

CODE OF ORDINANCES

City of

MUNCIE, INDIANA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 51-05, enacted August 1, 2005.

See the Code Comparative Table for further information.

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

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printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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TRAFFIC SCHEDULES

Sched. II

<i>Street A</i>	<i>Street B</i>	<i>Preferential Street</i>	<i>Number of Signs</i>	<i>Signals</i>
8th St.	Howell	A	1	403-78
8th St.	Meeker Ave.	A	2	
8th St.	Monroe St.	A	2	
8th St.	Mulberry St.	A	2	
8th St.	Penn St.	A	2	
8th St.	Pershing St.	A	2	
8th St.	Perdieu	B	1	403-78
8th St.	Perkins	A	2	51-05
8th St.	Pierce St.	A	1	
8th St.	Ribble Ave.	A	2	
8th St.	Rochester St.	A	2	
8th St.	Sampson St.	A	1	
8th St.	Shipleigh St.	A	1	
8th St.	Small Dr.	A	1	
8th St.	Spruce	A	1	403-78
8th St.	Utica St.	A	1	
8th St.	Vine St.	A	2	
8th St.	Wall Ave.	A	2	
8th St.	Wolf St.	A	1	
9th St.	Batavia Ave.	B	2	
9th St.	Beacon St.	A	1	
9th St.	Biltmore St.	A	2	
9th St.	Birch St.	A	2	
9th St.	Blaine St.	B	2	
9th St.	Cherry St.	A	2	
9th St.	Clark St.	B	2	
9th St.	Daly St.	B	2	
9th St.	Ebright St.	A	1	
9th St.	Elliott St.	A	2	
9th St.	Elm St.	B	2	
9th St.	Franklin St.	B	2	
9th St.	Gilman St.	B	2	
9th St.	Gharkey St.	B	2	
9th St.	Grant St.	A	2	
9th St.	Hackley St.	B	2	
9th St.	High St.	B	2	
9th St.	Hoyt St.	B	2	
9th St.	Jefferson St.	B	2	
9th St.	Liberty St.	B	2	
9th St.	Luick Ave.	B	2	
9th St.	Meeker Ave.	B	1	
9th St.	Monroe St.	A	1	
9th St.	Mulberry St.	A	2	
9th St.	Penn St.	A	2	
9th St.	Perkins Ave.	B	2	
9th St.	Pershing St.	A	1	

Sched. II

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<i>Street A</i>	<i>Street B</i>	<i>Preferential Street</i>	<i>Number of Signs</i>	<i>Signals</i>
9th St.	Pierce St.	A	2	
9th St.	Port Ave.	B	2	
9th St.	Ribble Ave.	B	2	
9th St.	Rochester Ave.	A	2	
9th St.	Sampson St.	B	2	
9th St.	Utica Ave.	B	2	
9th St.	Vine St.	A	1	
9th St.	Walnut St.	B	2	
10th St.	Batavia Ave.	B	2	
10th St.	Birch St.	A	2	
10th St.	Blaine St.	B	1	
10th St.	Cherry St.	A	2	
10th St.	Clark St.	B	1	
10th St.	Daly St.	B	2	
10th St.	Franklin St.	B	2	
10th St.	Gharkey St.	B	2	
10th St.	Gilman St.	A	2	
10th St.	High St.	B	2	
10th St. & Elliott St.	Hoyt Ave.	B	4	
10th St.	Jersey St.	B	1	
10th St.	Liberty St.	B	2	
10th St.	Penn St.	B	1	
10th St.	Perkins Ave.	B	2	
10th St.	Pierce St.	A	2	
10th St.	Port Ave.	B	2	
10th St.	Rochester St.	B	2	
10th St.	Sampson St.	B	2	
10th St.	Wall Ave.	B	1	
10th St.	Walnut St.	B	1	
11th St.	Batavia Ave.	B	2	
11th St.	Birch Ave.	A	1	
11th St.	Cherry St.	B	1	
11th St.	Clark St.	B	1	
11th St.	Daly St.	B	2	
11th St.	Franklin St.	B	2	
11th St.	Gharkey St.	B	2	
11th St.	Gilman St.	A	2	
11th St.	Hemlock	A	1	430-78
11th St.	High St.	B	2	
11th St.	Hoyt Ave.	B	2	
11th St.	Liberty St.	B	1	
11th St.	Mound St.	A	1	
11th St.	Penn St.	B	1	
11th St.	Perkins St.	A	2	
11th St.	Pierce St.	A	2	
11th St.	Port Ave.	B	2	

TRAFFIC SCHEDULES

Sched. II

<i>Street A</i>	<i>Street B</i>	<i>Preferential Street</i>	<i>Number of Signs</i>	<i>Signals</i>
11th St.	Rochester Ave.	B	2	

TRAFFIC SCHEDULES

Sched. IV

<i>Street</i>	<i>Between</i>	<i>Side</i>	<i>Ord. No.</i>
Walnut	180 ft. north of Memorial (12th) and Memorial (12th)	West	
Warrick	Riverside and Briar	Both	861-82
Washington	High and Liberty	Both	
Washington	High and Walnut	Both	49-85
Washington	Liberty and West Bridge	North	1492
Washington	Mulberry and Wolf	North	19-97
Washington	Talley and alley between Talley and College	North	
Washington	Walnut and Mulberry	South	201-76
Washington	White River and Cherry	North	
Washington	White River and High	North	
Wayne	Linden and New York	Both	8-92
Wayne	Linden and Reserve	North	8-92
West 8th	East curbline of Sampson and a point 437 feet east of the east curb line of Sampson	South	05-85
West 8th St.	Sampson Ave. and Hoyt Ave.	South	58-02
Wheeling	University and south to north	West	1487
Willard	Elm and east to Madison	South	1511
Willard	Walnut and west to Elliot	North	
Willow Road	Ethel Avenue and Godman Avenue	Both	4-93
Wills St.	Wheeling Ave., east 420 ft. thereof	North	27-05
White River	Wheeling and Nichols	Both	7-66
White River	Nichols and Tillotson	South	7-66
Woodridge	North curb line of Parkway and south curb line of Euclid	Both	
Wysor	Wheeling and Broadway	Both	
1st	Walnut and Jefferson	North	
1st	Walnut and Mulberry	South	
2nd	Walnut and Franklin	South	1628
3rd	Center and east to Madison	South	1464
3rd	Center and Madison	North	74-93
5th	Elliot and point 155 ft. east thereof	South	9-66

Sched. IV

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<i>Street</i>	<i>Between</i>	<i>Side</i>	<i>Ord. No.</i>
5th	Hoyt and Elliot	North	
5th	Sampson and Port	North	
6th	Liberty and Hoyt	North	
6th	Point 102 ft. west of High and point 128 ft. west of High (loading zone-10 minutes)	North	
6th	Small and Sampson	Both	
6th	West curb line of Madison and east curb line of Elm	South	
6th	Walnut and Liberty	South	
7th	Elliot and 723 West 7th	Both	
7th	Hoyt and first alley east of Hoyt	North	
7th	Walnut and High	North	
8th	Alley east of Walnut and alley west of Walnut	South	
8th	Elliot and Sampson	North	
8th	First alley east of Brotherton and Oakland	North	
8th	Hoyt and Elliot	Both	165-76
9th	Madison and beginning of bus zone	South	12-66
9th	Madison and Grant	South	58-97
9th	Madison east curb line and point 70 ft. east of Madison east curb line	South	
9th	Pierce and Elliot	South	
9th	Pierce (south leg) and Pierce (north leg) a distance of 175 ft.	Both	9-66
9th	Pierce (north leg) and Birch a distance of 254 ft.	South	9-66
9th	Point opposite alley between Madison and Monroe and point 40 ft. east thereof (bus zone)	South	12-66
9th	Between point 300 ft. east of Madison east r/w line and point 375 ft. east of Madison east r/w line	South	
9th	Between Sampson and south leg of Pierce a distance of 404 ft.	North	9-66

TRAFFIC SCHEDULES

Sched. IV

<i>Street</i>	<i>Between</i>	<i>Side</i>	<i>Ord. No.</i>
9th	Walnut and High	North	
10th	Walnut and High	North	201-76
11th	Walnut and High	North	201-76
12th	May and east to Burlington	North	1502
16th	Walnut to first alley east	South	28-91
18th	Macedonia Ave. and Mock Ave.	North	28-93
18th	900 ft. from west curbline of Mock Ave.	South	28-93
21st	Walnut and alley east of Madison	North	223-76
21st	Walnut and east to Hackley	North	1479
24th	Monroe and east to alley between Monroe and Madison	North	1266
26th	Mock and Meeker	North	
26th	Walnut and Macedonia	Both	

PART II. PARKING METER LOCATIONS

Parking meters shall be installed at the following locations:

Neeley Avenue. On the south side of Neeley Avenue from a point 760 feet west of the west curb line of New York Avenue to a point 40 feet west of the west curb line of New York Avenue.

New York Avenue. On the west side of New York Avenue from a point 370 feet south of the south curb line of Neeley Avenue to a point 30 feet south of the south curb line of Neeley Avenue.

Riverside. On the south side of Riverside Avenue from a point 200 feet east of the east curb line of Tillotson Avenue to a point 1,580 feet east of the east curb line of Tillotson Avenue.

University Avenue. On the north side of University Avenue from a point 180 feet east of the east curb line of Tillotson Avenue to a point 560 feet west to the east curb line of Talley Avenue extended north and from a point 40 feet east of the east curb line of Talley Avenue extended north to a point 300 feet east thereof.

University Avenue. On the south side of University Avenue from a point 180 feet east of the east curb line of Tillotson Avenue to a point 600 feet west of the west curb line of Talley Avenue north to a point 300 feet east thereof.

Talley Avenue On the east side of Talley Avenue from a point 30 feet south of the south curb line of University Avenue to a point 250 feet south thereof and from a point 30 feet south of the south curb line of North Street to a point 250 feet south thereof.

(Ord. No. 8-92, § 1, 4-6-92; Ord. No. 27-93, § 1, 7-12-93; Ord. No. 22-95, § 1, 7-10-95; Ord. No. 36-95, § 1, 8-7-95; Ord. No. 54-95, § 1, 9-11-95; Ord. No. 58-97, § 1, 12-1-97; Ord. No. 62-97, § 1, 1-5-98; Ord. No. 41-04, § IV, 10-4-04)

TRAFFIC SCHEDULES

Sched. X

SCHEDULE X: NO TURN ON RED (§ 70.17).

