

Section 21-02.12 Development Incentives for the SF1 District.

Intent – The *development incentives* of this Section are intended to: allow greater flexibility in design and development of *subdivisions*; provide for neo-traditional residential neighborhood design; provide for more efficient use of land; protect topographical features; and, permit the permanent set-aside of common areas and open space.

Further, the approval of a *subdivision* design as set forth herein is intended to be conceptual in nature. While all plans shall be drawn to scale and shall be accurate in depicting existing conditions and the proposed development, no development within a *subdivision* shall commence until more detailed engineering drawings with full bearing and distance calls, curve radii, details regarding utility installations, etc., shall have first been reviewed and approved pursuant to the Subdivision Control Ordinance. *Primary plat* approval and *secondary plat* approval shall be required prior to any construction utilizing the *development incentives* provided in this Section. The petitioner shall obtain *development plan* approval from the *Area Plan Commission* for *development incentives* prior to filing for *primary plat* approval for a *subdivision* using the provisions of this Section.

Any residential development in the SF1 *District* in compliance with all *development standards* of the SF1 *District* and which does not intend to use the provisions set forth in this Section may pursue *subdivision* approval in compliance with the Subdivision Control Ordinance and the *development standards* of the SF1 *District*.

For purposes of this Section, *development requirements* include any *development standards* or design features set forth in this Section as "additional *development requirements*" and any *development standards* contained in or applicable to the SF1 *District*.

(a) *Additional Development Requirements For Development Incentives in the SF1 District.*

The following additional *development requirements* shall be applicable only to a *subdivision* in SF1 *District* which is proposed to be developed pursuant to the *development incentives* as provided for in this Section:

- (1) *Project Area (Minimum Size of Subdivision)* – ten (10) acres.
- (2) *Maximum Gross Density* – 7.25 *dwelling units* per acre on developable area, where developable area is the total land area minus land area of proposed perimeter *street rights-of-way*, floodway areas or other non-buildable areas.

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(3) *Development Standards*

Compliance with all *development standards* regarding *lot area, lot width, lot width at setback, front setback, side setback, rear setback, street frontage and lot coverage* of the SF1 district shall be required (unless a *waiver* as authorized by this Section, below, is granted, in which case compliance with the terms and conditions of the *waiver* grant shall be required).

(4) Common Areas / Open Space.

(A) The creation of an amount of common area or open space by the development of the *subdivision* which is equivalent to, or more than, the total reduction in *lot area*. At least seventy-five percent (75%) of the total amount of common area or open space shall consist of tracts of land at least fifty (50) feet wide in minimum dimension.

(B) Common area or open space created by the development of the site utilizing the provisions of this Section shall be: preserved in its naturally occurring state for passive recreational activities; or, developed as a common recreational area.

(C) Common area or open space created for recreational purposes by the development of the site utilizing the provisions of this Section shall be provided in such a manner that as to be accessible to residents of the *subdivision* for their use and enjoyment and for continual maintenance.

(D) All common areas or open space created by the development of the site utilizing the provisions of this Section shall perpetually run with the *subdivision* and shall not be developed or separated from the *subdivision* at a later date. Provisions shall be made on the recorded *secondary plat* or by other legally binding instrument for continuous and adequate maintenance of such common areas or open space at a reasonable and non-discriminatory rate of charge.

(5) Development of common areas, open space and recreational areas accessible to residents of the *subdivision* including provisions for *walkways* and *bikeways*.

(6) Establishment of a more efficient use of the land.

(7) Creation of innovative residential environments.

(8) The proposed development shall be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property.

(b) ***Development Requirements Which May Be Waived as a Development Incentive.***

The following *development standards* of the SF1 *district* may be waived by the *Area Plan Commission* in order to provide for the development of a *subdivision* in conformance with the provisions of this Section subject to the findings required for the approval of such *waiver* set forth in Section 21-02.12, (f) - Findings for Waiver of Development Requirements, below. The *Area Plan Commission* may not *waive* any other *development standards* of the SF1 *District* not specifically set forth below. Any *development standard* of the SF1 *District* not set forth below must be complied with unless a *variance* of such *development standard* is obtained from the *Board of Zoning Appeals* as a *variance of development standards*.

