

SECTION 21-06. OVERLAY AND SPECIAL USE DISTRICTS REGULATIONS

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[Section 21-06.01. Historic Preservation.](#)

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**Section 21-06.01. Historic Preservation.**

Reserved for future use.

**Section 21-06.02. U University District.**

Intent - The U University *District* is established to promote the development, expansion and modernization of a major college or university campus, in which a diversity of *uses*, functions, and facilities is necessary to best perform the functions of a college or university and to permit appropriate *uses* necessary to facilitate the highest level of education. The U *District* may also provide for a wide range of commercial type *uses* which are *accessory* to or typically associated with a college or university campus (e.g., bookstore, *hotel*, food sales & service, school supplies, personal services, convenience stores, etc.) and located on the campus.

(a) *Permitted Uses.*

(1) *Primary Uses:*

University *Uses*: Including but not limited to: Administrative Offices; Assembly Halls; Athletic or Convocation Facilities; Classroom *Buildings*; Library; Teaching or Research Facilities or Laboratories; Stadiums or Arenas; Student Housing, including but not limited to Dormitories, Graduate Student Housing, Married Student Housing, Fraternity Houses, Sorority Houses or other Group *Dwellings*; Student Unions.

(2) *Special Exception Uses:*

Any *use* which is indirectly related to the operations of a major college or university, but which *use* may include characteristics more typically associated with heavy commercial or industrial *districts*, including but not limited to: Airport; Heliport.

(3) *Accessory Uses* - Any *use* which is appropriate and incidental to the *primary uses* permitted within the U *District*, and which is owned or occupied by the applicable college or university. Such *accessory uses*, by way of example, shall include but not be limited to: Cemetery; *Child Care Center*; Crematory; Golf Course; Utilities (water plants, power plants, treatment plants, etc.).

(4) *Temporary Uses* - See Section 21-03.11 (b) - Temporary Uses, Buildings and Structures.

(b) *Development Standards.*

(1) Minimum *Lot Width* and *Frontage* - each college or university shall have a minimum *lot width* and *frontage* on a *public street* of one-hundred (100) feet.

(2) Minimum *District Area* - each University *District* shall include a minimum of five (5) contiguous acres.

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(3) *Yards and Building Setbacks*

(A) Front - a *front yard and building setback* measured from the greater of the *proposed right-of-way* or *existing right-of-way* shall be provided as follows:

<i>Limited Access Highway:</i>	50'
<i>All Other Streets:</i>	25'

(B) Minimum *Side Yard and Setback* - The minimum *side yard and setback* shall be as follows:

- i. *Abutting any U District* - 0'
- ii. *Minimum Side Yard* - 10'
- iii. *Minimum Side Residential Bufferyard* - 20'

(C) Minimum *Rear Yard and Setback* - The minimum *rear yard and setback* shall be as follows:

- i. *Abutting any U District* - 0'
- ii. *Minimum Rear Yard* - 10'
- iii. *Minimum Rear Residential Bufferyard* - 20'

(4) *Use of Minimum Yards and Residential Bufferyards.*

All *minimum yards and residential bufferyards* shall be landscaped in compliance with the requirements for perimeter *yard* landscaping as set forth in Section 21-07.01 - Landscape Requirements of this Ordinance and shall remain free from *structures* except where expressly permitted below:

(A) *Minimum front yards:*

- i. *along limited access highways* - may include: *parking areas, loading areas, interior access drives, or interior access driveways*, provided that no portion of such area may be located closer to the *right-of-way* than twenty-five (25) feet; or *signs* as regulated by Section 21-07.03 - Sign Regulations of this Ordinance, and shall otherwise be maintained as *open space* free from *buildings or structures*;
- ii. *along all other streets* - may include: *parking areas*, provided that no portion of the *parking area* may be located closer to the *right-of-way* than fifteen (15) feet; *driveways*; or *signs* as regulated by Section 21-07.03 - Sign Regulations of this Ordinance, and shall otherwise be maintained as *open space* free from *buildings or structures*.

(B) *Minimum Front Residential Bufferyards* - may include: *driveways*; or, *signs* as regulated by Section 21-07.03 - Sign Regulations of this Ordinance, and shall otherwise be maintained as *open space* free from *buildings or structures*;

(C) *Minimum Side Yards and Rear Yards* - may include: *interior access driveways*; or, *walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *side yards* shall be maintained as *open space* free from *buildings or structures*;

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- (D) Minimum *Side Residential Bufferyards* and *Rear Residential Bufferyards* - shall be maintained as *open space* free from *buildings* or *structures*.
- (5) Maximum *building height* - unlimited, provided, however, whenever a minimum *setback* is measured from:
- (A) a *front lot line* across from a *district* which permits *single family dwellings* as a *permitted use* (either under this Ordinance or a zoning ordinance adopted by an abutting jurisdiction); or,
- (B) a *side lot line* or *rear lot line* abutting a *district* which permits *single family dwellings* as a *permitted use* (either under this Ordinance or a zoning ordinance adopted by an abutting jurisdiction),
- the maximum *building height* shall not exceed thirty-five (35) feet plus one (1) additional foot of *setback* for each one (1) foot or portion thereof in *building height* in excess of thirty-five (35) feet.
- (6) Landscaping - See Section 21-07.01 - Landscape Regulations.
- (7) Lighting - See Section 21-07.02 - Lighting Regulations.
- (8) Signs - See Section 21-07.03 - Sign Regulations.
- (9) Parking - See Section 21-07.04 - Off-Street Parking Regulations regarding design and construction of parking areas.
- (10) Loading - See Section 21-07.05 - Off-Street Loading Regulations regarding design and construction of loading areas.
- (11) Fencing - See Section 21-03.11(B) General Regulations for Commercial / Mixed Use Districts regarding construction of fences.
- (Ord. No. 9495-04; Ord. No. 9653-06, § XII, 2-27-06)

**Section 21-06.03. Northeast Neighborhood Development Area Overlay Zoning District.**

Notwithstanding any provision elsewhere in this South Bend Zoning Ordinance ("hereafter referred to as "this SBZO") to the contrary, all new development within the NNZO shall be subject to the following regulations. In the case of conflict between the provisions of this NNZO and other provisions of the SBZO, the provisions of this NNZO shall control.