When signs are erected giving notice thereof, no person facing a steady red signal indication shall make a turn at the following intersections as indicated:

<i>Approach Street</i>	<i>Approach Intersecting Street</i>	<i>Direction of Flow</i>	<i>Direction of Turn</i>	<i>Ord. No.</i>
McKinley Ave.	Neely Ave.	Northbound	Right	
McKinley Ave.	Petty Rd.	Southbound	Right	
McKinley Ave.	Riverside Ave.	Northbound	Right	
McKinley Ave.	Riverside Ave.	Southbound	Right	
Mulberry St.	Washington St.	Northbound	Right	
Neely Ave.	McKinley Ave.	Westbound	Right	
Petty Rd.	McKinley Ave.	Eastbound	Right	
Riverside Ave.	McKinley Ave.	Eastbound	Right	
Wheeling Ave.	McGalliard Rd.	Northbound	Right	403-78

(Ord. No. 33-05, 6-6-05)

TRAFFIC SCHEDULES

Sched. XIII

<i>Street</i>	<i>Between</i>	<i>Weight Limit</i>	<i>Ord. No.</i>
Weber Dr.	Wheeling Ave. and New York Ave.	3 tons	
Wheeling Ave.	Wysor St. and McGalliard Rd.	3 tons	
White River Blvd.	Tillotson Ave. and Wheeling Ave.	3 tons	
Windsor St.	Dudley Ave. and Burlington Dr.	3 tons	223-76
6th St.	Rochester St. and Perkins St.	3 tons	601-80
7th St.	Clark St. and Batavia Ave.	3 tons	
8th St.	Madison St. and Macedonia Ave.	3 tons	223-76
8th St.	Ribble Ave. and May Ave.	3 tons	
9th St.	Madison St. and Hackley St.	3 tons	403-78
9th St.	Port Ave. and Batavia Ave.	3 tons	223-78
13th St.	Meeker Ave. and Rosemont Ave.	3 tons	201-76
13th St. (West)	Gharkey St. and 405 feet east therof	3 tons	19-05, 46-05
14th St.	Meeker Ave. and Rosemont Ave.	3 tons	201-76
16th St.	Macedonia Ave. and Mock Ave.	3 tons	
17th St.	Gharkey and Hoyt	3 tons	601-80
18th St.	Mock Ave. and Macedonia Ave.	3 tons	
21st St.	Macedonia Ave. and Blaine St.	3 tons	
25th St.	Macedonia Ave. and Mock Ave.	3 tons	
26th St.	Mock Ave. and Hackley St.	3 tons	
26th St.	Meeker Ave. and Chippewa Ln.	3 tons	
27th St.	Meeker Ave. and Chippewa Ln.	3 tons	

TRAFFIC SCHEDULES

Sched. XVI

SCHEDULE XVI: AUTOMATIC TRAFFIC SIGNALS (§§ 70.17, 70.18, 70.19)

The following intersections are controlled by automatic traffic signals:

<i>Street A</i>	<i>Street B</i>	<i>Major Street</i>	<i>Number of Signs</i>	<i>Ord. No.</i>
5th St.	Perkins	B	0	734-81
7th St.	Elliott St.	B	0	665-80
8th St.	Batavia Ave.	B	2	
8th St.	Hoyt Ave.	B	1	
8th St.	Walnut St.	B	2	
8th St. at	Chevrolet Plant	A	1	
9th St.	Madison St.	B	2	
15th St.	Madison St.	B	2	
15th St.	Walnut St.	B	2	9-89
18th St.	Macedonia Ave.	B	2	
18th St.	Madison St.	B	2	
21st St.	Madison St.	B	2	
23rd St.	Walnut	B		25-88
26th St.	Macedonia Ave.	B	2	
26th St.	Madison St.	B	2	
28th St./ 29th St.	Madison St.	B	2	8-89
29th St.	Macedonia	A	2	22-89
Adams St.	Hackley St.	B	2	19-89
Adams St.	High St.	B	2	
Adams St.	Liberty St.	A	2	
Adams St.	Madison St.	B	3	
Adams St.	Mulberry St.	B	2	
Adams St.	Walnut St.	B	2	
Barr St.	McGalliard Rd.	B	2	11-98
Batavia Ave. (SR #32)	Kilgore Ave.	B	2	
Batavia Ave.	Memorial Dr.	B	2	
Bethel Ave.	McGalliard Rd.	B	2	24-89
Bethel Ave.	McKinkley	A	0	734-81
Bethel Ave.	Tillotson Ave.	B	2	

Sched. XVI

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<i>Street A</i>	<i>Street B</i>	<i>Major Street</i>	<i>Number of Signs</i>	<i>Ord. No.</i>
Bethel Ave.	North Side Middle School	A	2	9-02
Brady St.	Centennial Ave.	B	2	403-78
Broadway (SR #3 SR 67)	Centennial Ave.	A	2	
Broadway (SR #3 SR 67)	Depauw Co. Rd	A	2	403-78
Broadway (SR #3 SR 67)	Highland Ave.	A	2	
Broadway (SR #3 SR 67)	McGalliard Rd.	A	2	
Burlington Dr.	Memorial Dr.	B	2	
Celia Ave.	Jackson St.	B	1	
Centennial Ave.	Wheeling Ave.	B	2	
Centennial Ave.	Walnut St.	B	2	
Charles St.	Hackley St.	A	1	
Charles St.	High St.	B	2	
Charles St.	Liberty St.	A	2	
Charles St.	Madison St.	B	2	
Charles St.	Mulberry St.	A	2	
Cowan Rd. & Port	Hoyt Ave.	A	1	
Elm St.	Wysor St.	B	2	
Euclid Ave.	Tillotson Ave.	B	2	
Franklin St.	Jackson St.	B	2	
Franklin St.	High St. & Wysor St.	B	2	
Franklin St.	Main St.	B	2	
Franklin St.	Washington St.	B	2	
Gharkey St.	Memorial Dr.	B	2	
Gilbert St.	Tillotson Ave.	B	2	7-89
Gilbert St.	Walnut St.	A	2	
Godman Ave.	Tillotson Ave.	B	1	

TRAFFIC SCHEDULES

<i>Street A</i>	<i>Street B</i>	<i>Major Street</i>	<i>Number of Signs</i>	<i>Ord. No.</i>
Memorial Dr.	Walnut St.	A	2	
Minnestriska/ Parkway	Wheeling	B		26-88
Mulberry St.	Washington St.	B	2	
New York	Riverside	B		936-82
Nichols Ave.	White River Blvd.	A	2	201-76
North St. & White River Blvd.	Wheeling Ave. & High St.	B	2	
Reserve St.	University Ave.	B	1	
Riggin Rd.	Wheeling Ave.	B	2	
Riverside Ave.	Tillotson Ave.	B	2	
Riverside Ave.	Wheeling Ave.	B	1	
Tillotson	Gilbert	A		49-83
Tillotson Ave.	University Ave.	A	2	
Tillotson Ave.	White River Blvd.	A	2	
University Ave. at	Ball State University Student Center	A	2	
University Ave. at	Burriss School	A	2	
Walnut St.	Columbus St.	A	1	903-82
Walnut St.	Washington St.	A	2	
Walnut St.	Willard St.	A	2	
Walnut St.	Wysor St.	A	2	

(Ord. No. 30-95, § 1, 7-10-95; Ord. No. 61-97, § 1, 12-1-97; Ord. No. 43-98, § 1, 9-14-98; Ord. No. 46-04, § 1, 12-6-04; Ord. No. 18-05, § 1, 3-7-05; Ord. No. 51-05, § 1, 8-1-05)

TRAFFIC SCHEDULES

Sched. XVII

SCHEDULE XVII: SPEED LIMIT ZONES (§ 72.16).

The following are designated as speed limit zones:

<i>Street A</i>	<i>Between</i>	<i>Speed Limit</i>	<i>Times</i>	<i>Ord. No.</i>
Barr St.	McGalliard Rd. to Colbert Dr.	25	All	16-05
Bethel Ave.	McGalliard Rd. and Everett Rd.	40		
Broadway	Wysor St. and Dartmouth Ave.	40	All	126-75
Clarksdale	Riverside to dead end	15	When children present	635-80
Colbert Dr.	Dunn Ave. to Linda Ln.	25	All	16-05
Dunn Ave.	Linda Ln. to Colbert Dr.	25	All	16-05
Haines Dr.	West of Linda Ln. 320 ft.	25	All	16-05
McCulloch Boulevard	Broadway Ave. and Elm St.	20	All	32-05
McGalliard Rd.	Tillotson Ave. and Granville Ave.	40		
McGalliard Rd.	Tillotson Ave. and a point 1,000 ft. east thereof	20		
Madison St.	Walnut St. and 28th St.	45	All	126-75
Martin Luther King, Jr. Blvd.	Tillotson Ave. and Cornbread Rd.	40	All	18-86
Pine St.	Linda Ln. to Westwood Rd.	25	All	16-05
River Rd.	Tillotson Ave. and Hawthorne Dr.	40	All	51-94
Rochester Ave.	Memorial Dr. and 15th St.	20	All	233-76
Varsity Avenue	Godman and Oaklyn	20	All	11-03
Westwood Rd.	Dunn Ave. to Colbert Dr.	25	All	16-05
Wheeling	McGalliard and Riggin	40	All	58-86
15th St.	Rochester Ave. west to dead end	20	All	223-76
17th St.	Hoyt and Gharkey	20	All	644-80
SR 32	1,000 feet east of the centerline of County Club Rd. to a point 200 feet east of the centerline of Grande Ave. (appx. 3919 feet)	50	All	DOT #3094084
	200 feet east of the centerline of Grande Ave. to a point 50 feet west of Manhattan Ave. (appx. 3816 feet)	45	All	DOT #3094084

(Ord. No. 51-94, § 1, 10-3-94; Ord. No. 32-05, 6-6-05)

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- Sec. 150.166. Permitted uses.
- Sec. 150.167. Performance standards.
- Secs. 150.168, 150.169. Reserved.

Division 20. IP Industrial Park Zone

- Sec. 150.170. General.
- Sec. 150.171. The plan.
- Sec. 150.172. Procedure.
- Secs. 150.173, 150.174. Reserved.

Division 21. Flood Areas

- Sec. 150.175. General.
- Secs. 150.176—150.179. Reserved.

Division 22. HPD Historic Preservation Zone

- Sec. 150.180. Purpose.
- Sec. 150.181. Permitted uses.
- Sec. 150.182. Permits.
- Secs. 150.183, 150.184. Reserved.

Division 23. AD Airport Development Zone

- Sec. 150.185. General.
- Sec. 150.186. Zone map.
- Sec. 150.187. Permitted uses.
- Sec. 150.188. Uses totally prohibited.
- Sec. 150.189. Marking and lighting.
- Sec. 150.190. Existing uses.
- Secs. 150.191—150.194. Reserved.

Division 24. SSS Student Social Service Zone

- Sec. 150.195. Permitted uses.
- Sec. 150.196. Lot width and area.
- Sec. 150.197. Front yard.
- Sec. 150.198. Side yard.
- Sec. 150.199. Rear yard.
- Sec. 150.200. Height.
- Sec. 150.201. Minimum floor area.
- Secs. 150.202—150.204. Reserved.

Division 25. MHR Mobile Home Residence Zone

- Sec. 150.205. General
- Sec. 150.206. Standards.
- Sec. 150.207. Permits.
- Secs. 150.208, 150.209. Reserved.

Division 26. Performance Standards

- Sec. 150.210. General.
- Sec. 150.211. Parking and loading.
- Sec. 150.212. Signs and outdoor advertising.
- Sec. 150.213. Gasoline service stations.
- Sec. 150.214. Swimming pools.
- Sec. 150.214.5. Development standards.

- Sec. 150.214.7. 29th Street and Madison Street Corridor development standards.

