

RESOLUTION NO. 2013-5

BEING A RESOLUTION OF APPROVAL

TO AMEND THE TEXT OF THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE

REGARDING A NEW UNIVERSITY VILLAGE OVERLAY DISTRICT

WHEREAS, the State enabling act for planning and zoning empowers the City Council of Muncie, Indiana to adopt a comprehensive zoning ordinance and also provides for amendments to said ordinance as deemed necessary from time to time; and

WHEREAS, the State enabling act also provides for amendments to the comprehensive zoning ordinance to further promote the health, safety and general welfare; and

WHEREAS, a University Village Area Development Plan was created as a part of the Muncie-Delaware County Comprehensive Plan and recommended that zoning ordinance amendments be made to either create a new zone or an overlay district to address the unique issues and needs of the University Village area; and

WHEREAS, there has been recent renewed interest in development and redevelopment of properties in the University Village area and there is now a need to move forward with amendments to the City of Muncie Comprehensive Zoning Ordinance in order to carry out the recommendations set forth in the University Village Area Development Plan; and

WHEREAS, after holding several meetings and a public input workshop, the University Village Task Force, heretofore created by the Delaware-Muncie Metropolitan Plan Commission, recommends that an overlay district be created; and

WHEREAS, the Delaware-Muncie Metropolitan Plan Commission has given reasonable regard to the comprehensive plan; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development; and

NOW, THEREFORE, BE IT RESOLVED by the Delaware-Muncie Metropolitan Plan Commission that the text of the City of Muncie Comprehensive Zoning Ordinance, heretofore adopted on the 5th day of November, 1973, be amended, changed and supplemented as follows:

Section 1. That Article XXX of said Ordinance shall be supplemented by adding a new Section 8 as follows:

ARTICLE XXX PERFORMANCE STANDARDS

SECTION 8 UNIVERSITY VILLAGE OVERLAY DISTRICT

A PURPOSE AND INTENT

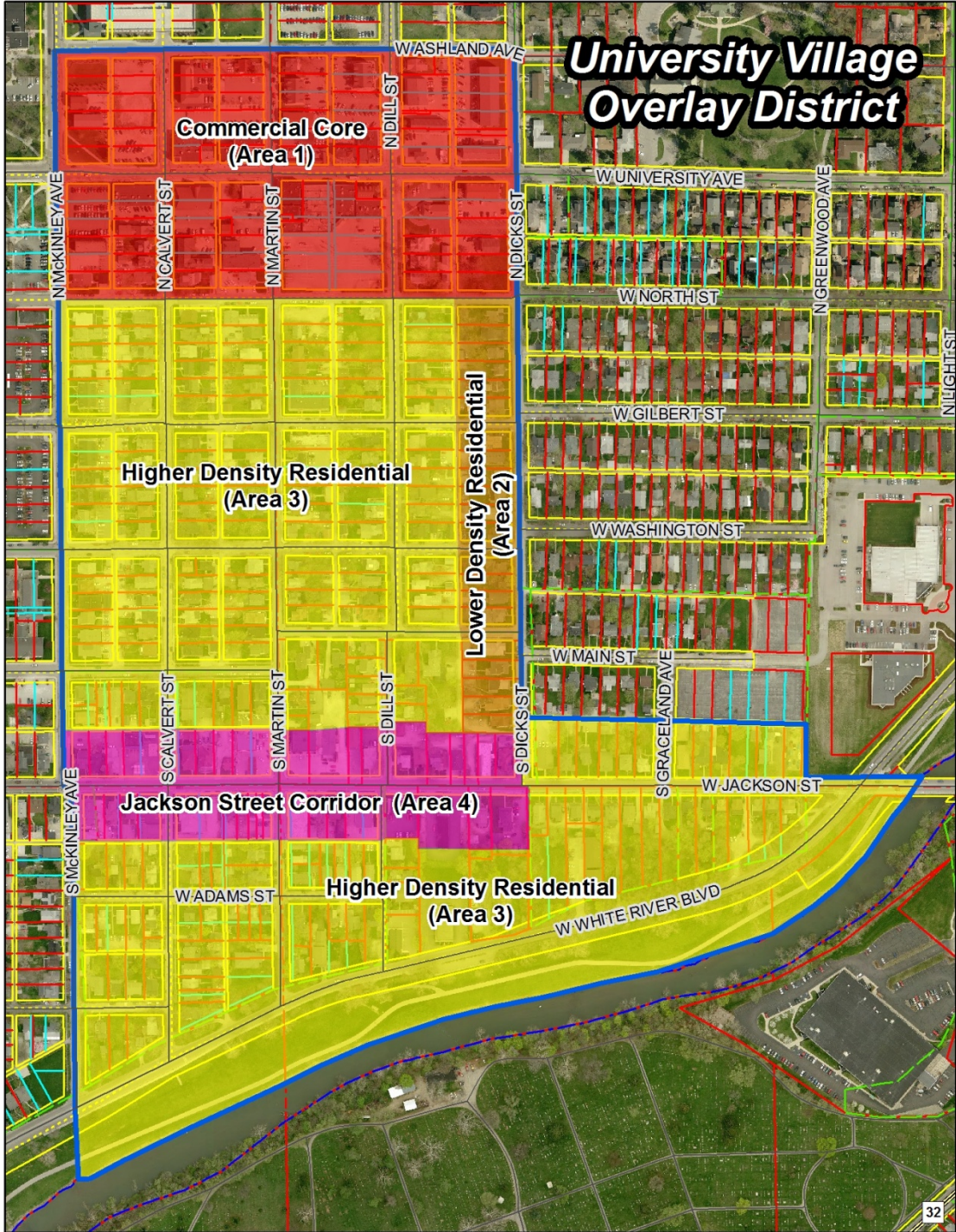
The purpose of the University Village Overlay District (the “District”) is to ensure future development and redevelopment in the commercial village area and surrounding neighborhood adjacent to the Ball State University campus is in accordance with the principles established in the University Village Area Development Plan, adopted in 2001 and incorporated into the Muncie-Delaware County Comprehensive Plan. Development and redevelopment within the District shall comply with the following standards and the provisions of this Ordinance. Where standards may conflict, the regulations within the District shall prevail. When regulations and standards are silent in the District the provisions found elsewhere in this Ordinance, such as for parking, landscaping and signage as set forth in Article XXX, Sections 1 through 7, shall apply.