(a) *Intent.*

It is the intent of this NNZO to codify a number of the recommendations of the Northeast Neighborhood Design Guidelines which are most relevant and applicable to new development in the NNDA.

By codifying a number of the recommendations of the Northeast Neighborhood Design Guidelines, the NNZO accomplishes the following purposes:

- (1) To establish a comprehensive design approach for the NNDA;
- (2) To encourage high-quality design of future buildings and site development that preserves and enhances the character of a traditional neighborhood;
- (3) To create a strong, unique neighborhood identity image;

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- (4) To provide a range of design options to address future development opportunities; and
- (5) To instill and enforce the sense of "pride of place" among residents, businesses, and property owners.

(b) *Applicability.*

- (1) New Development - The regulations contained in this NNZO shall be applicable to all new construction on real property located within the *area designated as the Northeast Neighborhood Development Area Overlay Zoning District* on the Zoning District Map for the City of South Bend. In order to assure the compatibility of new development within the NNDA with that of the surrounding community, any new building, structure or sign within the NNDA after the effective date of the NNZO shall be subject to the regulations contained in this NNZO. Renovations or expansions of existing buildings, structures, or signs are not subject to the regulations of this NNZO but shall be subject to all applicable regulations of the underlying zoning district.
- (2) Land Use - The land use permitted on any individual lot with [within] this NNDA shall be determined by the underlying zoning district.
- (3) Development Standards - The determination of which of the development standards and regulations of this NNZO shall be applicable to a particular lot, project or development shall be determined by the proposed use of the real property, not by the underlying zoning district.
- (4) Special Exception Uses - For those uses which must be reviewed by the Board of Zoning Appeals and approved by the Common Council through the Special Exception Process in accordance with the underlying zoning, the applicable regulations of this NNZO shall be determined by the Board of Zoning Appeals and the Common Council as part of their determination of the appropriateness of the use.

(c) *Definitions.*

In addition to the definitions contained in Article 11, Section 21-11 Definitions, the following definitions apply in this NNZO.

- (1) Arcade - A series of arches supported by columns or piers; a building or part of a building with a series of arches.
- (2) Articulation - The relationship of contacting surfaces to create a series of plane changes in order to avoid a flat appearance.
- (3) Atrium - An opening connecting two (2) or more stories other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is closed at the top and not defined as a mall.
- (4) Bay - One (1) unit of a building that consists of a series of similar units, commonly defined by the number of window and door openings per floor or by the space between columns or piers.
- (5) Belt Course - A narrow, horizontal band projecting from the exterior walls of a building, usually defining the interior floor levels.
- (6) Brace - A diagonal stabilizing member of a building frame.
- (7) Bracket - A support element under eaves, shelves or other overhangs; often more decorative than functional.
- (8) Building Mass - The height, width and depth of a structure.

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- (9) Building Scale - The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.
- (10) Cantilever - A projecting beam or part of a structure supported only at one (1) end.
- (11) Casement - A window with sash hung vertically and opening inward or outward.
- (12) Colonial Style - The style of architecture, decoration, and furnishings of the British colonies in America in the 17th and 18th centuries, mainly adapted to local materials and demands from prevailing English styles.
- (13) Cornice - Projecting ornamental molding along the top of a building or wall.
- (14) Craftsman Style - A movement that originated in England in the late 1800s as a reaction to poor-quality, mass-produced goods, conceiving of craft and decoration as a single entity in the fabrication of objects.
- (15.1) Cupola - A dome-shaped roof on a circular base, often set on the ridge of a roof.
- (15.2) Decorative Fence - A fence made of metal or wood with open areas representing not less than seventy percent (70%) of the fence area. Chain link, barbed wire or similar style fences shall not be considered decorative.
- (15.3) Decorative Wall - A wall made of brick, split-face block, or other decorative masonry material. Plain concrete block shall not be considered decorative.
- (16) Dormer - A vertically set window on a sloping roof; the roofed structure housing such a window.
- (17) Eaves - The projecting overhang at the lower edge of a roof.
- (18) Egress - An exit.
- (19) Flat Roof - A roof that has no perceptible pitch or slope.
- (20) Fenestration - The arrangement of windows in a wall.
- (21) Gable - A triangular wall segment at the end of a double pitched or gabled roof.
- (22) Gambrel - A ridged roof with two (2) slopes on each side, the lower slope having the steeper pitch.
- (23) Hipped Roof - A roof with four (4) uniformly pitched sides.
- (24) Ingress - An access or entry point.
- (25) Lintels - A beam supporting the weight above a door or window opening.
- (26) Mansard Roof - A roof that has two (2) slopes on all four (4) sides.
- (27) Masonry - Wall construction of materials such as stone, brick and adobe.
- (28) Modern Style- The style of architecture commonly referred to by architects, and in North American architectural literature, as "Modern" or "Modernistic". For example, see McAlester, Virginia & Lee, A Field Guide to American Houses, Alfred H. Knopf, New York 1984 p. 464 et seq.
- (29) Molding - A continuous decorative band that is either carved into or applied to a surface.
- (30) Mullion - A vertical member separating, and often supporting, windows, doors or panels set in a series.
- (31) Parapet - A low, solid, protective wall or railing along the edge of a roof or balcony.

