available prior to the public hearing, the staff recommends the Plan Commission send the rezoning petition to the Common Council with a favorable recommendation.

Property Information

Location: 128 LAUREL ST, 132 LAUREL ST, 134 LAUREL ST , 136 LAUREL ST , 915 THOMAS ST, 125 LAUREL ST, 129 LAUREL ST, 133 LAUREL ST, 205 LAUREL ST and 207 LAUREL ST
 Owner: NORTHERN INDIANA HISTORICAL SOCIETY INC

Requested Action

Rezone from U1 Urban Neighborhood 1 to NC Neighborhood Center
 Variance(s): 1) From the required maximum 12' front setback to 70'; 2) From the required 60% ground floor transparency to 0%; 3) To allow a Detached House Building Type in the NC District

Project Summary

To bring the NIHS-owned campus parcels into the same zoning classification for potential outdoor interpretation uses or campus expansion. Current intentions are to relocate the Pierre Navarre Cabin to a parcel block for historic interpretation programming, which will require variances noted below.

Location Map



Recommendation

Staff Recommendation: Based on information available to the public hearing, the staff recommends the Commission forward the petition to the Common Council with a favorable recommendation for the parcels on the east side of Laurel Street and unfavorable for those on the west, subject to a written commitment limiting the use of the property to uses commonly associated with a museum.

The staff recommends the Commission approve the variances, subject to variance 1 and 2 only applying to the development of the parcels east of Laurel Street.

Proposed Site Plan



Site & Context

Land Uses and Zoning:

On site: On site are vacant lots.

North: To the north are single family homes zoned U1 Urban Neighborhood.

East: To the east is the Center of History Museum Campus

South: To the south are single family homes zoned U1 Urban Neighborhood.

West: To the west are single family homes zoned U1 Urban Neighborhood.

District Intent:

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.

Site Plan Description:

The site plan shows outdoor interpretation and programming areas for The History Museum. The proposed relocated Pierre Navarre Cabin is shown on the east side of east side of Laurel.

Zoning and Land Use History and Trends:

This area has historically be comprised of single-family with incremental development of the museum over time.

Traffic and Transportation Considerations:

Laurel Street has 2 lanes with on street parking.

Agency Comments

Agency Comments:

There are no engineering comments at this time. Any improvements to the site will be reviewed under Commercial Plan Review.

Staff Comments:

While NC Neighborhood Center is the appropriate zoning designation for the museum, the full list of uses otherwise permitted in that district may not be appropriate for the area. Continuing to develop the museum campus on the east side of Laurel is a logical development pattern, but staff has concerns about continuing that across Laurel Street to the west. These properties would be attractive for residential development and could help prevent the ongoing loss of homes in the area. Rezoning the properties at this time is premature and would allow for programming, activities, and development in an area that would impede the use and enjoyment of the residential properties west of Laurel.

Criteria for Decision Making

Rezoning

Per State Law, the Plan Commission and Common Council shall pay reasonable regard to:

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006), Objective UD 1.2 Promote landscaped spaces of various types and sizes for social interaction throughout the community.

Land Use Plan:

The future land use plan identifies this area as

Plan Implementation/Other Plans:

There are no specialized plans for this area.

2. Current Conditions and Character:

The current character of the area is primarily residential with the museum activities being focuses on the interior of the block.

3. Most Desirable Use:

The most desirable use for the property is one that supports the efforts of the History Museum while protecting and preserving the residential character of the area.

4. Conservation of Property Values:

With proper limitations, the development of the properties on the east should not impact the use or value of the properties in the area.

5. Responsible Development and Growth:

It is responsible development and growth to allow for the development of activities associated with the History Museum in a controlled and incremental way.

Variance(s)

The petitioner is seeking the following variance(s):

- 1) From the required maximum 12' front setback to 70'
- 2) From the required 60% ground floor transparency to 0%
- 3) To allow a Detached House Building Type in the NC District

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

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

Approval of the variances to allow the placement of a historic structure on the site should not impact the public health, safety, or general welfare of the community.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

With proper limitations and because The History Museum owns the majority of the property surrounding the parcels on the east, the use and value of the properties should not be impacted. The use and value of the properties adjacent to the parcels west of Laurel Street may be significantly impacted if the museum continues to develop and expand into that area.

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

Due to the civic nature of the property and proposed use of the structure on the lot, strict application of the Ordinance would prevent the placement of the historic Pierre Navarre Cabin in a location and manner that would provide for programming related to the use, as well as the ability to incrementally develop the property over time.

(4) The variance granted is the minimum necessary.

The variance is the minimum necessary to allow for the placement of a historic building in a safe location, with supporting activities being developed over time.

(5) The variance granted does not correct a hardship caused by a former or current owner of the property.

The proposed variance relates to the incorporation of a historic structure within a museum campus. While it is not typically development associated with the district, it is not intended to correct a hardship caused by the current or previous owners of the property.

Analysis & Recommendation

Commitments: The staff recommends written commitments limiting the use of the property to uses commonly associated with the museum.

Analysis: Rezoning to the property east of Laurel Street will allow for a logical extension of The History Museum activities. Rezoning the properties west of Laurel Street is premature at this time and could have a negative impact on the neighborhood. The requested variances are appropriate for the development of the eastern property as shown.

Recommendation: Based on information available to the public hearing, the staff recommends the Commission forward the petition to the Common Council with a favorable recommendation for the parcels on the east side of Laurel Street and unfavorable for those on the west, subject to a written commitment limiting the use of the property to uses commonly associated with a museum.

The staff recommends the Commission approve the variances, subject to variance 1 and 2 only applying to the development of the parcels east of Laurel Street.

Property Information

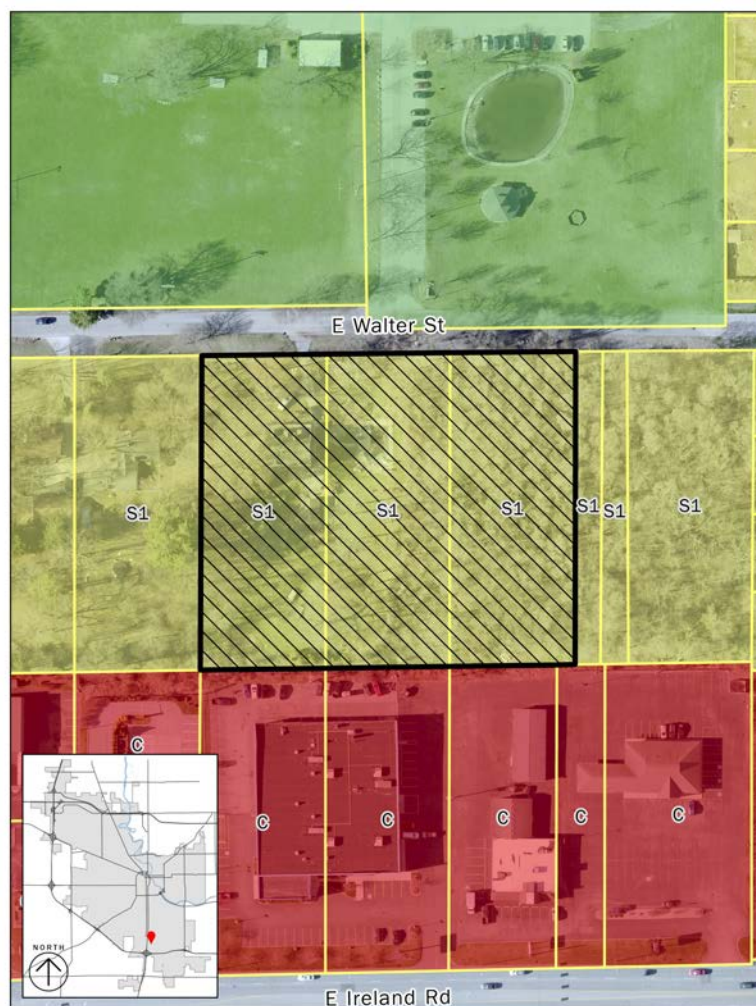
Location: 310 WALTER ST
Owner: DEBBIE S SPETH AND WAYNE and ALICE FARMINGTON

Requested Action

Rezone from S1 Suburban Neighborhood 1 to C Commercial

Project Summary

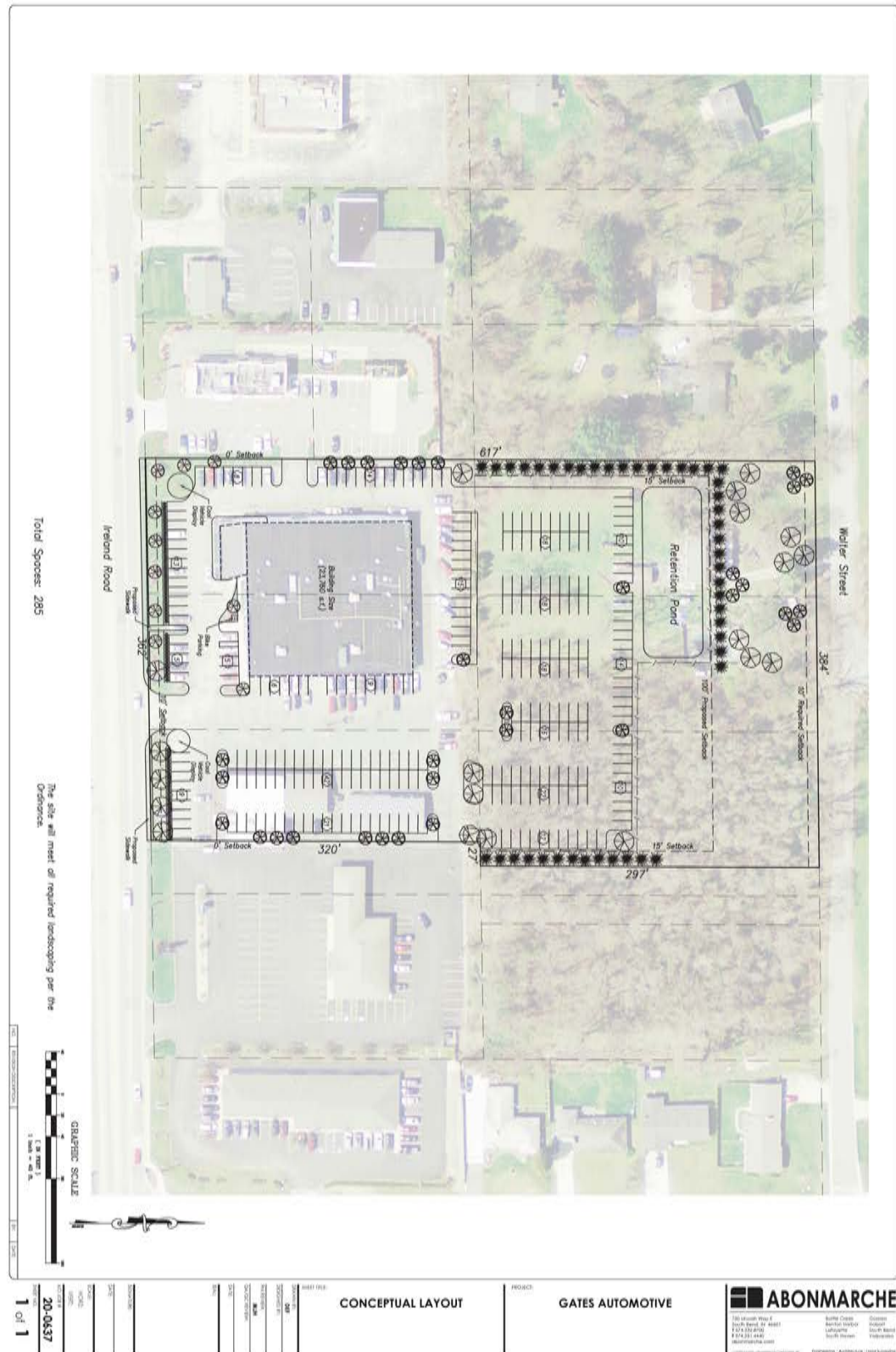
Gates Automotive Plans to change their repair and autobody shop into a typical car dealership. The proposed dealership will maintain automotive repair. The existing Gates building will remain. All other buildings will be removed. The northern parcel will be used for storage of sales vehicles.

Location Map

Recommendation

Staff Recommendation: Based on information available prior to the public hearing, the staff recommends the petition be sent to the Common Council with a favorable recommendation, subject to the following written commitments: 1) No access to Walter Street; and 2) Any development, including exposed draining areas, shall be setback a minimum of 100' from Walter Street. A code compliance fence is excluded from this provision.

Proposed Site Plan



Site & Context

Land Uses and Zoning:

- On site: On site is a single-family home.
- North: To the north, across Walter Street, is O'Brien Center zoned OS Open Space.
- East: To the east are wooded lots zoned S1 Suburban Neighborhood 1.
- South: To the south is Gates Service & Body Shop and American Kitchen & Bath zoned C Commercial
- West: To the west are single-family homes zoned S1 Suburban Neighborhood 1.

