

3. LAND USE / ZONING

Introduction

Land use and zoning involves the regulation of the use and development of real estate. The most common form of land-use regulation is zoning. Zoning regulations and restrictions are used by municipalities to direct the development of property within their borders. The basic purpose and function of traditional zoning or use-based zoning is to divide a municipality into residential, commercial, and industrial districts (or zones), that are for the most part separate from one another with the use of property within each district being reasonably uniform. Within these districts there are restrictions, including specific requirements as to the type of buildings allowed, location of utility lines, restrictions on accessory buildings, building setbacks from the streets and other boundaries, size and height of buildings, number of rooms, floor space or area and cubic feet. These restrictions may also cover frontage of lots; minimum lot area; front, rear, and side yards; off-street parking; the number of buildings on a lot; and the number of dwelling units in a certain area.

An emerging concept in land use and zoning was recently introduced by Andres Duany, a prominent New Urbanist. Transect Zoning offers opportunities to zone an area by density and not by its use. So certain areas like a city's core are higher density than the edge which is more rural in character.

Process

Civic Alliance members reviewed public feedback on community issues and then met with or surveyed a number of key stakeholders in the community. After further research and discussion they decided on the following as key issues for this topic area. City staff provided technical support.

Statement 1

The Zoning Ordinance for the city was created without a comprehensive plan in place and will need revision once City Plan is adopted.

Facts and Supporting Information

- Previous Ordinance, dating to the 1920's, was wholly inadequate and needed updating.
- The current Zoning Ordinance has no process for regular updating/review.
- There was minimal public input in the development of the new Ordinance.
- Detailed Design Guidelines are not present in the current Zoning Ordinance. The Ordinance is available online at www.areaplan.org.

Strengths and Opportunities

- New Ordinance is compatible with current zoning law and development standards.
- The new Ordinance allows mixed-use development, not encouraged by the previous Ordinance.
- The new Ordinance has potential for updating once City Plan is completed.

Benefits of Addressing the Issue

- The Zoning Ordinance would reflect the goals of City Plan.
- Future land use decisions in the city would be guided by City Plan.
- New concepts for land use and development would be based on the goals and policies of City Plan.

Stakeholders

The following stakeholders were consulted:

- City of South Bend, Division of Economic Development
- Area Plan Commission of St. Joseph County
- Building Department of St. Joseph County
- DTSB Land use & Design Committee
- Holladay Properties
- Place Builders
- Troyer Group
- 1st Source Bank
- MFB Financial
- Common Council Member
- University of Notre Dame School of Architecture

General stakeholder reaction:

Area architects, developers and property owners were unfamiliar with the new Ordinance, its procedures and design expectations. Stakeholders commented that very few new projects have been developed or proposed using the current Zoning Ordinance therefore its potential has not yet been experienced. They suggested reviewing the ordinance once City Plan was adopted.

Statement 2

Auto-oriented development over the last 30 years has caused downtown to lose its traditional urban characteristics.

Facts and Supporting Information:

- Previous ordinance, dating to the 1920's, did not contain formal Design Guidelines.
- A parking study (Downtown Parking Study, 2003) was recently conducted on 44 city blocks located in the core downtown area. The boundaries for the parking study are defined as: LaSalle Street on the North, Williams Street on the West, Monroe Street on the South and St. Louis Street on the East. In the study area, the breakdown of automobile parking is as follows: *(Source: Walker Parking Consultants. 2003. South Bend Downtown Parking Study Draft. p ii.)*
 - Public on Street: 1209 spaces
 - Public Off Street (Surface): 3016 spaces
 - Public Off Street (Garage): 3064 spaces
 - Private Off Street (Surface): 3463 spaces
 - The total acreage of the Walker Downtown Study Area is 285 acres. Therefore automobile parking consumes approximately 18% of the total study area. *(Source: City of South Bend)*
- As of 1998, 17% of downtown (DTSB, Inc. boundaries) land had a structure on it.
- Suburban style Midas store in downtown.
- Pedestrian orientated commercial and retail options have been disrupted or eliminated with suburban style surface parking lots.
- Set backs of buildings do not respond to the street. There is very little consideration given to the relationships between the buildings.
- The city center currently has fewer historic buildings than it did 20 years ago.
- Currently there is no Downtown Plan. A *Strategic Action Plan* for Downtown was done by Teska Associates Inc. in 1999.