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- (32) Pavers - Preformed paving blocks that are installed on the ground to form patterns while at the same time facilitate pedestrian and vehicular travel.
  - (33) Plaza - An open space that may be improved and landscaped, usually surrounded by streets and buildings.
  - (34) Portico - A major porch or overhang supported by columns.
  - (35) Prairie Style - A style of the early 20th century, notably Frank Lloyd Wright that emphasized the horizontal lines responding to the flatness of the Midwestern prairie.
  - (36) Setback - The distance between a building and any lot line.
  - (37) Sill - The lowest horizontal member of a frame structure, resting on and anchored to a foundation wall.
  - (38) Spindle - A turned wooden element, often used in screens stair railings and porch trim.
  - (39) Steeply-sloped - Having a pitch of 10/12 or greater for a minimum horizontal distance of thirty-six inches (36").
  - (40) Street frontage: Primary - a parcel's front lot line abutting the street on which the parcel's address is platted.
  - (41) Street frontage: Secondary - a parcel's side lot line where, because the parcel is a corner lot, the side lot line abuts a street other than the street on which the parcel's address is platted.
  - (42) Streetwall - The continuation of zero lot line building façades along a street.
  - (43) Step back - An architectural element in which the upper stories of a tall building are stepped back from the lower stories.
  - (44) Transom - A crosspiece separating a doorway from a window or fanlight above it.
  - (45) Tudor Style - A transitional style of English architecture that developed during the reign of the royal house of Tudor in the second half of the 18th century, characterized by the Tudor arch and the application of Renaissance details to buildings.
  - (46) Turret - A small, slender tower usually at the corner of a building, often containing a circular stair.
  - (47) Uplight - A decorative light fixture used to accent architectural elements or landscaping.
  - (48) Vault - An arched ceiling of masonry.
  - (49) Veranda - A roofed open gallery or porch.
- (d) *Single Family and Two-Family Residential.*

All new single family and two-family residential construction shall comply with the following regulations:

- (1) Single Family and Two-Family Residential Building Massing
  - (A) Angular or curved building massing is prohibited.
  - (B) Building heights shall not be less than one (1) story (or fifteen feet [15']) and shall not exceed two-and-a-half (2½) stories (or thirty-five feet [35']).
  - (C) Front doors and windows to major rooms shall face the primary street.
  - (D) Front porches are required and shall have a minimum depth of six feet (6') and cover a minimum of fifty percent (50%) of the primary street elevation.

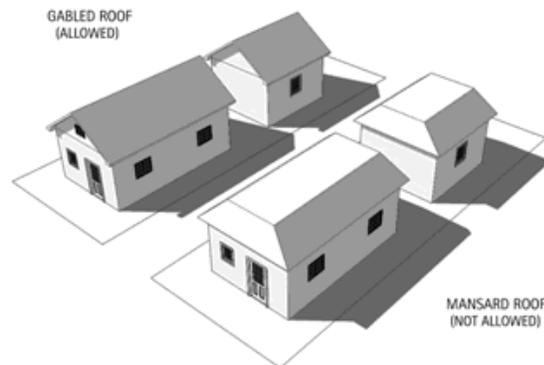
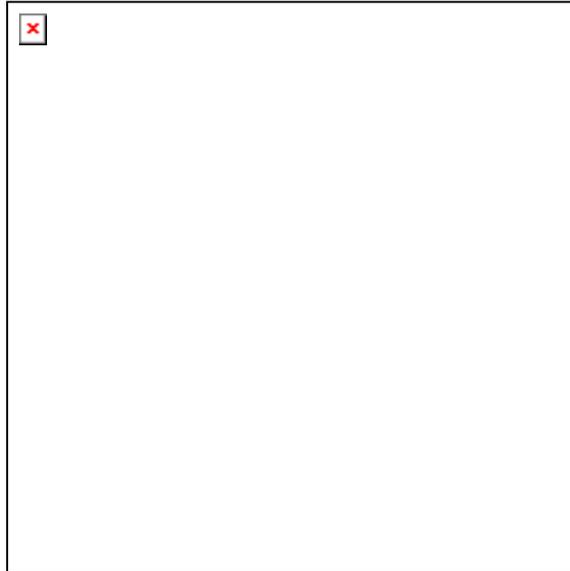
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(2) Single Family and Two-Family Residential Roof Shapes

- (A) Hipped and gabled roofs are acceptable roof types.
- (B) Mansard, mock mansard, and barrel roofs are prohibited.



- (C) Eaves shall have a maximum overhang of three feet (3').

(3) Single Family and Two-Family Residential Building Design and Materials

(A) Façades

- (i) Buildings that have identifiable architectural styles shall incorporate elements and details that remain consistent with that style.
- (ii) Unarticulated, Modern Style building façades are prohibited.
- (iii) Building designs that create blank wall conditions facing primary or secondary streets are prohibited.
- (iv) Building designs that create blank wall conditions facing primary or secondary streets or orient front doors so that they are not visible from the primary street are prohibited.

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(v) The front door and windows shall be the dominant elements of the front façade.

(B) Fenestration

- (i) Buildings shall provide fenestration on façades facing primary and secondary streets. Exposed, blank walls are prohibited.
- (ii) Door and window shapes shall be rectangular (oriented vertically), square, or Palladian.
- (iii) Round, hexagon, and octagonal shaped doors or windows shall only be allowed as accents.
- (iv) The front door shall be the dominant feature on the front façade of the house and shall remain consistent with the building's architectural style or character.
- (v) Doors and windows shall be made of painted metal, wood, fiberglass or vinyl. Dark or reflective glass is prohibited.
- (vi) Mill finish (noncolored) aluminum door and window frames are prohibited.
- (vii) If a building has window shutters, the window shutters shall be sized and shaped to match the associated opening, and shall be mounted against the outside edge of the window. Window shutters shall be either louvered or paneled, and made of painted wood, metal, fiberglass or vinyl.
- (viii) Solid metal security gates, metal roll-down windows, and link/grill security devices are prohibited in all residential windows and doorways.