District Intent:

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.

Site Plan Description:

The site plan shows the southern half of the lots being used as outdoor storage of vehicles for sale. The storage area is arranged in a parking lot fashion with screening to the east and west. A proposed above ground retention pond is shown north of the parking area.

Zoning and Land Use History and Trends:

Commercial development in the area has been focused on the two main arterial roads in the area - Ireland Road and S. Michigan. A pocket of low density residential has been preserved between the commercial area and the park.

Traffic and Transportation Considerations:

Walter street is a two lane street with no curb or sidewalks.

Agency Comments

Agency Comments:

The Engineering Department recommends no access to Walter Street and notes that sidewalks will be required along Ireland Road.

Staff Comments:

Walter Street has remained a low density single-family area with an almost park-like feel. While we recognize the need for storage related to the automotive sales, careful consideration will need to be given to ensure the expansion does not degrade the character and feel of the area. The staff is recommending area to the north along Walter Street remain undeveloped in order to retain the current character of the area, but also note that it could be an ideal location for medium density residential.

Criteria for Decision Making

Rezoning

Per State Law, the Plan Commission and Common Council shall pay reasonable regard to:

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006), Objective ED2: Retain existing businesses and recruit new ones to the city.

Land Use Plan:

The future land use plan identifies this area as low density residential.

Plan Implementation/Other Plans:

There are no specialized plans for this area.

2. Current Conditions and Character:

The current character of the area is low density residential.

3. Most Desirable Use:

The most desirable use for the property would be medium density residential that buffers the high intensity commercial from the single-family residential in the area.

4. Conservation of Property Values:

With proper buffering and adequate spacing, the use and value of adjacent properties should not be adversely affected.

5. Responsible Development and Growth:

It is responsible development and growth to allow for limited expansion of properties along Ireland in a manner that preserves and protects the residential uses in the area.

Analysis & Recommendation

Commitments: The staff recommends the following written commitments: 1) No access to Walter Street; and 2) Any development, including exposed drainage areas, shall be setback a minimum of 100' from Walter Street. A code compliance fence is excluded from this provision.

Analysis: Rezoning the properties to C Commercial will allow for the expansion of the commercial use fronting Ireland Road, but protection of the character and use of Walter Street is critical. Split zoned parcels are not recommended, so the proposed written commitments will provide that protection.

Recommendation: Based on information available prior to the public hearing, the staff recommends the petition be sent to the Common Council with a favorable recommendation, subject to the following written commitments: 1) No vehicular access to Walter Street; and 2) Any development, including exposed draining areas, shall be setback a minimum of 100' from Walter Street. A code compliance fence is excluded from this provision.

Requested Action

An Ordinance amending Chapter 21 of the South Bend Municipal Code to correct typographical errors in various Articles and to add clarifying language and tables where necessary.

Project Summary

The proposed ordinance includes the following changes:

- Correction of typographical errors in various sections of the Ordinance
- Define non-frontage lot
- Clarify provisions for double frontage, multifrontage lots, and non-frontage lot
- Add garage placement provisions to the Access & Parking table in the U1 and U2 district
- Adjust U2 setbacks to be consistent with U1
- Clarify height regulation for Ancillary Dwelling Units adjacent to an alley
- Clarify a second curb cut is permitted for non-residential lots when permitted by engineering
- Add transparency requirements for corner façade in the C Commercial district
- Clarify language for building material standards in the special districts
- Clarify language regarding rear extension within a minimum rear setback for primary building
- Clarify regulations for porch and stoop frontage types
- Add a table related to maximum fence heights and clarify material standards for DT District
- Add provision for 33' lot of record to utilize reduced side setback

Analysis & Recommendation

Analysis: The proposed ordinance will help clarify the regulations and development standards required under the zoning ordinance.

Recommendation: Based on the information available prior to the public hearing, the staff recommends the Plan Commission send the text amendment ordinance to the Common Council with a favorable recommendation.

Zoning Ordinance Amendments

Last updated June 1, 2020

Typographical and cross reference errors are corrected in the following sections:

21-03.01(g), 21-03.02(g), 21-03.03(g), 21-03.04(g), 21-03.05(f), 21-03.05(g), 21-03.05(j), 21-03.06(g), 21-03.07(f), 21-03.07(g), 21-03.08(f), 21-03.08(g), 21-06.02(f), 21-08.01(g), 21-11.02(b)

| Ordinance Sections | Item | Proposed Change | Rationale |
|---|-------------------------------------|---|---|
| 21-02.02, 21-02.03(b), 21-06.02(d) | Lot Line Determination | Clarifies and expands ability of Zoning Administrator to determine whether lot lines are front, corner, side, or rear for lots with no or multiple frontages. Adds and defines non-frontage lot | Provides further flexibility in defining yards, allowing context-sensitive development to proceed with fewer variances |
| 21-02.03(d), 21-05.02(h), 21-06.02(f), 21-08.01(g) | Appurtenances | Uses alternate words for "appurtenances" | Uses common language for better user understanding |
| 21-02.03(d)(3), 21-03.01(f), 21-03.03(f), 21-03.04(f) | Ancillary Dwelling Height Allowance | When alley present, allows for increased height for detached ancillary dwelling unit to within 5' of rear lot line of subject lot, instead of to within 20' of rear lot line of abutting lot | Clarifies detached ancillary dwelling placement rule and eliminates potential conflict between 5' garage setback rule and detached ancillary dwelling unit placement rule when alley is less than 15' |
| 21-02.03(d)(4) | Facade within Setback Zone | Clarifies measurement of required percentage of facade within setback zone for projects with multiple buildings | Clearly exempts buildings interior to the development from unnecessary setback zone requirements |
| 21-03.03(e), 21-03.04(e) | Access & Parking | Adds existing garage setback rule to parking section of U1 and U2 zones | Enhances ordinance usability by making rule more apparent |
| 21-03.04(d) | U2 Setbacks | Matches setbacks in U2 zone to those in U1 zone | Ensures greater compatibility between U1 and U2 zones |
| 21-03.06(f) | UF Building Form | Allows Zoning Administrator to waive minimum percentage for facade within front setback zone for forecourt building type | Creates consistency with U3, NC, and DT districts; provides greater design flexibility |
| 21-03.07(h), 21-03.08(h), 21-08.01(f) | Facade Articulation | Clarifies how building articulation requirements may be met. Increases vertical articulation segments from 25' to 32' maximum | Improves user understanding by more clearly stating existing rule and provides further flexibility in meeting design standards |
| 21-04.03(c) | C Building Setbacks | Increases side and rear setbacks to U3 and UF zones | Creates size consistency with buffer landscape requirements |
| 21-04.03(d), 21-04.04(d) | C & I Curb Cuts | Allows a second curb cut for lots with large frontages | Aligns zoning ordinance with existing Engineering standards |
| 21-04.03(g) | C Facade Transparency | Adds a 20% minimum corner facade transparency requirement under some circumstances | Creates more attractive, active commercial building design |
| 21-04.03(g), 21-08.01(e) | C Building Materials | Clarifies allowable building materials in C zone | Ensures a basic level of building quality, similar to pre-2020 ordinance |
| 21-06.01(j) | NC & DT Detached House | Allows a Detached House building type to have units along the street frontage when it had not been converted previously to a non-residential use | Eases reinvestment in existing buildings |
| 21-06.02(f) | Trash Containers | Reduces required landscape area width from 5' to 3' (keeps required landscape screening of trash containers the same) | Allows trash container screening to be done more compactly |
| 21-07.03(c) | Location of Parking Areas | Simplifies language regarding location of required parking areas | Eliminates inconsistency and redundant provision |
| 21-08.01(g) | Garage Placement | Clarifies required garage setbacks | Improves user understanding by more clearly stating existing rules |
| 21-08.01(g) | Building Extensions | Clarifies rules on building extensions by eliminating use of word "additions" | Improves user understanding by more clearly stating existing rule |
| 21-08.02(h) | Townhouse Width | Raises maximum total building width of attached townhouses from 160' to 168' | Without altering intent of rule, allows more options on quantity and size of townhouses, consistent with recent developments |
| 21-08.03(a) | Porch | Clarifies porch design requirements when in or out of required setback | Improves user understanding by more clearly stating existing rule |
| 21-08.03(b) | Stoop | Clarifies stoop design requirements when in or out of required setback | Improves user understanding by more clearly stating existing rule |
| 21-09.02(c) | Fences & Walls | Adds table of maximum fence and wall heights in place of text paragraph | Improves user understanding by more clearly stating existing rules |
| 21-09.02(e) | Fences in NC & DT Districts | Prohibits chain link fences in front of maximum setbacks | Better meets intent of existing rule |
| 21-11.04(c) | Alleys | Eliminates language saying Plan Commission may waive requirement for alley construction in commercial and industrial districts; Plan Commission already has this authority | Eliminates redundant provision |
| 21-13.01(c) | 32' & 33' Lots | Reduces required side setbacks from 5' to 4' for established residential lots of 32-34' in width | Allows for residential construction of common house designs on commonly sized urban lots without a variance |

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
CORRECT TYPOGRAPHICAL ERRORS IN VARIOUS ARTICLES
AND TO ADD CLARIFYING LANGUAGE AND TABLES

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, use and testing of the Ordinance has identified a few standards that need further clarification or correction.

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 21-02.02 Definitions is hereby amended by adding a new definition:

Lot, Non-Frontage. A lot with no frontage that is interior to a development.

SECTION II. 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:

(2) Lot Line Determination. For non-frontage, double frontage, and multiple frontage lots, the Zoning Administrator shall determine which lot lines shall be considered front, corner, side, or rear based on the context of the development.

(2) (3) Building Setbacks.

~~(B) — Multiple Frontage Lots.~~ For lots that abut three or more streets, all frontages shall be designated as either primary and/or secondary streets. The applicable front or corner setbacks shall apply to more than one lot line. In these instances, a side or rear setback may not apply. The Zoning Administrator shall determine which street or streets shall be considered primary and secondary.

~~(C) (B)~~

~~(3) (4)~~

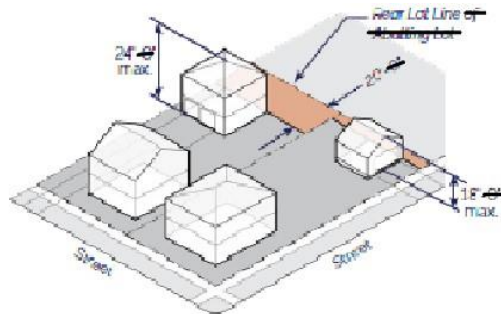
SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements, subsection (d) Building Form is hereby amended as follows:

(1) Building Height (Feet).

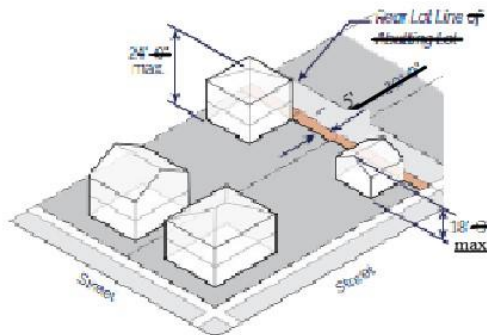
- (A) ~~Appurtenances~~ Elements such as chimneys, cooling towers, elevator bulkheads, mechanical penthouses, stage towers, water towers, radio or television antenna, ornamental towers, cupolas, domes, smoke stacks, steeples, and spires, may exceed the maximum building height, up to 25 feet in height above the roof line.

(3) Ancillary Dwelling Height Allowance.

The maximum height of an detached ancillary dwelling unit is determined by its distance from the rear lot line of the adjacent lot. ~~This distance may or may not include an alley~~ and whether or not a rear alley is present.



Ancillary Dwelling Height Allowance - No Alley



Ancillary Dwelling Height Allowance - Alley

SECTION IV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Definitions & Measurements, Section 21-02.03 Measurements is hereby amended by adding a new subsection (d)(4)(D):

- (D) For projects containing multiple buildings, only the facades of buildings visible in elevation view from a street shall be used to determine the percentage of the facade within a setback zone.

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

- ¹ Ancillary dwelling units may be built to a maximum height of 24' if located at least 5' from the rear lot line of a lot with a rear alley or at least 20' from the rear lot line of ~~an abutting lot~~ without a rear alley.