Strengths and Opportunities

- Implementing the Main Street Approach can be a useful tool for South Bend's downtown revitalization. The National Trust for Historic Preservation's Main Street Approach is a unique downtown revitalization program based on four themes: design, organization, promotion and economic restructuring.
- Greater realization of the value of traditional development as a tool for a community's long term health.
- Openness within the City administration to embrace new ideas for development and land use.
- New Zoning Ordinance has some characteristics that will help change downtown development.
- The downtown core has a number of surface parking spaces that offer development opportunities.

Benefits of Addressing the Issue

- Can create a more pedestrian friendly Downtown.
- Less surface parking can improve the Downtown streetscape.
- Will create more awareness for historic preservation.
- A more pedestrian friendly environment provides opportunities for businesses that cater to a walking population.
- Will maintain a connection to key urban vistas, landmarks and gateways.

Stakeholders

The following stakeholders were consulted:

- City of South Bend, Division of Economic Development
- Area Plan Commission of St. Joseph County
- Building Department of St. Joseph County

- DTSB Land use & Design Committee
- Holladay Properties
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General stakeholder reaction:

Stakeholders agreed that the character of downtown buildings and public spaces reflects a suburban style. They believed that the old Zoning Ordinance was not the only reason for this. Public officials supported suburban style development during the 1970's. Stakeholders commented that South Bend's downtown retained traditional urban characteristics till the 1970's, after which suburban style development became more prominent.

Statement 3

Surface parking lots in the downtown consume developable parcels and reduce its urban density.

Facts and Supporting Information

- A parking study (Downtown Parking Study, 2003) was recently conducted on 44 city blocks located in the core downtown area. The boundaries for the parking study are defined as: LaSalle Street on the North, Williams Street on the West, Monroe Street on the South and St. Louis Street on the East. In the study area, the breakdown of automobile parking is as follows: (Source: Walker Parking Consultants. 2003. South Bend Downtown Parking Study Draft. p ii.)
 - Public on Street: 1209 spaces
 - Public Off Street (Surface): 3016 spaces
 - Public Off Street (Garage): 3064 spaces
 - Private Off Street (Surface): 3463 spaces
 - The total acreage of the Walker Downtown Study Area is 285 acres. Approximately 13% of this study area is occupied by surface parking.

- Occupancy by Block (Source: Walker Parking Consultants. 2003. South Bend Downtown Parking Study Draft)

	CBD	East Bank	S. W Quad	S.E Quad.
AM	61%	46%	32%	50%
PM	59%	46%	34%	45%
Evening	17%	15%	7%	11%

- Recent demolition of the parking garage at the corner of Jefferson Blvd. and St. Joseph Street has created some more surface parking lots.
- Surface parking lots are cheaper to build than parking garages and reduce downtown density.
- There are acres of surface parking lots in the downtown. For example: Senior Kelly’s lots, TCU parking lot, Century Center, Key Bank, Crowe lot, next to Morris Performing Arts Center. Large expanses of parking now between Jefferson Blvd and Colfax along Niles, along the east race waterway.

Strengths and Opportunities

- Abundance of surface parking lots as well as empty parcels offers development opportunities.
- High impact developments can be created at key locations quickly.
- Surface parking lots have other uses and can be utilized for activities such as outdoor movies, festivals, etc.
- New Zoning Ordinance is more urban friendly, reducing the pressure for surface parking.
- Implementing the Main Street Approach can be a useful tool for South Bend’s downtown revitalization. The National Trust for Historic Preservation’s Main Street Approach is a unique downtown revitalization program based on four themes: design, organization, promotion and economic restructuring.

Benefits of Addressing the Issue

- Downtown’s density can be increased.
- Reduction of surface parking will encourage more pedestrian and transit related uses of property and encourage traditional urban characteristics.
- Will encourage creative ways of integrating required parking into new construction Downtown.
- Developing parcels will increase the property tax income to the city.
- Provides opportunity to create walkable destination points and to have a coordinated system of paths.