(C) Materials

- (i) "Jumbo," or other commercial-grade/scale bricks, cinder/concrete block, unfinished metal, plywood, unfinished precast or poured-in-place concrete are prohibited on any residential building façades.
- (ii) Roofs, if sloped, shall be clad in cedar wood shake, fiberglass, asphalt shingles, prefinished metal shingles or slate.
- (iii) When used, asphalt or fiberglass shingles with a "shadow line" effect are encouraged, as long as they meet or exceed local building codes.

(D) Colors

- (i) Bright colors are prohibited as primary house colors but may be used for subtle trim accents in amounts not to exceed ten percent (10%) of the façade area.

(E) Projections

- (i) Residential entrances shall be visible from the street, easily accessible, and well-lit. Architectural elements such as porches, porticos, and canopies are required to identify residential entrances and maintain the existing neighborhood character.
- (ii) The floors of front porches shall be raised between twenty-four and forty-eight inches (24"-48") above finished grade and be designed so as to allow access to the public sidewalk at the front lot line.
- (iii) A front entry porch, portico or canopy element shall provide for a minimum depth of six feet (6').
- (iv) Porticos shall extend relative to the door or access they frame, up to thirty percent (30%) of the primary façade.

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- (v) Porch handrails of perforated metal, stainless steel cables, or unfinished metal mesh are prohibited.
  - (vi) Open porch bases are prohibited. Porch bases shall be continuously skirted with a painted wood lattice panel, masonry, or similar material to the primary building.
- (F) Lighting
- (i) Floodlights and uplights with bulbs greater than one hundred (100) watts on residential building façades are prohibited. Motion-sensored flood lights and security lights shall be limited to rear door entries, side door entries or garages only.
  - (ii) Building and landscape lighting shall be a natural white color consistent with incandescent, fluorescent, LED or metal halide lighting. Colored lights are prohibited unless for appropriate seasonal decoration or interest.
- (G) Mechanical Equipment and Utilities
- (i) Exposed mechanical equipment along primary and secondary street frontages is prohibited.
  - (ii) Window-mounted air conditioning units placed facing primary or secondary street frontages are prohibited.
  - (iii) Satellite television dishes shall be located according to the provisions of the SBZO, unless documentation is provided to demonstrate a lack of reception, shall not be visible from the primary street frontage. If such documentation is provided, the satellite television dish shall be located as discretely as possible.
- (4) Reserved.
- (5) Single Family and Two-Family Residential Landscaping
- (A) Steeply-sloped yards in excess of a slope of 2 to 1 (two foot (2') horizontal for one foot (1') vertical) shall incorporate a slope retention element of either a small retaining wall with steps as a transition to the sidewalk or ground cover/low shrub planting schemes.
  - (B) Decorative walls, decorative fences, or hedges shall not exceed three feet (3') in height along the front and side property lines that face the primary or secondary streets.
  - (C) Decorative walls, decorative fences, and hedges shall be no greater than five feet (5') in height along the rear and side property lines that do not face the streets.
- (6) Single Family and Two-Family Residential Parking and Service Areas
- (A) Off-street parking shall be provided by an enclosed garage located to the rear of the primary structure.
  - (B) Side-loaded garages accessible from primary or secondary street frontages are permitted only when legal alley access to garages is not available.
  - (C) Garages that gain access from the front of the property or the primary street are prohibited unless there exists a lack of legal access from an alley or secondary street.
  - (D) If the garage door on an attached garage must face a primary street due to lack of legal access from an alley or secondary street, the garage door must be set back a minimum of twenty feet (20') from the front façade of the house.

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- (E) Garages oriented with garage doors facing an alley shall have a setback (apron) of not less than eighteen feet (18') from the alley, sufficient to accommodate the parking of an automobile.
- (F) Garage setbacks shall include paved and screened locations for trash cans if trash cans are not stored in the garage.
- (G) No more than one (1) double or two (2) single garage doors are permitted to face any primary or secondary street.
- (H) Garages shall incorporate roof types that match the roof type of the primary building. Hipped and gabled are acceptable roof types.
- (I) Three-car garages are prohibited.
- (J) Driveways fifteen feet (15') or greater at the curb or circular designed driveways within the front yard setback are prohibited.
- (7) Single Family and Two-Family Residential Building Addresses
  - (A) Address numbers should be a minimum of three inches (3") in height. Vinyl-applied numbers are prohibited.

(e) *Multi-Family Residential*

All new multi-family residential construction shall comply with the following regulations:

- (1) Multi-Family Residential Building Massing
  - (A) In the event of mixed residential building types on abutting lots located within the same block face, the height and massing of new multi-family buildings shall be no more than twice the height and massing of the immediately abutting building, including buildings on the same lot.
  - (B) Angular or curved building massing is prohibited.
  - (C) Buildings shall not exceed three (3) stories or forty feet (40') in height.
- (2) Multi-Family Residential Roof Shapes
  - (A) Eaves shall have a minimum overhang of two feet (2') and a maximum overhang of three feet (3').
- (3) Multi-Family Residential Building Setbacks
  - (A) Building setbacks shall not exceed ten feet (10') from the right of way line of the street on which the parcel's address is platted.
- (4) Multi-Family Residential Building Design
  - (A) Façades
    - (i) All residential buildings shall include design elements including, but not limited to, front doors/entries, front porches, articulated rooflines, and balanced/symmetrical fenestration on the primary façade.
    - (ii) Residential buildings that have identifiable architectural styles shall incorporate elements and details that remain consistent with that style.
    - (iii) Unarticulated, Modern Style building façades are prohibited.
    - (iv) Front building façades shall be oriented toward, and parallel to, all primary street frontages including corner lots.