SECTION VI. 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 21-03.03 U1 Urban Neighborhood 1, subsection (g) Building Components, and Section 21-03.04 U2 Urban Neighborhood 2, subsection (g) Building Components are hereby amended as follows:

Allowed Building Frontage Types

| | |
|---------|------------------------------------|
| Porch | 21-08.03 (a) <u>(c)</u> |
| Stoop | 21-08.03 (b) <u>(d)</u> |
| Gallery | 21-08.03 (e) <u>(e)</u> |

SECTION VII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.02 S2 Suburban Neighborhood 2, subsection (g) Building Components, Section 21-03.05 U3 Urban Neighborhood 3, subsection (g) Building Components are hereby amended as follows:

Allowed Building Frontage Types

| | |
|-----------|------------------------------------|
| Porch | 21-08.03 (a) <u>(c)</u> |
| Stoop | 21-08.03 (b) <u>(d)</u> |
| Gallery | 21-08.03 (e) <u>(e)</u> |
| Forecourt | 21-08.03 (d) <u>(f)</u> |

SECTION VIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.03 U1 Urban Neighborhood 1, subsection (e) Access & Parking, and Section 21-03.04 U2 Urban Neighborhood 2, subsection (e) Access & Parking are hereby amended as follows:

Parking Access

If access is available from an alley which is open to traffic, there shall be no access allowed from the street. — If allowed, a maximum of one street curb cut is permitted per street frontage.

Garage doors facing a street or alley shall be located directly at the minimum setback or be set back not less than 18’.

SECTION IX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.04 U2 Urban Neighborhood 2, subsection (d) Building Placement is hereby amended as follows:

| Building Setbacks | Front¹ | Corner |
|--------------------------|---------------------------|---------------------------|
| Residential (min.) | 10’ <u>15’</u> | 10’ |
| Residential (max.) | 20’ <u>25’</u> | 20’ <u>25’</u> |
| Non-Residential (min.) | 10’ <u>15’</u> | 10’ |

SECTION X. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.05 U3 Urban Neighborhood 3, subsection (f) Building Form is hereby amended as follows:

Facade within Setback Zone

| | |
|---------------------------|-----|
| Front (min.) ¹ | 65% |
| Corner (min.) | 50% |

¹ A forecourt per [Section 21-08.03\(d\)\(f\)](#) may be exempt from this requirement with approval by the Zoning Administrator.

SECTION XI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.05 U3 Urban Neighborhood 3, subsection (j) Landscape is hereby amended as follows:

(j) Foundation Landscape Required^{2 3}

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:

Facade within Setback Zone

| | |
|---------------------------|-----|
| Front (min.) ¹ | 65% |
| Corner (min.) | 50% |

¹ A forecourt per Section 21-08.03(f) may be exempt from this requirement with approval by the Zoning Administrator.

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

Allowed Building Frontage Types

| | |
|------------|------------------------------------|
| Porch | 21-08.03 (a) <u>(c)</u> |
| Stoop | 21-08.03 (b) <u>(d)</u> |
| Gallery | 21-08.03 (c) <u>(e)</u> |
| Forecourt | 21-08.03 (d) <u>(f)</u> |
| Storefront | 21-08.03 (e) <u>(g)</u> |
| Terrace | 21-08.03 (f) <u>(h)</u> |

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

Facade within Setback Zone

| | |
|---------------------------|-----|
| Front (min.) ¹ | 85% |
| Corner (min.) | 50% |

¹ A forecourt per Section 21-08.03~~(d)~~(f) may be exempt from this requirement with approval by the Zoning Administrator.

SECTION XV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.07 NC Neighborhood Center, subsection (g) Building Components, and Section 21-03.08 DT Downtown, subsection (g) Building Components are hereby amended as follows:

Allowed Building Frontage Types

| | |
|------------|------------------------------------|
| Gallery | 21-08.03 (e) <u>(e)</u> |
| Forecourt | 21-08.03 (d) <u>(f)</u> |
| Storefront | 21-08.03 (e) <u>(g)</u> |
| Terrace | 21-08.03 (f) <u>(h)</u> |

SECTION XVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Standard Districts, Section 21-03.07 NC Neighborhood Center, subsection (h) Building Standards, and Section 21-03.08 DT Downtown, subsection (h) Building Standards are hereby amended as follows:

Facade Articulation

Any building greater than 50' wide shall provide vertical articulation into segments no greater than ~~25'~~ 32' in width and horizontal articulation (base, belt courses, cornice, etc.) to distinguish the ground floor from upper stories.

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

Facade within Setback Zone

| | |
|---------------------------|-----|
| Front (min.) ¹ | 85% |
| Corner (min.) | 50% |

¹ A forecourt per [Section 21-08.03~~\(d\)~~\(f\)](#) may be exempt from this requirement with approval by the Zoning Administrator.

SECTION XVIII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.03 C Commercial, subsection (c) Building Placement is hereby amended as follows:

Building Setbacks

Adjacent to S1, S2, U1, ~~or~~ U2, U3, or UF

SECTION XIX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.03 C Commercial, subsection (d) Access & Parking, and Section 21-04.04 I Industrial, subsection (d) Access & Parking are hereby amended as follows:

Parking Access

If allowed, a maximum of one street curb cut is permitted per street frontage. Lots with large frontages may be granted a second street curb cut per the latest standards adopted by the Board of Public Works.

SECTION XX. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 4 Special Districts, Section 21-04.03 C Commercial, subsection (g) Building Standards is hereby amended as follows:

Facade Transparency (min.)

| | |
|--|---------------------|
| Ground Floor – Primary Street <u>Front Facade</u> | 40% min. |
| Ground Floor – Corner Facade ¹ | 20% |

¹ If a building is located more than 50' from the corner lot line, the Zoning Administrator may waive this requirement if the transparency is not needed to meet the intent of this ordinance.

Building Materials

A minimum of 66% of each front or corner facade shall be constructed of E.I.F.S. or high quality natural materials, such as stone or brick; wood lap siding; fiber cement board siding; and glass. High quality synthetic materials may be approved by the Zoning Administrator. E.I.F.S. may constitute a maximum of 66% of the ground floor facade.

~~Restrictions on building materials shall apply to all front and corner facades of non-residential buildings.~~

Building materials used on the front and corner facades shall extend a minimum depth of 16" along the side facade.

~~E.I.F.S. may constitute a maximum of 66 percent of the ground floor facade.~~

Standard, fluted, or split face concrete masonry units above the basement level are prohibited as face material.

Unfinished metal, plywood, unfinished precast or poured-in-place concrete are prohibited.

Windows and doors on a ground floor front/corner façade shall have clear, transparent glass that has a min. VLT of 50% and a max. VLR of 25%.

SECTION XXI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 5 Overlay Districts, Section 21-05.02 NNZO Northeast Neighborhood Zoning Overlay, subsection (h) Commercial / Mixed Use Buildings is hereby amended as follows:

(7) **Mechanical Equipment and Utilities**

- (A) Vents, gutters, downspouts, flashings, electrical conduits, and other appurtenances similar elements shall be painted to match the adjacent surface unless being used expressly as an accent material.

SECTION XXII. 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:

(2) **Dwelling, 1 Unit**

(A) **Standards**

- (i) In a NC or DT district, a ~~1-unit~~ dwelling unit shall not be located directly along the street frontage, ~~with the exception of a townhouse for an existing Detached House building type that has not been converted previously to a non-residential use.~~ A 1-unit The dwelling unit may be on an upper floor of the building or behind another ground floor, nonresidential principal use.

(3) **Dwelling, 2 Units**

(A) **Standards**

- (i) In a NC or DT district, a ~~2-unit~~ dwelling unit shall not be located directly along the street frontage, ~~with the exception of a townhouse for an existing Detached House building type that has not been converted previously to a non-residential use.~~ Dwellings may be on upper floors of the building or behind another ground floor, non-residential principal use.

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

- (1) Unless otherwise specified, accessory structures shall not be located in any established front or corner yard. ~~For double frontage and multiple frontage lots, one lot line as determined by the Zoning Administrator may be treated as an established side yard.~~

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

(9) Game Courts

A type of recreation facility which consists of an unpaved or paved surface area of ground open and essentially unobstructed to the sky, designed and intended for the playing of a recognized sport as a recreational activity by the occupants and guests of the primary building, which may include fencing, screening, nets, goals, or other necessary ~~appurtenances~~ items required for recreational use.

(10) Garage

See Section 21-08.01(g)~~(10)~~(11) for all attached and detached garage regulations.

(27) Trash Containers

(ii) The solid-walled portion of the enclosure shall be constructed of materials similar to those of the building facade and screened with a ~~Type 1 buffer, designed per Section 21-09.01(n),~~ building foundation landscape, designed per Section 21-09.01(m).

SECTION XXV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 7 Access & Parking, Section 21-07.03 Vehicle Access & Parking, subsection (c) Location of Required Vehicle Parking Areas is hereby amended as follows:

- (4)** ~~Unless otherwise specified within the required parking location of the applicable zoning district, off street parking lots shall not be located in front of a line 5 feet behind the front or corner building facade. If the lot does not have a building, parking areas shall have a minimum front or corner setback of 12 feet.~~ As specified in the applicable zoning district.

SECTION XXVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards is hereby amended by adding a new subsection (e)(10) as follows:

- (10) In a C district, a minimum of 66 percent of each front or corner facade of all primary buildings shall be constructed of the following building materials:
- (A) High quality, durable, natural materials, such as brick or stone; wood lap siding; lapped, shingled, or panel fiber cement board siding; and glass.
- (B) Other high quality synthetic materials such as synthetic equivalents of brick or stone, architectural precast concrete that looks like brick or stone; or traditional lime-based stucco may be approved by the Zoning

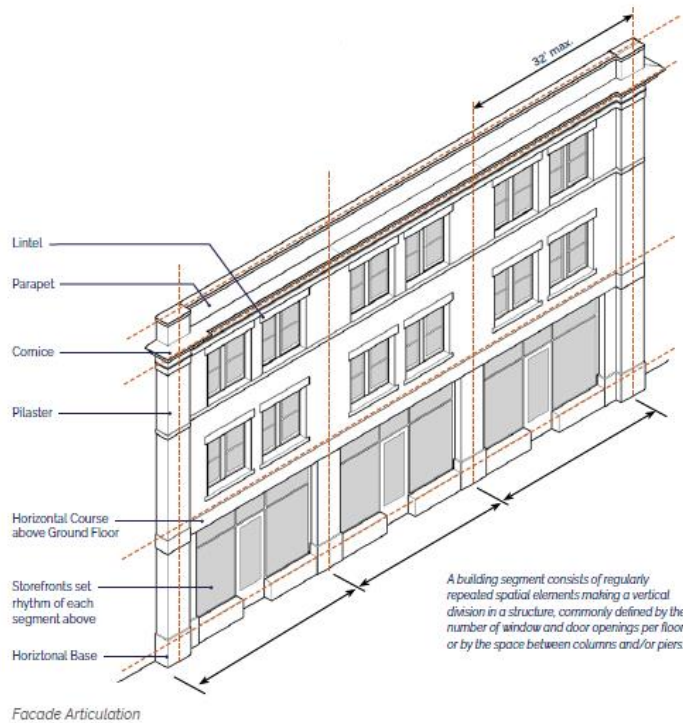
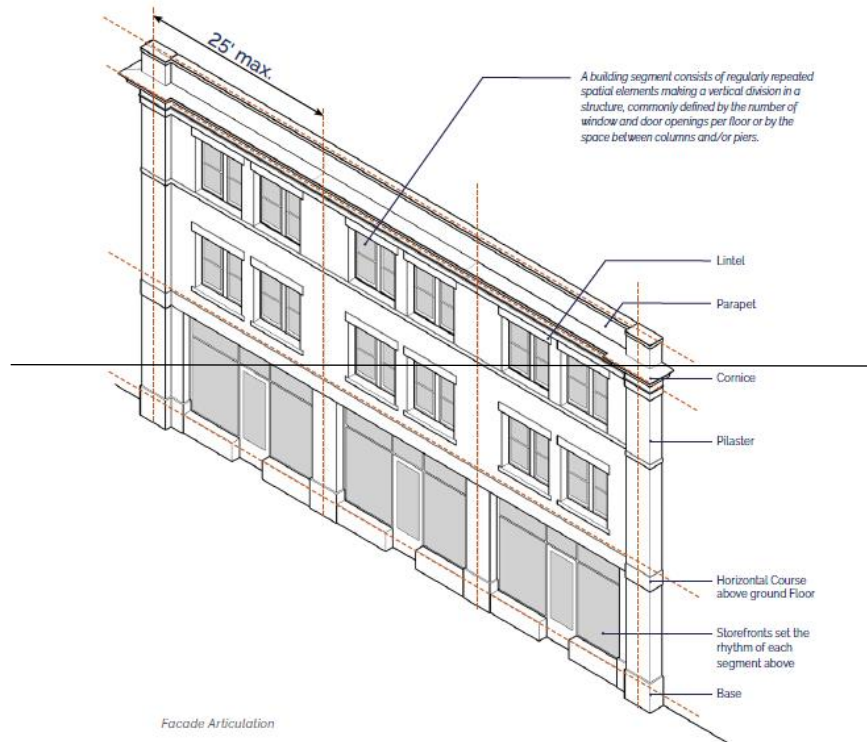
- Administrator.
(C) Exterior insulation and finish system (E.I.F.S.).