Stakeholders

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General stakeholder reaction:

Some stakeholders mentioned that parking was a very important factor in businesses locating downtown, hence the surface parking lots next to most buildings. Stakeholders agreed that surface parking lots were a prominent land use in South Bend's downtown.

Statement 4

Buildings and neighborhoods in South Bend tend to be single use in nature.

Facts and Supporting Information

- The City's previous Zoning Ordinance did not allow for mixed use development. This resulted from the 1920's policies of single use development.
- Very few neighborhoods in South Bend display mixed used character.
- There is no mixed use residential development downtown.
- Most new market rate residential is being developed in green fields outside the city.
- New commercial or residential developments in green fields are single use in nature.

Strengths and Opportunities

- There are several large commercial buildings that are appropriate for mixed use development.
- Many communities across the nation are redeveloping by encouraging mixed use activities.
- New Zoning Ordinance offers opportunities for mixed use development.
- Downtown offers amenities within walking distance that could be attractive to urban living.
- Many downtown buildings offer opportunities for loft housing.
- Some older neighborhoods display mixed use character: such as West side, River Park, etc.

Benefits of Addressing the Issue

- Integrating land uses encourages parcel redevelopment and rehabilitation within existing neighborhoods.
- Redeveloping vacant parcels and buildings utilizes the existing infrastructure and does not require expansion of public services.
- Mixed use neighborhoods can help increase the quality of life of the residents.
- Opportunity for increasing residential units in the downtown.
- Will encourage Brownfield redevelopment in the city.
- Creates opportunity to rehab and revitalize inner city neighborhoods.

Stakeholders

The following stakeholders were consulted:

- City of South Bend, Division of Economic Development
- Area Plan Commission of St. Joseph County
- Building Department of St. Joseph County
- DTSB Land use & Design Committee
- Holladay Properties
- Place Builders
- Troyer Group
- 1st Source Bank
- MFB Financial
- Common Council Member
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General stakeholder reaction:

Stakeholders said that the old Zoning Ordinance did not permit mixed-use development in various parts of the city. Most recommended that New Urbanist type development should be encouraged to offer the community more options and make South Bend more desirable for different age and income groups.

Statement 5

One-way streets are diminishing pedestrian orientated commercial viability and residential appeal in the downtown.

Facts and Supporting Information

- Numerous speakers in the “American City” series recommended converting one-way streets to two-way streets. Andres Duany, a prominent New Urbanist emphasized in a lecture on Feb 4, 2004, the importance of two-way streets in making downtown South Bend vibrant.
- The community perceives one-way streets as unsafe for crossing multiple lanes of traffic. (*Source: Capraro Consulting Services. 2004. Elements of a Vision for South Bend*)
- St. Joseph Street (IN 933) is a multi lane state road through downtown South Bend. It creates a pedestrian barrier between the river and the rest of downtown amenities.
- Converting one-way street to two-way streets has been a national trend.
- Traffic speed and noise are perceived to diminish the market of residential properties for owner occupants located along the one way routes.
- Very few residential units (single or multifamily) are located on one-way streets in the city. (*Source: City of South Bend. 1998. Land Use Map*)
- Study underway to see the impact of one-way streets being converted to two-way in downtown South Bend. (*Source: DTSB, Inc. & City of South Bend*)

Strengths and Opportunities

- Suburban ring roads now exist (Capital Avenue, St. Joseph Valley Parkway, I 80/90) to move intra and inter regional traffic without having to push it through the downtown area.
- Wide main arterial (now one way) can be converted back to two-way without widening and may be able to be narrowed and landscaped with median plantings, allowing volume to remain the same.
- Converting one-way street to two-way has become a national trend because of the economic opportunities that it offers.
- Boulevards/center medians, wider sidewalks and landscaping offers opportunities to develop housing and other commercial along the arterial routes once one way obstacle is removed.

Benefits of Addressing the Issue

- Will provide opportunity to attract market rate housing to adjacent streets.
- Increased opportunity to develop pedestrian oriented businesses.
- Opportunity to develop a more cohesiveness urban fabric.
- Pedestrian oriented uses become more attractive to downtown.
- Downtown become a place to stop, shop or play.
- Increased pedestrian activity in downtown.
- Perception of downtown activities being separated from river and East Bank activities is removed.