However, the overall intent is to establish a framework for creating a unified and cohesive community within the entire District. To that end, future development and/or redevelopment activity within the District should adhere to six broad-based guiding principles, which would be considered when evaluating project appropriateness:

- **Identity.** University Village should be a destination attractive to various users and residents, with its own unique brand identity that people can understand.
- **Connectivity.** University Village should maintain its physical connections to the Ball State campus, while also promoting linkages to the greater Muncie community.
- **Walkability/Bikability.** University Village should create an environment where walking and biking can serve as the primary options for transportation.
- **Sustainability.** University Village should serve as a model for best redevelopment practices as it relates to stormwater management, green building design, energy conservation, and construction practice.
- **Comprehensive.** University Village should be a comprehensive program which generates positive change to the perceptions people have of the broader village area.
- **Vibrant Commercial Core.** University Village should have an active and vibrant commercial district which serves the Ball State and Muncie communities.

B APPLICABILITY

This standards and regulations set forth in this Section shall apply to development and redevelopment within the District, a geographic area shown on the following Map. The District is further divided into four separate Areas, each with its own allowable uses and design standards (See Boundary Map).



Boundary Map

C DEVELOPMENT PLANS AND PROCEDURES

Future project proposals within the District shall require a development plan that must be reviewed and approved in accordance with the procedures set forth herein.

1. VILLAGE REVIEW COMMITTEE

A specially appointed Village Review Committee (VRC) shall be established for the purpose of reviewing and approving all Development Plans in the District.

- a. VRC Membership. The VRC shall consist of five (5) voting members. Members shall be appointed to staggered three-year terms, so no more than two (2) members shall be replaced during any calendar year. Appointments shall be as follows: Metropolitan Plan Commission shall appoint, by majority vote, two members; Muncie City Council shall appoint, by majority vote, one (1) member; the Mayor's Office of the City of Muncie shall appoint one (1) member; and Ball State University shall appoint one (1) member. Members of the VRC shall have a degree and/or professional experience in the fields of architecture, urban planning, landscape architecture, urban design, historic preservation, real estate, or other similar fields.
- b. VRC Rules of Procedure. The Plan Commission shall establish the rules of procedure relative to meeting schedules, the approval process and other operational items.

2. DEVELOPMENT PLANS

All projects within the District requiring a permit from the Building Commissioner's Office shall require the submission of a Development Plan to the Metropolitan Plan Commission prior to receiving a permit(s). Except as noted in this Section, the Executive Director, on behalf of the Plan Commission, shall forward all Development Plans to the VRC for approval. Development Plans must include the following items:

- Site Plan drawn to scale showing all existing and proposed buildings and uses. Site plans must include: parking location and layout, curb cuts, building setbacks, and any pedestrian/streetscape improvements.
 - Project elevation drawings on all sides, which show all exterior materials and colors.
 - Project floor plans.
 - Landscaping plans, which include any existing or proposed new landscaping, streetscaping elements, screening, walls, or fencing.
 - Signage and lighting plans.
 - Utility placement, including any storm drainage improvements.
 - Information relating to the project's sustainability features and amenities.
- a. Plan Exemptions and Waiver. The Executive Director may waive the requirements of submittal of a Development Plan to the VRC under the following conditions:
 - The applicant's proposed project does not add more than twenty percent (20%) to the existing structure's overall gross floor area; and

- The proposed project is in harmony with the land use standards called forth in the District; and
- The proposed project does not detract from the appearance of the District; and
- The proposed project exhibits site characteristics consistent with the guiding principles, which may include increased landscaping treatment, provision for public bicycles, reduced surface parking, or improved streetscaping.

The Executive Director may also waive individual requirements of the Development Plan submittal pending the nature of the project being submitted by the Applicant.

- b. Development Plan Approval. If the Executive Director does not grant a waiver to an Applicant, Development Plans must be reviewed and approved by the VRC. The Executive Director shall make written findings concerning the VRC's decision to approve or disapprove the Development Plan. The Applicant may appeal any decision by the VRC to the Plan Commission under established schedules. Approvals may include conditions such as requiring written commitment by the Applicant. Approvals may also require Applicant to provide some level of financial guarantee (performance bond, surety, etc.) to ensure conditions and/or commitments are completed. Once approval is provided to the Applicant, no changes may be made without further approval by the Executive Director and/or the VRC as set forth herein. Approvals provided by the VRC are based on compliance with the guidelines established in the District. Such approvals do not substitute or replace other necessary approvals and permits which may be required.