SECTION XXVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 8 Building Standards, Section 21-08.01 Building Standards, subsection (f) Façade Articulation - NC or DT District is hereby amended as follows:

(f) **Façade Articulation - NC or DT District**

In a NC or DT district, these regulations are intended to encourage walkable environments by creating visually interesting buildings with human scaled details and proportions. The following regulations apply to any building greater than 50 feet wide.

- (1) A facade shall be organized using a consistent rhythm and pattern of windows, building articulation, or other architectural features. Facades shall be organized into building segments that consist of regularly repeated spatial elements making a vertical division in a structure, commonly defined by the number of window and door openings per floor or by the space between columns and/or piers.
- ~~(1)~~ (2) Vertical articulation (e.g., bays, mullions, columns, pilasters, recessed entries, awnings, or other architectural treatments) is required to visually break up the massing of the front and corner facades into building segments no greater than 2532 feet in width. Vertical articulation may be satisfied through the use of architectural features such as bays, columns, pilasters, mullions, regular repetition of window patterns, a break in the building plane, or recessed entries. On corner lots, the material and articulation of the primary facade shall extend a minimum of one segment along the secondary street.
- ~~(2)~~ (3) Horizontal articulation (e.g., base, belt courses, cornice lines, entablatures, friezes, awnings or canopies, changes in materials or window patterns, recessed entries, or other architectural treatments) is required to help distinguish the ground floor or podium from upper stories.
- (4) Variation in color shall not be used to meet the required articulation.
- ~~(3)~~ (5) A main entrance shall effectively address the adjacent public realm and be given prominence on the building facade. This may be satisfied through the use of architectural features such as entranceway roofs or recesses; a chamfered corner; sidelight windows, transom window, or other adjacent windows; additional moldings with expression lines; or a bay of unique width.



SECTION XXVIII. 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:

- (9) **Forecourt.** See Section 21-08.03~~(d)~~(f) for all regulations relating to forecourts.
- (10) **Gallery.** See Section 21-08.03~~(e)~~(e) for all regulations relating to galleries.
- (11) **Garage.**
 - (B) Except in a S1 district, if the garage door on an attached garage faces a primary or secondary street, the garage shall be set back ~~a minimum of~~ at least 5 feet behind the front or corner building facade.
 - (C) ~~If Garages~~ If oriented with garage doors facing a street, ~~or alley a garage~~ shall not be located ~~at the minimum required setback or have a setback of not less than 18 feet from the right-of-way, sufficient to accommodate the parking of an automobile without blocking the sidewalk or any public way.~~
 - ~~(D)~~ (D) If oriented with garage doors facing an alley, a garage shall be located at the minimum required rear setback or have a setback of not less than 18 feet from the right-of-way, sufficient to accommodate the parking of an automobile without blocking any public way.
 - ~~(D)~~ (E)
- (13) **Porch.** See Section 21-08.03~~(a)~~(c) for all regulations relating to porches.
- (16) **Rear ~~Additions~~ Extensions.** A secondary extension from the rear wall of a primary building that extends into a required rear setback for a primary building.
 - (A) ~~Rear additions shall have a smaller footprint, a narrower width, and a depth not greater than the main building.~~
 - ~~(B)~~ Rear ~~additions~~ extensions may encroach into a required rear setback for a primary structure, but they shall be limited to a maximum of one story and shall comply with the maximum allowed height limit for accessory buildings within the applicable zoning district.
 - (B) Rear extensions shall have a smaller footprint, a narrower width, and a depth not greater than the main building.
 - (C) ~~Rear additions~~ extensions shall comply with the maximum allowed building coverage within the applicable zoning district.

- (D) ~~Rear additions~~ extensions may encroach into any established rear yard up until the rear setback for accessory buildings. Rear extensions shall meet the minimum required ~~front~~, corner, and side setbacks for primary buildings.
- (18) **Storefront.** See Section 21-08.03~~(e)~~(g) for all regulations relating storefronts.
- (19) **Stoop.** See Section 21-08.03~~(b)~~(d) for all regulations relating to stoops.
- (20) **Terrace.** See Section 21-08.03~~(f)~~(h) for all regulations relating to terraces.
- (21) **Towers, Turrets, and Cupolas.** A building ~~appurtenance~~ component that is significantly taller than it is wide with the purpose of gaining views, providing light and ventilation to a building, adding a decorative element, or terminating an important axis including tower, turrets, cupolas, elevator or stair towers, or steeples.

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

(3) Building Type Standards

Building Width (total of all attached Townhouses)

All other districts 8 units or ~~160'~~ 168' max.

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

(2) Frontage Standards

Standards

A porch ~~shall be open on three sides and~~ have a roof.

If unenclosed and open on three sides, a porch may encroach into a required front or corner setback as allowed by the applicable zoning district.

Open porch bases shall be enclosed with latticework or similar material, or visually concealed with landscape.

~~If unenclosed, a porch may encroach into a required front or corner setback as allowed by the applicable zoning district.~~

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

(1) Description

A stoop is a small raised platform that serves as an entryway to a building, typically for residential uses with small setbacks. A stoop ~~is open on three sides and~~ may be roofed or open to the sky, although a covered or recessed stoop is preferred ~~in order~~ to provide shelter from the elements.

(2) Frontage Standards

Dimensions

~~Finished Level above Sidewalk — 18" min.~~

Standards

~~A stoop shall be open on three sides.~~

A stoop shall contain stairs leading to the ground level, be at least 18" above the sidewalk and shall directly connecting to the sidewalk, walkway, or driveway.

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

If unenclosed and open on three sides, a stoop may encroach into a required front or corner setback as allowed by the applicable zoning district.

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

- 21-08.03~~(a)~~(c) Frontage Type: Porch
- 21-08.03~~(b)~~(d) Frontage Type: Stoop
- 21-08.03~~(e)~~(e) Frontage Type: Gallery
- 21-08.03~~(d)~~(f) Frontage Type: Forecourt
- 21-08.03~~(e)~~(g) Frontage Type: Storefront
- 21-08.03~~(f)~~(h) Frontage Type: Terrace

SECTION XXXIII. 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:

- (1) Fences and walls ~~located in an established front or corner yard~~ shall not exceed ~~the maximum height listed in Table 21-09D 36 inches, except in an I district.~~ Maximum height may extend to 48 inches in height if the open space percentage of the fence is greater than 70 percent. In an I district, the maximum height of a fence in an established front or corner yard shall be 6 feet.

| <u>Table 21-09D: Fences & Walls Maximum Height</u> | | | |
|--|---------------------------------------|---------------------------|-----------------------------|
| | <u>Front & Corner Yard</u> | | <u>Side & Rear Yard</u> |
| <u>District</u> | <u>Less than or Equal to 70% Open</u> | <u>More than 70% Open</u> | <u>Any Fence Type</u> |
| <u>S1, S2, U1, U2, U3</u> | <u>3'</u> | <u>4'</u> | <u>6'</u> |
| <u>UF, NC, DT, OS, U, C</u> | <u>3'</u> | <u>4'</u> | <u>8'</u> |
| <u>I</u> | <u>6'</u> | <u>6'</u> | <u>10'</u> |

- ~~(2) Fences and walls located elsewhere on a lot shall not exceed the allowed height specified in the applicable zoning district.~~

~~(3)~~ (2)

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

- (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.

SECTION XXXV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 11 Neighborhood & Subdivision Design, Section 21-11.02 Subdivision of Land, subsection (b) General Regulations is hereby amended as follows:

- (7) Easements shall be provided for utilities where necessary. When located along a rear or side lot line, easements shall be centered on such line and be at least 5 feet wide on both sides of the lot line. Easements shall be continuous to the end of the block to connect with adjoining blocks in the shortest direct line.

SECTION XXXVI. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 11 Neighborhood & Subdivision Design, Section 21-11.04 Streets & Alleys, subsection (c) Alley Standards is hereby amended as follows:

- (1) Alleys shall be provided in commercial and industrial districts; ~~however, the Plan Commission may waive this requirement if other definite and assured provision is made for service access such as off-street loading, unloading, and parking, consistent with and adequate for the uses proposed.~~

SECTION XXXVII. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 13 Nonconformities & Enforcement, Section 21-13.01 Nonconformities is hereby amended by adding a new subsection (c)(4):

- (4) **Side Setback Provision for 32' & 33' Wide Lots.** A legally established lot of record as of January 1, 2020, in a S1, U1, U2, U3, or UF district that has a lot width of at least 32 feet but less than 34 feet only shall be required to have a minimum side setback of 4 feet for residential uses.

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

Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day
of _____, 2020, at _____ o'clock _____. m.

City Clerk

Approved and signed by me on the _____ day of _____, 2020, at
_____ o'clock _____. m.

Mayor, City of South Bend, Indiana

Property Information

Subdivision Name: **PORTAGE PRAIRIE BUSINESS PARK - PRIMARY PLAT**

Location: This Major Primary subdivision is located North side of Adams Rd. along Dylan Dr., City of South Bend.

Requested Action

The total area of the subdivision is 118.95 acres and will consist of 6 building lots.

Location Map

Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds that if the waivers are granted and the conditions are met, it complies with the requirements for Primary Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Primary Approval, subject to the following: 1) Adding the waiver note to the plat; and 2) Addressing the comments from the City Engineering Department.

Project Details

| | |
|----------------------------|--|
| Environmental Data: | A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. |
| Drainage: | The conceptual drainage plan has been approved. |
| Rights-Of-Way: | The rights-of-way are correct as shown. |
| Utilities: | The site will be served by Municipal Water and Municipal Sewer. |
| Agency Comments: | The City Engineering Department recommends approval subject to the following: 1) Municipal easement is required between P2, 3 to maintain City storm infrastructure and end section that will drain Dylan to the basin, 30' is desirable.; 2) Verify that the future Dylan R/W width captures all existing infrastructure and appropriate space given to allow maintenance.; 3) Provide a utility plan showing the public extensions along Dylan to the end of the cul-de-sac and indicate how they will serve future development, grades, pressures, etc; 4) Provide roadway data or plans showing the road widths proposed, roadway geometry, cul-de-sac radii, etc.; and 5) Remove the space capturing trees on the east side of the sidewalk along Dylan Dr. from City R/W |

Recommendation

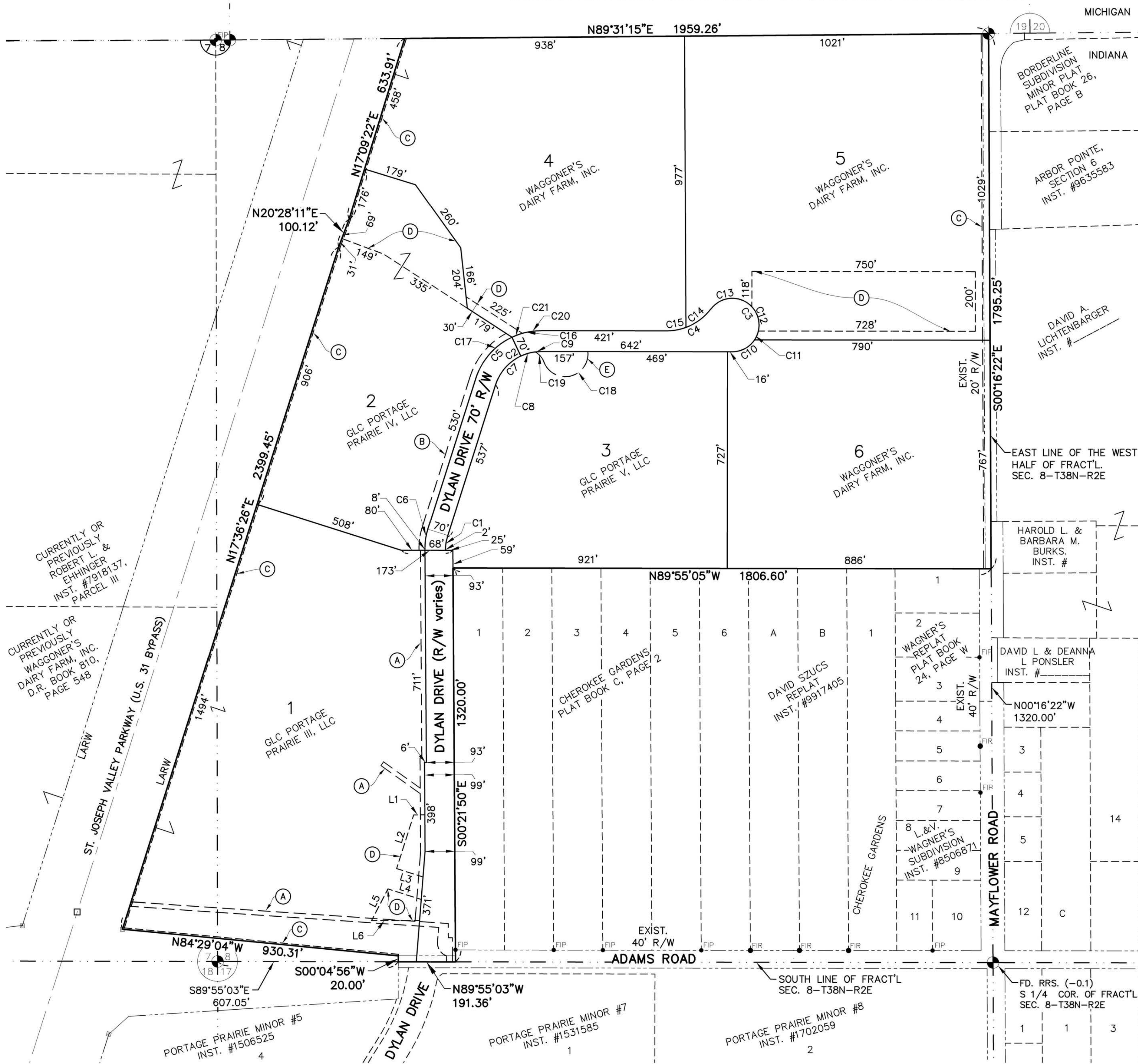
Staff Comments: The petitioner is requesting the following waivers: 1) From Section 21-11.02(d)(5) to install a sidewalk on one side of the public street; 2) From Section 21-11.02(e)(2) to allow a subdivision without 10% public open space requirement; 3) from 21-11.04(b)(6) to allow a 2,924' cul-de-sac.

