

## Section 21-03.06                      CBD Central Business District.

Intent – The CBD Central Business *District* is established to promote the development of the downtown region of the City of South Bend as a center for trade, finance, government, high density residential and entertainment districts within St. Joseph County and north central Indiana. The regulations of this *district* are intended to encourage high density, mid-rise and high rise developments which may include a mixture of compatible urban uses. The *development standards* in this *district*, while designed to provide for high density development, also encourage a pedestrian friendly environment supportive of urban residential developments, retail, restaurant, theater and similar business and cultural uses associated with major metropolitan areas.

**(a) Permitted Uses.**

(1) *Primary Uses.*

- (A) Clothing Service: Including but not limited to: Costume Rental; Dressmaking; Dry Cleaning and Laundry Establishment; Millinery (Fabric) Shop; Self-service Laundry; Shoe Repair Shop; Tailor and Pressing Shop; Tuxedo Rental.
- (B) Educational Uses: Including but not limited to: *Child Care Center; Child Care Ministry; Cottage School*; Public Library; School – Commercial, Trade or Business.
- (C) Food Sales and Service: Including but not limited to: Bakery – Retail; *Bar \**; *Cabaret – 21 and Over \**; *Cabaret – Family*; Convenience Store; Dairy Bar – Retail; Delicatessen; Farmers Market; Grocery; Ice Cream Store – Retail; *Nightclub \**; *Restaurant – Fast Food*; *Restaurant – Family*; *Restaurant – Family with Lounge*; *Tavern \**; Yogurt Store – Retail.
- (D) Governmental Use: Including but not limited to: Governmental Offices; Post Office – without outdoor parking of delivery vehicles.
- (E) Miscellaneous: Including but not limited to: *Bed & Breakfast*; Bus, taxi, or limousine terminal, without repair; Clinic (medical, dental or optometrists); Conference Center; *Cottage Business / Residential*; Electrical / Electronics Repair; Hospital; *Hotel*; Laboratories; *Mini (Self Storage) Warehouse, Internal Access*; Print Shop; Publishing; Radio / TV Stations (provided any antenna shall comply with the regulations for Communication / Utilities); Video Production Studios. (*Ord. No 9653-06; Ord. 10528-17, 7/26/2017*)

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- (F) Office / Professional Services: Including but not limited to: Architect; Artist; Bank Machines - Walk-up; Construction Companies (office only); Consultant; Contractors (office only); Dentist; Design Services; Engineer; Financial Institution; Insurance Agent; Lawyer; Musician; Physician; Pharmacist; Photographic Studio; Professional Offices; Real Estate Office; Travel Agency.
- (G) Personal Service: Including but not limited to: Barber Shop; Beauty Shop; Health Spa; Fitness Center.
- (H) Public Facilities: Including but not limited to: Community Center; Funeral Home; Mortuary; Museum; Public or Private *Park – Active or Passive*; *Religious Use*; Commercial Parking Lot; Parking *Garage*.
- (I) Recreation: Including but not limited to: Aerobics Studio; Amusement Arcade \*; Banquet Hall; Billiard Hall \*; Dance Studio; Public Dance Hall \*; Social Hall; Theater – indoor.
- (J) Residential – In CBD Districts Located West of the St. Joseph River: Including but not limited to: *Dwelling Units* or *Shared Housing* – limited to (i) floors above the first floor or (ii) ground floor of the *building* if located behind another ground floor, non-residential *permitted use*; Convalescent Home; Nursing Home; Rest Home. (Ord. 10485-17, § 1, 1/19/17)
- (K) Residential – In CBD Districts Located East of the St. Joseph River: Including but not limited to: *Multifamily dwellings*; *Dwelling Units* – limited to floors above the first or ground floor of the *building*; Convalescent Home; Nursing Home; Rest Home; *Shared Housing*. (Ord. 10485-17; § 1, 1/19/17)
- (L) Retail: Including but not limited to: Antique Shop; Apparel Shop; Art Gallery; Arts and Craft Store; Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Drug Store; Flower Shop; Frame Shop; Gift Shop; Hobby Shop; Toy or Game Shop; Jewelry Store; Liquor Store; Music Store; Newsdealer; Pawnshop \*; Shoe Store; Stationery and Book Store; Tobacco Store; Video Store.
- (M) Utilities: Including but not limited to: Roof-top Antenna.