Division 27. Special Uses

- Sec. 150.215. General.
- Sec. 150.216. Procedure.
- Sec. 150.217. Mineral extraction.
- Sec. 150.218. Salvage yard.
- Sec. 150.219. Refuse disposal sites.
- Sec. 150.220. Planned unit development.
- Sec. 150.221. Truck terminals.
- Sec. 150.222. Home occupation.
- Sec. 150.223. Seasonal work camps.
- Sec. 150.224. Private outdoor camp.
- Sec. 150.225. Group housing.
- Sec. 150.226. Nursery/day care centers.
- Sec. 150.227. Multi-unit development.
- Sec. 150.228. Vegetative composting/mulching facility.
- Sec. 150.229. Reserved.

Division 28. Administration

- Sec. 150.230. General.
- Sec. 150.231. Administrative offices.
- Sec. 150.232. Administrative zoning officer.
- Sec. 150.233. Metropolitan plan commission.
- Sec. 150.234. Metropolitan board of zoning appeals.
- Secs. 150.235—150.239. Reserved.

Division 29. Definitions

- Sec. 150.240. General; terms and meanings.

DIVISION 1. GENERAL PROVISIONS

Sec. 150.01. Short title.

This chapter shall be known as the comprehensive zoning code.
(Code 1968, § 130.01)

Sec. 150.02. Purpose.

The purpose of this chapter is to encourage units of government to improve the health, safety, convenience, and welfare of their citizens and to plan for the future development of their community to that end.
(Code 1968, § 130.02; Ord. No. 934-82, 2-7-83)

Sec. 150.03. Authority.

The authority for the adoption of this chapter rests upon ic 36-7-4, and all amendments thereto.
(Code 1968, § 130.03)

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Sec. 150.04. Jurisdiction.

The provisions of this chapter shall apply to all the territory within the corporate limits of the city.

(Code 1968, § 130.04)

Sec. 150.05. Interpretation.

(A) General. The provisions of this chapter shall be minimum requirements. This chapter is not intended to abrogate any law, easement, covenant, or private agreement. Whenever the regulations provided in this chapter impose greater restrictions on the character of the use of buildings or lands than are imposed under any other law of this state, then the regulations established by virtue of this chapter shall prevail only if they assure the promotion of public health, safety, convenience and welfare of the citizens.

(B) Historic buildings and districts. Where preservation of existing conditions or restoration to original conditions consistent with the intent of an historic restoration project would constitute violations of the provisions of this chapter: a building on the National Register of Historic Places, a building within an established Historic District of the city, or other declared landmark of the state shall be exempt from such requirements that conflict with historic accuracy (refer to Article XI, Section 2 [section 150.180 et seq.]).

(Code 1968, § 130.05; Ord. No. 934-82, 2-7-83)

Sec. 150.06. Status of previous ordinances.

Any and all ordinances passed by the common council of the city, under the provisions of IC 36-7-4 previous to the enactment of this chapter, are repealed.

(Code 1968, § 130.07)

Sec. 150.07. Status of previous actions.

(A) Building permits. Where a building permit for a building or structure has been issued in accordance with existing laws prior to the enactment of this chapter, the building or structure may be completed according to the approved plans upon which the building permit was issued, provided construction is begun within 90 days after the enactment of this chapter and diligently pur-

sued to completion. The building or structure may, upon completion, be occupied under a certificate of occupancy by the use for which it was originally designated.

(B) Variances, exceptions, special uses. Where the board of zoning appeals has granted a variance, exception, or special use prior to the enactment of this chapter, the permitted variance, exception, or special use shall be implemented within 90 days from the granting thereof and pursued diligently to completion; otherwise, the granting of the variance, exception, or special use is automatically revoked.

(Code 1968, § 130.08)

Secs. 150.08, 150.09. Reserved.

Sec. 150.10. Conformance.

(A) Use. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, expanded or enlarged except in conformity with all the provisions of this chapter and after the necessary permits have been obtained.

(B) Height. No building or structure shall be erected or constructed, nor shall any existing building or structure be reconstructed, moved, expanded, or enlarged so as to exceed the height limitations established in this chapter.

(C) Lot coverage. No building or structure or its accessory uses shall be erected or constructed, nor shall any existing building or structure and its accessory uses be reconstructed, moved, expanded, or enlarged so as to occupy a greater percentage of a lot than the limits established in this chapter.

(D) Open space. No yard or open space or off-street parking or loading space provided about a building or structure for the purpose of complying with the provisions of this chapter shall be considered as providing yard, open space, or off-street parking or loading space for any other building or structure. No yard or lot existing at the time of the enactment of this chapter shall be reduced in dimension or area below the minimum

- or any one-or two-family dwelling, with a suitable buffer or fence not less than four feet in height.
- (2) All land used for off-street parking, and all driveways thereto, shall be paved or surfaced, for the duration of its use, in accordance with the most recent specifications of the city or county engineer to avoid nuisances of dust and erosion and shall be drained in a manner which shall meet the minimum required in such specifications.
 - (3) Any light used to illuminate land used for off-street parking or driveways thereto shall be installed and maintained so as to reflect the light away from any Residence Zone and any one-or two-family dwelling.
 - (4) Whenever the intensity of use of any building, structure or land shall be increased through the addition of dwelling units, floor area, beds, seating capacity or other unit of measurement, parking and loading facilities as required in the section shall be provided, but only to the extent of such increase.
 - (5) All off-street parking and loading facilities shall be designed with appropriate means of vehicular access to a public street or alley in a manner which will least interfere with traffic movement. No off-street parking space shall be designed to require backing of a vehicle into a public street.
-
- (6) All parking lots must have parking spaces designated for individuals with disabilities. The International Symbol of Accessibility must be clearly visible from the entrance of the lot and should designate each spot. The sign is to be located above the grade and placed so that it is visible when a vehicle is parked in the space.
 - a. At least two percent of all parking spaces in each lot must be accessible, in accordance with the standards of this paragraph. (See Table C-6) These spaces are to be on the shortest possible accessible route to an accessible building entrance. The parking spaces must be located on level terrain with surface slopes that do not exceed two percent in all directions.
 - b. Access aisles must be provided that have a minimum width of five feet and length of 20 feet, adjacent and parallel to the vehicle pull-up space. The design and layout of these spaces will follow guidelines indicated by Americans with Disabilities Act parking requirements diagram in the design manual.
 - c. For every eight accessible spaces, one space is to be marked for vans. Van parking spaces must have adequate vertical as well as horizontal clearance. This affects parking garage ceilings and potential obstacles such as tree limbs. A minimum height of 98 inches and width of 16 feet is required to accommodate both parking space and an access aisle.

Table C-6
 Minimum Number of Accessible Parking Spaces
 ADA Standards for Accessible Design 4.1.2(5)

<i>Total Number of Parking Spaces Provided (per lot)</i>	<i>Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)</i>	<i>Van Accessible Parking Space with min. 98" wide access aisle</i>	<i>Accessible Parking Spaces with min. 60" wide access aisle</i>
	<i>Column A</i>		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2

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<i>Total Number of Parking Spaces Provided (per lot)</i>	<i>Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)</i>	<i>Van Accessible Parking Space with min. 98" wide access aisle</i>	<i>Accessible Parking Spaces with min. 60" wide access aisle</i>
	<i>Column A</i>		
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**

* one out of every 8 accessible spaces

** 7 out of every 8 accessible parting spaces

- (7) Parking spaces and maneuvering aisles shall have the minimum dimensions set forth in the following table. The parking angle shall be measured between the centerline of the parking space and the centerline of the aisle.

Minimum Parking Space and Aisle Dimensions for Parking Areas

<i>Angle of Parking (Degrees)</i>	<i>Width of Parking Space (Feet)</i>	<i>Length of Parking Space (Feet)</i>	<i>Width of Maneuvering Aisle 1-Way (Feet)</i>	<i>Width of Maneuvering Aisle 2-Way (Feet)</i>
76 to 90	9	18	24	24
61 to 75	9	18	18	24
46 to 60	9	18	17	24
00 to 45	8	22	12	24

- (8) For parking areas containing 20 or more spaces, up to 15 percent of the required parking spaces may be landbanked as green space at the discretion of the owner/developer.

- (9) Off-street parking areas may be located in any front, side or rear yard area provided the following green belts are maintained:

Ten feet along any public roadway measured from the property line; and five feet along any side and/or rear property line adjacent to or abutting a residence zone.

No off-street parking area shall extend into any proposed right-of-way as set forth in the

official thoroughfare plan. Whenever any green belt and/or landscaped area, provided to meet the requirements of this section, is removed by a public road widening project, the property from which the green belt or landscaped area has been removed shall still be considered in compliance with this section.

(D) Off-street loading and unloading. There shall be provided and maintained space for vehicles standing, loading, and unloading on the same premises with every building, structure, or part thereof hereafter erected, established, or enlarged and occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store,

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market, hotel, laundry, dry cleaning, and uses involving the receipt and distribution by vehicles of material or merchandise, as follows: 12-foot by 35-foot loading space with fourteen-foot height clearance for every 20,000 square feet or fraction thereof of floor area in excess of 6,000 square feet of floor area used for the above mentioned purposes, or for every 20,000 square feet or fraction thereof of land used. This requirement shall be separate and apart from any and all other off-street parking requirements.

(E) Off-street parking. The following off-street parking requirements shall be provided and maintained in conformity with the provisions of this chapter:

- (1) Airport One parking space for every two employees plus one parking space for every four seats.
- (2) Apparel shop One parking space for each 303 square feet of gross floor area (3.3/1,000 GFA)
- (3) Apartments Two parking spaces for each dwelling unit
- (4) Apartment hotel One parking hotel space for each sleeping room
- (5) Auditorium One parking space for each four seats based on the maximum seating capacity, including fixed and moveable seats
- (6) Auto sales One parking space for each 1,000 square feet used for retailing
- (7) Auto sales/ repair One parking space for each 400 square feet of gross floor area (2.5/1000 GFA) plus two and one-half (2.5) spaces for each 1,000 square feet of external display area plus three spaces for each service bay
- (8) Bakery One parking space for each 303 square feet of gross floor area (3.3/1000 GFA)

- (9) Bank One parking space for each 400 square feet of floor area
- (10) Barber shop Two parking spaces for each treatment station, but not less than four spaces for each 1,000 square feet of gross floor area (4/1,000 GFA)
- (11) Beauty parlor Two parking spaces for each treatment station, but not less than four spaces for each 1,000 square feet of gross floor area (4/1,000 GFA)
- (12) Billiard room Parking spaces equal in number to 30 percent of the capacity of persons
- (13) Bowling alley Three parking spaces for each lane, plus one parking space for every six spectator seats.
- (14) Bus station One parking space for each ten seats in waiting room, plus one parking space for each two employees of connected retail use
- (15) Boarding house One parking space for each sleeping room
- (16) Cemetery One parking space for each two employees
- (17) Clinic One parking space for each two employees plus three parking spaces for each doctor.
- (18) Church One parking space for each six seats in main auditorium.
- (19) Club house One parking space for each two sleeping rooms.
- (20) Cold storage One parking space for each 400 square feet of gross floor area (2.5/1,000 GFA)

