

BUILDING DEPARTMENT

Residential Permitting Process

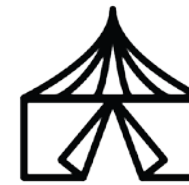
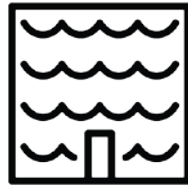
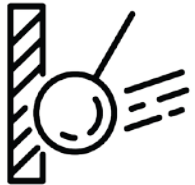


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Residential Development Questions

Sometimes JUST a building permit isn't enough, AND even if you don't need a permit you may need other approvals. Here are some questions you need to consider when planning to do work in residential areas.

Does my project need a building permit?

What jurisdiction is my property in?

Is my lot "buildable"?

Where do I get a site plan?

What is my property zoned?

What can I use my property for?

Do I need to rezone?

Do I need to apply for a special exception/ use?

Do I need to apply for a conditional use?

Do I need to apply for variances?

Is my property in an historic district and/or an historic landmark?

Do I need approval from the Historic Preservation Commission?

Am I in an overlay district?

Do I need approval from the Design Review Committee?

Will my project protrude into the public right of way?

Do I need approval from the Public Works Dept?

Am I in a floodplain or wetland?

Do I need approval from the Floodplain Manager?

Do I need approval from the Army Corps of Engineers?

What other regulations apply to my property?

Is my project outside of the Clear Sight Area?

Is my project meeting parking regs?

Is my project meeting landscape regs?

Is my contractor registered?

Can I do my own work?

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YES! You need a permit for that.

Permits are required for the following items:

- ✓ New home
- ✓ Addition
- ✓ Accessory building over 120 sq/ft - Includes pre-fab buildings
- ✓ Remodeling worth more than \$500 including roofing, siding, windows/doors, and interior remodeling
- ✓ Porch/deck with a roof/trellis
- ✓ Porch/deck at or over 30" above grade
- ✓ Enclosing existing porch/deck
- ✓ Any inground swimming pool and all pools with 42" or more in water depth
- ✓ Fences in the City of South Bend and St. Joseph County, but not within "towns" such as Lakeville, North Liberty, Osceola, and Roseland
- ✓ Demolitions
- ✓ Trailers
- ✓ Tents over 120 sq/ft
- ✓ Signs, temporary or permanent over 2 sq/ft
- ✓ Electrical, HVAC or Plumbing work

Permit applications can be found online
<https://southbendin.gov/departments/building/building-permits/> or
 picked up at our office at the address below.



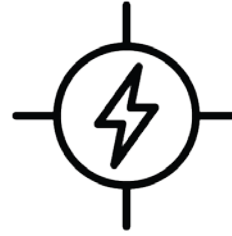
NEW HOME/ADDITION



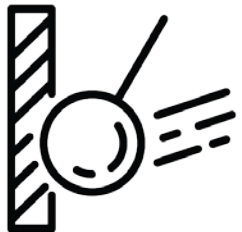
ACCESSORY BUILDING



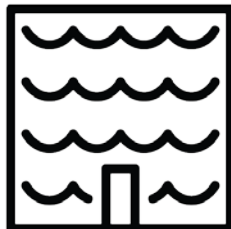
REMODELING



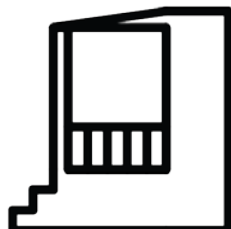
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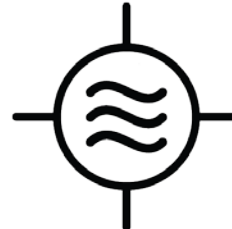
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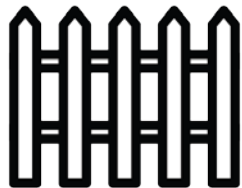
POOLS



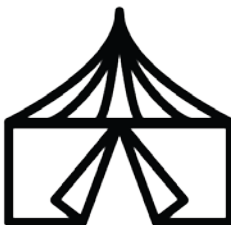
DECKS/PORCHES



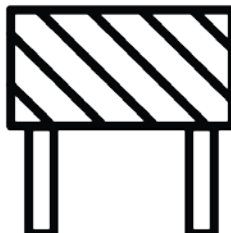
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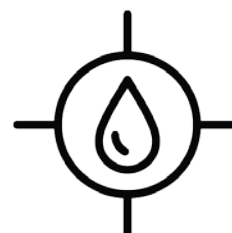
FENCES



TENTS/TRAILERS



SIGNS



PLUMBING

Icon source: <https://thenounproject.com/dev137/collection/construction/?q=home%20construction&cid=3>