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- (v) Building designs that create blank wall conditions facing primary or secondary streets are prohibited.
  - (vi) The front door(s) shall be a prominent feature on the front façade of the building and shall face the primary street frontage.
  - (vii) Building designs that create blank wall conditions facing the street or orient front doors so that they are not visible from the street are prohibited.
  - (viii) Front doors and windows shall be the dominant elements of the front façade.
  - (ix) Garage doors shall face alleys or be oriented so as to not face the primary street frontage.
  - (x) Front doors, mailboxes, and windows to major rooms shall face the primary street frontage.
- (B) Multi-Family Residential Fenestration
- (i) Buildings shall provide fenestration on façades facing primary and secondary streets. Exposed, blank walls are prohibited.
  - (ii) Door and window shapes shall be rectangular (oriented vertically), square, or Palladian.
  - (iii) Round, hexagon, and octagonal shapes shall only be allowed as accents.
  - (iv) Doors and windows shall be made of painted metal, wood, vinyl or fiberglass.
  - (v) Opaque or reflective glass is prohibited.
  - (vi) Mill finish (noncolored) aluminum door and window frames are prohibited.
  - (vii) If a building has window shutters, the window shutters shall be sized and shaped to match the associated opening, and shall be mounted against the outside edge of the window. Window shutters shall be either louvered or paneled, and made of painted wood, metal, vinyl, or fiberglass.
  - (viii) Solid metal security gates, metal rolldown windows, and link/grill security devices are prohibited in all windows and doorways.
- (C) Multi-Family Residential Materials
- (i) Cinder/concrete block, metal, plywood, unfinished precast or poured-in-place concrete are prohibited on any residential building façades except for basement foundation walls between the first floor sill plate and grade, where concrete, concrete masonry, brick, stone or stucco is permitted.
  - (ii) Roofs, if sloped, shall be clad in cedar wood shake, fiberglass shingles, asphalt shingles, slate shingles, clay tile, prefinished prestamped metal shingles or other recognized residential roofing material. Sheet or roll-type roofing is prohibited.
- (D) Multi-Family Residential Colors
- (i) Bright colors are prohibited as primary house colors but may be used for subtle trim accents in amounts not to exceed ten percent (10%) of the façade area.
- (E) Multi-Family Residential Projections
- (i) Attached dwelling units shall have street-facing, individual entries and porches along the primary street frontage. Decks and garages shall be located and oriented to the rear of the structure.

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- (ii) Front doors shall be a prominent feature on the primary street facade of the unit.
  - (iii) Porch handrails of perforated metal, stainless steel cables, and unfinished metal mesh are prohibited.
  - (iv) Open porch bases are prohibited. Porch bases shall be continuously skirted with a painted wood lattice panel, masonry, concrete or similar material to the primary building.
- (F) Multi-Family Residential Lighting
- (i) Floodlights and uplights with bulbs greater than one hundred (100) watts on residential building façades are prohibited. Motion-sensored flood lights and security lights shall be limited to rear door entries, side door entries or garages only.
  - (ii) Building and landscape lighting shall be a natural white color consistent with incandescent, fluorescent, LED or metal halide lighting. Colored lights are prohibited unless for appropriate seasonal decoration or interest.
- (G) Multi-Family Residential Mechanical Equipment and Utilities
- (i) Mechanical equipment shall not be located along primary and secondary street frontages.
  - (ii) Rooftop mechanical equipment shall be located in the center or rear corner of a building, away from the primary street elevation.
  - (iii) Rooftop mechanical equipment shall be screened by the roof form. When the roof form cannot hide such equipment, a solid screen shall be constructed of materials similar to those of the primary façade.
  - (iv) Satellite television dishes shall be located so that they are not visible from the primary street.
- (5) Multi-Family Residential Landscaping
- (A) Steeply-sloped yards in excess of a slope of 2 to 1 (two foot (2') horizontal for one foot (1') vertical) shall incorporate a slope retention element of either a small retaining wall with steps as a transition to the sidewalk or ground cover/low shrub planting schemes.
  - (B) When utilized, decorative walls, fences, or hedges shall not exceed three feet (3') in height along the front and side property lines that face the streets.
  - (C) Decorative fences and hedges shall be no greater than five feet (5') in height along the rear and side property lines that do not face the streets.
  - (D) For urban townhome development, if front yard fencing is provided, said fencing shall be of a single, unified fence design for all units within a project. Individual fencing of individual urban townhome front yards is prohibited.
- (6) Multi-Family Residential Parking and Service Areas
- (A) Urban Townhome/Rowhome Residential
- (i) Off-street parking for all new urban townhome/rowhomes, shall be in the form of an enclosed garage located at the rear of the primary structure.
  - (ii) Garages oriented with garage doors facing an alley shall have a setback (apron) of not less than eighteen feet (18') from the alley, sufficient to accommodate the parking of an automobile.