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(21) Community center	Parking spaces equal in number to 30 percent of the capacity in persons	(34) Dwelling with roomers	Two parking spaces for roomers each dwelling unit plus one parking space for each room rented to persons not members of the resident family
(22) Country club	One parking space for each two employees, plus three parking spaces for each golf hole	(35) Fire stations	One parking space for each three employees on shift
(23) Convalescent or nursing home	One parking space for each eight beds, plus one parking space for each two employees	(36) Flower shop	One parking space for each 303 square feet of gross floor area (3.3/1,000 GFA)
(24) Dancing academy	One parking space for each 250 square feet of gross floor area (4/1000 GFA)	(37) Fraternity	One parking space for each three active members or dormitory residents, plus one parking space for each two employees other than residents
(25) Delicatessen	One parking space for each 303 square feet of gross floor area (3.3/1000 GFA)	(38) Funeral home	One parking space for each 400 square feet of gross floor area
(26) Department store	One parking space for each 303 square feet of gross floor area (3.3/1000 GFA)	(39) Furniture store	One parking space for each 1,000 square feet of gross ground floor area plus one parking space for each 1,500 square feet of the gross area floors other than the ground floor used for sales, displays, or show purposes
(27) Dormitory	One parking space for each two sleeping rooms.	(40) Food market	One parking space for each 333 square feet of gross floor area (3/1,000 GFA)
(28) Dormitory student	One parking space (student) for each three dormitory residents plus one parking space for the supervisor.	(41) Food market	One parking space for each 250 square feet of gross floor area (4/1,000 GFA)
(29) Dressmaking	One parking space for each 417 square feet of gross floor area (2.4/1000 GFA)	(42) Greenhouse	One parking space for each three employees plus one space for each 333 square feet of sales area (3/1,000 square feet of sales area)
(30) Dry cleaning	One parking space for each 417 square feet of gross floor area (2.4/1000 GFA)	(43) Grain elevator	One parking space for each two employees
(31) Drugstore	One parking space for each 250 square feet of gross floor area (4/1000 GFA)		
(32) Dwelling	Two parking spaces for each dwelling unit		
(33) Two-family dwelling	Two parking spaces for each dwelling unit		

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(44) Gymnasiums	Parking spaces equal in number to 30 percent of the capacity of persons	(56) Mobile home park	One parking space for each two employees plus two parking spaces for each mobile home
(45) Hospital	One parking space for each 2.5 employees plus one space for each five average daily outpatient visits plus one space for each four staff members plus one space for each three beds	(57) Motel	One parking space for each sleeping room plus one space for each two employees
(46) Home occupation	One parking space in addition to residence requirements	(58) Museum	Parking space equal in number to 30 percent of the capacity of persons
(47) Hotel	One parking space for each three employees, plus one parking space for each sleeping room	(59) Night club	Parking spaces equal in number to 30 percent of the capacity of persons
(48) Industrial park	One parking space for each two employees on the largest shift	(60) Nursery (day)	One parking space for each two employees, plus one parking space for each five children enrolled.
(49) Industrial uses	One parking space for each two employees	(61) Office—Business	One parking space for each 303 square feet of gross floor area (3.3/1,000 GFA)
(50) Junkyard	One parking space for each two employees.	(62) Office—Professional	One parking space for each 303 square feet of gross floor area (3.3/1,000 GFA)
(51) Kindergarten	One parking space for each two employees plus one parking space for each five children enrolled	(63) Outdoor business—Recreation use	One parking space for each three employees plus one space for each 1,000 square feet of use area
(52) Laboratory	One parking space for each two employees	(64) Penal institution	One parking space for each three employees plus one parking space for each ten inmates.
(53) Laundry	One parking space for two washer and dryer machines	(65) Photo studio	One parking space for each 417 square feet of floor area (2.4/1,000 GFA)
(54) Lodge	Parking spaces equal in number to 30 percent of the capacity of persons	(66) Physician's office	One parking space for each employee and ten additional spaces per physician.
(55) Library	One parking space for each 333 square feet of gross floor area (3/1,000 GFA)	(67) Police station	One parking space for each three employees on shift

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(68) Public utility	One parking space for each two employees, plus spaces adequate in number (as determined by the Delaware-Muncie Metropolitan Plan Commission), to serve the visiting public	(77) Shoe repair	One parking space for each 417 square feet of gross floor area (2.4/1,000 GFA)
(69) Radio station	One parking space for each employee in the largest shift	(78) Shopping center	One parking space for each 200 square feet of gross floor area (5/1,000 GFA)
(70) Railway station	One parking space for ten seats in waiting room, plus one parking space for each two employees of connected retail use.	(79) Slaughterhouse	One parking space for each two employees
(71) Recreational club	One parking space for each three rooming units, plus parking spaces equal in number to 30, of the capacity of persons of the club	(80) Sorority	One parking space for each three active members or dormitory residents, plus one parking space for manager, plus one parking space for each two full-time employees other than students
(72) Restaurant	One parking space for each 100 square feet of gross floor area (10/1,000 GFA)	(81) Sanitarium	One parking space for each six patient beds, plus one parking space for each staff or visiting doctor, plus one parking space for each four employees, including nurses
(73) Riding stable	One parking-space for each 5,000 square feet of lot area	(82) Tavern	Parking spaces equal in number to 30 percent of the capacity of persons
(74) School	One parking space for each member of the staff, plus one parking space for each six auditorium seats	(83) Theatre	One parking space for each six seats up to 400 seats, plus one parking space for each four seats above 400.
(75) School, nursery	One parking space for each two nursery employees	(84) Theatre, outdoor	One parking space for each two employees, plus one parking space for manager
(76) School, high	One parking space for each two faculty members and other full time employees, plus one parking space for each ten students based on the maximum number of students attending classes on the premises at any one time during any 24-hour period	(85) Tourist home	One parking space for each two employees, plus one parking space for each sleeping accommodation.
		(86) Truck terminal	One parking space for each two employees, plus four parking spaces for customers.

- (87) Veterinarian Two parking spaces for each three animal cages or pens.
- (88) Video store One parking space for each 250 square feet of gross floor area (4/1,000 GFA)
- (89) Warehouse One parking space for each two employees

For uses not listed, the most similar category shall be used as determined by the Administrative Zoning Officer. The following standards and categories shall be used for retail:

- General retail 3.3 spaces per 1,000 GFA
- Convenience retail 4 spaces per 1,000 GFA
- Service retail 2.4 spaces per 1,000 GFA
- Temporary retail 3.3 spaces per 1,000 GFA

(F) Special conditions. A church may, by agreement approved by the administrative zoning officer and filed with the plan commission office, use adjoining parking facilities when the same are not in use, instead of providing its own. A group of business or industrial uses may provide a joint parking area if the number of spaces in the area equals or exceeds the aggregate of the spaces required for the several uses. Where there may be more than one use in the same building or structure, the total off-street parking requirement shall be the sum of the requirements specified herein for each of the various uses. (Code 1968, § 130.231; Ord. No. 12-95, §§ 1—3, 5-8-95; Ord. No. 50-04, § 1, 4-4-05)

Sec. 150.212. Signs and outdoor advertising.

- (A) Purpose.
 - (1) The purpose of this section is to promote and protect the public health, welfare, and safety of the community and its people by regulating existing and proposed outdoor advertising and outdoor signs of all types.
 - (2) This section is also intended to protect property values; create a more attractive and economically vital business climate;

enhance and protect the physical appearance of the community; preserve the scenic and natural beauty; and to provide more enjoyable and pleasant living conditions. The intent of this section is also to reduce the incidence of signs or advertising distractions which may contribute to traffic accidents by their placement.

- (B) General provisions.
 - (1) General definition of sign. Hereafter a general definition of a "sign" shall mean an identification, description, illustration, or device which is affixed to or erected upon a property or tract of land, a building or a structure, and which directs attention to a product, place, activity, service, institution, or business. All supports, poles, wires, and other sign apparatus shall be defined as part of a sign, and shall be referred to as sign apparatus.
 - (2) Existing signs—Conforming.
 - (a) Definition. A "conforming sign" is a sign which meets the provisions established in the Code.
 - (b) Provisions. The lawful location and maintenance of conforming signs existing at the time of the enactment of this Code and any amendments thereof may be continued provided that the following conditions are met: That the existing sign is not expanded or reduced in size, or relocated in such a manner that would make the existing sign unlawful; that no additional signs are placed on the same sign apparatus, upon which the existing sign is located, in such a manner that would make the existing sign or sign apparatus unlawful; that an approved sign permit was obtained for the existing sign. When changes to an existing conforming sign are necessary, no such existing sign shall be expanded or reduced in size, or relocated without first obtaining an approved sign permit from the administrative zoning officer.

- (2) General objectives: Sites to be developed shall be of such character that they can be safely used for building purposes without danger to the public health or safety, or peril from fire, flood or other causes. Vegetative screening shall separate commercial and industrial uses from residential properties. Site development should accomplish the following objectives:
- (a) Adequate and safe vehicular and pedestrian circulation between the site and the public street network.
 - (b) Safe and adequate interior site vehicular and pedestrian circulation, parking and loading facilities.
 - (c) Year-round accessibility.
 - (d) Environmentally sensitive areas shall be protected and left undisturbed.
 - (e) Adequate drainage facilities.
 - (f) Mitigation of the adverse effects of spillover light, smoke, noise, glare, vibration, odors, or noxious and offensive uses.
- (3) Standards. Developments shall comply with the following standards and the provisions of this chapter. Where standards may conflict, the following standards shall prevail.
- (a) Green belt:
 - 1. As a minimum, that portion of any lot which is within ten feet of, and immediately adjacent to, the existing or proposed right-of-way of any public roadway shall be reserved as a green belt. Green belt areas shall be composed of grass and/or softscape treatment only, except that it may include pedestrian walkways provided the walkway does not occupy more than 25 percent of the green belt area and green space is maintained on both sides of the walkway. Access roads and driveways may cut through a green belt area perpendicular to the public roadway or parallel to a lot line without replacement requirements. If access roads and driveways are located within a green belt area in any other manner, the green belt area shall be increased by at least an equal amount of area.
 - (b) Access:
 - 1. Access roads. An access road shall mean a private roadway, providing ingress/egress for vehicles to enter and/or leave a lot from a public roadway, which provides access to more than one building, lot or use.
 - 2. Driveway. A driveway shall mean a private entrance, providing ingress/egress for vehicles to enter and/or leave a lot from a public or private access road, which provides access to one building, lot or use.
 - 3. Pedestrian facilities. Pedestrian facilities shall mean walkways providing access from building entrance to building entrance, parking area to building entrance, and/or parking area to parking area.
 - 4. Construction and maintenance. All facilities (access, drive, pedestrian) shall be constructed and maintained so as to provide year round access and so that it will be maintained free of dust and debris.
 - 5. Design. Points of access shall be combined wherever possible to minimize the number of access points onto public roadways. There shall be a maximum of two points of access per street frontage. The minimum maintained width of an access road shall be 18 feet for two-way traffic and ten feet for one-