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

125 S. Lafayette Blvd. | Suite 100 | South Bend, Indiana 46601 | p 574.235.9554 | f 574.235.5541 | www.southbendin.gov

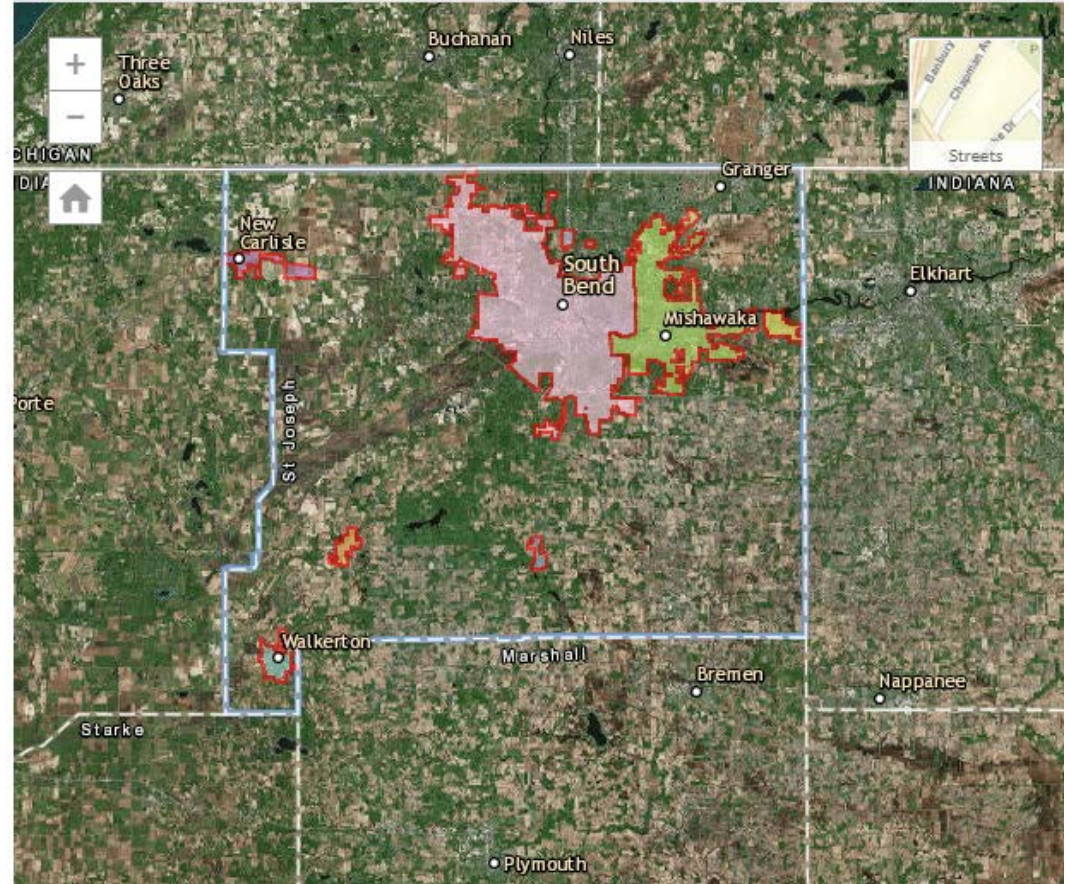
What jurisdiction is the property in?

Our department covers the following areas:

- City of South Bend
- All 5 digit County addresses
- Following Town Board approval we issue permits for the Towns of Lakeville, Roseland, Indian Village, North Liberty and Osceola

WE DO NOT COVER 4 OR LESS DIGIT ADDRESSES FOR

- ✗ MISHAWAKA
- ✗ NEW CARLISLE
- ✗ WALKERTON



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Is my lot “buildable”?

Not all properties in the County or City are considered “buildable”. Click on the applicable link below to double check that you lot is buildable before you try to build on it.

- **St. Joseph County** buildable lot regulations can be found on page 3 here:
<http://sjcindiana.com/DocumentCenter/Home/View/1421>
- **City of South Bend** buildable lot regulations can be found here:
<https://southbendin.gov/department/community-investment/planning-community-resources/zoning/>

Found out your lot is NOT buildable?

Contact the Area Plan Commission to find out if it can become buildable and how.

St. Joseph County www.sjcindiana.com/apc

City of South Bend <https://southbendin.gov/department/community-investment/planning-community-resources/zoning/>

Still not sure if your lot is buildable?

Give us a call at 574-235-9554; or email us at building@southbendin.gov; or visit us at our office below.

CHAPTER 154: PLANNING AND ZONING Nonconforming Lots, Uses, Buildings, Structures or Signs

(B) *Legally Established Nonconforming Lot Frontage.* Any legally established lot in which the frontage of such lot has been reduced below that which is required by the applicable district regulations of this chapter by the acquisition of right-of-way or access rights by a governmental entity, shall be deemed a permitted exception to such minimum frontage requirements and may be used for any permitted use within the applicable district in which such lot is located provided that all other development standards are met.

(C) **Buildable Lots.** A nonconforming lot of record shall be deemed a legally established nonconforming lot of record may be used as a buildable lot if such nonconforming lot of record complies with one (1) of the following:

(1) Any lot, in its entirety, of a subdivision that was recorded in the Recorder's Office prior to the adoption of this Chapter.

(2) Any part of a lot or any combination of parts of lots of a subdivision provided that prior to the adoption of this ordinance all of the following provisions are complied with:

Section 21-01.03

Nonconforming Lots, Uses, Buildings, Structures or Signs

(3) construction of such building or structure (excluding signs) shall be completed within two (2) years of the issuance of said improvement location permit, or construction of such sign shall be completed within ninety (90) days of the issuance of said improvement location permit.

(e) **Legally Established Nonconforming Lots** (Ord. No. 10094-11)

(1) Legally Established Nonconforming Lots of Record

Any legally established lot recorded or any legally established platted lot recorded prior to the effective date of this Ordinance, having less than the required minimum lot area or minimum lot width required by the applicable district regulations of this Ordinance, shall be deemed a permitted exception to such minimum lot area or minimum lot width and may be used for any permitted use within the applicable district in which such lot is located provided that all other development standards are met.

(2) Legally Established Nonconforming Lot Frontage

Any legally established lot in which the frontage of such lot has been reduced below that which is required by the applicable district regulations of this Ordinance by the acquisition of right-of-way or access rights by a governmental entity, shall be deemed a permitted exception to such minimum frontage requirements and may be used for any permitted use within the applicable district in which such lot is located provided that all other development standards are met.

(3) **Buildable Lots**

A nonconforming lot of record shall be deemed a legally established nonconforming lot of record may be used as a buildable lot if such nonconforming lot of record complies with one (1) of the following:

(A) Any lot, in its entirety, of a subdivision that was recorded in the Recorder's Office prior to the adoption of this Ordinance.