D DEVELOPMENT STANDARDS

1. GENERAL DEVELOPMENT STANDARDS

The General Development Standards within the District are established to reinforce the overall guiding principles, while encouraging high-quality development and improving the overall aesthetics and urban character of all Areas within of the District.

a. STREET NETWORK

- 1) Streets. Current streets shall remain in place with no permanent street closures or widening beyond their existing conditions. Streets shall remain under public control, although improvements to their condition and function (i.e. new parking lanes, improved drainage, resurfacing, etc.) may be provided.
- 2) Alleys. To the fullest extent possible, alleys should continue to remain in place and serve as the primary vehicular access point to parking areas, loading areas, utility service, and trash collection for all residential, commercial, and mixed-use areas.
- 3) Sidewalks. Sidewalks shall continue to be a prominent element within the entire district, and must be present in every block on both sides of the street. Sidewalks in Overlay Area 1 should be wider than those along the residential streets, and should generally extend from the edge of the building all the way to the curb. Sidewalks in residential areas (Area 2 and Area 3) should be at least five feet in width, with a three foot planting strip between the walk and curb where permissible. Sidewalks along

Jackson Street (Area 4) should be a minimum of five (5) feet in width, with a minimum five (5) foot front yard planting strip between the walk and curb if the right-of-way width is sufficient.

- 4) Curb Cuts. To the fullest extent possible, curb cuts shall not be permissible along any street in the District, unless they are providing access to a parking lot or parking garage. In those instances, entrance/exits to parking areas shall be along the non-primary façade of the property/building being serviced. Under no circumstances shall curb cuts be permitted along University Avenue. Curb cuts shall be placed a minimum of fifty (50) feet apart from one another, and wherever possible, curb cuts shall be aligned on opposite sides of the streets from one another. Curb cuts shall also be placed a minimum distance of sixty (60) feet from an intersection with another street.
- b. ON-STREET PARKING STANDARDS
- 1) Location. All streets should accommodate dedicated on-street parking lanes on both sides of the street, with the exception of University Avenue, McKinley Avenue, and Jackson Street. However, if a new development project is located along McKinley Avenue or Jackson Street and encompasses an entire blockface, consideration should be given towards expanding the public right of way to allow for newly created on-street parking opportunities in front of new developments.
 - 2) Curb extensions. Where possible, curbs at intersections shall be extended to provide further definition to the dedicated on-street parking lane. Midblock curb extensions, or bumpouts, are also encouraged along non-residential streets.
 - 3) Layout. On-street parking spaces shall be parallel type spaces (not angled).
 - 4) Loading Areas. Whenever possible loading areas should be limited to the rear of the buildings so they are not visible from the street. In situations where this is not possible, dedicated loading areas for commercial uses can be situated within the on-street parking lane, however, efforts should be made to incorporate a loading area into a parking space in lieu of creating a dedicated loading area along the street.
 - 5) Parking Requirement. For the purposes of calculating the required number of parking spaces for a specific development type, all on-street parking spaces located within two-hundred (200) feet of a building's front entrance shall count as one-half of a space when calculating the minimum required spaces.
- c. OFF-STREET PARKING STANDARDS
- 1) Location. Surface parking required for new commercial and mixed-use buildings should be accommodated to the rear of the new building, accessible from the alley or side street. Shared parking shall be allowed and encouraged to the fullest extent possible. Future commercial and mixed-use projects may meet these parking requirements through an off-site parking agreement.

- 2) Needed Spaces (Residential). New residential uses shall be required to provide one-half (1/2) parking space for each bedroom.
- 3) Needed Spaces (Commercial). Any new non-residential use in Area 1 or 3 shall provide three (3) parking spaces for each one thousand (1,000) square feet of commercial space but no more than four (4) parking spaces per one thousand (1,000). Future commercial uses in Area 4 shall be required to provide a minimum of four (4) parking spaces for each one thousand (1,000) square feet of commercial space.
- 4) Parking Garages. New parking garages must be clad in masonry materials consistent with the elevation of the development uses they are serving. Access to parking structures should be along non-primary facades whenever possible. Garages which are “wrapped” with other development uses in front of them are acceptable and encouraged, provided access to such garages remains clearly visible and identified as such.

d. STREETScape STANDARDS

Any proposed improvements in the public right-of-way shall be subject to right-of-way use approval by the Board of Public Works.

- 1) Sidewalks. Sidewalks for new construction along University Avenue should extend from the edge of the building facade to the edge of the curb. Sidewalk widths may fluctuate to allow for outdoor dining and street furnishings however should be a minimum of fifteen (15) feet for new projects being constructed. Sidewalk materials should be predominately concrete. Decorative brick pavers may be used as accent materials to add visual interest to specific areas. However, decorative paving materials should be consistent in color, style, and material with adjacent buildings. Paving patterns should be simple with no more than two (2) styles and materials per “space” created. Decorative pavers may be used in places such as storefront entrances, outdoor eating areas, plazas, crosswalks, or other areas which designate pedestrian activity.
- 2) Furnishings and Outdoor dining. Streetscape elements may incorporate:
 - Decorative pedestrian-scaled streetlights
 - Decorative benches and trash receptacles
 - Decorative bicycle racks
 - Planters and seating areas
 - Directional/identity signage
 - Outdoor dining areas

When outdoor dining areas are provided, they should be fenced off with a decorative ornamental fence and should allow for a minimum of six (6) feet of pedestrian clearance between the fencing and curb.

- 3) Streetlights. When streetlights are a part of a proposed project, they should meet all requirements set forth by the Board of Public Works relative to fixture type and spacing.

Light fixtures may include banner holders and/or planting hangers, provided such features are consistent.

e. SUSTAINABILITY STANDARDS

Sustainable Methods. Each new development project is required to employ at least one (1) of the following sustainable methods for treatment of stormwater generated:

- Green roofs. Roofs would be constructed with a planting material to enable the storage of stormwater.
- Rain garden. Areas where rainwater can collect to slow the percolation time into the soil. A rain garden is planted with native plants which are drought tolerant to help clean the water during the infiltration process.
- Bio-swales. A bio-swale is a drainage swale which includes grass and/or native plants and vegetation designed to improve water quality by filtering water and allowing infiltration while channeling water.
- Stormwater planters. Stormwater planters are designed to accept runoff and channel it through perforated pipes at the bottom of the planter.
- Porous paving. Porous paving can include the use of pervious concrete and/or pavers designed to allow water to infiltrate rather than collect and create runoff.