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- way traffic. Where a proposed access road lies within 30 feet of an existing three-way public or private road intersection, the centerline of the access road shall be in line with the centerline of such intersecting road. Wherever possible, access roads and driveways shall be designed so as to avoid funneling traffic into single family residential areas. Except for industrial uses, access roads and/or driveways shall be designed to allow for interconnection among and between contiguous lots in order to minimize turning movements onto and from public roadways. Except for industrial uses, pedestrian facilities shall be designed to allow for interconnection among and between developments and within a development to minimize conflicts with vehicular traffic and to promote safe and efficient access from entrance to entrance to parking areas. All facilities (access, drive, pedestrian) shall be constructed under design standards approved by the city engineering department.
- (c) Lighting: Lighting provided on the site to ensure safe movement of persons and vehicles and for security purposes shall conform to the following:
1. All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties. All lights shall be of a "cut-off" type with the lighting element completely shielded on all sides and top, excluding historic ornamental light fixtures and globes.
 2. The maximum height of free standing lights shall not exceed 20 feet when within 200 feet of one- and two-family use and shall not exceed 30 feet when located more than 200 feet from one and two-family use.
 3. The maximum height of lighting fixtures for pedestrian areas, including sidewalks adjacent to streets, is to be 16 feet. These fixtures should be placed every 50 feet.
 4. Site lighting shall be of uniform design and materials, and shall compliment the architecture and landscape of the developed site.
 5. Lighting within gas station canopies and adjacent to residential areas shall be of a "downlighting" type with a light element completely shielded on all four sides and top.
 6. Lighting shall not cause illumination of adjacent residential properties and shall provide warm white lighting. Lights shall be located to provide maximum visibility and safety.
- (d) Trash collection areas:
1. Trash collection areas shall be effectively screened from public roadway view and view from adjacent noncommercial, non-industrial properties.
 2. Trash collection areas shall be located where their use will not interfere with traffic circulation of a public roadway or an access roadway.
- (e) Outside storage:
1. Permanent outside storage of supplies and materials shall be screened from public roadway view and from the view from adjacent noncommercial, non-industrial properties and uses. This provision shall not apply to the outside display of mer-

- chandise nor to temporary outside storage of supplies and materials used during on-site construction activities.
2. Outside display of merchandise shall not be closer than ten feet to any public roadway right-of-way line, existing or proposed. Outside display of merchandise shall be reasonably screened from the view of adjacent non-commercial, nonindustrial properties and uses.
 3. No outside storage of supplies and materials or outside display of merchandise, and accompanying screening, shall be placed in a manner which would impede visibility at points of ingress/egress.
- (f) Landscaping screening, planting and preservation. All portions of properties that are not intended for development shall remain in their natural state or be suitably landscaped with planting of trees (shade or ornamental), shrubbery, ground cover, grasses, mulches, etc. Landscaping shall minimize erosion and stormwater runoff, provide necessary buffering and generally serve to blend the proposed use with the character of the surrounding natural area. The following landscaping standards shall be met.
1. Landscaping materials selected shall be appropriate to local growing and climatic conditions. Native species of plants shall be included in the plan whenever possible. Whenever possible, natural vegetation shall be maintained by appropriate construction practices and site layout. To provide for easier and more cost efficient maintenance, the following trees, which are prone to disease, excessive breakage, and other problems, shall not be used and/or planted as a part of any required landscape plan: acer negundo, box elder, acer saccharinum, silver maple; ailanthus altissima, tree-of-heaven; morus species mulberry; populus deltoides, cottonwood; and ulmus pumila, siberian elm. To protect the landscaping investment, care should be given to appropriate placement of trees to allow for growth of the root system without adversely affecting other improvements and adequate area for capturing rainfall.
 2. Whenever appropriate, existing trees should be conserved and integrated into the plan. Healthy trees with diameters of 12 inches or greater, measured at four feet above grade, shall be marked on the plan and preserved to the extent possible. Where it is necessary to remove such mature trees, replacement trees shall be planted throughout the site at a ratio of two new trees for each one removed. These replacement trees may count toward meeting the tree planting requirements set forth for the green belt and for parking spaces. Replacement trees shall meet the following requirements: shade trees shall have a minimum three-inch trunk diameter at three feet above grade, a minimum height of seven feet and branching no lower than $\frac{1}{3}$ the height of the tree; ornamental trees shall have a minimum two-inch trunk diameter at two feet above grade, a minimum height of five (5) feet and branching no lower than $\frac{1}{3}$ the height of the tree; and evergreen trees shall

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- have a minimum height of seven feet and a width not less than 60 percent of the height.
3. Except where the standards of section 150.214.7 apply, landscape treatments shall be required based on the following:
Green belts, as defined herein, where landscaping shall include either shade and evergreen trees and/or ornamental trees as follows: One shade/evergreen tree for each 50 feet of frontage with a minimum diameter of two inches measured at six inches above grade; or one ornamental tree for each 35 feet of frontage with a minimum diameter of one and one-half to two inches measured at six inches above grade. The location of such trees is at the discretion of the developer/owner provided the required ratio is met and the trees are located in the green belt area.
Foundations, where foundation planting shall be equal to a minimum of five feet of landscaped area and three feet of sidewalk area for a minimum total of eight feet in depth along the front wall of the building and, for a corner lot, along the side street wall of the building, excluding entryways and loading areas.
Parking spaces, where the total number of trees planted on-site shall, at a minimum, equal one tree for each ten parking spaces. The location of such trees, which may include replacement trees, buffering trees and green belt trees, is at the discretion of the owner/developer provided the required ratio is met.
Peripheral areas, where there shall be a peripheral vegetated
 - buffer strip a minimum of ten feet in depth, excluding areas subject to the green belt requirement, along any lot line abutting a noncommercial, nonindustrial property.
 4. Planting and/or other landscape treatments (walls, fences, berms) shall be required, and permanent maintained, when abutting one- and two-family usage to accomplish an immediate buffer at least five feet in height. When abutting an undeveloped residence zone permitting one- and two-family dwellings, plantings and/or other landscape treatment shall be required to accomplish a buffer at least five feet in height within three growing seasons.
 5. Landscape requirements refer to either softscape treatment such as greenery, plants, grass, and trees or to landscape such as decorative stone, brick, and masonry walls, except in the green belt area where softscape treatment is required. Generally, plants shall be spaced apart at distances no greater than two times the width of the plant at maturity.
 6. All required landscaping shall be installed prior to the issuance of a certificate of occupancy. If it is not possible to install the required landscaping due to weather conditions or other circumstances, all landscaping shall be installed within eight months of the first occupancy of the buildings on the site. Surety may be required to ensure installation, such as, but not limited to, bonds, letters of credit, or personal guaranties.
 7. It shall be the responsibility of owners and their agencies to

ensure proper maintenance of the landscaping. This is to include replacing plantings, with identical varieties or a suitable substitute, which die during the first growing season following their installation.

(g) Visibility at intersections:

1. Regardless of any provision of this section, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three feet and ten feet above the centerline grades of intersecting public roadways in an area bounded by the right-of-way lines of such intersecting streets and a line adjoining points along said intersecting right-of-way lines 30 feet from the point of intersection of said right-of-way lines.

(C) Appeals.

- (1) Appeals. An owner may appeal any decision rendered in connection with this section to the board of zoning appeals or request a variance from a development standard under established schedules and procedures set forth in section 150.230 et seq. Whenever an owner has filed an appeal from standards contained elsewhere in this chapter with the intent to comply, in whole or in part, with the standards contained in this section, such intention to comply with the standards contained in this section shall be deemed a reason in support of such appeal.

(Ord. No. 11-95, § 1, 5-8-95; Ord. No. 50-04, § 1, 4-4-05)

Sec. 150.214.7. 29th Street and Madison Street Corridor development standards.

(A) *Purpose.* The purposes of this section are to:

- (1) Implement the land use and urban design elements of the adopted comprehensive plan;

- (2) Encourage quality development along the designated corridors;
- (3) Complement public investment in new gateways and other features on corridors in South Muncie; and
- (4) Support current efforts to revitalize and redevelop South Muncie.

(B) *Applicability.*

- (1) *Applicability to corridors.* The standards set forth in this section shall apply to development and building along 29th Street from the Muncie Bypass to the eastern right-of-way line of South Madison Street and along South Madison Street, from the city limits, as they may be extended from time to time, to the southern right-of-way line of Memorial Drive, also known as 12th Street. Development affected by this section shall include any development in any industrial or business zoning district, any permitted multi-family development in a residential zoning district and any other development or use requiring a special use permit in a residential zoning district, excluding home occupations. For purposes of this section, development shall be considered to be "along" one of these corridors and controlled by these regulations if any of the following apply:
 - (a) The property on which the development or building will occur has direct access to and/or frontage on either or both of these corridors;
 - (b) If located in an area where the land has not been platted into blocks, the property on which the development will occur is located within 500 feet of either of these corridors; and
 - (c) If any portion of a parcel is subject to this section, as defined in the two previous paragraphs, then the entire parcel will be subject to these development standards.
- (2) *Types of development.* The development standards contained in this section shall apply to all development other than one and two family residential. No new build-

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ing or structure shall be constructed or used in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used unless the requirements of this section are met subject to the following conditions:

- (a) Enlargements or alterations which result in a greater than ten percent increase in the ground coverage or a greater than 25 percent increase of the floor area require compliance with this section.
- (b) Changes in the use of existing buildings, structures or land shall require compliance with this section.
- (c) Restoration of an existing building, structure that has been damaged or destroyed by any means shall be permitted without conforming to the requirements of this section provided the restoration does not increase the ground coverage that was occupied by the structure being replaced by more than ten percent and/or the restoration does not increase the floor area by more than 25 percent.

(C) *General design standards.*

(1) *Streetscape and pedestrian accessibility.*

- (a) Sidewalks shall be six feet wide along 29th Street and Madison Street, being arterials, and five feet wide along collector and local side streets.
- (b) Where pedestrians are forced to cross traffic lanes on streets other than residential streets, changes in paving, medians and/or narrowing of the paved street shall be used where practicable to alert drivers to pedestrian traffic.
- (c) Where the right-of-way permits, a four (4) to seven (7) foot planting strip shall be provided by the developer between the sidewalk and curb to serve as a buffer.

(d) Street trees (see acceptable list of street trees in design manual) are required along all sidewalks, if possible and with appropriate approvals, within the public right-of-way, except within utility easements and other required access areas. Otherwise trees should be located adjacent to the sidewalk between building and sidewalk. See sub-section 150.214.7(F)(2) for detailed requirements for landscaping materials.

(e) Medians shall include street trees. See sub-section 150.214(F)(2) for detailed requirements for landscaping materials.

(2) *Bus stops.*

- (a) Any project with more than 100,000 square feet of floor area in one or more buildings shall include a bus-stop pull-off, with a shelter.
- (b) Design and location of bus stop pull-offs and shelters shall be in accordance with the Design Manual and the transit provider.
- (c) A minimum of one bench and one trash receptacle should be present at each stop.

(D) *building setbacks.* A building subject to these regulations shall meet the minimum setback requirements of the applicable zoning district and shall be subject to the following additional setback standards:

- (1) A building covering less than 100,000 square feet shall be set back no more than 20 feet from the right-of-way line or by the minimum amount required for the zoning district, whichever is less.
- (2) A building covering 100,000 square feet or more shall be set back no more than 50 feet from the right-of-way line. This maximum shall not apply to a building which is part of a development plan that includes multiple lots, where other, smaller buildings will face the street and will meet the maximum setback required by sub-paragraph (1).