Staff Recommendation: The Staff has reviewed this subdivision and finds that if the waivers are granted and the conditions are met, it complies with the requirements for Primary Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Primary Approval, subject to the following: 1) Adding the waiver note to the plat; and 2) Addressing the comments from the City Engineering Department.

O:\Projects\2019\19-0149 GLC Portage Prairie IV CAD - Survey Drawings\19-0149 PRIMARY PLAT.dwg, PRIMARY, 2/26/2020 9:14:48 AM, Intense, 1, 102.41

PORTAGE PRAIRIE BUSINESS PARK PRIMARY PLAT

PART OF THE WEST 1 / 2 OF FRACTIONAL SECTION 8, TOWNSHIP 38 NORTH, RANGE 2 EAST,
GERMAN TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA



| PROPERTY OWNERS/SUBDIVIDERS | | | |
|---|--|---|--|
| WAGGONER'S DAIRY FARM, INC. 52129 STATE ROAD 933 SOUTH BEND, IN 46628 | GLC PORTAGE PRAIRIE III, LLC 112 W JEFFERSON BLVD, STE. 200 SOUTH BEND, IN 46601 | GLC PORTAGE PRAIRIE IV, LLC 112 W JEFFERSON BLVD, STE. 200 SOUTH BEND, IN 46601 | GLC PORTAGE PRAIRIE V, LLC 112 W JEFFERSON BLVD, STE. 200 SOUTH BEND, IN 46601 |

SURVEYED BY:
ABONMARCHÉ CONSULTANTS, INC.
750 LINCOLN WAY EAST
SOUTH BEND, IN 46601

NOTES

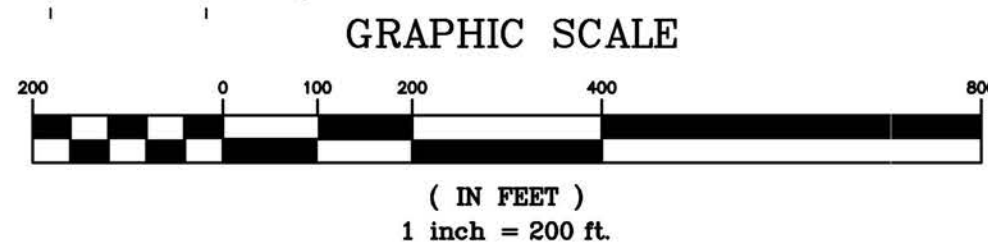
- AREA OF SUBDIVISION:
TOTAL = 118.95 ACRES±
R/W = 2.85 ACRES±
- ENGINEERING REPORT: ALL LOTS SHALL BE SERVICED BY CITY OF SOUTH BEND MUNICIPAL SANITARY SEWER AND WATER.
- ACCORDING TO THE 1987 U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, INVENTORY MAPS, THERE ARE NO WETLANDS LOCATED ON THE SUBJECT PROPERTIES.
- THERE ARE NO ENCROACHMENTS OF EXISTING PERMANENT STRUCTURES UPON LOT LINES, BUILDING SETBACKS, OR EASEMENTS CREATED IN THE PLATTING OF THIS SUBDIVISION.
- BUILDING SETBACK LINES SHALL CONFORM TO THE APPLICABLE PROVISIONS OF THE CITY OF SOUTH BEND ZONING ORDINANCE.
- ALL NEW LOT CORNERS AND COMMON LOT CORNERS WITHOUT FOUND MONUMENTS WILL BE MARKED WITH 5/8 INCH DIAMETER REBAR ROD, 24 INCHES IN LENGTH, CAPPED WITH A PLASTIC, YELLOW MARKER STAMPED "ABONMARCHÉ FIRM #0050", UNLESS INDICATED OTHERWISE.
- THE BOUNDARY SURVEY OF THE PARENT PARCEL, TRACT #1, IS RECORDED UNDER INSTRUMENT NUMBER 0637721 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER. EXISTING MONUMENTS ARE SHOWN ON SAID SURVEY.
- ACCORDING TO THE 1999 ST. JOSEPH COUNTY POTENTIAL GROUNDWATER CONTAMINATION SITES MAP PUBLISHED BY THE MICHIANA AREA COUNCIL OF GOVERNMENTS, THERE APPEARS TO BE NO DOCUMENTED DUMPSITES, LANDFILLS, SITES USED FOR DISPOSING OF HAZARDOUS SUBSTANCES, OR WELL HEAD PROTECTION AREAS, EXISTING ONSITE OR ADJACENT TO THE SITE.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FEDERAL INSURANCE RATE MAP (FIRM) INDEX PANEL NO. 18141C0065D WITH AN EFFECTIVE DATE OF JANUARY 6, 2011, THE SUBJECT PROPERTY BY SCALING SAID MAP IS LOCATED WITHIN AN AREA DESIGNATED AS "ZONE X, NO SPECIAL FLOOD HAZARD AREA".
- UTILITY EASEMENT "B" IS RESERVED FOR INDIANA & MICHIGAN ELECTRIC POWER TO INSTALL, OPERATE, AND MAINTAIN BELOW GRADE ELECTRIC POWER LINES AND OTHER APPURTENANCES SERVING THE PORTAGE PRAIRIE BUSINESS PARK. THE LOT OWNER, THEIR SUCCESSORS OR ASSIGNS, SHALL TAKE THEIR TITLE SUBJECT TO SAID USE OF EASEMENT.
- DRAINAGE EASEMENT "D" AREAS ARE RESERVED FOR CONSTRUCTION AND MAINTENANCE OF STORM WATER MANAGEMENT FACILITIES THAT ARE TO BE MAINTAINED BY THE PORTAGE PRAIRIE BUSINESS PARK PROPERTY OWNERS ASSOCIATION, ITS SUCCESSORS OR ASSIGNS. THE STORM WATER MANAGEMENT FACILITIES WILL SERVE THE PORTAGE PRAIRIE BUSINESS PARK PRIVATE PROPERTY AND THE DYLAN DRIVE PUBLIC RIGHT-OF-WAY.

LEGEND

- (A) INDIANA MICHIGAN POWER COMPANY EASEMENT (INSTR. # 1735145)
- (B) INDIANA MICHIGAN POWER COMPANY EASEMENT
- (C) 5' NON-ACCESS EASEMENT
- (D) DRAINAGE EASEMENT
- (E) TEMPORARY CUL-DE-SAC EASEMENT

STREET CLASSIFICATION

ST. JOSEPH VALLEY PARKWAY (384' R/W).....ARTERIAL
ADAMS ROAD (R/W VARIES).....COLLECTOR
MAYFLOWER ROAD (R/W VARIES).....COLLECTOR
DYLAN DRIVE (R/W VARIES).....MINOR



SEC. 8-T38N-R2E

| | |
|---------------|---|
| SHEET TITLE: | PORTAGE PRAIRIE BUSINESS PARK PRIMARY PLAT |
| DRAWN BY: | DEF/NI |
| DESIGNED BY: | BMc |
| PM REVIEW: | BMc |
| QA/QC REVIEW: | |
| DATE: | 02/04/20 |
| SEAL: | |
| SIGNATURE: | |
| DATE: | 02/05/20 |
| SCALE: | HORIZ: 1" = 200' VERT: N/A |
| ACT JOB # | 19-0149 |
| SHEET NO. | 1 of 2 |

ABONMARCHÉ
750 Lincoln Way E
South Bend, IN 46601
P 574.231.4400
F 574.231.4440
abonmarche.com
Engineering - Architecture - Land Surveying

PROJECT:
PART OF THE WEST 1/2 OF FRACTIONAL
SECTION 8, T38N, R 2E, GERMAN
TOWNSHIP, CITY OF SOUTH BEND,
ST. JOSEPH COUNTY, INDIANA

| | | | |
|------|-------|----|-------|
| RNUM | RDESC | RY | RDATE |
|------|-------|----|-------|

Property Information

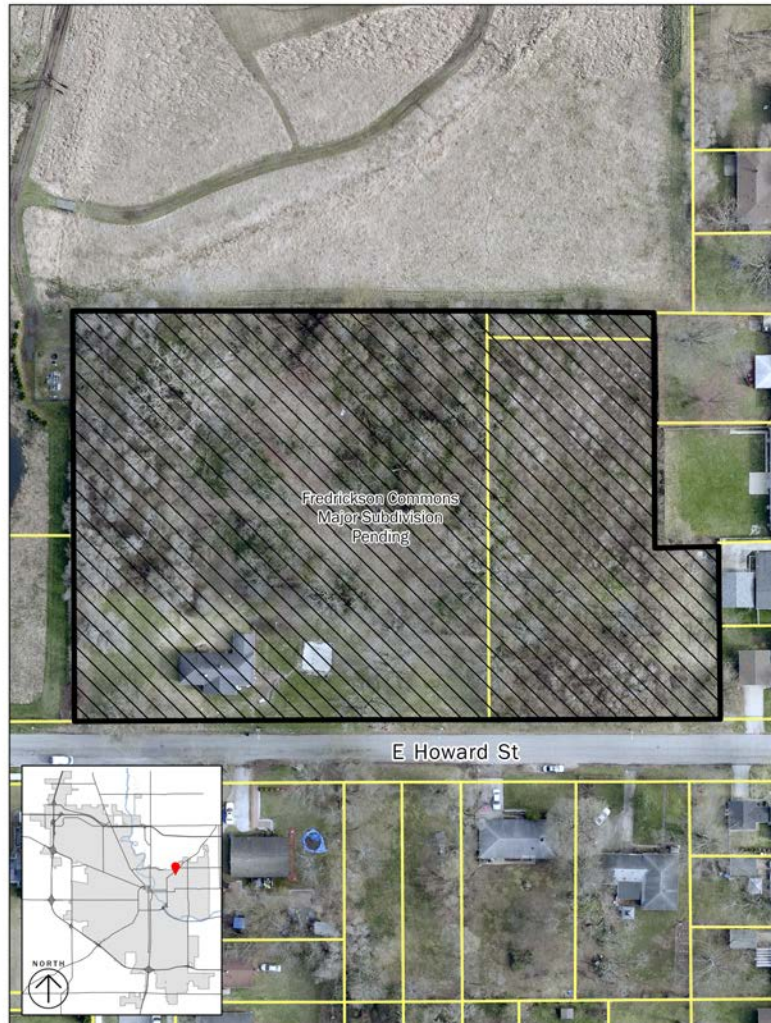
Subdivision Name: **FREDRICKSON COMMONS MAJOR SUBDIVISION**

Location: This Major Primary subdivision is located South of Fredrickson Park and North of Howard Street, City of South Bend.

Requested Action

The total area of the subdivision is 3.6 acres and will consist of 32 building lots.

Location Map



Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds that if the conditions are met it complies with the requirements for Primary Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Primary Approval, subject to the following: 1) revising easement description per the engineer review; 2) execution of a utility extension agreement; and 3) addressing comments on the drainage plan.

Project Details

| | |
|----------------------------|--|
| Environmental Data: | A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. |
| Drainage: | The engineering department has reviewed the drainage plan and provided comments to the petitioner. |
| Rights-Of-Way: | The rights-of-way are correct as shown. |
| Utilities: | The site will be served by Municipal Water and Municipal Sewer. |
| Agency Comments: | There are no additional comments at this time. |

Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds that if the conditions are met it complies with the requirements for Primary Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Primary Approval, subject to the following: 1) revising easement description per the engineer review; 2) execution of a utility extension agreement; and 3) addressing comments on the drainage plan.