The VRC may accept alternative sustainable methods not listed above. Where a project proposal incorporates more than one of the above sustainable methods but as a result cannot meet site landscaping, greenspace, and/or parking lot landscaping requirements, the VRC is authorized to waive such requirement in favor of providing additional sustainable features to a project.

f. UTILITIES STANDARDS

- 1) Sanitary Facilities. No private septic tanks or septic systems will be permitted.
- 2) Public Water. No private wells or water tanks are permitted.
- 3) Gas/Electric. Outdoor heating tanks (propane tanks or oil tanks) are not permitted. Any connection made to the existing electric network must be made via underground connections, and no new overhead power lines will be permitted. In those instances where existing overhead electric mains may require relocation, efforts shall be made to bury these lines whenever possible.
- 4) Communications. New overhead communications lines are not permitted, and cell towers are not permitted. Satellite dishes are allowed provided installation of any satellite dish is not located along the primary façade of a structure and generally cannot be viewed from the street.
- 5) Equipment Visibility. Any utility meters and equipment required for new structures should be located away from the primary façade of a building to the fullest extent possible, and should be landscaped and screened. Rooftop mounted equipment must be positioned so they cannot be seen from the street. Any equipment which promotes

sustainability and energy efficiency, such as solar panels or building mounted wind systems, is encouraged. Placement of such features should be done in a manner to minimize their visual impact from the street.

g. LIGHTING

- 1) Commercial. Commercial storefront windows and entrances should be well lit to better enhance the pedestrian-oriented character of the Village. New lighting fixtures should be consistent in style and scale to the exterior façade of the building.

Appropriate lighting styles should be used for the following purposes:

- Define building entries;
- Illuminate the sidewalk area;
- Light signage features; and/or
- Highlight prominent architectural elements.

All new commercial and mixed use buildings must have a well-defined entrance with a minimum of one (1) exterior light fixture clearly indicating the entrance area and building address. Additional lighting may be provided to light storefronts, facades, signs, and any other architectural element.

- 2) Residential. New residential structures with a common entrance (apartments) must have a well-defined entrance with a minimum of one (1) exterior light clearly indicating the entrance area and building address. Residential structures with a private entrance (townhomes, brownstones, retirement villas, single family homes) must also have a minimum of one (1) exterior light adjacent to its entrance. Building lighting must be integrated into the design of the residence and reflect the character of the building and surrounding neighborhood. Lighting should be attached to the building façade.

h. AWNINGS

When utilized, building awnings design and colors should be consistent and complimentary in color and style with the overall building façade and adjacent buildings. Awnings should be located in line with adjacent awnings. Awnings should be constructed with a metal armature with a canvas or vinyl membrane. Internally lit awnings are not permissible.

i. ADDRESS IDENTIFICATION

All commercial, mixed use and residential buildings are required to display their address numbers which should be incorporated as a decorative element into the building's design. Building address numbers should be near the primary entrance and visible from the street. The use of vinyl applied labels is discouraged.

j. SIGNAGE

In addition to the provisions set forth elsewhere in Article XXX, the following provisions shall apply in the District.

Business signs may be wall mounted or projecting signs or incorporated into the awnings over storefronts. In Area 4, a maximum of one (1) free standing ground sign is permitted per commercial property, limited to no more than forty (40) square feet in area. Free standing pole signs, off-premise signs, and building-mounted off-premises signs are not permitted.

Business signage should whenever possible be incorporated into the building's architecture with materials and elements consistent with the building's façade and style. Business signage should be simple and easy to read with letters consistent to the scale of the building. Signage lighting needs to be compatible with the architecture of the building. Internally lit sign panels are not permitted. Business signage may not exceed ten percent (10%) of the façade.

Wall mounted signs should not project more than twelve (12) inches from the building façade. A projecting sign should be oriented to pedestrian rather than vehicular traffic in terms of scale and placement. Projecting signs should be no greater than twenty-five (25) square feet in size, and extend no further than forty-two (42) inches from the façade. No more than one (1) projecting sign is permitted per business.

Business signage may also be provided by window lettering, either painted or vinyl applied. Window lettering should be proportional to the size of the glass opening and must be limited to one central location on the primary display window or door.

2. AREA 1 UNIVERSITY VILLAGE MIXED USE DEVELOPMENT STANDARDS

a. STATEMENT OF PURPOSE AND INTENT

The four block stretch of University Avenue between McKinley Avenue and Dicks Street currently functions as the university's primary commercial district and includes a mix of businesses and mixed-use buildings which primarily cater to the student market. While the overall mix of uses and businesses may evolve to serve a broader market base, this segment of University Avenue must maintain its vibrancy and uniqueness by continuing to provide a mix of commercial and residential buildings in a village-like atmosphere with strong pedestrian orientation and scale. All properties in Area 1 are currently zoned as BL Limited Business. The uses and standards set forth herein shall supplement and/or supersede those set forth in the BL Zone. The primary goals in Area 1 are:

- Create a strong, identifiable, and unique commercial atmosphere which serves the Ball State community, as well as the city as a whole.
- Provide a thriving mixed-use environment of pedestrian-oriented businesses, services, restaurants, offices, and residential units.
- Ensure that this four-block stretch of University Avenue is designed primarily for pedestrians and bicycles.
- Increase the critical mass of activity for people to live, work, shop, and play in and around the Village.
- Maintain the Village's history by carefully integrating new development within the existing fabric of the neighborhood.

b. PERMITTED USES

In addition to the BL Limited Business Zone permitted uses, properties in Area 1 may include the following uses:

- Multi-story mixed use buildings, with residential units or office space on the upper floors and commercial uses on the ground floor
- Hotel, inn, and meeting/convention space
- Cinemas, movie theaters, performing arts venues
- Art galleries
- Health clubs/fitness centers
- Restaurants, which may include quick-service or sit-down establishments, pubs, and bars, but establishments shall not have drive-through windows.
- Other similar uses appropriately designed to foster a pedestrian-oriented and diverse environment.