- (1) Individual *lots* in a *subdivision* may reduce the following *development standards* of the SF1 *District* to the extent specified below:
 - (A) Minimum *Lot Area* – The minimum *lot area* of a *lot* may be reduced to 4,000 square feet.
 - (B) Minimum *Lot Width* – The minimum *lot width* of a *lot* may be reduced to 40 feet.
 - (C) Minimum *Lot Frontage* – The minimum *lot frontage* of a *lot* may be reduced to 20 feet.
 - (D) Minimum *Setback Lines*.
 - i. *Front Yard* – The minimum *front yard* on a *lot* may be reduced to not less than:
 - a. Twenty (20) feet for any portion of a front loaded *garage*; or,
 - b. Ten (10) feet for any living area, side loaded *garage* or rear loaded *garage*.
 - ii. *Side Yard* – The minimum *side yard* on a *lot* may be reduced to zero (0) feet, provided that:
 - a. A minimum separation of at least ten (10) feet is maintained between *buildings*; and,
 - b. In any case where the minimum *side yard* is less than five (5) feet, a provision shall be incorporated into the *secondary plat* to provide for the continual maintenance of

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that portion of any *structure* that is located within five (5) feet of the *side lot line*.

iii. *Rear Yard* - The minimum *rear yard* on a *lot* may be reduced to twenty (20) feet.

(E) *Maximum Lot Coverage* – The maximum *lot coverage* on a *lot* may be increased to fifty (50) percent.

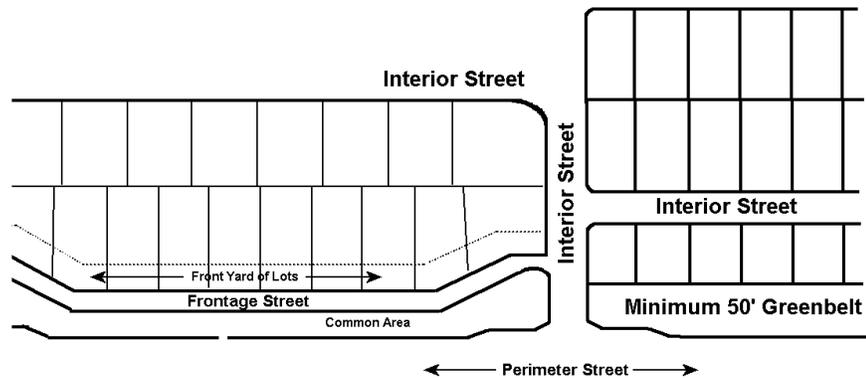
(c) Design Features as Additional *Development Requirements*.

In order to create variation and interest in the built environment, all residential *subdivisions* in the *SF1 District* which utilize the provisions of this Section shall incorporate appropriate techniques (e.g., plat restrictions, *building setback lines*, or other method as approved by the *Area Plan Commission*) to accomplish the design objectives as set forth below:

(1) At least one (1) of the following two (2) design objectives:

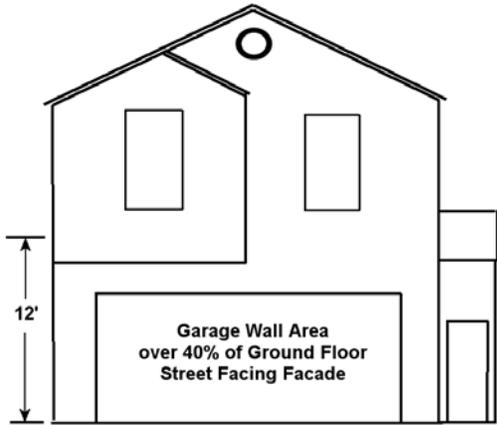
(A) Development of *single family dwelling* or *two family dwelling subdivisions* in which *lots* are so laid out that *dwelling units* are located with the front of the *dwelling unit* oriented toward the *perimeter street* of the *subdivision*. This design objective may be accomplished through the utilization of *frontage street* or *alley access*; or,

(B) A common area or greenbelt of not less than fifty (50) feet in depth shall be provided along the *perimeter streets* of the *subdivision*. Such common area or greenbelt shall be subject to the provision of Section 21-02.12 (c) – Maintenance of Common Areas, below.



Example of Frontage Street or Greenbelt

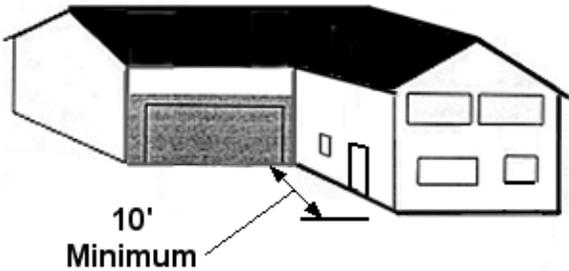
- (2) At least two (2) of the following four (4) design objectives:
- (A) *Garage Orientation* – Lot layout and building design shall provide for:
- i. *Alley Access* – The development of *single family dwellings* or *two family dwellings* with rear loaded *garages* with *access* via a side or rear *alley* which is paved to City of South Bend standards; or,
 - ii. The development of *single family dwelling* or *two family dwellings* with:
 - a. *Garage Off-Set* – Where the front façade of an attached or detached front loading *garage* is off-set and stepped back from the *front building line* by a minimum of ten (10) feet (this design feature may only be counted for *dwelling units* with *garages*); or,
 - b. *Garage as Percent of Facade* – Where *garage* doors shall not comprise more than forty (40) percent of the linear length of the ground floor, *street* facing façade of the *primary building* containing a *dwelling unit* (this design feature may only be counted for *dwelling units* with *garages*);