(E) *Parking area location and design.* The following standards shall apply to the location and design of required parking areas:

- (1) The number of required parking spaces shall be determined from subsection 150.211(E)
- (2) The design standards set forth in subsection 150.211(C), paragraphs (1) through (8), shall apply to development along these corridors, in addition to the standards set forth below in the following paragraphs.
- (3) Pedestrian access to building entrances from the street shall be integrated with the existing pedestrian network. On lots where off-street parking is located between the street and the building, such access shall consist of sidewalks four feet in width running through planted medians or parking islands between parking bays. Parking lot layout shall take into consideration pedestrian and vehicular circulation; where it is necessary for pedestrians to cross vehicular circulation lanes, textured paving or other techniques shall be used to alert drivers to the crossings.
- (4) Parking areas in excess of the amount that can be provided within the maximum building setback, after providing for required landscaping, shall be provided to the side or rear of the building.
- (5) Parking lots shall provide connections to parking lots for uses in the same zoning district on adjacent properties.
- (6) Common, shared parking facilities are encouraged, wherever possible.
- (7) Semi-opaque screening is required between parking areas and public right-of-way, at least 36 inches in height but not to exceed 48 inches in height, excluding trees, and such screening may be located in the required greenbelt. Screening may consist of decorative masonry or stone walls, ornamental fences, earth forms or berms, and hedges or other vegetative screens. Such screening shall maintain visibility at intersections and a ten-foot clear zone,

measured from the edge of the public roadway pavement, at points of ingress/egress.

- (8) For buildings greater than or equal to 100,000 square feet, 30 percent of the total parking area of a site shall be constructed with a pervious material such as pervious pavers, pervious concrete, or grass. For buildings greater than or equal to 50,000 square feet but less than 100,000 square feet, 20 percent of the total parking area of a site shall be constructed with a pervious material. (See Design Manual)
- (9) No impervious surface shall be permitted within ten (10) feet of the center of any tree.
- (10) Bicycle parking shall be required in accordance with the following standards:
 - (a) For a building under 100,000 square feet, for every 20 required vehicular parking spaces, bicycle rack space for one bicycle shall be provided.
 - (b) For a building equal to or greater than 100,000 square feet: for every 40 required vehicular spaces, bicycle rack space for one bicycle shall be provided.

(F) *Landscaping standards.*

- (1) *General rule.* A minimum of ten percent of the total area of any site is required to be landscaped according to the following specifications. Where the sum of the landscaping required by the following sections would occupy more than 15 percent of the total site area, all required landscaping may be reduced proportionately.
- (2) *Type and size of landscaping materials.* Landscaping materials required by this section shall meet at least the following size and quality standards at the time of planting:
 - (a) Shade trees shall have a minimum three-inch trunk diameter at three ft. above grade, a minimum height of seven feet, and branching no lower than $\frac{1}{3}$ height of tree.

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- (b) Ornamental trees shall have a minimum two-inch trunk diameter at two feet above grade, a minimum height of five feet, and branching no lower than $\frac{1}{3}$ height of tree.
 - (c) Evergreen trees shall have a minimum height of seven feet and width not less than sixty percent of the height.
 - (d) Deciduous shrubs shall be a minimum of 18 inches in diameter with no less than six main branches.
 - (e) Evergreen shrubs shall be a minimum of 18 inches in diameter with no less than six main branches.
 - (f) Tree monocultures are not permitted.
 - (g) Mature height and spread of the chosen tree species shall not interfere with overhead utilities. In cases where overhead utilities are present, unless special placement considerations are made, tree species should be selected from Category A in the street tree list. Otherwise, a minimum of 60 percent of the chosen species should come from category B.
- (3) *Foundation Plantings.*
- (a) Foundation plantings shall be included along the front facade, any facade visible from a public right-of-way, and any facade with a dedicated public entrance into the building, except at any entrance or exit points.
 - (b) The minimum width of foundation planting area shall be five feet.
- (4) *Plantings in required front yards.*
- (a) Required front yard landscaping should consist of trees planted in one of the following alternatives:
 - 1. If deciduous shade trees or evergreens are used, one tree planted at a maximum of every 40 feet on center of linear distance, extending the entire length of the front lot line. Required trees may be grouped together in the front yard; however, in no case shall spacing between trees exceed 80 feet.
 - 2. If deciduous ornamental trees are used, one tree planted at a maximum of every 20 feet on center of linear distance, extending the entire length of the front lot line. Required trees may be grouped together in the front yard; however, in no case shall spacing between trees exceed 50 feet.
 - (b) Required front yard landscaping may not be located within any portion of a public street right-of-way or regulated easement.
- (5) *Perimeter buffering requirements.*
- (a) Perimeter buffering should be located along the side and rear lot lines of a lot and should extend the entire length of the side and rear lot lines.
 - (b) Perimeter buffering may not be located within any portion of a public street right-of-way or regulated easement.
 - (c) Table F-5 for Bufferyard Determination should be used to determine the bufferyard required on each boundary of the lot by identifying the land use category of the proposed project and the adjacent properties and/or street classification.
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Table F-5, Bufferyard Determination

<i>LAND USE</i>	<i>Single Family</i>	<i>Duplex</i>	<i>Multi-Family</i>	<i>Active Rec.</i>	<i>Institutional</i>	<i>Office; Retail</i>	<i>Warehouse; Lt. Industry</i>	<i>Hvy. Industry</i>	<i>Residential St.</i>
Single Family	B	C	C	D	D	D	D	D	C
Duplex	C	A	C	B	B	C	C	D	B
Multi-Family	C	C	B	B	B	C	C	D	C
Active Rec.	D	B	B	A	C	C	C	C	B
Institutional	D	B	B	C	A	A	C	C	B
Office; Retail	D	C	C	C	A	A	C	D	B
Warehouse	D	C	C	C	C	C	A	B	B
Hvy. Industry	D	D	D	C	C	D	B	B	B

(6) *Bufferyard design standards.* Bufferyard design standards in the following table are shown in terms of minimum width and number of plants required per 100 linear foot increment.

<i>Bufferyard</i>	<i>Minimum Bufferyard Width</i>		<i>Shade Trees</i>	<i>Ornamental Trees</i>	<i>Shrubs</i>
	<i>Side</i>	<i>Rear</i>			
A	5'	10'	2	1	5
B	5'	10'	2	2	10
C	10'	20'	3	3	15
D	15'	25'	4	4	20

(7) *Screening of service areas.* Trash collection areas, drainage basins, outdoor storage, satellite dishes, HVAC systems, loading dock areas, and similar utility/service areas shall be screened from public view and from adjacent residential properties.

less than 24 trees per acre. For parking lots with 100 or more spaces, 20 percent of trees required, must be included within the interior of the parking lot, planted in islands of at least eight feet by 18 feet in dimension.

(8) *Landscaping in parking lots.*

(a) Parking area landscaping located within and surrounding the parking lot area shall include a minimum of one shade tree and five shrubs for every seven parking spaces provided and shall not be less than 20 trees per parking lot acre. Buildings with parking areas located in the front yard shall have a minimum of one shade tree and five shrubs for every five parking spaces provided and no

(b) No trees may be planted in an area where there is less than 2½ feet of soil on all sides of the tree.

(G) *Stormwater retention ponds.*

(1) Permanent stormwater retention ponds and detention basins can function as an amenity to the site, in addition to its primary function as a stormwater device. In situations where such amenity features are provided, no screening of the pond from on-site or off-site views is re-

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quired. Otherwise, the stormwater retention pond or detention basin must be screened from view by vegetative screening using locally-adapted evergreen species, planted so as to screen at least 75 percent of the perimeter of the facility to an average height of six feet above grade.

- (2) To qualify as an amenity to the site or development where it is located, the following basic amenity features should be provided within any stormwater control facility:
 - (a) Integrate the permanent stormwater retention pond or detention basin into the site design through the use of appropriate placement within the site and utilization of similar planting materials and building materials as used in the principal structure.
 - (b) Provide pedestrian access walks or trails to and/or around the stormwater control facility from the existing and/or proposed pedestrian network associated with the site.
 - (c) Include horizontal curves or other sculptural elements within the shape of the facility to avoid a simple square or round shape.
 - (d) Side slopes and safety ledges shall be constructed and maintained in accordance with the requirements of the stormwater and erosion control ordinances.
 - (e) Provide riparian plant materials throughout the stormwater control facility to prevent erosion and add visual interest, and additional perimeter plantings consisting of at minimum three ornamental trees or two shade trees, and four shrubs for every 100 linear feet equivalent to the pond's maximum pool circumference and located no more than 75 feet from the pond's maximum pool line.
 - (f) Include other permanent, pedestrian-oriented features, such as seating,

dining tables, and trash receptacles, in areas around the stormwater control facility.

(H) *Landscape maintenance.* It is the responsibility of the property owner to ensure proper maintenance of the landscaping in a healthy growing condition so as to present a neat and orderly appearance. This includes, but is not limited to, watering, weeding, pruning, replacing dead plantings with identical varieties or a suitable substitute, mowing grass, and keeping the area free of trash, litter, weeds, refuse and debris. Failure to maintain required landscaping is a violation of the zoning ordinance and subject to penalties and other remedies for such violation.

(I) *Signs.* The standards of section 150.212 shall apply to signs located along the corridors, subject to the following modifications:

- (1) Pole signs are prohibited;
- (2) Ground signs shall be constructed in monument style, with a base consisting of stone, decorative CMU or concrete block, or brick, matching the materials used on the building facade.
- (3) A maximum of three ground signs are permitted for a building with a total floor area of 100,000 square feet or more and frontage on at least two streets. For buildings with a total floor area of greater than 50,000 square feet but less than 100,000 square feet, or for a building with a floor area of 100,000 square feet or more but with frontage on only one street, a maximum of two ground signs are permitted. For buildings with a total floor area of less than 50,000 square feet, a maximum of one ground sign is permitted.
- (4) Where more than one ground sign is allowed, there shall be a separation of at least 300 feet between ground signs.
- (5) All ground signs must be set back at least five (5) feet from the public right-of-way and shall not exceed eighty (80) square feet in sign board area per side. No sign may interfere with vision clearance.

- (6) A wall sign shall cover no more than ten (10) percent of the facade.
- (7) One wall sign shall be permitted on each wall facing a public right-of-way or an internal circulation road or driveway, whether public or private.
- (8) Ground signs shall be surrounded by a landscaped area at least equal to the sign area of the sign erected. Landscaping shall consist of living vegetation and natural ground cover materials. Rock, stone, or gravel shall not exceed 20 percent of the landscaped area.

