

ORDINANCE NO. 10558-17

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 1 BASIC PROVISIONS TO REVISE CLEAR SIGHT AREA REQUIREMENTS AND PRIVATE STREET WIDTHS, ARTICLE 2 RESIDENTIAL DISTRICTS TO REVISE GRADE LEVEL IMPROVEMENT STANDARDS, AND ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS TO REVISE DRIVE-THROUGH FACILITY STANDARDS

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance that went into effect on May 7, 2004. Experience in using the ordinance has shown that several of its engineering-related standards have led to the overbuilding of paved surfaces, poor urban design outcomes, and frequent variance requests. This ordinance would revise Clear Sight Area Requirements, reduce minimum pavement width requirements for private streets and alleys, permit driveways in a rear yard, and amend drive-through stacking requirements.

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 1 Basic Provisions, Section 21-01.01 (t) Clear Sight Area Requirements, is hereby deleted and replaced with a new Section 21-01.01 (t) as follows:

(t) Clear Sight Area Requirements

- (1) Except in the CBD Central Business District, no *building, structure or improvement*, including landscaping, shall be erected, placed, planted or maintained so as to interfere with a Clear Sight Area located between the heights of three (3) feet and ten (10) feet above the crown of a *street, driveway or alley*. A Clear Sight Area shall be established for all *streets*, whether public or private.
- (2) The Clear Sight Area is the triangular area formed by the *street right-of-way* line; another *street right-of-way* line, *alley right-of-way* line, or *driveway* surface edge; and a line connecting points ten (10) feet from the intersection of said lines (See Figure 21-01.01 A). In the case of a round or corner-cut *right-of-way*, the measurement shall be taken from the intersection of the *right-of-way* lines extended.



Figure 21-01.01 A

- (3) The *City Engineer* or designee may require a larger Clear Sight Area, as provided by Indiana Department of Transportation Design Manual standards, when necessary to provide for the safe movement of vehicles.

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 1 Basic Provisions, Section 21-01.01 (u) Requirements for All Private Streets and Private Alleys, is hereby amended as follows:

- (1) Pavement Width for *Private Streets* – Minimum pavement width for that portion of a *private street* available for through traffic (i.e., exclusive of *parking spaces*):
- (A) Residential *Districts*:
- i. 1 way traffic – 12’
 - ii. 2 way traffic – ~~24’~~ 20’
- (B) Commercial / Mixed Use *Districts* or Industrial *Districts*:
- i. 1 way traffic – ~~18’~~ 14’
 - ii. 2 way traffic – ~~36’~~ 28’
- (2) Pavement Width for *Private Alleys* – Minimum pavement width for that portion of a *private alley* available for through traffic (i.e., exclusive of *parking spaces*):
- (A) Residential *Districts* – 12’
- (B) Commercial / Mixed Use *Districts* or Industrial *Districts* – ~~16’~~ 12’

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Residential Districts, Section 21-02.11 (a) (3) Additional Development Standards for Accessory Uses, Buildings or Structures in any Residential District, is hereby amended as follows:

(F) *Grade Level Improvements.*

Grade level improvements which do not include a foundation shall be permitted as follows:

- i. In a *minimum front yard* – *walkways* and *driveways*.
- ii. In a *minimum side yard* or *minimum rear yard* – *walkways*, *driveways*, and *interior access drives*, ~~provided, however that an interior access drive may only be located in one minimum side yard and shall not be less than eight (8) feet in width nor greater than sixteen (16) feet in width.~~

SECTION IV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Commercial / Mixed Use Districts, Section 21-03.11 (a) (3) Additional Development Standards for Accessory Uses, Buildings or Structures in any Commercial / Mixed Use District, is hereby amended as follows:

(G) *Drive through facilities* - shall be so designed that:

- i. drive through lanes do not cause any interference to a public right-of-way or conflict with the safe and efficient flow of traffic into and out of movement along sidewalks or walkways or to building entrances or exits, required *parking spaces* or *loading spaces*;
- vi. it provides at least ~~five (5)~~ three (3) waiting spaces prior to the first occurrence of any ordering, pick-up or service facility; and

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

Passed on November 13, 2017 by the Common Council of the City of South Bend, Indiana.
Presented to approved and signed by Mayor Peter Buttigieg on November 20, 2017.
Approved: Tim Scott, President of the Common Council
Kareemah Fowler, City Clerk