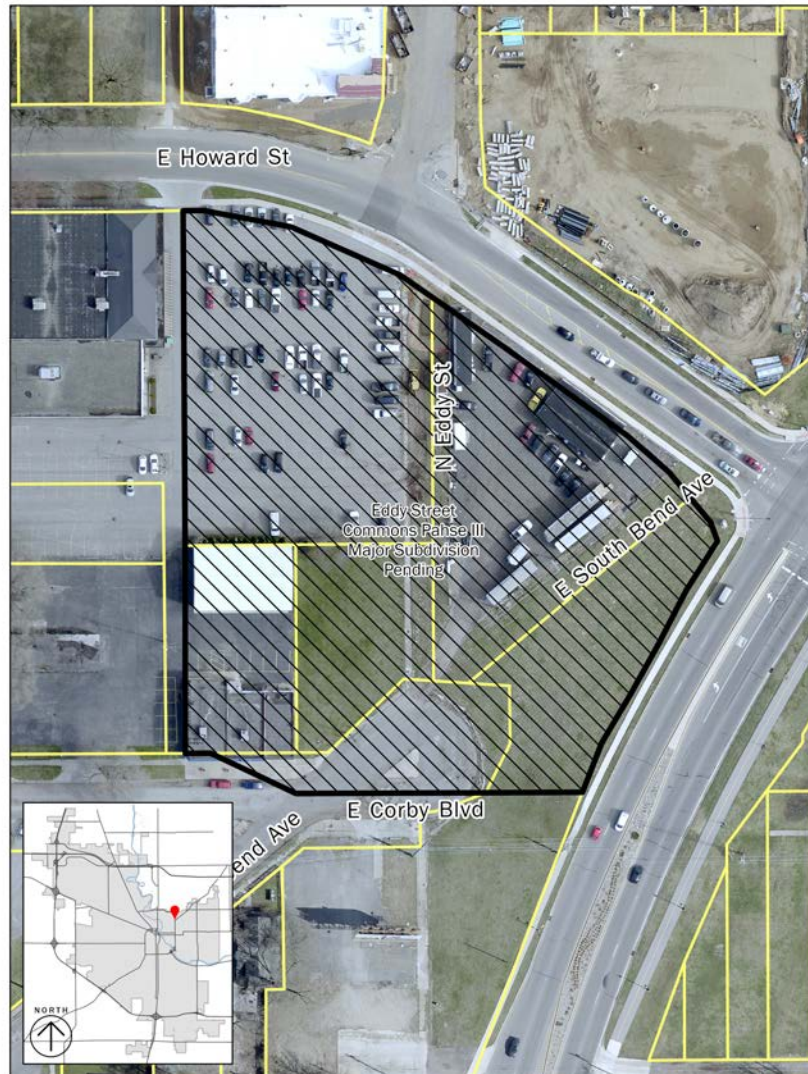
Property Information

Subdivision Name: **Eddy Commons Phase III MAJOR Subdivision**

Location: This Major Primary subdivision is located the southwest corner of State Road 23 and Howard Street, City of South Bend.

Requested Action

The total area of the subdivision is 3.04 acres and will consist of 1 building lot.

Location Map

Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds that if the conditions are met it complies with the requirements for Primary Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Primary Approval, subject to the following: 1) correcting vacation to reflect vacation of South Bend Avenue, not SR 23; 2) adding ordinance numbers to the recent vacations; 3) execution of a utility extension agreement; and 4) addressing comments on the drainage plan.

Project Details

| | |
|----------------------------|---|
| Environmental Data: | A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. |
| Drainage: | The engineering department has reviewed the drainage plan and provided comments to the petitioner. |
| Rights-Of-Way: | The rights-of-way are correct as shown. |
| Utilities: | The site will be served by Municipal Water and Municipal Sewer. |
| Agency Comments: | Final location of the utilities will need to be coordinated with engineering prior to secondary approval, and any easements adjusted accordingly. |

Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds that if the conditions are met it complies with the requirements for Primary Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Primary Approval, subject to the following: 1) correcting vacation to reflect vacation of South Bend Avenue, not SR 23; 2) adding ordinance numbers to the recent vacations; 3) execution of a utility extension agreement; and 4) addressing comments on the drainage plan.

EDDY STREET COMMONS PHASE III MAJOR SUBDIVISION

A PARCEL LOCATED IN THE EAST HALF OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, AND THE WEST HALF OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

(BEING A RE-SUBDIVISION OF PART LOT 107, LOTS 108–112 OF RECORDED PLAT OF SORIN'S 2ND ADDITION TO THE CITY OF SOUTH BEND, AND PART LOT 1 & 2 OF HARTMAN & MILLER'S PLAT, AND LOT 2 FIVE CORNERS MINOR SUBDIVISION, AND A PORTION OF VACATED EDDY STREET, CORBY BLVD., HOWARD STREET AND STATE ROAD 23)

LEGAL DESCRIPTION:

PART OF THE EAST HALF OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, AND THE WEST HALF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTH EAST CORNER OF LOT 2 OF THE RECORDED PLAT OF "FIVE CORNERS MINOR SUBDIVISION" AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 89°13'44" WEST ALONG THE SOUTH LOT LINE OF SAID LOT AND THE EXTENSION OF THE CENTERLINE OF VACATED CORBY BOULEVARD, A DISTANCE OF 200.11 FEET TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF SOUTH BEND AVENUE; THENCE NORTH 60°18'49" WEST, A DISTANCE OF 81.38 FEET; TO THE SOUTH LINE OF LOT 112 OF THE RECORDED PLAT OF "SORIN'S 2ND ADDITION TO THE CITY OF SOUTH BEND" AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA; THENCE SOUTH 89°13'44" WEST ALONG SAID SOUTH LOT LINE, A DISTANCE OF 24.51 FEET TO THE SOUTHWEST CORNER OF SAID LOT 112; THENCE NORTH 00°43'46" WEST ALONG THE WEST LOT LINE OF SAID LOT 112 AND LOT 111, LOT 110, LOT 109, LOT 108, AND PART LOT 107 OF SAID SORIN'S 2ND ADDITION, A DISTANCE OF 411.02 FEET (REC. 410.00 FEET) TO THE SOUTH RIGHT-OF-WAY LINE OF HOWARD STREET; THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE FOR THE NEXT FIVE (5) COURSES, NORTH 89°17'07" EAST, A DISTANCE OF 5.94 FEET, AND SOUTH 79°50'54" EAST, A DISTANCE OF 75.32 FEET, AND SOUTH 66°34'01" EAST, A DISTANCE OF 91.28 FEET, AND SOUTH 55°17'48" EAST, A DISTANCE OF 92.80 FEET, AND SOUTH 54°43'56" EAST, A DISTANCE OF 214.39 FEET TO THE POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 23; THENCE ALONG SAID RIGHT-OF-WAY LINE OF STATE ROAD 23 FOR THE NEXT THREE (3) COURSES, SOUTH 52°43'11" WEST, A DISTANCE OF 18.41 FEET, AND SOUTH 20°22'57" EAST, A DISTANCE OF 17.44 FEET, AND AROUND A 1530 FOOT RADIUS CURVE TO THE LEFT WITH AND ARC DISTANCE OF 221.87 FEET, WITH A CHORD BEARING OF SOUTH 28°35'19" WEST, WITH A CHORD DISTANCE OF 221.67 FEET TO THE POINT OF BEGINNING.

CONSISTING ON ONE (1) LOT AND CONTAINING 3.04 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.

WELLHEAD PROTECTION NOTE:

- 1). THE PROPERTY LIES WITHIN THE NORTH 5-YEAR CAPTURE AREA WELLHEAD PROTECTION AREA AS IDENTIFIED IN THE CITY OF SOUTH BEND'S WELLHEAD PROTECTION PLAN.

MUNICIPAL WATER EASEMENT NOTE:

THE MUNICIPAL WATER EASEMENT SHOWN ON LOT #1 OF THIS PLAT IS FOR THE USE AND BENEFIT OF THE CITY OF SOUTH BEND AND ANY OF THEIR ASSIGNS OR SUCCESSORS TO PROVIDE WATER SERVICE TO THE PUBLIC. SAID EASEMENT SHALL ALLOW FOR, BUT NOT BE LIMITED TO, ACCESS TO SAID WATER LINE, ALL RELATED SYSTEM STRUCTURES AND PIPING AND TO ALLOW FOR ANY REQUIRED CONSTRUCTION, MAINTENANCE AND OR REPLACEMENT OF SAID WATER SYSTEM WHICH SERVES THE PUBLIC. THERE SHALL BE NO OBSTRUCTIONS BELOW OR ABOVE GROUND WITHIN THESE EASEMENTS.

MUNICIPAL SANITARY SEWER EASEMENT NOTE:

THE MUNICIPAL SANITARY SEWER EASEMENT SHOWN ON LOT #1 OF THIS PLAT IS FOR THE USE AND BENEFIT OF THE CITY OF SOUTH BEND AND ANY OF THEIR ASSIGNS OR SUCCESSORS TO PROVIDE SANITARY SEWER SERVICE TO THE PUBLIC. SAID EASEMENT SHALL ALLOW FOR, BUT NOT BE LIMITED TO, ACCESS TO SAID SANITARY SEWER LINE, ALL RELATED SYSTEM STRUCTURES AND PIPING AND TO ALLOW FOR ANY REQUIRED CONSTRUCTION, MAINTENANCE, AND/OR REPLACEMENT OF SAID SANITARY SEWER SYSTEM WHICH SERVES THE PUBLIC. THERE SHALL BE NO OBSTRUCTIONS BELOW OR ABOVE GROUND WITHIN THESE EASEMENTS. ANY FUTURE MAINTENANCE TO THE CITY'S UTILITIES WILL BE PUT BACK TO EARTHEN AREA.

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 89°13'44" W | 24.51' |
| L2 | N 89°17'07" E | 5.94' |
| L3 | S 79°50'54" E | 75.32' |
| L4 | S 66°34'01" E | 91.28' |
| L5 | S 55°17'48" E | 92.80' |
| L6 | S 54°43'56" E | 214.39' |
| L7 | S 52°43'11" W | 18.41' |
| L8 | S 20°22'57" E | 17.44' |

| CURVE | RADIUS | ARC LENGTH | CHORD BEARING | CHORD LENGTH |
|-------|----------|------------|---------------|--------------|
| C1 | 1530.00' | 221.87' | S 28°35'19" W | 221.67' |
| C2 | 1530.00' | 44.52' | N 25°16'5" E | 44.52' |

GENERAL SURVEY DISCLAIMER NOTES:

THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED FOR THE CLIENT ONLY. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

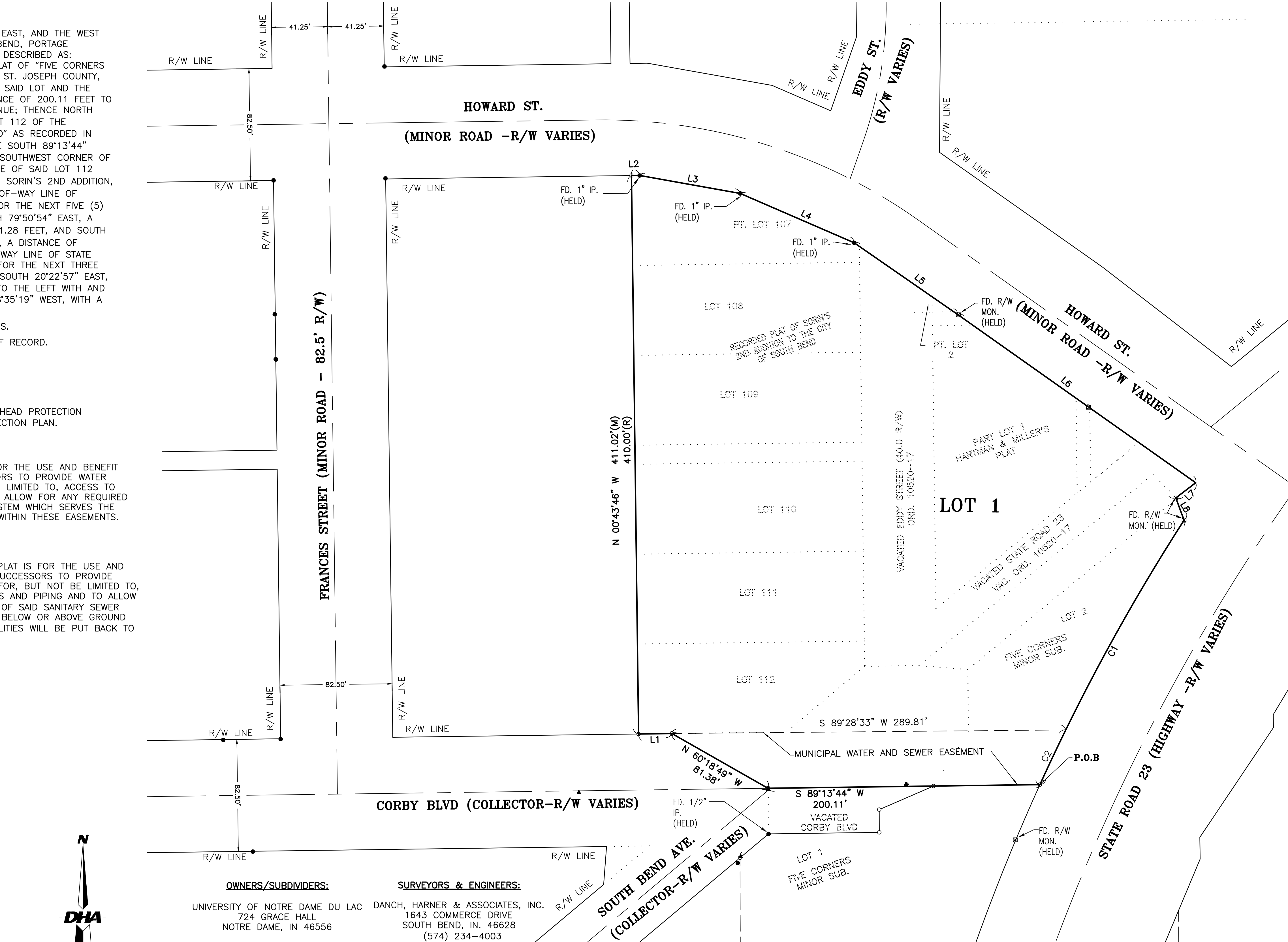
ANY UTILITY OR EASEMENT LOCATIONS, IF SHOWN, ARE APPROXIMATE. THE CLIENT MUST FIELD VERIFY UTILITY LOCATIONS WITH THE RESPECTIVE UTILITY COMPANY. THIS LAND SURVEYOR ASSUMES NO LIABILITY FOR THE ACCURACY OF THE LOCATION OR SIZE OF EXISTING UTILITIES OR THE EXISTENCE OR NONEXISTENCE OF ADDITIONAL UNDERGROUND UTILITIES OR STRUCTURES.