(J) *Outdoor display and sale of goods.* Temporary and permanent outdoor display and sale of produce goods, holiday goods, outdoor-related goods, and general merchandise is permitted, subject to the following conditions:

- (1) *Outdoor display and sale.* Outdoor display and sale may be allowed for the following goods and merchandise:
 - (a) General merchandise that is displayed and offered for sale outdoors include goods that are customarily sold in connection with an established retail business on the same lot. Examples of displays that may be permitted include sidewalk sales and tent sales. Outdoor display and sale of these goods is permitted for a period not to exceed four days four times per year.
 - (b) Outdoor-related goods include, but are not limited to, goods that are customarily used outside, including outdoor furniture, sporting goods for outdoor sports activities, plants, fertilizers, mulch, sod, lawn and gardening tools, storage sheds, grills, firewood, etc. Outdoor display and sale of these goods must be in connection with an established retail business on the same lot and is permitted without specified duration.
 - (c) Produce goods include fruits and vegetables and other similar goods. Holiday goods include, but are not lim-

ited to, Christmas trees and pumpkins. Outdoor display and sale of produce goods and/or holiday goods shall be permitted for a period not to exceed 30 consecutive days four times per year.

- (d) The designated outdoor display and sales area must maintain compliance with landscaping requirements and setback regulations.

(2) *Design and location standards.*

- (a) For developments equal to or greater than 50,000 square feet, the locations for proposed outdoor display and sales shall be shown clearly on the site plan or development plan, and outdoor display and sales shall take place only in the designated areas.
- (b) The proposed display and sale areas must not impede vehicular or pedestrian traffic and shall not utilize more than 15% of the required parking.
- (c) The designated display and sale areas may not be located in required landscape or visual buffer areas.
- (d) If applicable, building, electrical, fire prevention code, and hazardous use permits must be obtained.

(K) *Building design standards.*

- (1) Building materials on the front facade, any facade visible from a public right-of-way, and any facade with a dedicated public entrance into the building must be primarily of natural materials conveying permanence, such as but not limited to brick, stone, wood siding, split face, scored, or ground face block.
- (2) A building facade greater than 50 feet in length shall contain architectural features, details and ornaments such as: offsets, arches; roof cornices; contrasting bases; contrasting masonry courses, water tables, or molding; pilasters or columns; corbeling; contrasting bands or color; stone or ceramic accent tiles; colonnades,

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or porches. Elements such as wall clocks, decorative light fixtures, and door or window canopies are recommended.

- (3) Facades visible from a public right-of-way may contain windows constituting a maximum of 60 percent of the facade between three feet and ten feet in height.

(L) *Additional requirements.*

- (1) Except as otherwise specifically required herein, the development standards set forth in subsections 150.214.5(B)(3)(a)—(e) shall apply to development along these corridors.
- (2) Street and site furnishings and amenities such as benches, trash receptacles, and pedestrian-scale lighting should be located where appropriate along sidewalks, adjacent to buildings, and within parking lots.

(M) *Temporary and permanent on-site storage.* Trailers, modular storage units and other on-site storage not within a permanent building shall be

permitted only for developments greater than or equal to 100,000 square feet in accordance with the requirements of this sub-section:

- (1) Storage units must be located in low-visibility areas (such as behind the building), and shall be screened from public view and adjacent residential properties.
- (2) Storage units may not be located within required landscape or visual buffer areas.

(N) *Location and design of loading areas.*

- (1) Loading docks and bays for service to businesses shall be located and oriented toward the side or rear lot line.
- (2) Loading/service areas are not permitted within required planting buffers.

(O) *Drive-Thru stacking areas.* Stacking for drive-thru lanes shall be confined to the rear of the lot or parcel, with the outlet from such lines also being to the rear of the building where practicable. Lines for drive-thru facilities shall not be permitted along the front of structures. The minimum stacking capacity for drive-thru lanes shall be as follows:

<i>Use Type</i>	<i>Min. No. Spaces</i>	<i>Measured From</i>
Bank teller lane	5	Teller or Window
Automated Teller Machine	3	Teller
Restaurant Drive-thru	8	Pick-up Window
Car Wash	5	Entrance
Gas Pump island	3	End of pump island

(Ord. No. 50-04, § 1, 4-4-04)

DIVISION 27. SPECIAL USES

Sec. 150.216. Procedure.

Sec. 150.215. General.

The purpose of §§ 150.215 through 150.224 of this chapter is to enable the establishment of certain uses enumerated in §§ 150.215 through 150.224 of this chapter, not otherwise permitted in this chapter, under reasonable and uniform limitations, safeguards, and controls deemed to be in the public interest.
 (Code 1968, § 130.240)

(A) An application requesting authority to establish a special use in certain districts as herein permitted shall be filed with the board in the same manner as for an appeal, in forms prepared for the purpose and under established rules and schedules. Upon receipt of the application, a copy shall be forwarded to the commission. The commission shall make a thorough study and evaluation of the case and shall submit its recommendations to the board in writing. After having received the report of the commission, the board shall set a date for a public hearing and shall give

notice of the hearing to all interested parties. At the hearing, the report of the commission shall be read in toto and shall be made a part of the board's record.

(B) The board shall not be bound by §§ 150.215 through 150.224 of this chapter to permit special uses per se, but shall carefully consider the report of the commission, the prayer of persons aggrieved, the existing conditions on the premises, and its surroundings. The board may compel the submission of any data deemed essential in determining whether or not the proposed special use is compatible with surrounding areas. (Code 1968, § 130.241)

Sec. 150.217. Mineral extraction.

(A) General. Except as herein provided, nothing in this chapter shall prevent (outside of urban areas) the complete use and alienation of any mineral resources or forests by the owner or alienee thereof. For the purpose of this section, urban areas shall include all lands or lots within the limits of incorporated cities and towns, and any other lands or lots used for residential purposes where there are eight or more residences within any one-quarter ($\frac{1}{4}$) mile square area, and such other lands and lots as have been, or are, planned for residential areas contiguous to incorporated cities or towns. For the purpose of preserving mineral resources and using them in the development and growth of the community, the encroachment of other uses upon land where the resources may be obtained should be avoided.

(B) Zones in which permitted. The mining of minerals shall be considered a special use and may be permitted in the F Farming Zone, the IL Limited Industrial Zone, and the II Intense Industrial Zone subject to the determination of the board.

(C) Quality standards.

- (1) In determining whether or not the working of an area for the extraction of minerals is feasible and whether or not the operation should be permitted, the commission and the board may consider the following factors:
 - (a) The depth of overburden.

- (b) The quality of deposits at various depths.
 - (c) The engineering problems concerning size and area.
 - (d) Existing and future land use.
 - (e) Ingress and egress and similar traffic problems.
 - (f) Proximity of existing residential development.
- (2) In determining the feasibility of a project, the commission and the board may avail themselves of technical aid from state and federal agencies with expertise on the question of mineral resources.

(D) Standards of operation. The following standards shall be complied with:

- (1) No excavation below adjoining property elevation closer than 1- $\frac{1}{2}$ feet horizontal to one foot vertical from the boundary of adjoining property measured at top excavation shall be permitted.
- (2) All equipment used for the production of rock and gravel shall be operated and maintained in such a manner as to comply with applicable state and federal regulations.
- (3) Noise level shall not exceed the decibel limits set forth by the state and federal governments.
- (4) All access roads from the operation of mining grounds to a public road or to adjoining lands shall be treated in such a manner as to render them dust-free for at least 200 feet of any road or zone.
- (5) All excess water shall be drained from trucks or other vehicles hauling materials from the location prior to their entrance into a public highway.
- (6) All lights on site shall be installed in compliance with current and acceptable industrial standards.
- (7) Buildings on the premises shall not become unsightly. Weeds and other such obnoxious vegetation shall be cut, trimmed,

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or sprayed periodically to preserve the character of the property and to prevent harmful effects upon surrounding areas.

- (8) The site may be used for allied or accessory uses, except for the disposal of refuse and similar uses.
- (9) No production shall be permitted which creates a slope steeper than one foot horizontal to one foot vertical, with the exception of rock quarrying, in which case a vertical face will be accepted.
- (10) Property used or to be used for production shall be enclosed along the exterior perimeter bordering on a highway, street, or thoroughfare, by an acceptable barrier.
- (11) Every point along the property lines within 300 feet of a dwelling, school, playground, hospital, or institution for human care, shall be treated in the following manner:
 - (a) Where accumulation of water reaches one foot or more in depth and occupies an area of 100 feet or more, all access to the accumulation shall be barred by a wire mesh fence at least four feet in height, or an equally effective barrier.
 - (b) Where slopes steeper than one foot vertical to two feet horizontal, or more than eight feet in height exist, access to the slopes shall be barred by a wire mesh fence at least four feet in height, or an equally effective barrier.
- (12) Whenever production shall have been completed, all plants and equipment shall be entirely removed from the property and all stockpiles shall be removed or backfilled into the pits, within a reasonable time after the completion.
- (13) Digging shall not be permitted to depths in excess of those permitted by the state.
- (14) Every operator shall be insured before commencing the operation of rock and gravel removal. Any producer who may establish a rock and gravel operation after the adoption of this chapter shall post

a bond with the city to assure total compliance. This bond shall run for three years and shall be in the amount of not less than 100,000.

- (15) Not more than one year prior to the termination of operations, persons or corporations engaged in rock and gravel mining shall prepare and make available to the commission and the board plans for the restoration of affected lands. These plans may include slope modification, planting, reforestation, the elimination of hazards, and similar measures.
 - (E) Report. All persons or corporations engaged in rock and gravel mining shall prepare and make available to the commission informa-

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- along the west line of Walnut Street 79 feet and nine and one-half inches; thence extending west 125 feet to a point 80 feet south of the south line of Adams Street; thence extending north 80 feet, more or less, to the south line of Adams Street; thence east on and along the south line of Adams Street 125 feet, more or less, to the place of beginning, in the City of Muncie, County of Delaware and State of Indiana, known as 301, 303, 305, and 307 South Walnut Street in the City of Muncie, County of Delaware and State of Indiana. (Unit Tax Number 15-1078; Sidwell Number 11-16-233-007)
- (16) The Patterson Block located at 103 East Main Street and 100—112 South Walnut Street (southeast corner of Main and Walnut Streets), in the City of Muncie, Indiana, to wit:
B D Addition, Lot 4, Block 24 in the City of Muncie, County of Delaware and State of Indiana. (Unit Tax Number 15-01063000; Sidwell Number 11-10-363-001.
- (17) The Topp House located at 323 South Liberty Street, in the City of Muncie, Indiana, to wit:
PT Lot 18, .1400 AC, STR: 16-20-10, (Unit Tax Number 15-22182000; Sidwell Number 11-16-230-013).
- (18) The Eiler Flats located at 405—411 South Liberty Street, in the City of Muncie, Indiana, to wit:
J C E Add, IN: 2, (Unit Tax Number 15-19017000; Sidwell Number 11-16-234-025).
- (19) The Carpenter House located at 417 South Liberty Street, in the City of Muncie, Indiana, to wit:
Mess and R N 36', IN: 1, (Unit Tax Number 15-12207000; Sidwell Number 11-16-234-027).
- (20) The house located at 320 South Cherry Street, in the City of Muncie, Indiana, to wit:
NE Qtr NE Qtr 40' 48', .0400 AC, STR: 16-20-10, (Unit Tax Number 15-17872500; Sidwell Number 11-16-230-008).
- (21) The Goddard House located at 402 West Charles Street, in the City of Muncie, Indiana, to wit:
PT Lots 3 and 18, .0700 AC, STR: 16-20-10, (Unit Tax Number 15-12206000; Sidwell Number 11-16-230-015).
- (22) The Eiler House located at 403 West Charles Street, in the City of Muncie, Indiana, to wit:
J C E Add, IN: 3, (Unit Tax Number 15-19018000; Sidwell Number 11-16-234-024).
- (23) The Truitt House located at 415 & 415 West Charles Street, in the City of Muncie, Indiana, to wit:
J C E, IN: 4, (Unit Tax Number 15-02870000; Sidwell Number 11-16-234-011).
- (24) The Lesh House located at 418—420 West Charles Street, in the City of Muncie, Indiana, to wit:
PT Lot 18, .1400 AC, STR: 16-20-10, (Unit Tax Number 15-12242000; Sidwell Number 11-16-230-010).
- (25) *Reserved.*
- (26) The Ira Hunter House located at 47 West Orchard Place, in the City of Muncie, Indiana, to wit:
Glascok Add, IN: 17, (Unit Tax Number 15-00690000; Sidwell Number 11-16-276-009).
- (27) The building known today as Vera Mae's, located at 209 South Walnut Street in the City of Muncie, Indiana, to wit:
S and S Addition, 20 feet, Block 1. (Unit Tax Number 15-16448000; Sidwell Number 11-16-229-014-000).
- (28) The building known today as the Heorot, located at 219 South Walnut Street in the City of Muncie, Indiana, to wit:
SS Addition South 20.8 feet Lot 7 Block 1. (Unit Tax Number 15-20230000; Sidwell Number 11-16-229-017).