Area 1 will place greater emphasis on building forms, site development, and materials than on specific uses; provided proposed uses are consistent with the overall goals and objectives for Area 1 and the overall guiding principles of the District.

c. BUILDING FORMS

New commercial and mixed use buildings should be evaluated based on the relationship between the subject property and adjacent structures. New mixed-use buildings should strive to maintain (or create) a consistent “street wall” rhythm, but one that varies and creates visual interest to the pedestrian. Relationships to adjacent buildings should contribute to the continuity of the street wall. Gaps between new buildings that face University Avenue which interrupt the street wall are discouraged except in those instances where an alley intersects with the street. Access to surface and structured parking areas should not be allowed from University Avenue, and should be entered only from the side streets or alleys.

In the event a new building is constructed in a given block where there is no established street wall, the subject property must strive to establish a new pattern. Large building facades should be designed to reduce the perceived bulk by dividing the building mass into smaller scale components. Buildings need to be oriented to the street, with primary building entrances and windows facing the primary street frontage. Irregular building forms at random angles to the street are discouraged.

Multiple building complexes are encouraged to maintain a consistent orientation to one another along the street wall. Variations should be provided in both horizontal and vertical elements relating to massing and design to help create greater visual interest.

Free standing single-use commercial buildings (or outlot buildings) should be used sparingly along University Avenue, and only for specific commercial uses. If a single-story commercial outlot building is constructed (such as a free standing grocery store), the building must have high ceilings to help reinforce the street wall along University Avenue. Single story and/or

single use buildings must be at least 22 feet in height, and should still be positioned close to the street and other adjacent buildings.

d. BUILDING SETBACKS

New buildings constructed in Area 1 may have a zero foot front yard setback to the property line, pending the location of the street right-of-way, provided an ample pedestrian zone is established between the building façade and curb. When an outdoor dining area is provided there should be a minimum six (6) foot setback from the curb to the fencing for such dining area. Side yard and rear yard setbacks can be zero (0) feet to the property line, provided property is not adjacent to an alley or residential property. In such instances, a minimum five (5) foot setback shall be required.

e. BUILDING HEIGHTS

New buildings must appear to be at least two (2) stories in height, but no greater than four (4) stories in height along University Avenue except as provided herein. Minimum height shall be twenty-two (22) feet, with a maximum height of fifty (50) feet. Commercial and mixed-use buildings shall have a minimum first floor height of fourteen (14) feet floor to floor above ground level (parking structures may be slightly lower in height), with upper floors having a minimum of ten (10) feet floor to floor. Larger mixed-use structures which encompass an entire city block or half-block may include a fifth (5th) story and be taller than the prescribed height, provided the fifth (5th) story is stepped back away from the University Avenue frontage, thereby giving the appearance of a four-story building from University Avenue.

f. BUILDING DESIGN AND MATERIALS

- 1) Façade Styles. A specific architectural style does not need to be specified and repeated in this zone, however, complementary design features, styles, and materials should be used to create a consistent village atmosphere. Multiple buildings completed as part of one larger project should have varied architectural elements – including different roof forms, façade treatments, signage placement, and other details to help reinforce the feel of a traditional neighborhood village.

New commercial and mixed use buildings should also have a strong cornice line to reinforce the street wall. Other architectural elements which help create visual interest, such as window bays, variations in wall plane, roof features, etc. are encouraged. Dormers and balconies and other architectural treatments should be used to help articulate façade details.

- 2) Building Materials. Building materials and colors should be consistent with the existing materials' palette in the Village. Patterns, colors, and details are encouraged to be varied to generate greater architectural interest and variety.

Brick and stone are the preferred primary building materials, along with storefront glass, for new mixed-use and commercial buildings. Stucco and concrete may be used for accent features, but should not be a dominant material. Decorative block, synthetic

plaster, wood trim, and synthetic stone elements should be used only for accent material purposes and should be limited in their use on primary facades. Concrete block, exterior insulation finish system (EIFS), metal, or wood should not be used on a building façade visible from any street.

Masonry colors should complement existing buildings in the Village, and generally would consist of traditional brick colors or natural earth tones. Contrasting colors for accent features are acceptable provided they are compatible. The use of primary colors or excessive bright and brilliant colors is discouraged.

- 3) Windows and Fenestration. Large blank or windowless elevations which face a street are not permitted. If a blank wall cannot be avoided, such walls should be articulated with architectural elements.

The ground floor of new commercial and mixed use buildings should have a minimum window surface of sixty percent (60%), and a maximum window surface of eighty percent (80%). Deeply tinted or highly reflective glazing is not permitted. Upper floor windows shall be designed in proportion to the building width and height and should align where possible with the ground floor storefront pattern. Windows should be constructed with durable materials, with aluminum and wood being the preferred materials.

- 4) Building Entrances. All buildings must have clearly defined and articulated entrances to both the ground floor uses and any upper floor uses. First floor building facades should be dominated by open glass storefronts. Building entrances must be visible from the street and should be well lit. Elements such as canopies or other architectural features are encouraged to help identify entrances.

Primary commercial entrances should be emphasized with larger doors or door/window combinations, and may include overhangs, unique roof forms, arches, or other architectural details.

- 5) Roofing. Rooflines and eaves should relate to surrounding buildings in the subject site's block and respect the roofline of surrounding buildings. Roofs may be flat or gabled, however flat roofs should have a well-defined parapet. Green roofs are permitted, and encouraged, on flat roofs. Unusual roof types, such as mansard or barrel roofs are not permissible. Roof colors should complement the building's primary color.