(B) A parcel described by a metes and bounds description, or as lots or any combination of parts of lots of an unrecorded subdivision provided that all of the following provisions are complied with:

i. Recorded evidence of ownership describing the parcel as a single and separate ownership was recorded in the Recorder's Office prior to June 12, 1980.

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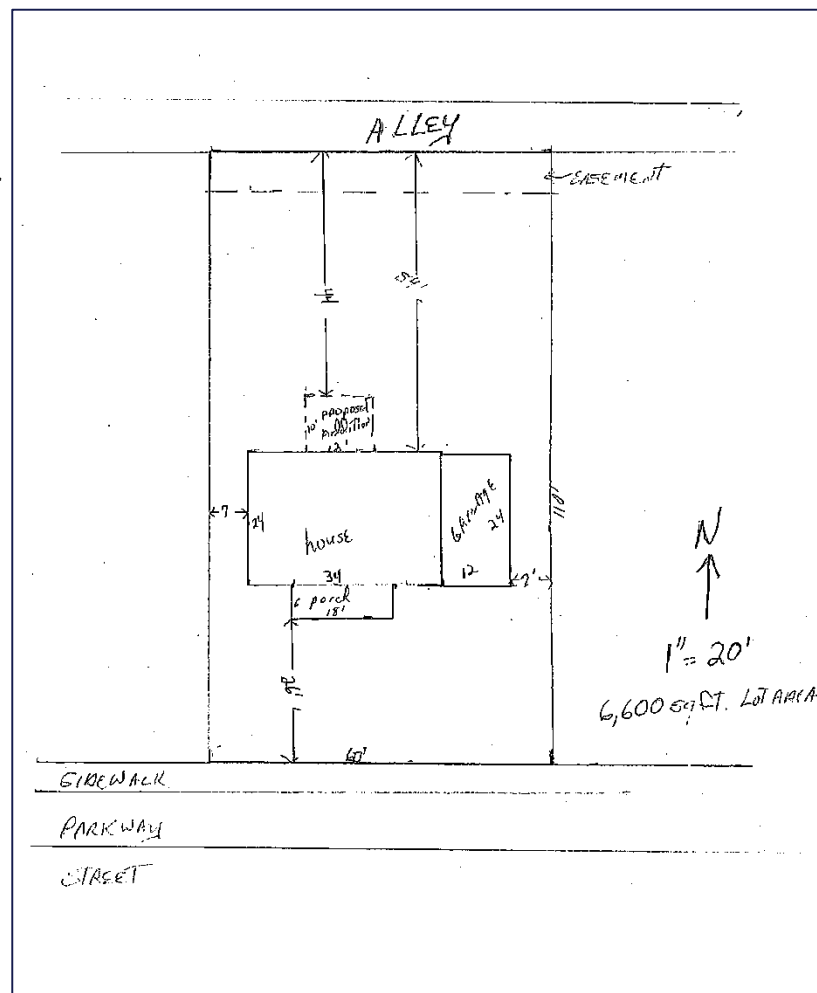
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Where do I get a site plan?

Most permit applications require a scaled site plan as part of the submission. If you don't already have access to a site plan or know how to get one here are some ideas:

1. Check the paperwork you received when you first purchased your property. Often a site plan will be a part of this transfer.
2. Contact a local surveyor to do an official survey. This is the most costly option, but you can be sure the property lines and dimensions are accurate. You will also have an official record for future projects.
3. Look up your property at www.maps.macog.com. Here you can download a scaled map of your property and its dimensions to start work on a site plan.
4. Check with the Health Department. If you need to know where your septic is located the Health Department may have the most accurate information.
5. File an Access to Public Records (APRA) Request with our office for site plans of your property. To save time, give us a call first (574-235-9554). We will verify if one is on file and then you can acquire a copy by following the instructions here: <https://southbendin.gov/wp-content/uploads/2019/08/Building-APRA-Form-Fillable.pdf>.
6. Draw your own site plan like the one to the right.



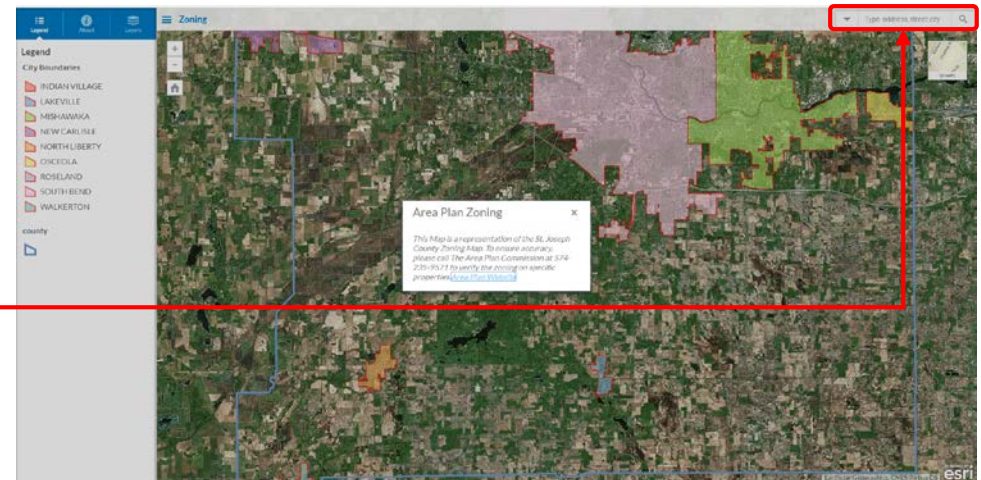
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What is the zoning of the property?

1. To determine the zoning of your property go to the following link:

<http://stjocogis.maps.arcgis.com/apps/PublicInformation/index.html?appid=a60fc913d5ec499ab05f090194151a70>

2. Type in the **address** of the property in the top right hand corner and hit “Enter”.



3. The zoning of the property will be identified both by the color covering the property and the letters in that block of color.