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- (29) The building known today as Wealth Strategies, Inc., located at 207 North High Street in the City of Muncie, Indiana, to wit:
Part GD Addition and Part 39 feet mid Lot 5 Block 7. (Unit Tax Number 15-23781000; Sidwell Number 11-09-482-011-000).
- (30) The building known today as the Mark III, located at 107 East Main Street in the City of Muncie, Indiana, to wit:
BDW 16, Lot 3, Block 24. (Unit Tax Number 15-08355000; Sidwell Number 11-10-363-002).
- (31) The building known today as the Henry Haymond House, located at 814 West Charles Street in the City of Muncie, Indiana, to wit:
P I Add E45 and 10 Ft ADJ E45 FT (Unit Tax Number 15-06722000; Sidwell Number 11-16-207-010-000).
- (32) The building known today as the Otto Carmichael house, located at 900 West Kilgore Avenue in the City of Muncie, Indiana, to wit:
Winton addition lot 6 and 7 Exc. N 2½'. (Unit Tax Number 15-16064000; Sidwell Number 11-16-127-013-000).
The lot located directly behind the Otto Carmichael house, located at 900ADJ West Kilgore Avenue in the City of Muncie, Indiana, to wit:
PT TR S SD Jackson Street ADJ Winton 12. (Unit Tax Number 15-16062000; Sidwell Number 11-16-127-012-000).
- (33) The building known today as Vera Mae's, located at 209 S. Walnut Street in the City of Muncie, Indiana, to wit:
Owner, Kent W. Shuff; S and S Addition, south 20 feet, Block 1. (Unit Tax Number 15-16448000; Sidwell Number 11-16-229-014-000).
- (34) The building located at 205 S. Walnut Street in the City of Muncie, Indiana, to wit:
Owner, Gary D. Riley; S and S Addition, Lots 1 and 2, Block 1. (Unit Tax Number 15-16767000; Sidwell Number 11-16-229-012-000).
- (35) The building known today as the north section of the Odd Fellows Building located at 120 S. Walnut St. in the City of Muncie, to wit:
Owner, Muncie Urban Enterprise Assoc./Downtown Development; Brown's Donation Block 24, Lot 8. (Unit Tax Number 15-23943000; Sidwell Number 11-10-363-013).
- (36) The building known today as the south section of the Odd Fellows Building located at 122-124 S. Walnut St. in the City of Muncie, to wit:
Owner, Muncie Urban Enterprise Assoc./Downtown Development; Brown's Donation Block 24, Lot 8. (Unit Tax Number 15-23943000; Sidwell Number 11-10-363-013).
- (37) The Building the east section of the Odd Fellows Building located at 108 E. Jackson St. in the City of Muncie, to wit:
Owner, Muncie Urban Enterprise Assoc./Downtown Development; Brown's Donation Block 24, Lot 8. (Unit Tax Number 15-23943000; Sidwell Number 11-10-363-013).
- (38) The building known today as Ballaird Hall, located at 207 S. Walnut Street in the City of Muncie, Indiana, to wit:
Owner: Kent W. Shuff & Steven E. Fenimore; Legal Description: S&S Addition, pt. 24 feet × 125 feet. (Unit Tax Number: 15-16695000; Sidwell Number: 11-16-229-013-000).
- (39) The building known as UEA/Downtown Development Partnership Building, located at 407 S. Walnut Street in the City of Muncie, Indiana, to wit:
Owner: Muncie Urban Enterprise Association, Inc.; Legal Description: Seitz Addi-

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tion North 20 feet of lot 7, south 20 feet of lot 6. (Unit Tax Number: 15-16701000; Sidwell Number: 11-16-237-009-000).

- (40) The building known today as 309 S. Walnut St. in the City of Muncie, Indiana, to wit:

Owner: Renaissance Place LLC; Legal Description: Part of Lot 8 Block 24 in Brown's Donation to Muncietown, now City of Muncie, Delaware County, Indiana, described as follows: Beginning at the northwest corner of Lot 8 in Block 24 in Brown's Donation to Muncietown, now City of Muncie, as shown in the Records of Delaware County, Indiana, said corner being 0.4 feet east of a nail; thence north 89 degrees 39 minutes 51 seconds east 100.41 feet along the north line of said lot; thence south 00 degrees 00 minutes 00 seconds 21.95 feet along the outside of a wall; thence south 00 degrees 1 minutes 55 seconds east 1.56 feet; thence south 89 degrees 39 minutes 51 seconds west 100.39 feet along the center of a common wall to a point on the west line of said lot to a point 0.4 feet east of a nail; thence north 00 degrees 02 minutes 52 seconds west 23.51 feet to the point of beginning, containing 0.05 of an acre, more or less. (Unit tax number: 15-00338000; Sidwell number: 11-16-233-008-000).

- (41) The building known today as 311 S. Walnut St. in the City of Muncie, Indiana, to wit:

Owner: Renaissance Place LLC; Legal Description: Part of Lot 8 Block 24 in Brown's Donation to Muncietown, now City of Muncie, Delaware County, Indiana, described as follows: Beginning at a point on the west line of Lot 8 Block 24 in Brown's Donation to Muncietown, now City of Muncie, as shown in the records of Delaware County, Indiana, said point being south 00 degrees 02 minutes 52 seconds east 23.51 feet (assumed bearing) from the northwest corner of said lot and also being 0.4 feet east of a nail; thence north 89 degrees 39 minutes 51 seconds east

100.39 feet along the center of a common wall; thence south 00 degrees 11 minutes 53 seconds east 38.99 feet along the center of a common wall to a point on the south line of said Lot 8; thence south 89 degrees 39 minutes 51 seconds west 100.36 feet to the southwest corner of said lot which is 0.4 feet east of a nail; thence north 00 degrees 02 minutes 52 seconds west 38.99 feet to the point of beginning, containing 0.09 of an acre, more or less. (Unit tax number: 15-00338000; Sidwell number: 11-16-233-008-000).

- (42) The building known today as 313 S. Walnut St. in the City of Muncie, Indiana, to wit:

Owner: Renaissance Place, LLC; Legal Description: Part of Lot 8 Block 24 in Brown's Donation to Muncietown, now City of Muncie, Delaware County, Indiana, described as follows: Beginning at a point on the south line of Lot 8 Block 24 in Brown's Donation to Muncietown, now City of Muncie, as shown in the records of Delaware County, Indiana, said point being north 89 degrees 39 minutes 51 seconds east 100.36 feet (assumed bearing) from the southwest corner of said lot; thence north 00 degrees 11 minutes 53 seconds west 40.55 feet along the center of a common wall; thence north 00 degrees 00 minutes 00 seconds 21.95 feet along the outside of a wall to the north line of said Lot 8; thence north 89 degrees 39 minutes 51 seconds east 24.78 feet to a nail at the northeast corner of said lot; thence south 00 degrees 02 minutes 52 seconds east 62.50 feet to a nail at the southeast corner of said lot; thence south 89 degrees 39 minutes 51 seconds west 24.50 feet to the point of beginning, containing 0.04 of an acre, more or less. (Unit tax number: 15-00338000; Sidwell number: 11-16-233-008-000).

- (43) The building known today as 419-421 S. Walnut St. in the City of Muncie, Indiana, to wit:

Owner: Walnut Investors, LLC; Legal Description: Lots 9, 10, 11 and north 10 feet

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and west 39 feet of lot 12, Seitz Addition,
City of Muncietown, now City of Muncie.
(Sidwell Number: 11-16-237-011-000).

(Ord. No. 42-90, § 1, 11-12-90; Ord. No. 12-93,
5-3-93; Ord. No. 19-94, 5-9-94; Ord. No. 62-94,
12-6-94; Ord. No. 19-95, 6-5-95; Ord. No. 2-96,
3-4-96; Ord. No. 17-96, 5-13-96; Ord. No. 22-96,
6-10-96; Ord. No. 15-98, 5-11-98; Ord. No. 37-99,
10-4-99; Ord. No. 24-00, § 1, 7-10-00; Ord. No.
25-00, § 1, 7-10-00; Ord. No. 3-02, §§ 1—5, 2-4-02;
Ord. No. 34-03, 12-1-03; Ord. No. 38-05, 6-6-05)

REFERENCES TO ORDINANCES

Ord. No.	Date Passed		Code Sec.
60-98	11- 9-98		163.01—163.05
63-98	12- 7-98		152.15(C)
64-98	12- 7-98		161.035
66-98	12- 7-98		162.01—162.13
7-99	4- 5-99		90.26
37-99	10- 4-99		158.05(27)—(30)
57-99	2-23-00		161.02(D), 161.03(A)(3), (B)(4), (C)(4)
58-99	2-23-00		161.21(D)(3), (4)
59-99	2-23-00		161.035(A)(4), (B)(5), (C)(5)
60-99	1-10-00		Ch. 80, Sched. II, Pt. 2 Ch. 80, Sched. III
61-99	1-10-00		Ch. 80, Sched. II, Pt. 2 Ch. 80, Sched. III
62-99	1-10-00		Ch. 80, Sched. VI
9-00	4- 3-00	Rpld	90.01—90.13, 90.20—90.26
		Added	90.01—90.16
10-00	4- 3-00		121.01—121.06
14-00	5- 8-00		159.06(B)(1)
15-2000	5- 8-00		117.08
24-00	7-10-00		158.05(31)
25-00	7-10-00		158.05(32)
27-00	8- 7-00		100.100
56-00	11-13-00		100.100
3-01	5- 7-01	Rpld	96.40—96.45
		Added	96.40—96.49
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