

Section 21-01.02 Zoning Districts and Zone Maps.

(a) Establishment of *Districts*

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

GENERAL USE DISTRICTS	SYMBOL
Residential Districts	
Single Family and Two Family	SF1
Single Family and Two Family	SF2
Multifamily - Urban Corridor	MF1
Multifamily - High Density	MF2
Commercial / Mixed Use Districts	
Office Buffer	OB
Mixed Use	MU
Office	O
Local Business	LB
Community Business	CB
Central Business District	CBD
General Business	GB
Industrial Districts	
Light Industrial	LI
General Industrial	GI
Planned Unit Developments	
Overlay and Special Use Districts	
	PUD
	HP, U

- (2) *Overlay Districts* – *Overlay Districts* are hereby established for the City of South Bend as set forth in Section 21-06 – Additional Special Use Districts & Overlay Districts of this Ordinance.

(b) Order of *Districts*.

The *districts* listed in Section 21-01.02, (a) – Establishment of Districts, above, are ranked in the order from the "least intense" *district* on the top, through each successively "more intense" *district* as the list progresses to the bottom, except for the *Planned Unit Development district* and the *Overlay and Special Use Districts* which shall not be considered part of such progression. *PUD's* shall be ranked individually based upon the *permitted uses* authorized in each *PUD* and the *district* in which such *permitted uses* would otherwise be allowed as a matter of right.

(c) Use Permitted in More Intense Districts.

Other than residential uses, any use permitted as a primary use in a “less intense” *district* shall also be interpreted to be a primary use permitted in a “more intense” *district*. Any use that is only permitted as a *special exception use* in any “less intense” *district* shall be interpreted to be a *special exception use* in a “more intense” *district* unless it is permitted as a primary use in the “more intense” *district*. Because of the unique characteristics of the CBD Central Business *District*, this provision shall not be used to pyramid permitted uses into or out of that *district*. (Ord. No. 10559-17; 11-20-17)

(d) Official Zone Map

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

(e) Identification of the Official Zone Map

An Official Zone Map for the City of South Bend shall be maintained by the *Executive Director*. The Official Zone Map shall be maintained by the *Executive Director* as a paper hard copy or in electronic format.

If the Official Zone Map is maintained as a paper hard copy, the Official Zone Map may be identified by the signature of the President of the Common Council and the signature of the *Executive Director* under the following words: "This is to certify that this is the Official Zone Map of the City of South Bend, Indiana", together with the date of adoption of this Ordinance.

If the Official Zone Map is maintained in electronic format, the *Executive Director* shall be the custodian of the electronic format Official Zoning Map. The *Executive Director* may depict the Official Zone Map, in total or in part, in various formats and scales as appropriate to the need.

(f) Official Zone Map Changes

If, after adoption of the Official Zone Map, the Common Council, in accordance with the provisions of this Ordinance and the Indiana Code 36-7-4-600 et seq., changes any of the *district* boundaries or other matter portrayed on the Official Zone Map, such changes shall be entered by *staff* as follows: if hard copy, changes shall be depicted on a Working Copy of the Official Zone Map; or, if electronic format, changes shall be entered to the

electronic format Official Zone Map, which is maintained in the office of the *Area Plan Commission*. If the Official Zone Map is a hard copy, the Working Copy of the Official Zone Map shall be maintained as an interim representation of the actual zoning changes approved by the Common Council since the most recent adoption of an Official Zone Map. The Working Copy of the Official Zone Map, or, if maintained in electronic format, a hard copy depiction of the Official Zone Map, shall be available for public inspection and reference during all normal business hours. In case of discrepancy between changes noted on the Working Copy of the Official Zone Map and the official printed record of the Common Council, the official printed record of the Common Council shall control.

In the event that the Official Zone Map becomes worn, damaged, destroyed, lost, or difficult to interpret, *staff* shall, on an as needed basis, prepare a revised Official Zone Map for review and recommendation by the *Area Plan Commission* to the Common Council at a Public Hearing for which proper notice has been provided. A revised Official Zone Map shall incorporate all official actions of the Common Council related to matters depicted on the Official Zone Map since the adoption of the prior Official Zone Map. A revised Official Zone Map may also include revisions to correct drafting errors and changes in the base information related to *subdivision* plats or *streets*.