In the screen shot to the right you will see that 125 S Lafayette is zoned **“CBD”**



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What can I do in this zone?

City of South Bend Zoning Regulations

If the property is in the City of South Bend go to the following link:
<https://southbendin.gov/zoning/>



ST. JOSEPH COUNTY
ESTABLISHED 1830





St. Joseph Zoning Ordinance

City of South Bend

Town of Roseland

Town of Osceola

Town of North Liberty

Town of New Carlisle

Town of Lakeville

Home › Departments › Area Plan Commission › Ordinances › Zoning Ordinances › City of South Bend


City of South Bend

Zoning Ordinance





- [A Table of Contents](#)
- [Section 21-01.01 Provisions of Common](#)
- [Section 21-01.02 Zoning Districts and Zone Maps](#)
- [Section 21-01.03 Nonconforming Lots, Uses, Buildings, Struct](#)
- [Section 21-02.01 SF1 Single Family](#)
- [Section 21-02.02 SF2 Single Family](#)
- [Section 21-02.03 MF1 Multifamily](#)

St. Joseph County Zoning Regulations


If the property is in St. Joseph County go to the following link:
<http://sjcindiana.com/383/St-Joseph-Zoning-Ordinance>



ST. JOSEPH COUNTY
ESTABLISHED 1830



I'm look



St. Joseph Zoning Ordinance

City of South Bend

Town of Roseland

Town of Osceola

Town of North Liberty

Town of New Carlisle

Town of Lakeville

Home › Departments › Area Plan Commission › Ordinances › Zoning Ordinances › St. Joseph Zoning Ordinance

St. Joseph County (unincorporated)

Zoning Ordinance

- [A Table of Contents](#)
- [Section 154.001 - Provisions of Common Applicability](#)
- [Section 154.025 - Zoning Districts and Zone Maps](#)
- [Section 154.045 - Non-Conforming Lots, Uses, Buildings, Structure](#)
- [Section 154.070 - General Regulations](#)
- [Section 154.090 - Agricultural District](#)
- [Section 154.120 - R-2 Residential District](#)
- [Section 154.135 - O B Office Buffer District](#)

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Do I need to rezone or apply for a special exception/use?

1. Click on the applicable district section at one of the links below to look up the permitted uses.

City: <https://southbendin.gov/zoning>

County: <http://sjcindiana.com/383/St-Joseph-Zoning-Ordinance>

2. Review the list of "permitted uses" to confirm if your proposed use is allowed.

3. If your proposed use is listed as a "primary use" you do not need to rezone.

4. If your proposed use is listed as a "special exception/use" you do not need to rezone, but you will need to make application to the Area Board of Zoning Appeals (ABZA). Applications for this can be found here:

St. Joseph County <http://sjcindiana.com/apc>

City of South Bend <https://southbendin.gov/zoning>

5. If your proposed use is not listed under the "permitted uses" you may need to rezone the property or contact APC about an interpretation. Go to the link above to contact APC.

The diagram illustrates the process of determining if a proposed use requires rezoning or a special exception. It starts with a flowchart on the left that branches based on whether a use is a "primary use" (leading to "do not need to rezone") or a "special exception/use" (leading to "do not need to rezone, but you will need to make application to the Area Board of Zoning Appeals (ABZA)"). The flowchart then points to specific sections of zoning regulations on the right. The top section, "ARTICLE 2 RESIDENTIAL DISTRICTS", "SECTION 21-02 RESIDENTIAL DISTRICTS REGULATIONS", "Section 21-02.01 SF1 Single Family and Two Family District", lists "Permitted Uses" (a) and "Special Exception Uses" (2). The bottom section, "CHAPTER 154: PLANNING AND ZONING", "R: Single Family District", lists "154.105 INTENT" and "154.106 PERMITTED USES". The "154.106 PERMITTED USES" section lists "Primary uses" (A) and "Special uses" (B). The flowchart indicates that "Primary uses" (A) lead to "do not need to rezone" and "Special uses" (B) lead to "do not need to rezone, but you will need to make application to the Area Board of Zoning Appeals (ABZA)".

ARTICLE 2 RESIDENTIAL DISTRICTS
SECTION 21-02 RESIDENTIAL DISTRICTS REGULATIONS
Section 21-02.01 SF1 Single Family and Two Family District.
 Intent – The SF1 District is established to protect, promote and maintain the development of single family dwellings and two family dwellings as well as to provide for limited public and institutional uses that are compatible with an urban residential neighborhood. The availability of public facilities (e.g., public water, public sanitary sewer, storm sewer, natural gas, electricity, telephone, etc.) is required for development within this district.

(a) Permitted Uses.
 (1) **Primary Uses.**
 (A) One (1) Single Family Dwelling.
 (B) Residential Facility for the Developmentally Disabled.
 (C) Residential Facility for the Mentally Ill.
 (D) Child Care Home (that is used as the primary residence of the person who operates the child care home).
 (E) Religious Use.
 (F) Public Park – Active or Passive. (Ord. No. 9513-04)
 (G) Private Park – Passive. (Ord. No. 9513-04)
 (H) Schools, Public or Parochial. (Ord. No. 9513-04)
 (I) Neighborhood Partnership.

(2) Special Exception Uses.
 (A) Educational Use: Incubator, Ministry, College.
 (B) Governmental Use: Incubator, Ministry, College.
 (C) Miscellaneous: Incubator, Ministry, College.
 (D) Public Facilities: Incubator, Ministry, College, Center, Funeral Home.