3. AREA 2 UNIVERSITY VILLAGE LOWER DENSITY RESIDENTIAL DEVELOPMENT STANDARDS

a. GOALS AND OBJECTIVES

Dicks Street currently serves as a transitional boundary which separates a neighborhood largely dominated by student rentals to the west from a neighborhood largely dominated by owner-occupied single family homes to the east. To help serve as a transition from the single family homes further east to the potential higher density residential types further west, future residential development along Dicks Street in Area 2 shall reinforce a lower-

density residential typology to maintain continuity with neighborhoods further east. The primary goals in Area 2 are:

- Reinforce the residential scale and typology consistent with the residential neighborhood further east.
- Allow for housing types which may still be fully integrated into the District and complement the guiding principles of the District.
- Emphasize pedestrian scale and orientation for all residential development.
- Ensure high-level design and construction measures to promote higher quality housing options than currently available surrounding the Ball State campus.
- Promote sustainability and green design features in all new residential development.

b. ALLOWABLE USES

Properties in this district may include only the following uses:

- Single family detached homes, limited to one (1) detached residential unit per platted lot.
- Single family attached homes, limited to a minimum of two (2) and a maximum of five (5) residential units in one building where each unit has its own entrance facing the street.

c. BUILDING FORMS

New residential buildings should be evaluated by the relationship between the subject property and the street on which they face, as well as their relationship to adjacent residential buildings. While residential designs might vary from parcel to parcel, and block to block, efforts should be made to establish a consistent rhythm along Dicks Street, where transitions between building types and blocks are smooth and seamless. Common forms of new residential development in Area 2 would be as follows:

- 1) Single Family Detached Homes. Individual residences located on one (1) platted lot. Platted lots should not be combined/consolidated for one (1) residence, and two (2) detached homes may not be constructed on one (1) existing platted lot. Garages may be attached or detached, however, they may not face the street and should be accessible from the alley.
- 2) Single Family Attached Homes. Individual attached housing units each with a private entrance facing the streets, shared party walls, and parking/garage access provided to the rear of the units from the alley. No more than two (2) attached homes should be constructed on one (1) platted lot. Emphasis should be on fenestration and orientation of the primary façade to create what is known as a row-house, brownstone, or townhouse effect.

d. BUILDING SETBACKS

- 1) Front Yard. Residential buildings constructed along Dicks Street may have a front yard setback ranging from a minimum of fifteen (15) feet to a maximum of twenty-five (25)

feet. For new projects, the front yard setback should reflect the median setback of existing homes within a given block.

- 2) Side Yard. Future residential buildings shall have a side yard setback of at least five (5) feet.
- 3) Rear Yard. Future residential buildings shall have a rear yard setback of at least twenty (20) feet.

e. BUILDING HEIGHTS

New buildings may be either one or two stories in height, with a maximum height of thirty-five (35) feet. Any accessory building (detached garage) must be located behind the primary structure and shall be limited to seventeen (17) feet in height unless a greater height is needed to match a roofline slope of the primary structure.

f. DESIGN AND MATERIALS GUIDELINES

- 1) Façade styles. No specific architectural style is required in Area 2, and different residential housing types and styles are encouraged to reinforce the unique character of the District. However, some consistent design themes need to be reinforced to retain the village-like character and, as such, new buildings shall focus on specific design elements, styles, and materials.

New residential building facades in Area 2 must be oriented and relate to Dicks Street with entries and windows serving as the dominant element on the front façade. New single family attached homes should incorporate vertical articulation to create smaller more individual building images and break-up large sections of horizontal facades.

- 2) Building Materials. New structures in Area 2 should incorporate a variety of exterior building materials. Brick, masonry, stone, cement board, wood lap siding, and stucco may be used as primary façade materials. Exterior insulation finish systems (EIFS) and metal siding may only be used in limited situations as an accent material. Vinyl siding is not permissible. Bricks used on residential facades must be standard brick sizes; larger jumbo bricks are not permitted.
- 3) Windows and Fenestration. New residential buildings must consider the placement and organization of doors and windows on all visible facades. Size, shape, proportion, and location of doors and windows helps greatly reinforce the character of the streetscape and contributes to the village-like atmosphere. No blank building walls shall be permitted on any façade.
- 4) Building Entrances. The front entrance should be the dominant feature for all residential buildings/units and should be well defined architecturally. Residential entrances should be easily accessible and well-lit. All front entrances in Area 2 should be defined with an appropriately scaled front porch, and must be well lit, with an address marker.

- 5) Roofing. New residential structures should have a gabled, or sloped, roof with asphalt or slate shingles. Roofs shall be appropriately pitched pending the specific architectural style of the residential building, and may include dormer windows. Gabled roofs must also have appropriate eave depth and gable overhang.

SECTION 4: AREA 3 UNIVERSITY VILLAGE HIGH DENSITY RESIDENTIAL DEVELOPMENT STANDARDS

a. GOALS AND OBJECTIVES

The majority of the District south of North Street should allow for a diverse mix of housing options. The primary goal of Area 3 is to help stimulate new residential development which is broader and more flexible in terms of future residential typology.

While residential uses are expected to dominate Area 3, other secondary uses will be allowed, and encouraged, as allowable secondary uses.