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- (iii) Side-loaded garages accessible from primary or secondary street frontages are permitted only when legal alley access to garages is not available.
  - (iv) Garages that have ingress or egress from the front of the property or the primary street are prohibited.
  - (v) Garage setbacks shall include paved and screened locations for trash cans if trash cans cannot be stored in the garage.
  - (vi) Garages that have ingress or egress from rear alleys may incorporate double-car doors.
  - (vii) No more than one (1) double or two (2) single garage doors are permitted to face any street.
  - (viii) Garages shall incorporate hipped or gabled roof types that complement the roof type of the primary building. Where appropriate to the design, dormers may be included.
  - (ix) Three-car garages are prohibited.
  - (x) Driveways shall be no more than twelve feet (12') wide at front property line.
  - (xi) Circular driveways within the front yard setback are prohibited.
  - (xii) Driveways on corner lots shall be located to maximize the distance from intersections.
  - (xiii) Driveway curb-cuts shall be placed to maximize the number of on-street parking spaces.
- (B) All Other Multifamily Designs (i.e., non-Urban Townhome / Rowhome Design)
- (i) Off-street parking areas shall be located behind buildings with access off a secondary street or alley. Visitor parking shall also be located behind the buildings or at on-street parking locations.
  - (ii) Off-street parking areas shall be located at least fifteen feet (15') from any building façade.
  - (iii) Off-street parking areas shall be adequately lit and shall minimize glare on surrounding properties.
- (7) Multi-Family Residential Building Addresses
- (A) All buildings shall clearly display their address numbers along the primary street elevation in a conspicuous place on the side of or above the front door of the building. Address numbers shall be at least three inches (3") in height.
  - (B) Address numbers should be a minimum of three inches (3") in height. Vinyl-applied numbers are prohibited.
- (f) Commercial/Mixed Use Buildings
- All new commercial or mixed-use building construction shall comply with the following regulations:
- (1) Commercial/Mixed Use Buildings Located in the MU-District
    - (A) All buildings on properties zoned "MU" (Mixed-Use District of the SBZO) shall include active first-floor commercial space.
  - (2) Commercial/Mixed Use Building Massing

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- (A) In areas with buildings developed on abutting lots (including across the street) the maximum building height shall not be more than fifteen feet (15') greater than the average of the maximum height on abutting lots, provided that the maximum building height for a portion of the building may increase one foot (1') for each additional one foot (1') of setback for that portion of the building.
  - (B) Buildings shall be oriented towards the street with main entrances or windows facing the primary or secondary street frontages.
  - (C) Buildings sited at irregular or random angles to the street are prohibited.
  - (D) Multiple or attached building complexes shall maintain a consistent street orientation and shall also maintain a parallel or perpendicular orientation to each other.
  - (E) Multi-story commercial/mixed-use buildings shall maintain a minimum commercial façade height for the first floor retail of fifteen feet (15').
  - (F) Gaps between buildings that interrupt the streetwall are prohibited except for pedestrian pathways and service alleys within long blocks. Such pedestrian pathways and service alleys should link the primary streets to parking areas and public spaces located behind buildings, and be no greater than fifteen feet (15') wide.
  - (G) The facade of any single-story commercial/mixed-use building shall be at least twenty-two feet (22') in height.
  - (H) All sides of any free-standing single-user "outlot" retail buildings shall include four-sided design (i.e., be designed and detailed with each façade having the same level with similar materials and details).
  - (I) Multi-story mixed-use buildings shall not have a continuous uninterrupted facade greater than sixty feet (60') in height or length.
  - (J) Upper floor residential/office uses are required to provide façade or roof form articulation along with building fenestration changes to accentuate the mixed-use character of the building.
  - (K) Terraces and balconies, if incorporated, shall be designed so as not to protrude beyond the primary building façade.
- (3) Commercial/Mixed Use Building Shapes
- (A) Roofs shall be hipped, gabled, or flat with a parapet. Parapets shall range between three and five feet (3'-5') in height.
  - (B) Mansard, mock mansard, and barrel roofs as the main roof style are prohibited.
  - (C) Eaves shall have a minimum overhang of two feet (2') and a maximum overhang of three feet (3').
- (4) Commercial/Mixed Use Building Setbacks
- (A) Off-street parking areas located between the building and street are prohibited.
  - (B) The maximum front building setback shall be five feet (5') to maintain the streetwall.
  - (C) Corner buildings shall have a maximum setback of five feet (5') from the primary and secondary street property line to hold or frame site corners along both street frontages.
  - (D) Buildings shall have a zero-foot (0') side setback from the interior side property line, except for pedestrian access through the site.

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- (E) Pedestrian access areas shall not exceed a maximum of fifteen feet (15') wide.
  - (F) Pedestrian areas between buildings are prohibited unless necessary for access to/from off-street parking areas to store entrances.
- (5) Commercial/Mixed Use Building Design
- (A) Multiple building developments using one (1) overall architectural theme shall include varied roof forms, façade treatments, sign bands, and details to create the effect of a traditional neighborhood retail street which developed over many years.
  - (B) Building façades shall include design elements (i.e. height of a wall or cornice or parapet line, window lines, belt courses or other horizontal design elements) that substantially replicate the pattern of abutting buildings or sections of the same building.
  - (C) Mixed-use buildings shall express a clear defined retail base, middle, and top.
  - (D) Building architectural details and features include but not be limited to cornices, belt courses, window bays, variations in wall plane, and roof features.
  - (E) Blank or windowless elevations that face primary or secondary streets are prohibited. Walls which do not include window glazing or storefront entrances shall be articulated by the provision of: faux windows trimmed with frames, sills, lintels, awnings; murals; or similar elements.
  - (F) Street-facing façades of buildings with fifty feet (50') or more of horizontal length shall include the use of vertical bays between twenty-five to thirty feet (25-30') in width to give the appearance of small, individual storefronts. Techniques for implementation include changes in articulation of plane of the building façade such as vertical bays, columns and reveals. Columns or reveals, if used, shall not be less than eighteen inches (18") in width.
  - (G) First-floor retail on a street facing façade shall have a minimum window surface of sixty percent (60%) and maximum of seventy-five percent (75%). Upper-floor residential or office shall have a minimum window surface of twenty-five percent (25%) and maximum of forty percent (40%).
  - (H) Unarticulated, flat front, all glass or metal, Modern Style buildings are prohibited.
- (6) Commercial/Mixed Use Building Fenestration
- (A) Window shapes shall be vertically-oriented rectangular, square, or Palladian.
  - (B) Round, hexagon, and octagonal shapes shall only used only as accents.
  - (C) Solid windowless walls are prohibited unless necessary to the function of the building. If such walls are necessary to the function of the building, they shall incorporate arches, piers, columns, murals, tasteful graphics, planters and/or other elements that reduce building scale and add visual interest.
  - (D) Commercial or mixed-use buildings with ground-level retail or office space shall include clear glass windows to allow views into building interiors. Opaque or reflective glass is prohibited.
  - (E) Storefront windows shall be constructed of painted or clad wood or metal and clear glass.
  - (F) Solid metal security gates, metal roll-down windows, and link or grill security devices are prohibited.