CHAPTER 154: PLANNING AND ZONING
R: Single Family District
R: SINGLE FAMILY DISTRICT
154.105 INTENT.
 The R: Single Family Districts are established to protect, promote and maintain the development of single family dwellings as well as provide for other limited residential, public and institutional uses that are compatible with residential development located at the periphery of an urban area. (Ord. No. 51-05, § 8.03.01A, passed 5-10-2005)
154.106 PERMITTED USES.
 (A) **Primary uses.**
 (1) Agriculture and related accessory uses, subject to the following development standard: lot shall not be less than five (5) acres in area;
 (2) Cemeteries;
 (3) Child care home (that is used as the primary residence of the person who operates the child care home);
 (4) Dwelling, single-family;
 (5) Golf courses, subject to the following development standard: lot shall be no less than 20 acres in area;
 (6) Libraries and community centers when affiliated with a public or governmental agency;
 (7) Meeting halls and offices for agricultural, horticultural, rural or conservation public agencies;
 (8) Parks, playgrounds and recreation areas (publicly owned or operated);
 (9) Religious uses;
 (10) Residential facility for the mentally ill;
 (11) Residential facility for the developmentally disabled;
 (12) Schools, non-boarding - nursery, elementary, junior high or high;
 (B) **Special uses.**

Do I need a variance?

If you have determined that your proposed use is allowed in the zoning district go to the **“Development Standards”** section of the zoning district to determine if your proposal meets the requirements for:

- ✓ Lot area, width, frontage and coverage
- ✓ Setbacks for the front, side and rear yards
- ✓ Structure heights, sizes and numbers

If your project doesn't meet one of these requirements you will need to apply to the Area Board of Zoning Appeals (ABZA) for a variance. Go to the following applicable link for the full application package:

St. Joseph County <http://sjcindiana.com/apc>
City of South Bend <https://southbend.in.gov/zoning>

(b) Development Standards.

(1) Minimum Lot Area:

- (A) Single Family Dwellings – 6,000 square feet.
- (B) Two Family Dwellings – 9,000 square feet.

Connection to public water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum Lot Width:

- (A) Single Family Dw
- (B) Two Family Dwe

(3) Minimum Lot Frontage – said public street or an ab from an alley which is op street.

(4) Maximum Lot Coverage -

(5) Minimum Yards and Buil

- (A) Front - a minimum proposed right-of-

Limited Access Hi
All Other Streets:

Ord. No.: 9495-04

154.107 GENERAL DEVELOPMENT STANDARDS

(A) Lot area. Lot area requirements shall be as follows:

- (1) Agricultural uses, not less than five (5) acres;
- (2) All other nonresidential uses, not less than one (1) acre, except as otherwise regulated in this chapter for a specific permitted primary or special use;
- (3) Single-family detached dwelling:

Ord. No. 51-05

9

Effective Date: June 13, 2005

CHAPTER 154: PLANNING AND ZONING R: Single Family District

(a) Not less than 21,780 square feet, or as may be required by the Indiana State Board of Health or the County Health Officer, whichever is larger, (Ord. No. 91-07, passed 10-9-2007)

(b) In a subdivision where all lots in the subdivision are served by a public or municipal sewerage system – not less than twelve thousand (12,000) square feet, or as may be required by the Indiana State Board of Health or the County Health Officer, whichever is larger;

(c) In a subdivision where all lots in the subdivision are served by public or municipal sewerage and water systems – nine thousand (9,000) square feet; and,

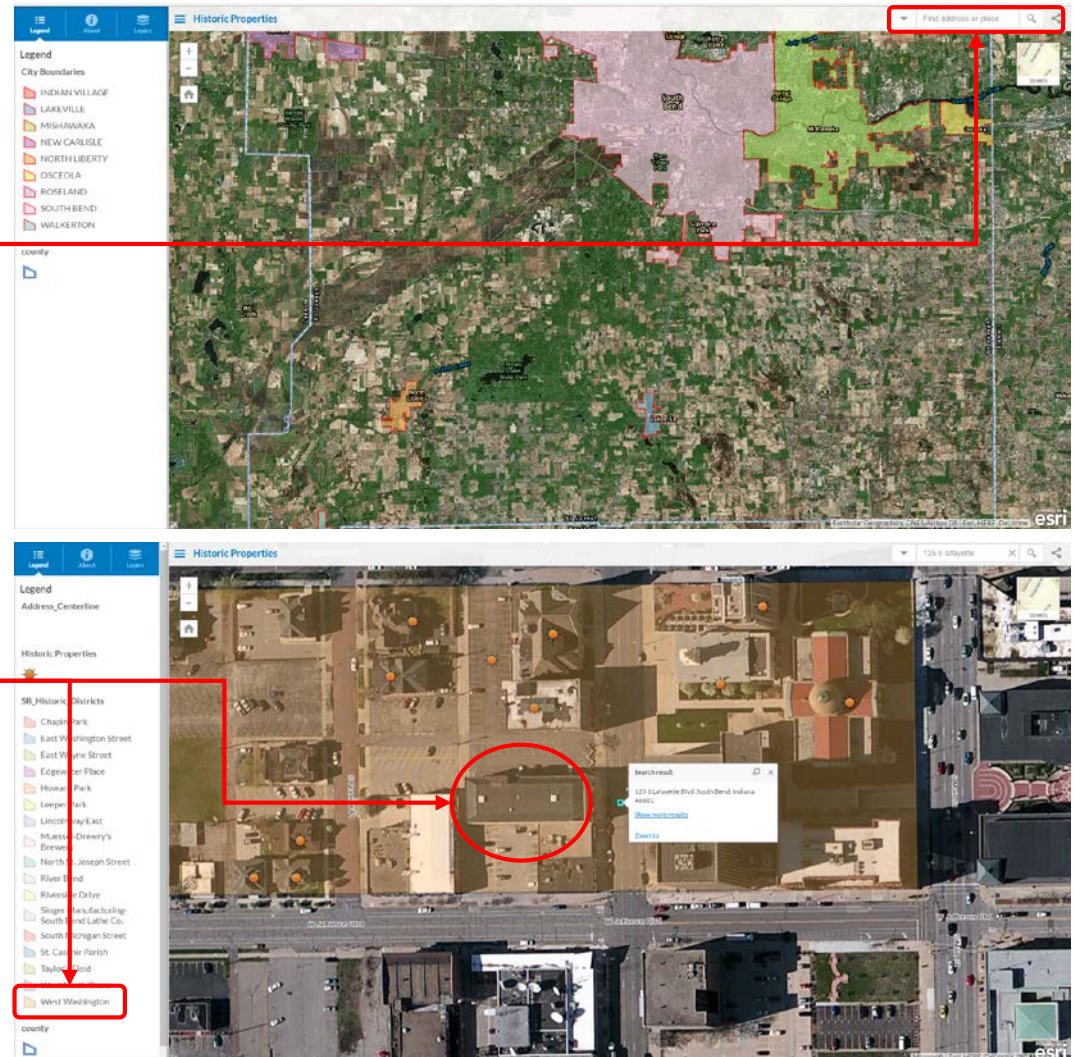
(d) In a subdivision platted after June 12, 2005, and where all lots in the subdivision are served by public or municipal sewerage and water systems – the greater of:

1. six thousand (6,000) square feet; or,
2. the minimum lot area requirement for the municipality which will provide the public or municipal sewerage and water systems, but, in no case, shall the required minimum lot area be greater than nine thousand (9,000) square feet.

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Does the property fall within an historic district?

1. To determine if the property is in an historic district go to the following link:
<http://stjocogis.maps.arcgis.com/apps/PublicInformation/index.html?appid=fe6f472405f14b468e2f983c83ecbba1>
 2. Type in the **address** of the property in the top right hand corner and hit "Enter".
 3. If the property is in an historic district it will be identified by the color covering the property. You can confirm the area using the legend on the left side of the window. You can also confirm if the property is an "Historic Property"
- In the screen shot to the right you will see that 125 S Lafayette is in the West Washington Historic District, but not an "Historic Property."
4. If the property falls within an historic district or is considered an "Historic Property" contact the Historic Preservation Commission to apply for any approvals you might need.
<https://www.southbendin.gov/government/departments/community-investment/historic-preservation-commission/>



Does the property fall within a design overlay area? CITY ONLY

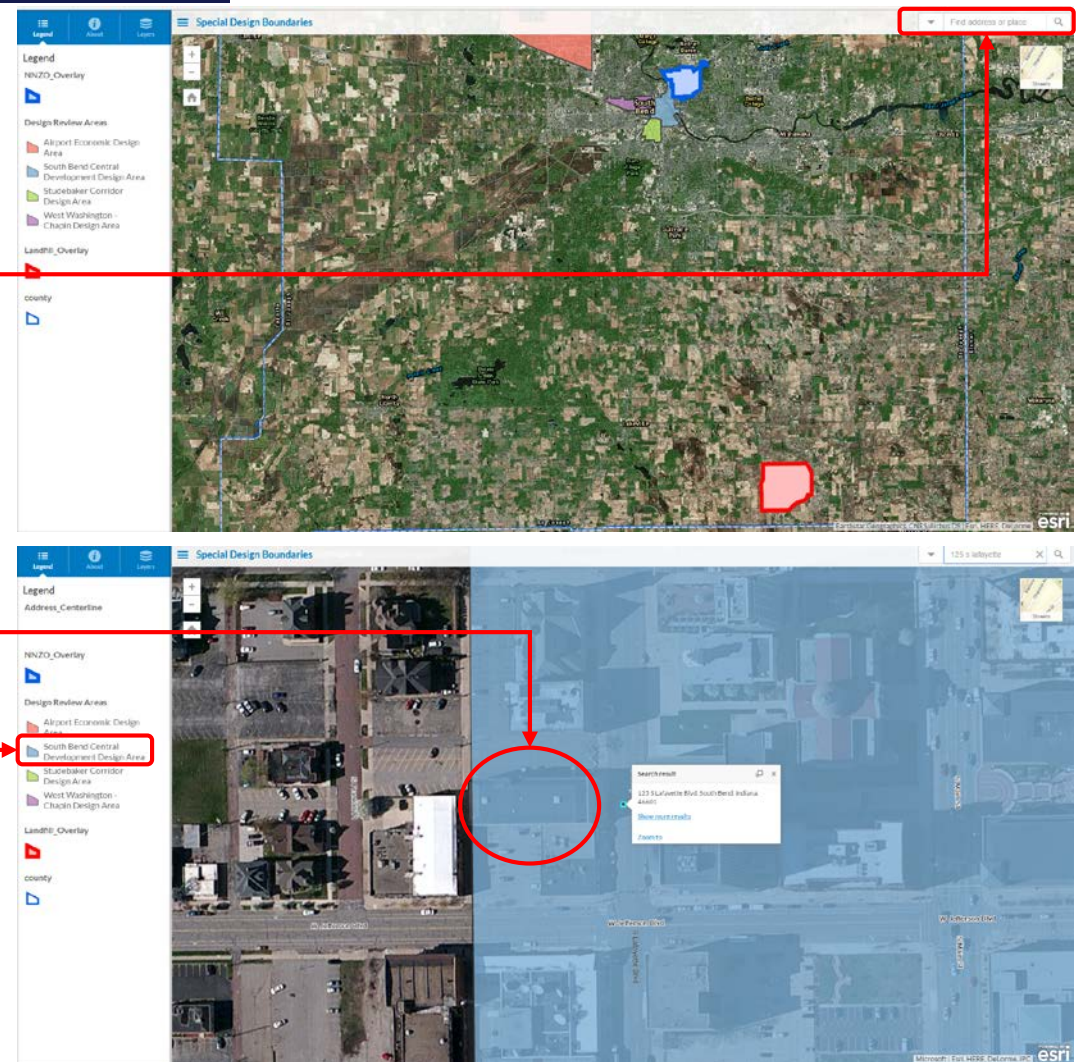
1. To determine if the property is in an overlay area go to the following link:

<http://stjocogis.maps.arcgis.com/apps/PublicInformation/index.html?appid=1b202bcd0e964c4496033d02012e0dba>

2. Type in the address of the property in the top right hand corner and hit "Enter".
3. If the property is in an overlay area it will be identified by the color covering the property. You can confirm the area using the legend on the left side of the window.