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING, ZONING AND SUBDIVISION ORDINANCES.

UNLESS SPECIFICALLY SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO INDICATE THE PRESENCE OR ABSENCE OF WETLANDS AND HAZARDOUS OR ENVIRONMENTALLY INJURIOUS MATERIALS. THE SURVEYOR EXPRESSLY DISCLAIMS ANY RESPONSIBILITY OR LIABILITY FOR THE SAME.

ANY INFORMATION ON THIS DRAWING IS NOT INTENDED TO BE SUITABLE FOR REUSE BY ANY PERSON, FIRM OR CORPORATION OR ANY OTHERS ON EXTENSION OF THIS PROJECT OR FOR ANY USE ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADIPTION BY THE ENGINEER, ARCHITECT OR SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE ENGINEER, ARCHITECT OR SURVEYOR.

ALL UNDERGROUND UTILITIES MUST BE FIELD VERIFIED BY THE CONTRACTOR BEFORE ANY CONSTRUCTION MAY BEGIN.



OWNERS/SUBDIVIDERS:

UNIVERSITY OF NOTRE DAME DU LAC
724 GRACE HALL
NOTRE DAME, IN 46556

FIVE CORNERS LLC
814 MARIETTA STREET
SOUTH BEND, IN 46601

PHILIP M. SLATT
1015 E. CORBY BLVD.
SOUTH BEND, IN 46607

SURVEYORS & ENGINEERS:

DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-4003
ATTN: MICHAEL DANCH

MONUMENTATION:

- = FOUND IRONS
- o = 5/8" IRONS SET, P.K. NAILS IN ROAD
- X = CHISELED "X" ON CONCRETE

| DATE | DRAWN BY: | REVISIONS | | | |
|----------|--------------|-----------|----|--|--|
| 5/5/20 | GGS | | | | |
| SCALE | CHECKED BY: | DATE | BY | | |
| 1"=40' | MJD | | | | |
| FILE # | PROJ. MANGR: | | | | |
| 200104.4 | MJD | | | | |

Danch, Harner & Associates, Inc.
Land Surveyors Professional Engineers
Landscape Architects Land Planners

DHA

Office: (574)234-4003 / (800)984-4003 • Fax: (574)234-4119
1643 Commerce Drive • South Bend, IN 46628

SHEET

1

OF

2

Requested Action

An Ordinance amending Chapter 21 of the South Bend Municipal Code to correct typographical errors in various Articles and to add clarifying language and tables where necessary.

Project Summary

The proposed ordinance includes the following changes:

- Correction of typographical errors in various sections of the Ordinance
- Define non-frontage lot
- Clarify provisions for double frontage, multifrontage lots, and non-frontage lot
- Add garage placement provisions to the Access & Parking table in the U1 and U2 district
- Adjust U2 setbacks to be consistent with U1
- Clarify height regulation for Ancillary Dwelling Units adjacent to an alley
- Clarify a second curb cut is permitted for non-residential lots when permitted by engineering
- Add transparency requirements for corner façade in the C Commercial district
- Clarify language for building material standards in the special districts
- Clarify language regarding rear extension within a minimum rear setback for primary building
- Clarify regulations for porch and stoop frontage types
- Add a table related to maximum fence heights and clarify material standards for DT District
- Add provision for 33' lot of record to utilize reduced side setback

Analysis & Recommendation

Analysis: The proposed ordinance will help clarify the regulations and development standards required under the zoning ordinance.

Recommendation: Based on the information available prior to the public hearing, the staff recommends the Plan Commission send the text amendment ordinance to the Common Council with a favorable recommendation.

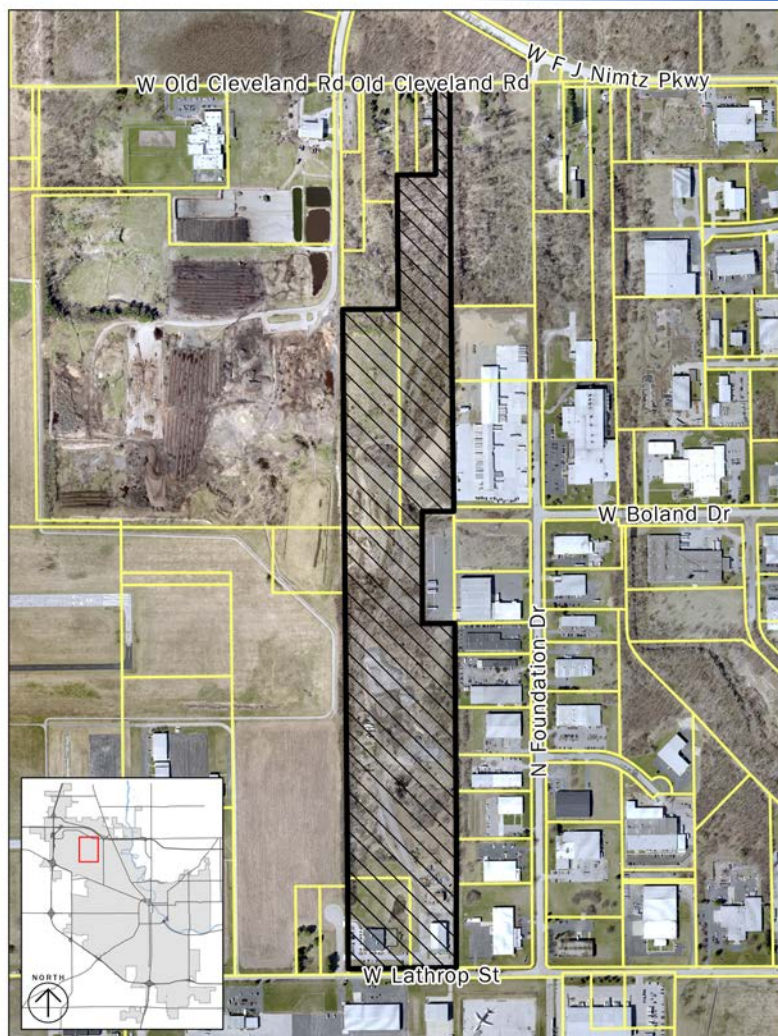
Property Information

Subdivision Name: **LATHROP STREET AND OLD CLEVELAND ROAD MINOR SUBDIVISION**

Location: This Minor Primary subdivision is located North and East of the South Bend Airport, City of South Bend.

Requested Action

The total area of the subdivision is 64.05 acres and will consist of 2 building lots and 3 outlots.

Location Map

Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds that if the conditions are met it complies with the requirements for Primary Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Primary Approval, subject to the following: 1) providing street classifications on the plat.

Project Details

| | |
|----------------------------|--|
| Environmental Data: | A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. |
| Drainage: | All drainage shall be retained on site and approved by the City Engineer at the time of development. |
| Rights-Of-Way: | The rights-of-way are correct as shown. |
| Utilities: | The site will be served by Municipal Water and Municipal Sewer. |
| Agency Comments: | There are no additional comments at this time. |

Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds that if the conditions are met it complies with the requirements for Primary Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Primary Approval, subject to the following: 1) providing street classifications on the plat.

LATHROP STREET AND OLD CLEVELAND ROAD MINOR SUBDIVISION

PART OF THE WEST HALF OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 2 EAST,

CITY OF SOUTH BEND, GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

(INCLUDING A RE-SUBDIVISION OF LOT 1 AND LOT 2 OF "ST. JOSEPH COUNTY COMMUNITY CORRECTIONS FACILITY MINOR SUBDIVISION")

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 M | N 88°56'19" E | 332.21' |
| L1 R | N 90°00'00" E | 330.00' |
| L2 M | N 88°56'18" E | 239.00' |
| L2 R | N 90°00'00" E | 239.00' |
| L3 M | N 88°56'19" E | 92.50' |
| L3 R | N 90°00'00" E | 92.50' |
| L4 M | S 89°13'04" W | 200.00' |
| L5 M | S 00°53'52" E | 678.98' |
| L6 M | N 89°08'09" E | 200.16' |
| L7 | N 00°54'54" W | 116.00' |
| L8 M | S 88°44'41" W | 44.92' |
| L9 M | S 44°07'20" W | 14.15' |
| L9 R | S 44°59'46" W | 14.15' |
| L10 | N 89°20'27" E | 60.35' |
| L11 | N 00°59'33" W | 124.17' |
| L12 | N 87°56'08" E | 333.85' |
| L13 | S 89°13'04" W | 464.65' |
| L14 | N 88°56'19" E | 92.47' |

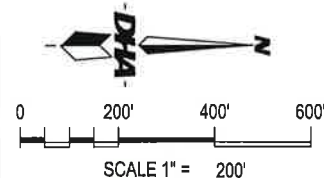
SOUTHWEST CORNER
SEC. 28, T.38N., R.2E.
FD. HARRISON MON.

WEST 1/4 CORNER
SEC. 28, T.38N., R.2E.
CALC. (POSITION ONLY)

NORTHWEST CORNER
SEC. 28, T.38N., R.2E.
FD. GEAR SPIKE

COVENANT FOR LANDS WITHIN A NOISE SENSITIVE USE RESTRICTIVE ZONE:

IT IS UNDERSTOOD BY THE OWNER(S) OF THE PROPERTY DESCRIBED HEREIN THAT THE SAID SUBDIVISION LIES IN CLOSE PROXIMITY TO AN OPERATING AIRPORT AND THAT THE OPERATION OF THE AIRPORT, WITH THE LANDING AND TAKE-OFF OF AIRCRAFT, MAY GENERATE HIGH NOISE LEVELS. THEREFORE, IN CONSIDERATION OF THE ISSUANCE OF A PERMIT, PURSUANT TO INDIANA CODE 8-21-10-3-B THROUGH THE INDIANA DEPARTMENT OF TRANSPORTATION, TO CONSTRUCT A BUILDING DESIGNED FOR NOISE SENSITIVE USES ON SAID PROPERTY IN ACCORDANCE WITH SAID PERMIT, THE OWNER(S) HEREBY COVENANT THAT THEY SHALL NOT INITIATE OR SUPPORT ACTION IN ANY COURT OR BEFORE ANY GOVERNMENTAL AGENCY TO INTERFERE WITH, RESTRICT, OR REDUCE THE OPERATION OF THE AIRPORT OF THE USE OF THE AIRPORT BY ANY AIRCRAFT. OWNER(S) FURTHER COVENANT THAT THEY SHALL NOT PROTEST OR OBJECT TO THE OPERATION OF THE LANDING OR TAKE-OFF OF AIRCRAFT BEFORE ANY COURT OR AGENCY OF GOVERNMENT. THE COVENANTS CONTAINED HEREIN SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER(S) OF THE PROPERTY, ITS SUCCESSORS AND ASSIGNS.