Example of Excessive Garage Door Area Which DOES NOT Comply



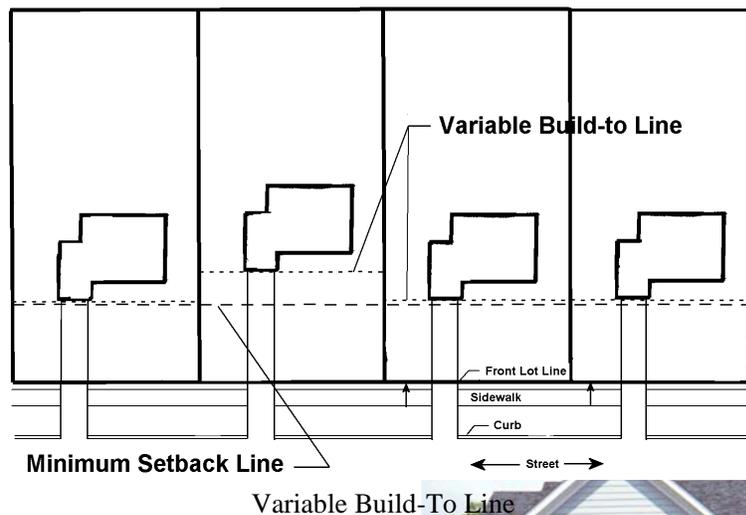
Example of Appropriate Alley Access Design



Example of Garage Door Stepped Back from Front Building Line

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- (B) Variable Build To Line – Establishment of a build to line by plat to vary the placement of adjacent *dwelling units* by a minimum of:
- i. *Single Family Dwellings* – a five (5) foot or more variation applicable to at least one (1) of every four (4) *lots* along a *block face*; or,
 - ii. *Two Family Dwellings* – either: a two (2) foot off-set for more for each *dwelling unit* in a *two family dwelling building*; or, a five (5) foot or more variation applicable to at least one (1) of every four (4) *lots* along a *block face*; or,



- (C) Covered Porch – Each *dwelling unit* is designed with a covered front porch occupying a minimum of fifty (50) percent of the overall width of the *primary building* containing a *dwelling unit*.



(d) Maintenance of Common Open Space Areas.

As a condition of approval of the *waiver of development requirements* set forth above, the petitioner shall submit, at the time of filing of any plat application, documentary assurances that permanent dedication of the common areas shall be made and that adequate provision is being made for continuous and adequate maintenance of such common areas. The documentary assurances shall be forwarded to the *Area Plan Commission* at the time of review of a petition for *primary plat* approval. Further, the documentary assurances shall be incorporated in the *secondary plat* that is recorded with the office of the St. Joseph County Recorder. No exceptions to these requirements shall be permitted unless the *Area Plan Commission* determines that the petitioner has adequately provided for such upkeep, protection and maintenance of common areas through other legally binding perpetual agreements.

(e) Filing for *Primary Plat* Approval.

Petitioner may either file a *primary plat* for approval by the *Area Plan Commission* at the same time as the *development plan* for *development incentives* or may wait for the expiration of any appeal period. If a petitioner files a *primary plat* for consideration at the same time as the *development plan* for *development incentives*, any approval of such *primary plat* shall be conditioned upon the final approval, not subject to appeal, of the *development plan* for *development incentives*. Any petition for *primary plat* approval shall be filed in accordance with the requirements set forth in the Subdivision Control Ordinance.

(f) Findings Required to Approve a *Development Plan Utilizing Development Incentives* in the SF1 District.

A *development plan* which incorporates *development incentives* for development in the SF1 District (and thereby grant the *waivers* requested by the Petitioner) indicating compliance with this Section may only be granted upon finding that:

- (1) The use of area properties will not be adversely affected;
- (2) The proposed *development plan* demonstrates compliance with the provisions of:
 - (A) Section 21-02.12 (a) – Additional *Development Requirements* For *Development Incentives* in the SF1 District;
 - (B) Section 21-02.12 (b) - *Development Requirements* Which May Be Waived as a *Development Incentive*;
 - (C) Section 21-02.12 (c) – Design Features as Additional *Development Requirements*; and,

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- (D) Section 21-02.12 (d) – Maintenance of Common Open Space Areas;
- (3) The proposed *development plan* is appropriate to the site and its surroundings;
- (4) The proposed *development plan* is consistent with the policy statements of the *Comprehensive Plan*; and,
- (5) The proposed *development plan* is consistent with the intent and purpose of this UDO.

All findings specified above for the granting of a *waiver* for *development incentives* shall be reduced to writing and signed by the President of the *Area Plan Commission* and retained as a part of the permanent record of the determination.