In the screen shot to the right you will see that 125 S Lafayette is in the South Bend Central Development Design Area

4. If the property falls within an Overlay Area you may need special approvals from the Area Plan Commission or Design Review Committee. Contact the Area Plan Commission for more information.
St. Joseph County <http://sjcindiana.com/apc>
City of South Bend <https://southbendin.gov/zoning>



Will the work protrude into a public right of way?

- You will need to confirm where the property lines are located and whether or not the proposed project will protrude past the property line into the public right of way.
- If the project will protrude you will need to get permission from the respective Public Works Department before applying for a permit.
- If the project will protrude you will also need to apply for variances. You can find out more about that here:
[St. Joseph County http://sjcindiana.com/apc](http://sjcindiana.com/apc)
[City of South Bend https://southbendin.gov/zoning](https://southbendin.gov/zoning)
- To find out how to apply with the City of South Bend Public Works Department visit the following link: <https://www.southbendin.gov/government/departments/public-works>
- To find out how to apply with St. Joseph County Public Works Department visit the following link: <http://www.stjosephcountyindiana.com/303/Public-Works>

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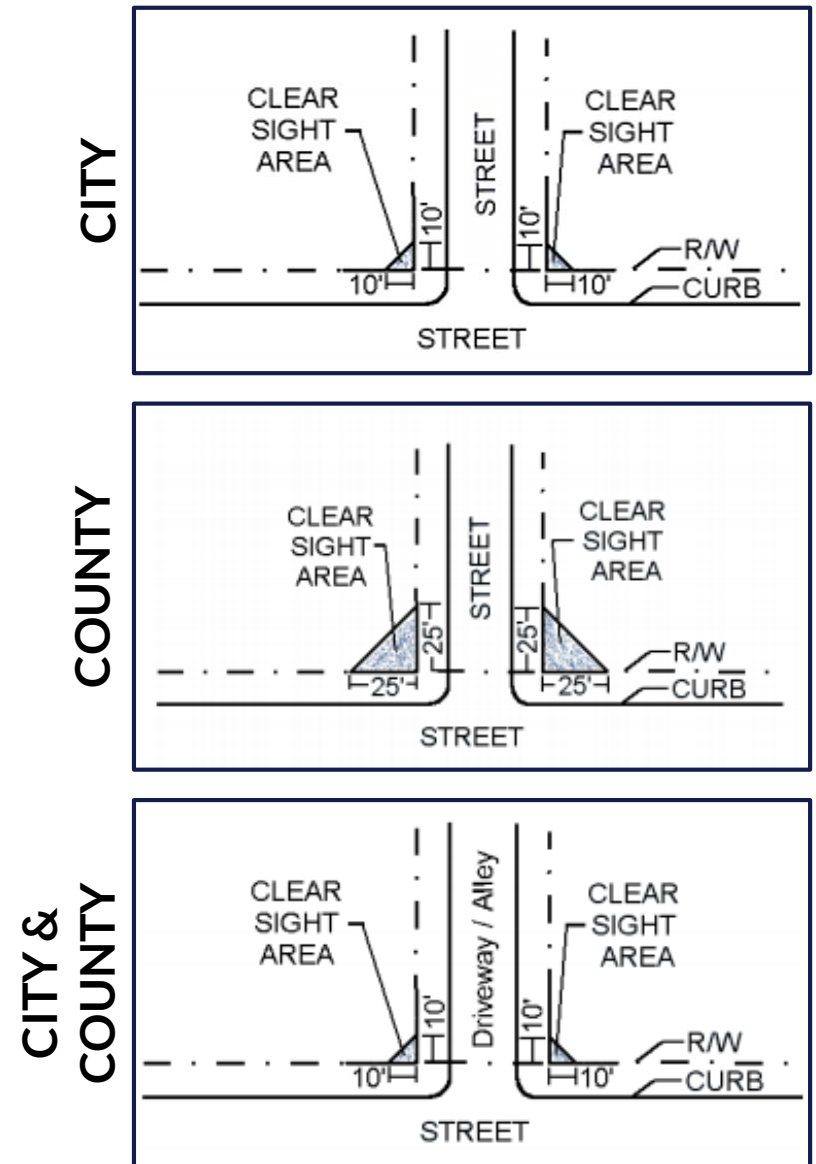
What other regulations do I have to be aware of?

- ✓ Clear Sight Area
- ✓ General Regulations
- ✓ Parking
- ✓ Landscaping
- ✓ Floodplains & Wetlands
- ✓ Who can do the work?
- ✓ Doing work without required permits

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Clear Sight Area

- Clear Sight Areas are on the corners where streets connect to other streets, alleys or driveways and/or sidewalks.
- Clear Sight areas are measured from property lines, which may not necessarily be at sidewalks, or street paving.
- Clear Sight Area regulations exist for safety reasons and CANNOT be varied.
- Clear Sight Area Rules for the City of South Bend can be found on page 8 and 9 here: <https://southbendin.gov/departments/community-investment/planning-community-resources/zoning/>
- Clear Sight Areas Rules for St. Joseph County can be found on page 19 here: <http://www.stjosephcountyindiana.com/DocumentCenter/View/1374>


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General Regulations

There are some general regulations that apply in multiple districts, and may require variation applications if not met. Links to these are below:

- City of South Bend general regulations for residential districts can be found here:
<https://southbendin.gov/department/community-investment/planning-community-resources/zoning/>
- St. Joseph County general regulations can be found here:
<http://www.stjosephcountyindiana.com/DocumentCenter/View/1374>

Parking Regulations

Every use requires a certain number of parking spaces, and parking areas have additional requirements for location, size, and surface type. Click on the applicable link below to double check that you are meeting parking requirements, or if you need a variance.