\* = *Controlled Use*. See Section 21-08.02 – Special Regulations for Controlled Uses for additional requirements.

(2) *Special Exception Uses.*

- (A) Automotive Uses: Including but not limited to: Automobile Repair – major; Automobile Repair – minor; Automobile Parts Sales (new); Automobile Sales & Service; Automobile Quick Oil Change Facility; Gasoline Service Station with minor repair (not to exceed two (2) accessory indoor service bays); Gasoline Service Station without repair; Tire and Auto Service Center.
- (B) Food Sales & Service: Including but not limited to: *Manufacturing Retailers; Restaurant – Drive In; Restaurant – Drive Through.*
- (C) Governmental Use: Including but not limited to: Post Office – with outdoor parking of delivery vehicles.
- (D) Miscellaneous: Including but not limited to: Casinos, Approved Hotels and other areas where gambling games are conducted \*; Off-Tract Pari-mutuel Wagering Facility \*.
- (E) Office / Professional Services: Including but not limited to: Financial Institution with drive-up or drive-through facilities.
- (F) Personal Service: Including but not limited to: Tattoo, Body Piercing, Scarifying and Branding Establishments \*.
- (G) Recreation: Including but not limited to: Stadium; Arena.
- (H) Residential (in CBD Districts located west of the St. Joseph River): *Multifamily Dwellings; Group Residence.* (Ord. No. 10452-16)
- (I) Residential (in CBD Districts located east of the St. Joseph River): *Group Residence.* (Ord. No. 10452-16)
- (J) Utilities: Including but not limited to: Electricity Relay Station; Public Utility Substation; Pumping Stations; Water Towers; Any Ground Mount Antenna Installation.

\* = *Controlled Use*. See Section 21-08.02 – Special Regulations for Controlled Uses for additional requirements.

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

(5) *Home Occupations* – See Section 21-03.11 (c) – Home Occupations.

**(b) *Development Standards.***

(1) *Minimum Lot Width and Frontage* – each lot or *integrated center* shall have a minimum *lot width* and *frontage* on a *public street* of 30 feet.

(2) *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:

	<u>Minimum</u>	<u>Maximum</u>
<i>Limited Access Highway:</i>	50'	NA
<i>All Other Streets:</i>	0'	15'

Provided, however, on all *streets* except *limited access highways*, *building* placement shall be in compliance with the following regulations:

- i. For sites containing one *building* – in elevation view from the *street frontage*, at least fifty percent (50%) of the length of the *façade* of the *building* facing a *street* shall be located at or between the *minimum setback* and the *maximum setback*;
- ii. For sites containing multiple *buildings* – in elevation view from the *street frontage*, at least fifty percent (50%) of the visible *façades* of the *buildings* facing a *street* shall be located at or between the *minimum setback* and the *maximum setback*; and,
- iii. *parking areas* and *interior access drives* shall not be located in front of the *maximum setback*.

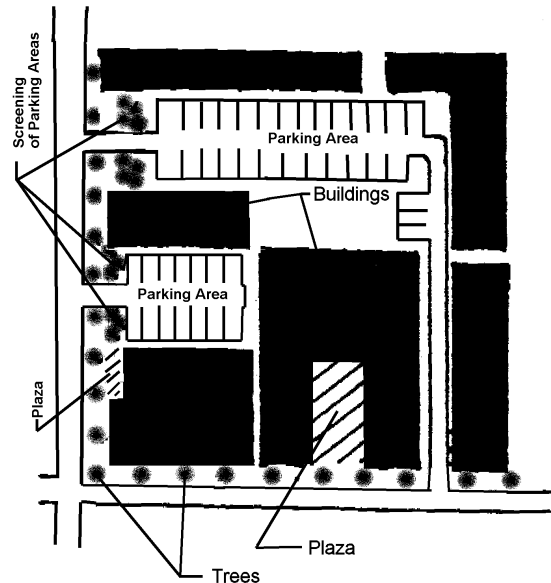
(B) *Minimum Side Yard and Setback* – The minimum *side yard* and *setback* for all *integrated centers* and *single use sites* shall be as follows:

- i. *Minimum Side Yard* - zero (0) feet, provided, however, if a *side yard* is provided along a *side lot line* not abutting an *alley*, such *setback* shall not be less than five (5) feet.
- ii. *Minimum Side Residential Bufferyard* - twenty (20) feet

- (C) *Minimum Rear Yard and Setback* – The *minimum rear yard and setback* for all *integrated centers* and *single use sites* shall be as follows:
- i. *Minimum Rear Yard* - zero (0) feet, however, if a *rear yard* is provided along a *rear lot line* not abutting an *alley*, such *setback* shall not be less than five (5) feet.
  - ii. *Minimum Rear Residential Bufferyard* - twenty (20) feet
- (D) *Minimum Yards for Out Lots* - All *lots* which are part of an *integrated center* shall be considered *out lots*. *Out lots* within an *integrated center* shall not be required to provide a *minimum side yard* or *minimum rear yard* along *lot lines* in common with other *out lots*. If any portion of an *out lot* abuts the perimeter of an *integrated center*, that portion of the *out lot* shall be required to comply with the applicable *minimum front yard*, *minimum side yard* or *minimum rear yard* requirements set forth above.

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

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



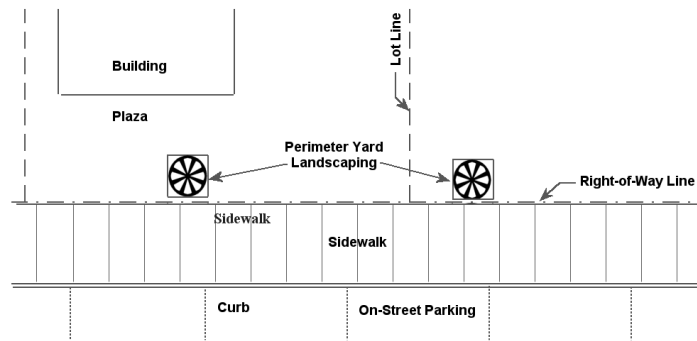
Plaza Location and Street Frontage Landscaping

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

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- ii. along all other *streets*, when a *front yard* is provided, such *front yard* may include: *driveways*; or, *signs* as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall otherwise be developed as *plazas* in compliance with the following requirements:
  - a. shall be located adjacent to a *building*;
  - b. shall be surfaced with concrete, brick or other form of hardsurface paver appropriate for the proposed development, except for those areas required for trees, foundation landscaping or planters;
  - c. shall be planted with shade trees spaced twenty-five (25) feet on-center along the portion of the *plaza* perimeter which abuts the *right-of-way* of a *public street*. If trees exist on an abutting *lot*, the on-center spacing of the trees shall be measured from such existing trees; and,



Example of Tree Placement along Street Frontage

- d. shall maintain surface areas at a slope of less than 3%, surface areas may be stepped, where appropriate, as necessary to accommodate natural topography.
- (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 and Rear Yards* – when a *side yard* or *rear yard* is provided, such *side yard* or *rear yard* may include *driveways*, *interior access driveways*, *parking areas*, *loading areas*, *walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *yards* shall be maintained as *opens space* free from *buildings* or *structures*;

- (D) Minimum *Side Residential Bufferyards* and *Rear Residential Bufferyards* – may include *walkways* or other pedestrian way connections to adjoining residential areas provided that the remainder of said *yards* shall otherwise be maintained as *open space* free from *buildings* or *structures*.
  
- (4) *Building Height*.
  - (A) CBD *Districts* Located West of the St. Joseph River:
    - i. Minimum Front Façade Height – in the elevation view from the *street frontage*, twenty-eight (28) feet.
    - ii. Maximum *Building Height* – the lesser of one-hundred and fifty (150) feet or twelve (12) stories.
  
  - (B) CBD *Districts* Located East of the East Race Waterway:
    - i. Minimum Front Façade Height – in the elevation view from the street frontage, twenty-two (22) feet.
    - ii. Maximum *Building Height* – the lesser of sixty (60) feet or five (5) stories.  
  