The primary goals in Area 3 are:

- Allow for a unique mix of new residential uses, which will serve a broad market demand currently not being met in the Muncie community.
- Encourage redevelopment of older single family residential properties for higher density residential uses which combine multiple single family platted lots.
- Provide new housing types which are fully integrated into the District and complement the guiding principles of the District.
- Encourage a higher residential density to generate sufficient critical mass to serve businesses and commercial activity in the District.
- Emphasize pedestrian scale and orientation for all residential development.
- Ensure high-level design and construction measures to promote high quality housing options.
- Promote sustainability and green design features in all new residential development.

b. ALLOWABLE USES

Properties in this district may include only the following primary uses:

- Single family detached homes
- Single family attached homes
- Multi-family residential units, with common entrance and shared lobby

The following secondary uses are also allowable, provided they complement the overall goals and objectives of the District.

- Live/work units, which allow for smaller commercial spaces on the ground floor facing the primary street with residential spaces above and/or behind the commercial space. Allowable commercial uses shall be restricted in hours of operation, shall not have extensive service/loading requirements, and shall be limited relative to the number of employees. Applicants for live/work spaces must provide a development statement

with the Development Plan submittal showing proposed restrictions and guidelines for ground floor uses to be approved by the Village Review Committee.

- Recreation and community spaces for area residents, including fitness rooms, yoga studios, classrooms, computer rooms, gathering places, swimming pools, etc.
- Parks and greenspaces
- Educational uses (child development centers, child care, etc.)
- Support office space relating to the leasing and administration of residential spaces

c. BUILDING FORMS

New residential buildings should be evaluated by the relationship between the subject property and the street on which it faces, as well as its relationship to adjacent residential buildings. Projects should establish a consistent design pattern throughout the District where transitions between building types and blocks are smooth and seamless. Common forms of new residential development in Area 3 would be as follows:

- 1) Single Family Detached Homes. Individual residences located on one (1) platted lot. Single family residences may be located within Area 3, provided one (1) residence is situated on each platted lot. Platted lots should not be combined/consolidated for one (1) residence, and two (2) detached homes may not be constructed on one (1) existing platted lot.
- 2) Single Family Attached Homes. Individual attached housing units with a private entrance facing the street. Emphasis should be on fenestration and orientation of the primary façade.
- 3) Multi-family Residential Units. Entrances should be articulated and emphasized with orientation to the street. Primary facades should be well defined with proper ornamentation and fenestration.
- 4) Live/Work Units. Live/work units, which allow for smaller commercial spaces on the ground floor facing the primary street with residential spaces above and/or behind the commercial space. Commercial uses would be limited to the first floor, with the intent of providing more creative business ventures.

d. BUILDING SETBACKS

- 1) Front Yard Setback. Residential buildings may have a front setback ranging from a minimum of fifteen (15) feet to a maximum of twenty-five (25) feet. For new projects, the front yard setback should reflect the median setback of existing homes within a given block. Residential buildings constructed along McKinley Avenue and Martin Street may have a front setback ranging from a minimum of ten (10) feet to a maximum of twenty (20) feet. Residential buildings constructed along North Street may have a front setback ranging from a minimum of five (5) feet to a maximum of twenty (20) feet and shall be oriented so that North Street is considered the primary façade.
- 2) Side Street Setback. All residential buildings on a corner lot shall have a minimum setback from a side street of ten (10) feet.

- 3) Side Yard Setbacks. Residential buildings shall have a side yard setback of at least five (5) feet.
- 4) Rear Yard Setbacks. Residential buildings shall have a rear yard setback of at least twenty (20) feet.

e. BUILDING HEIGHTS

New buildings must be at least two (2) stories in height, but no greater than three (3) stories in height. Minimum height shall be twenty (20) feet, with a maximum height of forty-five (45) feet.

f. DESIGN AND MATERIALS GUIDELINES

- 1) Façade styles. No specific architectural style is required in Area 3, and different residential housing types and styles are encouraged to reinforce the unique character of the University Village District. However, some consistent design themes need to be reinforced to retain the village-like character, and as such new buildings shall focus on specific design elements, styles, and materials.

New residential building facades must be oriented and relate to the street with entries and windows serving as the dominant element on the front façade. Single family attached homes and multi-family residential units should incorporate vertical articulation to create smaller more individual building image and break-up large sections of horizontal facades, consistent with the surrounding neighborhood. Multi-family structures in Area 3 may have balconies and other outdoor spaces. Rooftop decks and terraces are also permitted and encouraged.

- 2) Building Materials. New structures in Area 3 should incorporate a variety of exterior building materials. Brick, masonry, stone, cement board, wood lap siding, and stucco may be used as primary façade material. Exterior insulation finish systems (EIFS) and metal siding may only be used in limited situations as an accent material. Vinyl siding is not permissible. Bricks used on residential facades must be standard brick sizes; larger jumbo bricks are not permitted.
- 3) Windows and Fenestration. New residential buildings must consider the placement and organization of doors and windows on all visible facades. Size, shape, proportion, and location of doors and windows helps greatly reinforce the character of the streetscape and contributes to the village-like atmosphere. No blank building walls shall be permitted on any façade.
- 4) Building Entrances. The front entrance should be the dominant feature for all residential buildings/units and should be well defined architecturally, easily accessible, and well-lit. Architectural elements which identify residential building entrances are encouraged, such as porches and canopies. Projected residential entrance features on larger multi-family buildings are encouraged, provided they are consistent with the character, scale, and massing/form of the building. Entrances to single family attached

homes should be strongly defined with a walk-up, raised front porch, stoop, or other unique architectural element.

- 5) Roofing. A variety of roof forms are encouraged to help reinforce the unique eclectic nature of the district. New residential structures may have a gabled, or sloped, roof with asphalt or slate shingles. Roofs shall be appropriately pitched pending the specific architectural style of the residential building, and may include dormer windows. Gabled roofs must also have appropriate eave depth and gable overhang.

Flat membrane roofs are also permitted. Residential buildings with flat roofs should have well defined parapet walls to help screen roof-mounted mechanical equipment. Green roofs are permitted, and encouraged, on flat roofs.