- City of South Bend parking regulations for can be found here:
<https://southbendin.gov/department/community-investment/planning-community-resources/zoning/>
- St. Joseph County general regulations can be found on here:
<http://www.stjosephcountyindiana.com/DocumentCenter/View/1422>

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Landscaping Regulations

Some uses require a additional landscaping. Click on the applicable link below to double check that you are meeting the landscape requirements, or if you need a variance.

- City of South Bend parking regulations for can be found here:
<https://southbendin.gov/departments/community-investment/planning-community-resources/zoning/>
- St. Joseph County general regulations can be found on here:
<http://www.stjosephcountyindiana.com/DocumentCenter/View/12266>

Floodplains & Wetlands

If your property is in a flood plain you may require additional approvals for any building on your lot. Click on the link below to connect to FEMA's web page and find out if you are in a flood plain. If you are click on the link to flood plain ordinances below to determine what regulations might apply to you. If you are unsure about what you need to do call the Building Department for more information.

- Verify if your property is in a floodplain here: <http://dnrmapping.dnr.in.gov/appsphp/fdms/>
- Floodplain ordinances can be found here: <http://www.stjosephcountyindiana.com/352/Zoning-Ordinances>
- Verify if you property is in a wetland here:
<http://stjocogis.maps.arcgis.com/apps/PublicInformation/index.html?appid=fdd445df825c47739d3cdc2a5379094f>

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Contractors and DIY

CONTRACTORS

Work requiring permits also requires a registered contractor. If you are not sure your contractor is licensed with our department, give us a call to verify. We cannot recommend companies, but we can tell you if they are licensed with us.

DIY

In some cases you can do your own work. Here is when this can or cannot happen:

1. Property owners may do their own construction
2. Property owners who also occupy the property may do their own electric, plumbing, and HVAC if they submit a signed affidavit assuming responsibility for the work, and that they will reside on the property for at least one (1) year after permit issuance.
3. If the property is for sale or rent, registered contractors must perform electric, plumbing, and HVAC work (these contractors must purchase their own work permits)
4. If the property is under land-contract a recorded copy of the land contract must be provided with permit applications, stating approval to make the proposed changes.

Want to become a licensed contractor? Visit our web page for more information:

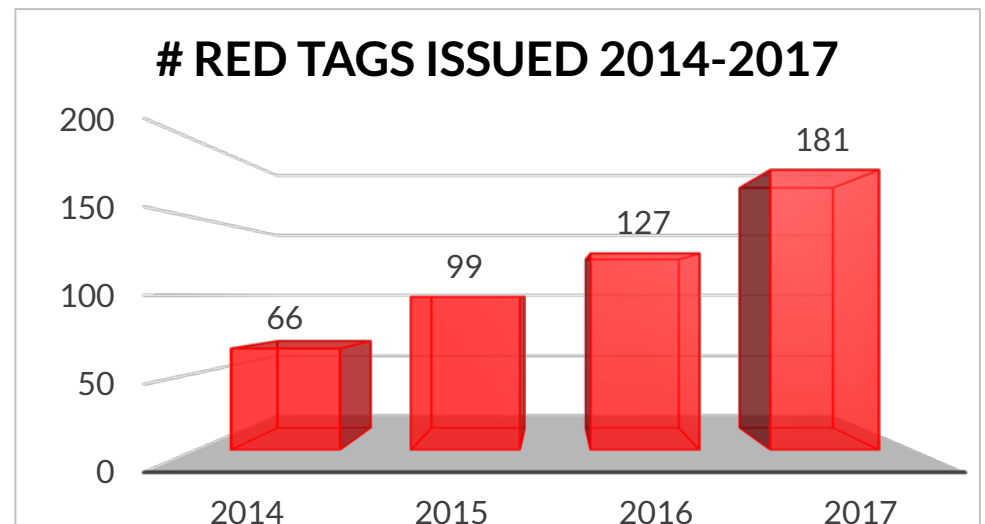
<https://www.southbendin.gov/government/content/contractor-licenses-0>

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Don't get RED TAGGED!

Work being done without applicable permits WILL BE subject to TRIPLE permit fees, with the additional possibility of zoning violation fines.



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What now?

Once you have:

- ✓ Confirmed you need a permit
- ✓ Your lot is buildable
- ✓ Your use is not prohibited in the zoning district

And

You have received the approvals if applicable from the:

- ✓ Historic Preservation Commission
- ✓ Design Review Committee
- ✓ Public Works Department
- ✓ Area Board of Zoning Appeals
- ✓ Area Plan Commission
- ✓ Other

And

You have verified your project meets:

- ✓ Clear Sight Area requirements
- ✓ Other general regulation, parking and landscape requirements
- ✓ Floodplain and wetland restrictions

You can submit your permit application to the Building Department in person, or by mail to
“Building Department, 125 S Lafayette Blvd, Suite 100, South Bend IN 46601”

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Permit Applications

Applications

Permit applications can be picked up at our office or found at the following link:
<https://www.southbendin.gov/residents/content/building-permits>

Fees

Fee amounts can be viewed at our office or at the link below:
<https://southbendin.gov/wp-content/uploads/2018/12/FeeSchedule-2019.pdf>

How long does it take to get a permit?

A residential permit can be issued the same day if the application form is completed properly, and includes all applicable supporting documents and fees.

Incomplete applications may be denied

Common errors in incomplete applications include:

- misinformation or missing information on the application form
- missing supporting documents
- missing approvals required before a permit can be issued
- listed contractors who are NOT licensed or who have expired licenses

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