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- (7) Commercial/Mixed Use Building Materials
- (A) Unarticulated or finished concrete block and plywood are prohibited on commercial mixed-use building facades or on walls that are visible from streets, sidewalks and parking areas.
  - (B) Stucco, metal, exterior insulation systems (EIFS), unfinished precast concrete panels and cast-in-place concrete are prohibited as the primary material used on commercial mixed-use building facades or walls visible from streets, sidewalks and parking areas. Up to ten percent (10%) of façades facing streets, sidewalks or parking areas can be comprised of one (1) or a combination of these materials.
  - (C) Decorative block, "renaissance stone," smooth/textured synthetic plaster and wood trim should may be used only for decorative accent purposes and shall be limited to ten percent (10%) of façades facing streets, sidewalks or parking areas.
  - (D) Roofs, if sloped, shall be clad in cedar shake wood, fiberglass, asphalt shingles, tile or real/synthetic slate and shall meet all standards required by the City building code. Standing seam finished metal roofing should be used for accent purposes only and shall be limited to fifteen percent (15%) of the roof surface area.
  - (E) Windows and doors shall be constructed of colored clad wood or painted metal and clear glass. Mill finish (non-colored) aluminum door and window frames are prohibited. Anodic coatings, copper, and brass finishes are acceptable alternates.
- (8) Commercial/Mixed Use Building Color
- (A) Bright colors are prohibited as primary building colors but may be used for subtle trim accents in amounts not to exceed ten percent (10%) of the façade area.
- (9) Commercial/Mixed Use Building Projections
- (A) Building entrances shall be visible from the street. Architectural elements, canopies, and lighting shall help to identify entrances.
  - (B) Pedestrian pass-throughs, arcades or paseos, and other like permanent architectural features shall be finished on all their surfaces with the same quality and types of materials as a building exterior in compliance with these guidelines.
  - (C) Retractable and internally lit awnings are prohibited.
  - (D) A standard clear awning height shall be eight and a half feet (8'6") above the sidewalk.
- (10) Commercial/Mixed Use Mechanical Equipment and Utilities
- (A) Mechanical equipment and utilities shall be hidden from view along all primary and secondary street frontages.
  - (B) Rooftop mechanical equipment shall be located in the center or rear corner of a building, away from the primary street elevation.
  - (C) Rooftop mechanical equipment shall be screened by the roof form or a solid screen constructed of materials similar to those of the primary façade. Perforated or louvered screens may be used.
  - (D) Vents, gutters, downspouts, flashings, electrical conduits, and other appurtenances shall be painted to match the adjacent surface unless being used expressly as an accent material.

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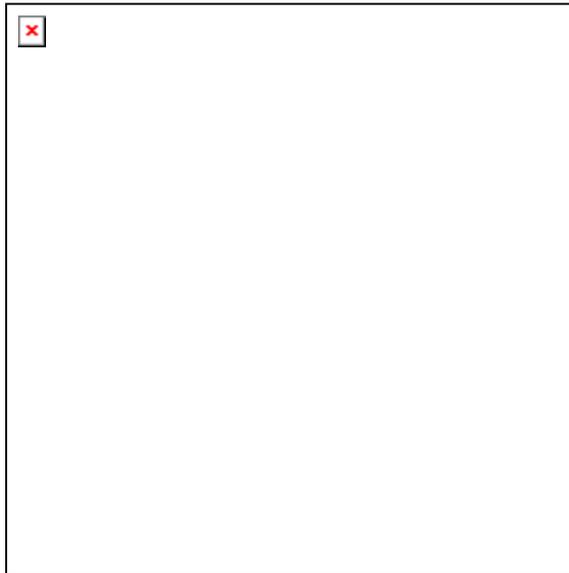
SECTION 21-06. OVERLAY AND SPECIAL USE DISTRICTS REGULATIONS

(E) Window-mounted air conditioners are prohibited. Wall or in-wall mounted air conditioning condensing equipment is prohibited facing streets or pedestrian ways.

(11) Commercial/Mixed Use Decorative Fencing

(A) Wood, chain-link, and barbed-wire fencing is prohibited.

(B) Decorative three foot (3') height masonry walls may be used in conjunction with landscaping to provide screening. Decorative masonry walls shall incorporate the same or complementary materials and detailing as adjacent buildings and streetscape.



Existing seat wall and landscape planter in along Michigan Street in South Bend.

(12) Commercial/Mixed Use Outdoor Cafes and Seating Areas

(A) Outdoor cafes and seating areas shall so be located as to maintain a minimum useable sidewalk width of not less than six feet (6').

(B) Sidewalk cafes shall obtain a seasonal permit from the City of South Bend.

(13) Commercial/Mixed Use Landscape Guidelines

(A) Parkway Tree Lawn Plantings - All plantings within the parkway tree lawn shall obtain approval of the South Bend Board of Public Works.