(Ord. 10498-17; § I; 3/2/2017)
  
  - (C) CBD *Districts* located in the area bounded by the St. Joseph River and the East Race Waterway:
    - i. Minimum Front Façade Height – in the elevation view from the street frontage, twenty-two (22) feet.
    - ii. Maximum *Building Height* – no greater than one hundred fifty (150) feet  
  
(Ord. 10498-17; § II; 3/2/2017)
  
- (5) Landscaping – See Section 21-07.01 – Landscape Regulations.
- (6) Lighting – See Section 21-07.02 – Lighting Regulations.
- (7) *Signs* – See Section 21-07.03 – Sign Regulations.
- (8) Parking – See Section 21-07.04 – Off-Street Parking Regulations.
- (9) Loading – See Section 21-07.05 – Off-Street Loading Regulations.

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- (10) *Greenway Connection Required* – If the *lot* abuts any portion of a *greenway*, a direct linkage from the *project* to such *greenway* shall be provided.
- (11) *Outdoor Operations* - All uses and operations (except *off-street parking*, *off-street loading* and delivery and walk-up customer service windows) shall be conducted completely within enclosed *buildings*, except where expressly permitted below:
- (A) *Outdoor seating* for restaurants provided that such outdoor seating:
- i. shall be located in a *plaza* as set forth above;
  - ii. may be located on a *sidewalk* in an abutting *street right-of-way* provided that a *useable sidewalk* width of not less than five (5) feet is maintained and approved by the Board of Public Works;
  - iii. shall be permitted only along the business' tenant bay or storefront façade; and,
  - iv. shall not block an entrance or exit to or from the business or building;
- (B) *Outdoor display* or sales of merchandise:
- i. shall be located in a *plaza* as set forth above;
  - ii. may be located on a *sidewalk* in an abutting *street right-of-way* provided that a *useable sidewalk* width of not less than five (5) feet is maintained and approved by the Board of Public Works;
  - iii. shall be permitted only along the business' tenant bay or storefront façade;
  - iv. shall not block an entrance or exist to or from the business or *building*;
  - v. shall not exceed ten percent (10%) of the *gross floor area* of each non-related and separately operated use;
  - vi. shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day;
- (C) *Walk-up customer service windows* or Automated Teller Machines (ATM's), provided that such facilities are not free-standing and are set flush with the façade of the *building*.



(12) Architecture:

- (A) Additions to Existing *Buildings*: All additions to existing *buildings* shall utilize *building materials* that are compatible and harmonious with the materials used on the existing building.
- (B) Exterior Renovations, Major Additions and *Accessory Buildings*: Exterior renovations, major additions and *accessory buildings* to existing *buildings* or facilities are encouraged to comply with the provisions in sub-Section (C), below, for new construction, however, the minimum requirement for exterior renovations, major additions and accessory buildings shall be the same as in sub-Section (A), above, for additions to existing *buildings*.
- (C) New Construction: In order to create variation and interest in the built environment, all new primary *buildings* shall comply with one (1) of the following two (2) sets of architectural regulations regarding *building material* and architectural features on each facade visible from a *public street*:
  - i. All brick (excluding window, display window, door, roofing, fascia and soffit materials), provided that the brick used on each applicable facade shall include:
    - a. at least two (2) architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.); or,
    - b. at least two (2) colors of brick, with the secondary color constituting a minimum of ten (10) percent of the façade (excluding windows, display windows, doors, roofing, fascia or soffit materials); or,
  - ii. Two (2) or more *building materials* (excluding window, display window, door and roofing materials), provided:
    - a. *Primary Building Material*: The primary *building material* shall be either: brick; stone (limestone, granite, fieldstone, etc.); architectural pre-cast concrete, if the surface looks like brick or stone; or, exterior insulation and finish system (E.I.F.S.) or equivalent, and shall constitute a minimum of fifty (50) percent of each applicable façade.
    - b. *Secondary Building Material*: The secondary *building material* shall constitute a minimum of ten (10) percent of the façade. Glass curtain wall or a faux window (not intended for use as a window or display window) may qualify as a secondary *building material*.

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- c. Architectural Features: In addition, the exterior *building material* selection shall be supplemented with the use of multiple colors, textures (e.g., rough, smooth, striated, etc.) or architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each facade visible from a *public street*.