SECTION 5: AREA 4 UNIVERSITY VILLAGE JACKSON STREET CORRIDOR DEVELOPMENT STANDARDS

a. GOALS AND OBJECTIVES

The Development Standards for Area 4 are aimed at allowing greater flexibility for commercial uses with emphasis on design and site improvements to help create a more unified cohesive feel along this segment of Jackson Street. These standards will help to better define this commercial corridor to make it feel like a part of the larger University Village District.

The primary goals of Area 4 are:

- Allow for a mix of new commercial uses, including various retail and office uses which require greater flexibility relative to parking needs, drive-through accommodations, and automobile circulation.
- Encourage redevelopment of older residential and commercial properties to provide a stronger aesthetic environment for the Muncie community.
- Ensure the Jackson Street corridor provides a more unified and cohesive feel to help further reinforce its importance as a strong commercial corridor.
- Promote uses and activities designed to better balance automobiles with pedestrians and bicycles.

b. PERMITTED USES

Properties in Area 4 may include all uses allowable in the BV Variety Business Zone.

c. LANDSCAPE BUFFER

A landscape buffer shall be maintained in the required front and/or side street setbacks and no outside storage and/or outside display of goods or merchandise shall be permitted in these setback areas. Specific landscape planting requirements are set forth elsewhere in Article XXX of this Ordinance.

d. BUILDING FORMS

New commercial and residential buildings should be evaluated by the relationship between the subject property and adjacent structures. New buildings should strive to maintain (or create) a consistent character along Jackson Street, but one that varies and creates visual interest to the pedestrian. New buildings constructed in Area 4 must have their primary façade facing Jackson Street and, with limited exceptions, should have their building entrances facing Jackson Street.

e. BUILDING SETBACKS

- 1) Front Yard Setback. Buildings should maintain a front setback of no less than fifteen (15) feet but no greater than twenty-five (25) feet. For new projects, the front yard setback should reflect the median setback of existing buildings within a given block.
- 2) Side Street Setback. All buildings on a corner lot shall have a minimum setback from a side street of ten (10) feet.
- 3) Side Yard Setback. For commercial uses, there is no minimum side yard setback except when abutting a residential use, buildings should have a side yard setback of at least ten (10) feet. For residential uses, buildings should have a side yard setback of five (5) feet.
- 4) Rear Yard Setback. Buildings should have a rear yard setback of at least twenty (20) feet.

f. BUILDING HEIGHTS

New buildings may be one, two, or three stories in height, with building heights not to exceed forty-five (45) feet.

g. BUILDING DESIGN AND MATERIALS

- 1) Façade Styles. While a specific architectural style is not required, complementary design features, styles, and materials should be used to help unify the atmosphere within Area 4. Larger buildings and multi-tenant buildings which have facades longer than fifty (50) feet in length should contain architectural features and details to help break up the dominant facades. Architectural details such as offsets, adjusting roof cornice lines, contrasting bases, contrasting masonry courses, stone accent materials, decorative columns, or other architectural details are encouraged.
- 2) Building Materials. Masonry should be the dominant material used on new building facades. However, patterns, colors, and details are encouraged to be varied to generate greater architectural interest and variety.

Brick, stone, and decorative or split-face block are the preferred primary building materials, along with storefront glass, for new commercial buildings. Stucco, synthetic plaster, wood trim, and synthetic stone elements should be used only for accent material purposes and should be limited in their use on primary facades. Concrete block, exterior insulation finish system (EIFS), metal, or wood should not be used on a primary building façade visible from the street.

Masonry colors should be consistent with existing buildings in the District, and generally would consist of traditional brick colors or natural earth tones. Contrasting colors for accent features are acceptable provided they are compatible. The use of primary colors or excessive bright and brilliant colors is discouraged.

Bricks used must be standard brick size. Jumbo brick, or oversized brick, is not permissible.

- 3) Windows and Fenestration. Large blank or windowless elevations along the primary façade facing Jackson Street are not permitted. If a blank wall cannot be avoided, such walls must be articulated with architectural elements which mimic the appearance of windows (i.e. faux window openings with sills and headers, lintels, awnings, etc.).

New commercial buildings should have a minimum window surface of forty percent (40%) and a maximum window surface of eighty percent (80%) on the ground floor. Deeply tinted or highly reflective glazing is not permitted.

- 4) Building Entrances. All buildings must have clearly defined, well lit articulated public entrances visible from the street. Elements such as canopies or other architectural features are encouraged to help identify entrances. Primary commercial entrances should be emphasized with larger doors or door/window combinations.
- 5) Roofing. Rooflines and eaves should relate to surrounding buildings along the corridor and respect the roofline of surrounding buildings. Roofs may be flat or gabled. Unusual roof types, such as mansard or barrel roof roofs are not permissible. Roof colors should complement the building's primary color and should be a natural finish. Green roofs are permitted, and encouraged, on flat roofs.

Section 2. That Article XXXI, Special Uses, Section 2 Procedure, of said City of Muncie Comprehensive Zoning Ordinance, be supplemented by inserting new language at the end of the first paragraph, highlighted by bold italicized type, as follows:

ARTICLE XXXI SPECIAL USES
Section 2 PROCEDURE

An application requesting authority to establish a special use in certain districts as herein permitted shall be filed with the Delaware-Muncie Metropolitan Board of Zoning Appeals in the same manner as for an appeal, on forms prepared for the purpose and under established rules and schedules ***except that, if the property is located in any overlay district area requiring development plan review and approval, the overlay district process shall apply. Applicable standards and conditions set forth herein shall remain in effect unless in conflict with overlay district standards which shall prevail.***

Section 3. That this resolution is hereby adopted this ____ day of _____, 2013.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

Tom Green, President

ATTEST:

Marta Moody, Secretary