Stakeholders

The following stakeholders were consulted:

- City of South Bend, Division of Economic Development
- Area Plan Commission of St. Joseph County
- Building Department of St. Joseph County
- DTSB Land use & Design Committee
- Holladay Properties

- Place Builders
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General stakeholder reaction:

Many stakeholders consulted agreed that one way streets have a negative impact on the urban living environment, the city's economic viability and the community's vision for a more traditional urban fabric. They suggested that the herd mentality of drivers on one way streets has increased vehicular speed and shifted their focus to moving through an area rather than stopping at establishments along its route.

Statement 6

There is a lack of broader community planning oversight guiding development that looks out for impacts beyond the immediate parcel/project in question.

Facts and Supporting Information

- According to the Neighborhood Development Guide (City of South Bend, 2003), there are 34 neighborhood based organizations in the city. Each organization has a distinct boundary. 8 of these neighborhoods have neighborhood plans. (Source: City of South Bend. 2003. *Neighborhood Development Guide: Progress through Partnership. Section II*)
- The City has 5 commercial corridor plans, 6 redevelopment area plans and some other area specific plans.
- Some area specific plans are developed with little involvement from residents and key stakeholders.
- According to Becker and Kelly (2000), transportation changes such as street widening or closing have an impact on surrounding land uses. (Source: Becker, B., & Kelly, E. 2000. *Community Planning: An Introduction to the Comprehensive Plan. p137*)
 - *South Bend examples:*
 - The closing of Juniper/ Eddy Street as a primary north/south corridor to Notre Dame could potentially shift traffic to Twyckingham Street, which could have a negative effect on this strong residential neighborhood.
 - The proposed realignment of Lincoln Way West will significantly alter views to the downtown as people enter South Bend from St. Joseph Valley parkway.
 - Century Center parking lot cuts off Jefferson Street and disturbs the downtown grid pattern.
 - Development in the downtown has not respected the traditional grid pattern of blocks. There are large expanses of surface parking and the St. Joseph River is not very accessible.
- As traffic patterns are shifted, land use along routes has become more auto-oriented.

Strengths and Opportunities

- The Area Plan Commission structure offers opportunities to coordinate land use planning in the region.
- City Plan will provide a context for developing area specific plans.
- Some neighborhood, commercial corridor and redevelopment plans exist.

Benefits of Addressing the Issue

- Home owners will have more security in their investment.
- Result in preservation of strong residential neighborhoods.
- Rational land use decisions will positively impact neighborhoods.
- Will offer predictability for developers.

Stakeholders

The following stakeholders were consulted:

- City of South Bend, Division of Economic Development
- Area Plan Commission of St. Joseph County
- Building Department of St. Joseph County
- DTSB Land use & Design Committee
- Holladay Properties
- Place Builders
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General stakeholder reaction:

Stakeholders consulted about this issue mentioned the need for area specific master planning. Area specific plans would give potential businesses and future resident's assurance of their property's future. Although some area specific planning occurs, there is little coordination between different areas.

Statement 7

There are perceived governmental barriers and a general dissatisfaction with public agency relationships that is limiting or discouraging development in South Bend.

Facts and Supporting Information

- To obtain a building permit there are potentially 12 steps to be taken by a developer. During this process there is a potential for a developer to have to deal with 11 different boards/committees.
- As of 1998, the City owned 82 properties in Downtown South Bend. (*Source: City of South Bend*)
- City owned land reduces the tax base, and the City incurs the cost of maintenance.

Strengths and Opportunities

- Inexpensive land and property values throughout the city.
- Change in attitude related to new leadership in the Department of Community and Economic Development, City of South Bend.
- The City Plan comprehensive planning process provides opportunity to create solutions to barriers and improve relationships.
- The City administration has shown openness to change.

Benefits of Addressing the Issue

- Development will occur in an efficient manner.
- More private sector developers will be encouraged to develop in South Bend if the development process is efficient.
- More market driven development.
- Coordinated development will occur.

Stakeholders

The following stakeholders were consulted:

- City of South Bend, Division of Economic Development
- Area Plan Commission of St. Joseph County
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General stakeholder reaction:

Most developers consulted had a perception of the city as a “hard to develop” area. Developers said that the investment environment is unfriendly: City competes with business in many areas. They said that there are barriers to development in South Bend. Some mentioned that the permitting system was slow and demanding.

