

**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 high intensity urban center for a multicounty region. The following are typical characteristics of the Central Business District: a mixture of mid-rise and high rise mixed-use developments, including a variety of compatible building types and urban uses; buildings with active building frontages set at or close to the sidewalk; and pedestrian-oriented scale with wide sidewalks, regularly spaced street trees, and amenities that create a walkable environment.

**(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; *Manufacturing Retailers*; *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.

- (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.
- (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*.
- (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: *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-Track 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): *Two Family Dwellings; Multifamily Dwellings; Group Residence.*
  - (I) Residential (in CBD Districts located east of the St. Joseph River): *Two Family Dwellings; Group Residence.*
  - (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 Project Width and Frontage* - each *project* shall have a minimum *lot width* and *frontage* on a *public street* of 20 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'	10'

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* – at least eighty-five percent (85%) of the length of the front façade of the *building* facing a primary *street* in plan view shall be located at or between the *minimum setback* and the *maximum setback*, and at least fifty percent (50%) of the length of the façade of the *building* facing a secondary *street* shall be located at or between the *minimum setback* and the *maximum setback*;
- ii. For sites containing multiple *buildings* – at least eighty-five percent (85%) of the visible façades of the *buildings* facing a primary *street* in plan view shall be located at or between the *minimum setback* and the *maximum setback*, and at least fifty percent (50%) of the visible façades of the *buildings* facing a secondary *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 a line five (5) feet behind the *front building line*. If the *lot* does not have a *building*, *parking areas* and *interior access drives* shall have a *minimum front setback* of ten (10) feet. If a *parking area* or *interior access drive* is located less than fifteen (15) feet from the *front lot line*, it shall be screened by a compact row of shrubs/hedge plants planted three feet on-center (3' o.c.) immediately behind the *front building line*. Shrubs shall be at least twenty-four inches (24") at time of planting.

- (B) Minimum *Side Yard* and *Setback* – 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.
  - (C) Minimum *Rear Yard* and *Setback* – The *minimum rear yard* and *setback* 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 when not separated from a ground-floor *residential use* by a *public alley*. If separated from a ground-floor *residential use* by a *public alley*, no *rear residential bufferyard* is required.
  - (D) Minimum *Yard* and *Setback* from any *lot line* along and adjacent to the St. Joseph River or East Race – Fifteen (15) feet.
- (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:

- (A) Minimum Front Yards along limited access highways – may include: fences, retaining walls under 42", 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*;
- (B) Minimum *Rear Residential Bufferyards* – may include fences, retaining walls, *driveway* connections to adjoining *lots*, or *walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *yards* shall otherwise be maintained as *open space* free from *buildings* or *structures*;
- (C) Minimum *Yards* along the St. Joseph River and East Race – may include fences, retaining walls, *walkways* or other pedestrian way connections to adjoining *lots*; *plazas*; outdoor seating areas; stoops, *patios*, *porches*, and *decks* less than 30" above grade; 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*.

- (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*, sixteen (16) 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*, sixteen (16) feet.
    - ii. Maximum *Building Height* – the lesser of sixty (60) feet or five (5) stories.
  - (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*, sixteen (16) feet.
    - ii. Maximum *Building Height* – no greater than one hundred fifty (150) feet.
- (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.
- (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 not be located in any *street right-of-way* except as permitted by the Board of Public Works; and,
  - ii. shall not block an entrance or exit to or from the business or *building* or conflict with Americans with Disabilities Act standards.
  
- (B) *Outdoor display* or sales of merchandise:
  - i. shall not be located in any *street right-of-way* except as permitted by the Board of Public Works;
  - ii. shall not block an entrance or exit to or from the business or *building* or conflict with Americans with Disabilities Act standards;
  - iii. shall not exceed ten percent (10%) of the *gross floor area* of each non-related and separately operated use;
  - iv. shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day; and,
  - v. shall be merchandise normally found within the on-premise business.
  
- (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) Building Design and Orientation.

- (A) Orientation.
  - i. Primary *façades* shall be oriented to the *front lot line*. When on a *corner lot*, the primary *façade* shall be oriented to the primary *street*.
  - ii. The primary *building* entrance shall be located on the *front façade*.

- (B) Articulation and Activation.
- i. *Front façades* greater than fifty (50) feet in width shall provide articulation as follows:
    - a. Vertical articulation, such as bays, columns, pilasters, recessed entries, awnings, or other architectural treatments, is required to visually break up the massing of the *façade* into segments no greater than 25 feet in width.
    - b. Horizontal articulation, such as belt courses, cornice lines, entablatures, friezes, changes in materials or window patterns, recessed entries, awnings or canopies, or other architectural treatments, is required.
  - ii. For commercial and mixed-use *buildings*, the minimum *front façade* surface that shall be glazed (window and door surface area) is as follows:
    - a. Ground floor *front façade* surface along a primary *street* – sixty (60) percent;
    - b. Ground floor *front façade* surface along a secondary *street* or civic space – forty (40) percent;
    - c. Upper floor *front façade* surface along a primary *street* – fifteen (15) percent.

The ground floor *front façade* glazing is calculated based on the total *façade* area between two (2) and eight (8) feet above the finished ground floor level. The upper floor *front façade* surface area is calculated based on the total *façade* area located between the surface of any floor to the surface of the floor above it or the elevation of the roof. Windows and doors shall have clear (untinted) glass and shall be open to the interior (not faux).
  - iii. Except for civic buildings, the distance between building entries shall not exceed 100’.
  - iv. A *walkway* shall connect from the *sidewalk* to the primary entrance.



(C) *Building Materials.*

- i. *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*.
- ii. *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 (iii), below, for new construction, however, the minimum requirement for exterior renovations, major additions and accessory buildings shall be the same as in sub-Section (i), above, for additions to existing *buildings*.
- iii. *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 *front façade*:
  - a. All brick or stone (limestone, granite, etc.), excluding window, display window, door, roofing, fascia and soffit materials, provided that the brick or stone used on each applicable *façade* shall include at least two (2) architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.); or,
  - b. Two (2) or more *building materials* (excluding window, display window, door and roofing materials), provided:
    1. *Primary Building Material:* The primary *building material* shall be either: brick; stone (limestone, granite, etc.); synthetic equivalents of brick or stone; architectural pre-cast concrete, if the surface looks like brick or natural stone; traditional lime-based stucco; or fiber cement, and shall constitute a minimum of sixty-six (66) percent of each applicable *façade* excluding glazed surfaces. Exterior insulation and finish system (E.I.F.S.) or equivalent; vinyl; or standard, fluted, or split face concrete masonry units (CMUs) are prohibited as a primary *building material*.
    2. *Secondary Building Material:* The secondary *building material* shall constitute a minimum of ten (10) percent of

the *façade* excluding glazed surfaces. Glass curtain wall may qualify as a secondary *building material*.

3. Architectural Features: In addition, the exterior *building material* selection shall be supplemented with the use of multiple colors or architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each *front façade*.
- iv. *Building materials* used on the *front façade* shall extend a minimum depth of sixteen (16) inches along the *side façade* as measured from the face of the *front façade*.

Mechanical Equipment – HVAC equipment, except where such elements are enclosed, camouflaged, screened, obscured, or otherwise not readily visible from the public domain, are prohibited as part of a *front façade* or between the *front façade* and the *front lot line*.