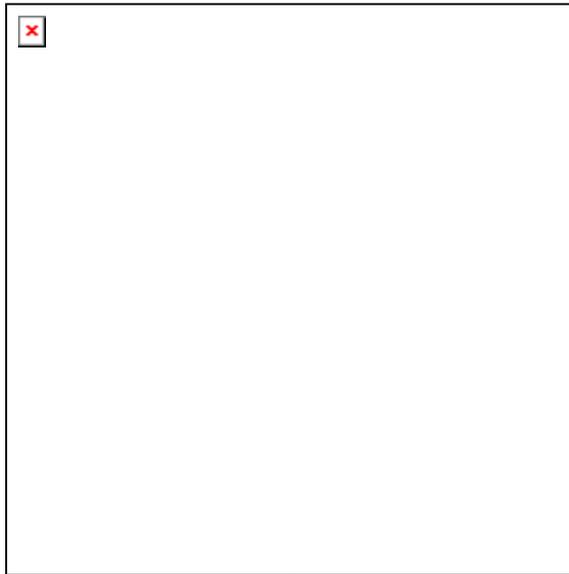
(14) Commercial/Mixed Use Off-street Parking and Service Areas

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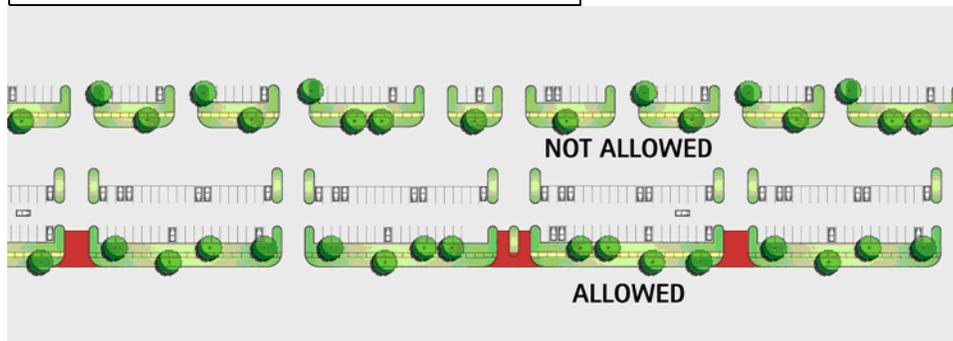
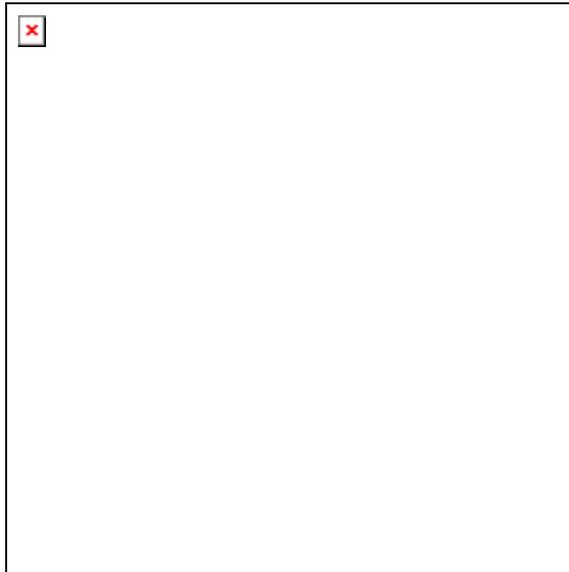
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- (A) Parking and service areas shall be located at the rear of the building. With the exception of on-street parking, parking and service areas that front primary and secondary streets are prohibited.



- (B) Dedicated off-street parking for individual businesses is prohibited, with the exception of drop-off/pick-up type service businesses, which may provide one (1) dedicated space per business, during business hours. Multi-use buildings shall provide shared off-street parking.
- (C) Off-street parking areas for commercial/mixed-use buildings shall be located at least fifteen feet (15') from all building façades.
- (D) Where alleys are used in a commercial/mixed-use area as a means for access to and from off-street parking areas, the width of such alleys shall be at least eighteen feet (18') wide.

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(E) Where applicable, curb-cuts should be placed to maximize the number of on-street (curb) parking spaces.

(g) *Signs*

Any new sign shall comply with the following regulations:

(1) Single Family Residential

Single Family Residential uses shall be permitted signs in compliance with the provisions of Section 21-07.03(c) On-Premises Signs: SF1, SF2, MF1 and MF2 Districts of the SBZO applicable to the single family dwellings or single family platted subdivisions.

(2) Multi-Family Residential

Multi-family residential uses shall be permitted freestanding identification signs in compliance with the provisions of Section 21-07.03(c) On-Premises Signs: SF1, SF2, MF1 and MF2 Districts of the SBZO applicable to the multifamily dwelling uses provided that:

- (A) the maximum height of a freestanding identification sign may be up to eight feet (8') above grade; and
- (B) there shall be no minimum setback for such freestanding identification sign provided such signs shall not encroach into any public right-of-way or clear sign area regulated by Section 21-01.01(t) - Clear Sight Area Requirements of the SBZO.

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(3) Commercial/Mixed-Use

Commercial/Mixed-Use buildings shall be permitted signs in compliance with the provisions of Section 21-07.03(e) On-Premises Signs: MU & CBD Districts of the SBZO applicable to the MU District provided that:

- (A) Building identification signs shall be limited to one (1) sign per building being either: a parapet mounted wall sign not to exceed forty (40) square feet in area; or, a grand projecting sign not to exceed (80) square feet in area.
- (B) In addition, each tenant/use within a building shall be allowed one (1) business identification sign per frontage of the tenant/use limited to either: a fascia mounted lower level wall sign not to exceed twelve (12) square feet in area per sign; or, a blade sign not to exceed twelve (12) square feet in area per sign.

(Ord. No. 10113-11, § I, 8-22-11; Ord. No. 10156-12, § I, 4-23-12)