The Area Plan Commission shall certify its recommendation of such revised Official Zone Map to the Common Council for official adoption by the Common Council. Any such revised Official Zone Map shall be identified as described above with the addition of the phrase "As amended to and including the Common Council agenda of _____."

No change of any nature shall be made in the Official Zone Map, or matter shown thereon, except in conformity with the amendment procedures set forth in this Ordinance.

(g) Retention and Preservation of Record

Unless the prior Official Zone Map has been lost or completely destroyed, the prior Official Zone Map, along with all available records pertaining to its adoption or amendment, shall be retained and preserved in the office of the *Area Plan Commission*.

(h) Interpretation of the Official Zone Map

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

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

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- (2) Boundaries indicated as approximately following platted *lot lines* shall be construed to follow the platted *lot lines*.
- (3) Boundaries indicated as approximately following the corporate boundary of the City of South Bend shall be construed as following such corporate boundary of the City of South Bend.
- (4) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as approximately following the along a *public right-of-way* which is subsequently vacated shall be construed to follow the center line of the vacated *public right-of-way*.
- (6) Boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed as following the center lines of such bodies of water.
- (7) Boundaries indicated as approximately following floodplain lines shall be construed to follow the floodplain lines. If the floodplain lines are changed, either naturally or as permitted by law, and such floodplain line changes are documented and concurred with by the City Engineer, such boundary shall be construed as moving with such change.
- (8) Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices.
- (9) Boundaries indicated as parallel to or extensions of features indicated in the subsections above shall be so controlled.
- (10) Distances not specifically indicated on the Official Zone Map shall be determined by the scale of the map.
- (11) Where a discrepancy exists between the depictions on the Official Zone Map and the text of a legal description accompanying an ordinance for zone map change duly adopted by the Common Council, the text of the legal description shall control.
- (12) Where physical or cultural features existing on the ground do not agree with those shown on the Official Zone Map, or in other circumstances not covered above, the *Executive Director* shall interpret the boundaries. Any party dissatisfied with the interpretation of the *Executive Director* may appeal such interpretation to the *Board of Zoning Appeals*.

(i) Zoning of Newly Annexed Land to the City of South Bend

All real property annexed into the City of South Bend after the effective date of this Ordinance shall be considered zoned to the SF1 *District* of this Ordinance.

In those instances in which the Owner of real property proposed for annexation into the City of South Bend desires annexation only if the zoning of the real property is zoned to a *district* other than SF1, such Owner may file a petition for zone map change which shall identify the real property and the requested *district*. Said petition shall be filed in compliance with the provisions of this Ordinance and any applicable procedures adopted by the *Area Plan Commission*. The *Area Plan Commission* shall consider the petition for zone map change and certify the petition for zone map change to the Common Council with a favorable recommendation, an unfavorable recommendation or no recommendation. The Common Council shall consider the request for annexation and zone map change at a combined hearing and shall determine the annexation question and zone map change under a single combined vote. The *Area Plan Commission* and Common Council shall have all powers delegated to them by Indiana Code 36-7-4-600 et seq., and this Ordinance in determining the zone map change.

The *Area Plan Commission* shall not be obligated to recommend approval, nor shall the Common Council be obligated to approve a request for zone map change which, in the sole discretion of the *Area Plan Commission* or Common Council, is not consistent with the *Comprehensive Plan*, the purpose and intent of this Ordinance, or the requirements for the approval of a zone map change contained in this Ordinance and the Indiana Code.

(j) Existing Buildings and Structures – Change of Zoning District.

In those instances where buildings and structures exist on a lot or parcel that is subsequently rezoned to another zoning district (a/k/a zone map amendment), those buildings and structures shall be exempt from seeking variances from the required side, rear, or front yard development standards of that zoning district. All existing structures at the time of the rezoning shall be deemed to be legal nonconforming buildings or structures and shall comply with all provisions of Section 21-01.03 from that point forward. (*Ord. No. 10269-13, 11-11-13*)