EASEMENT LEGENDS:

- (A) DRAINAGE EASEMENT PER DOCUMENT NO. 1023811 IN FAVOR OF LOT 1 AND LOT 2.

SURVEYORS & ENGINEERS:

DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-4003
ATTN: MICHAEL DANCH

SUBDIVIDERS:

BOARD OF COMMISSIONERS OF ST. JOSEPH COUNTY
227 W. JEFFERSON BOULEVARD
SOUTH BEND, IN 46601

MONUMENTATION:

- = FOUND IRONS
- o = 5/8" IRONS SET, P.K. NAILS IN ROAD
- x = CHISELED "X" ON CONCRETE

LEGAL DESCRIPTION:

A PART OF THE WEST HALF OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 OF "ST. JOSEPH COUNTY COMMUNITY CORRECTIONS FACILITY MINOR SUBDIVISION" AS RECORDED IN DOCUMENT NUMBER 1023811 IN THE OFFICE OF THE ST. JOSEPH COUNTY, INDIANA RECORDER; THENCE ALONG THE WEST LOT LINE OF LOT 1 AND LOT 2 OF SAID SUBDIVISION FOR THE NEXT TWO (2) COURSES, NORTH 00°56'45" WEST, A DISTANCE OF 650.00 FEET, AND NORTH 00°56'44" WEST, A DISTANCE OF 1,967.21 FEET TO A POINT ON THE EAST-WEST QUARTER LINE OF SAID SECTION AND THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE NORTH 00°59'33" WEST, A DISTANCE OF 124.17 FEET; THENCE NORTH 00°59'33" WEST, A DISTANCE OF 1191.25 FEET; THENCE NORTH 88°56'19" EAST (REC. NORTH 90°00'00" EAST), A DISTANCE OF 332.21 FEET (REC. 330.00 FEET); THENCE NORTH 00°44'02" WEST, A DISTANCE 796.33 FEET; THENCE NORTH 88°56'18" EAST (REC. NORTH 90°00'00" EAST), A DISTANCE OF 239.00 FEET; THENCE NORTH 00°58'19" EAST, A DISTANCE OF 546.79 FEET TO THE CENTERLINE OF OLD CLEVELAND ROAD AND THE NORTH LINE OF SAID SECTION; THENCE NORTH 88°56'19" EAST (REC. NORTH 90°00'00" EAST) ALONG SAID CENTERLINE AND NORTH LINE, A DISTANCE OF 92.50 FEET; THENCE SOUTH 00°58'37" EAST, A DISTANCE OF 1336.27 FEET; THENCE SOUTH 00°55'42" EAST (REC. SOUTH 00°00'47" WEST), A DISTANCE OF 1200.34 FEET (REC. 1200.75 FEET); THENCE SOUTH 89°13'04" WEST, A DISTANCE OF 200.00 FEET; THENCE ALONG THE EAST LOT LINE OF SAID LOT 2 AND ITS' NORTHERLY EXTENSION FOR THE NEXT THREE (3) COURSES, SOUTH 00°53'52" EAST, A DISTANCE OF 678.98 FEET, AND NORTH 89°08'09" EAST, A DISTANCE OF 200.16 FEET, AND SOUTH 00°51'41" EAST, A DISTANCE OF 2061.26 FEET TO THE NORTH RIGHT-OF-WAY LINE OF LATHROP STREET AND THE SOUTH LINE OF SAID SUBDIVISION; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE AND SOUTH LINE FOR THE NEXT TWO (2) COURSES, SOUTH 89°05'41" WEST (REC. SOUTH 89°31'13" WEST), A DISTANCE OF 291.34' FEET (REC. 291.30 FEET); AND SOUTH 89°05'41" WEST A DISTANCE OF 369.77 FEET TO THE POINT OF BEGINNING.

CONTAINING 64.05 ACRES MORE OR LESS AND CONSISTING OF TWO (2) LOTS AND THREE (3) OUTLOTS. SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD. SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.

THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED FOR THE CLIENT ONLY. ANY REUSE WITHOUT WRITTEN VERIFICATION AND ADAPTATION BY THE LAND SURVEYOR FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE LAND SURVEYOR.

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ALL UNDERGROUND UTILITIES MUST BE FIELD VERIFIED BY THE CONTRACTOR BEFORE ANY CONSTRUCTION MAY BEGIN.

| DATE | DRAWN BY: | REVISIONS | | | |
|----------|--------------|-----------|----|--|--|
| 1/2/19 | GGG | | | | |
| SCALE | CHECKED BY: | DATE | BY | | |
| 1"=200' | MJD | | | | |
| FILE # | PROJ. MANGR: | | | | |
| 180191.4 | MJD | | | | |

Danch, Harner & Associates, Inc.
Land Surveyors • Professional Engineers
Landscape Architects • Land Planners
Office: (574) 234-4003 / (800) 994-0003 • Fax: (574) 234-4119
1643 Commerce Drive • South Bend, IN 46628

FILED

MAR 06 2020

Receipt # 69150

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OF
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Property Information

Subdivision Name: **Sample and Lafayette Minor Subdivision**

Location: This Minor Primary subdivision is located southwest corner of Sample Street and Lafayette Boulevard, City of South Bend.

Requested Action

The total area of the subdivision is 3.99 acres and will consist of 3 building lots.

Location Map

Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Primary Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Primary Approval.

Project Details

| | |
|----------------------------|--|
| Environmental Data: | A check of the Agency's maps indicates that no environmental hazard areas or wetlands are present. |
| Drainage: | All drainage shall be retained on site and approved by the City Engineer at the time of development. |
| Rights-Of-Way: | The rights-of-way are correct as shown. |
| Utilities: | The site will be served by Municipal Water and Municipal Sewer. |
| Agency Comments: | There are no additional comments at this time. |

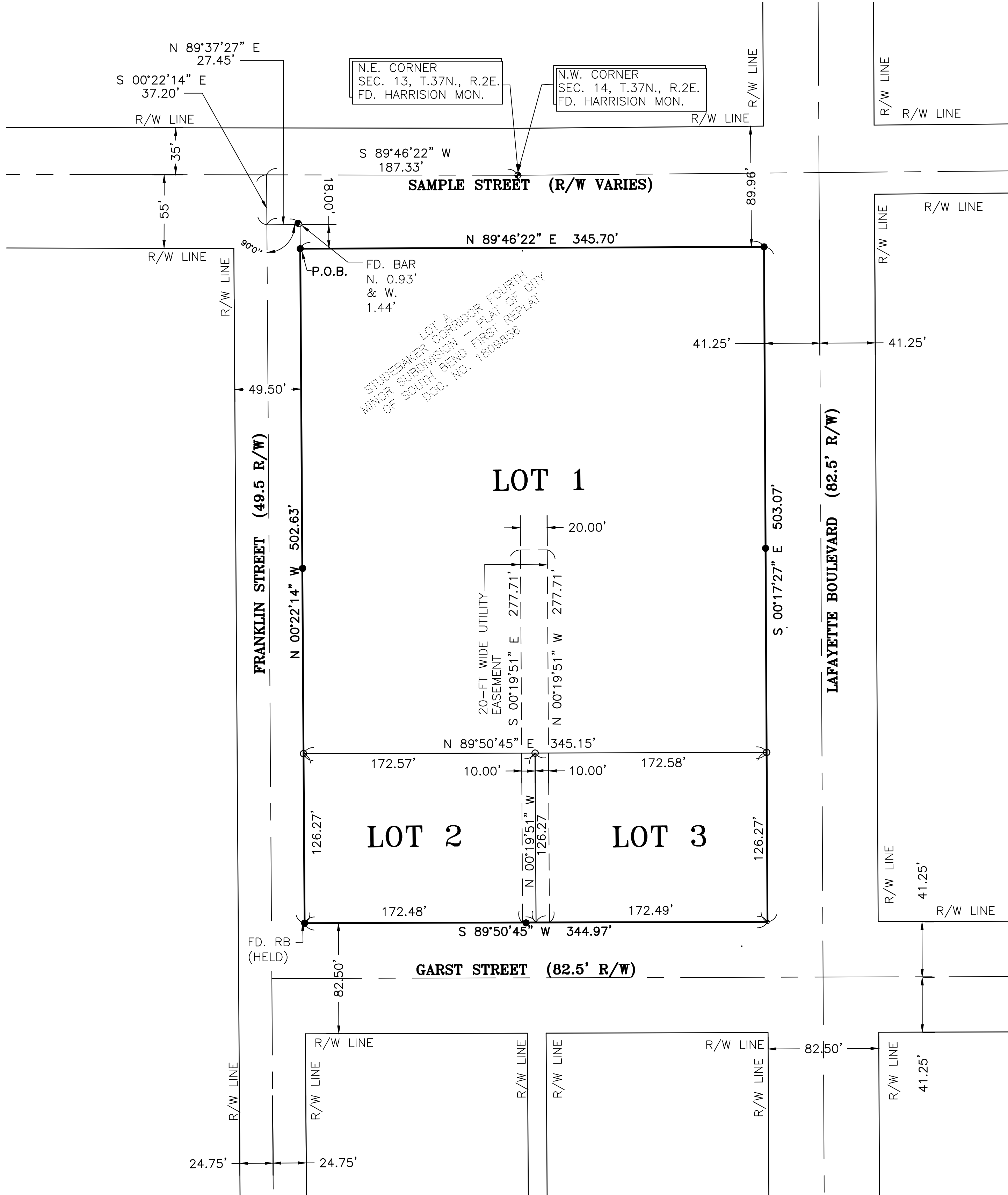
Recommendation

Staff Recommendation: The Staff has reviewed this subdivision and finds it complies with the requirements for Primary Approval as specified by the South Bend Subdivision Control Ordinance. The Staff therefore recommends that this subdivision be granted Primary Approval.

SAMPLE AND LAFAYETTE MINOR SUBDIVISION
PART OF THE NORTHWEST QUARTER OF SECTION 13, AND PART OF THE NORTHEAST QUARTER OF SECTION 14,
TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.
(BEING A RE-SUBDIVISION OF LOT A "STUDEBAKER CORRIDOR FOURTH MINOR SUBDIVISION – PLAT OF CITY OF SOUTH BEND FIRST REPLAT")

LEGAL DESCRIPTION:

A PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, AND THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA; BEING LOT A OF "STUDEBAKER CORRIDOR FOURTH MINOR SUBDIVISION – PLAT OF CITY OF SOUTH BEND FIRST REPLAT" AS RECORDED BY DOCUMENT NUMBER 1809856 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY INDIANA. CONTAINING 3.99 ACRES MORE OR LESS AND CONSISTING OF THREE (3) LOTS. SUBJECT TO ALL RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS OF RECORD.



GENERAL SURVEY DISCLAIMER NOTES:

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MONUMENTATION:

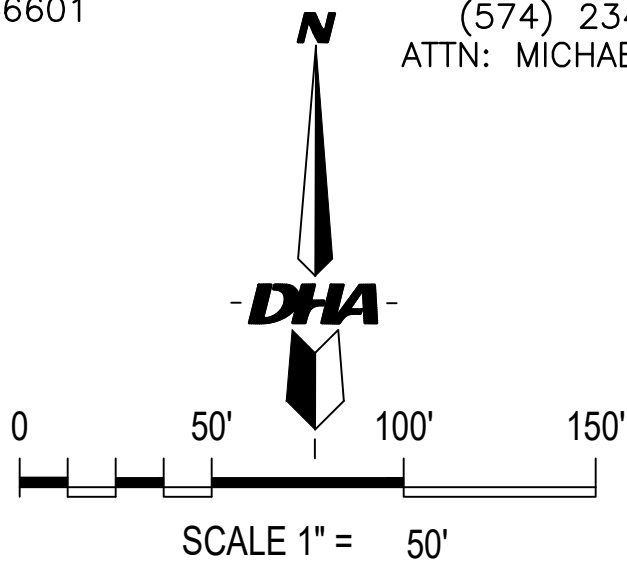
- = FOUND IRONS
- o = 5/8" IRONS SET, P.K. NAILS IN ROAD
- x = CHISELED "X" ON CONCRETE

SUBDIVIDER:

DEPARTMENT OF COMMUNITY INVESTMENT
CITY OF SOUTH BEND
227 W. JEFFERSON BLVD, SUITE 1400
SOUTH BEND, INDIANA 46601

SURVEYORS & ENGINEERS:

DANCH, HARNER & ASSOCIATES, INC.
1643 COMMERCE DRIVE
SOUTH BEND, IN. 46628
(574) 234-4003
ATTN: MICHAEL DANCH



| DATE | | DRAWN BY: | | REVISIONS | | | |
|----------|--|--------------|--|-----------|----|--|--|
| 3/23/20 | | GGS | | DATE | BY | | |
| SCALE | | CHECKED BY: | | | | | |
| 1"=50' | | MJD | | | | | |
| FILE # | | PROJ. MANGR: | | | | | |
| 200127.4 | | MJD | | | | | |

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