Statement 8

Neighborhood plans which are used to protect, preserve and revitalize neighborhoods are not coordinated through a citywide comprehensive plan.

Facts and Supporting Information

- According to the Neighborhood Development Guide (City of South Bend, 2003), there are 34 neighborhood based organizations in the city. Each organization has a distinct boundary. The following organizations exist: *(Source: City of South Bend. 2003. Neighborhood Development Guide: Progress through Partnership. Section II)*
 - Bercliff Estates Homeowners Association
 - Council Oak Neighborhood Group
 - Edgewater Place Neighborhood Association
 - Erskine Park West Neighborhood Organization
 - Far North West Neighborhood Association
 - Harter Heights Neighborhood Association
 - Howard Park Neighborhood Association
 - Howard Park/East Bank Neighborhood Association
 - Keller Park Neighborhood Association
 - LaSalle Area Neighborhood Association
 - Lincoln Manor Neighborhood Association
 - Mayflower East-Airport Neighborhood Association
 - Monroe Park Neighborhood Association
 - McKinley Terrace Neighborhood Association
 - Near Northwest Neighborhood, Inc.
 - Near Westside Neighborhood Association
 - Near Westside Cooperative Alliance
 - Northeast Neighborhood Revitalization Organization (NNRO)
 - North East Neighborhood Council, Inc. (NENC)
 - North Shore Triangle Neighborhood Association
 - Park Avenue Neighborhood Association
 - Pinhook Area Concerned Residents
 - River Park Neighborhood Association
 - Rum Village Neighborhood Association
 - Scottsdale Community Club Neighborhood Association
 - South East Pond Association
 - South East Neighborhood Association
 - St. Casimir Neighborhood Association
 - Swanson Park Neighborhood Association
 - Twyckenham Hills Neighborhood Association
 - Unified Neighbors Investing Time and Energy (UNITE)
 - Westside Neighborhood Organization
 - Wooded Estates Neighborhood Association
 - Woodlawn Neighborhood Association
- The combined area of the 34 recognized neighborhoods in the city is approximately 7538 acres. Based on the City of South Bend Land Use Map (1998), Residential related land uses occupy approximately 12382 acres. Therefore, recognized neighborhoods cover approximately 60% of all residential uses. *(Source: City of South Bend)*
- Neighborhood Plans exist for 8 neighborhoods in the city. They are: *(Source: City of South Bend)*
 1. Rum Village Neighborhood Action Plan
 2. Southeast Neighborhood Strategic Action Plan
 3. River Park Neighborhood Preservation and Improvement Plan
 4. Northeast Neighborhood Strategic Revitalization Plan
 5. Keller Park Neighborhood Strategic Action Plan
 - 6,7,8. Neighborhood Restoration Plan (Weed & Seed) - St. Casimir/Westside/LaSalle Park
- The city has not had a comprehensive plan for the future in place since the 1960's.
- Before the City Plan process began in 2003, there has not been a comprehensive look at land use development and its impact on adjacent neighborhoods.

Strengths and Opportunities

- Many neighborhood groups actively participate in the development and implementation of their neighborhood plans.
- City Plan is a vehicle to take comprehensive look at the community.
- There are many historic neighborhoods in the city that provide great housing stock and sense of place. There are 6 Local Historic Districts and 6 National Historic Districts in South Bend.

Benefits of Addressing the Issue

- Coordinated neighborhood plans will allow for better development and enhance the quality of life.
- An increase in homeownership as people will have more security in their investment.
- Neighborhood plans will help preserve their integrity and character of well established neighborhoods in the future.
- Lead to adequate preservation of historic neighborhoods.

Stakeholders

The following stakeholders were consulted:

- City of South Bend, Division of Economic Development
- Area Plan Commission of St. Joseph County
- Building Department of St. Joseph County
- DTSB Land use & Design Committee
- Holladay Properties
- Place Builders
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General stakeholder reaction:

Stakeholder consulted about this issue pointed out that various areas in the city did not have any neighborhood plans. They were concerned about the condition of well established neighborhoods in the future without some proactive planning. Stakeholders also mentioned that existing neighborhood planning efforts were not guided by a citywide plan.