ORDINANCE NO. 24-25

**BEING AN ORDINANCE OF APPROVAL TO AMEND THE TEXT OF  
THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE REGARDING  
LOT WIDTH, LOT COVERAGE, SETBACKS, AND MINIMUM FLOOR AREA IN THE  
R-1, R-2, AND R-3 RESIDENCE ZONES, AND REGARDING ACCESSORY  
DWELLING USE IN THE R-4 RESIDENE ZONE**

**WHEREAS**, the State enabling act for planning and zoning empowers the City Council of Muncie, Indiana and the Board of Commissioners of Delaware County, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to said ordinances as deemed necessary from time to time; and

**WHEREAS**, the State enabling act also provides for amendments to the Comprehensive Zoning Ordinances to further promote the health, safety and general welfare; and

**WHEREAS**, the current provisions require updating or clarification; and

**WHEREAS**, the Delaware-Muncie Metropolitan Plan Commission has given legal notice of a public hearing for consideration of the proposed amendments in order to forward a recommendation regarding said amendment to the City as required by law; 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 land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

**NOW, THEREFORE, BE IT RESOLVED** by the Delaware-Muncie Metropolitan Plan Commission that the text of the City of Muncie Comprehensive Zoning Ordinance shall be amended, changed and supplemented according to **Exhibit A** as follows:

**Section 1.** Article IX Section 3, YARDS: LOT COVERAGE, shall be amended to remove *R-1 and R-2 Residence Zones- 35% lot coverage and R-3 Residences Zone-40% lot coverage.*

**Section 2.** Article XIII Section 3, (R-1 RESIDENCE ZONE) LOT WIDTH, FRONTAGE AND AREA shall be deleted and amended as follows:

The width and street frontage of a lot shall be a minimum of ~~one hundred (100)~~ forty (40) feet at the building line and there shall be a minimum ~~twelve thousand (12,000)~~ four thousand eight hundred (4,800) square feet in area, exclusive of right-of-ways. Whenever public sewer and/or water facilities are not available and no unit sanitary sewer is available, the Board of Health

requirements for lot area shall prevail, but shall not be less than ~~twelve thousand (12,000)~~ four thousand eight hundred (4,800) square feet in area, exclusive of right-of-ways. ~~The lot area shall be used to determine the amount of lot coverage allowed in accordance with Article IX, Section 3.~~

**Section 3.** ARTICLE XIII Section 4 (R-1 RESIDENCE ZONE) FRONT YARD SETBACK – ALL LOTS shall be amended changing the minimum front yard setback to *twenty (20) feet rather than rather than thirty (30) feet.*

**Section 4.** ARTICLE XIII Section 5 (R-1 RESIDENCE ZONE) SIDE YARD SETBACK – CORNER LOTS shall be amended changing the side yard setback to *five (5) feet rather than ten (10) feet.*

**Section 5.** ARTICLE XIII Section 6 (R-1 RESIDENCE ZONE) SIDE YARD SETBACK – CORNER LOTS shall be amended changing the side yard adjoining the street shall be a minimum of *twenty (20) feet rather than twenty-five (25) feet* and the side yard adjoining the adjacent property shall be a minimum of *five (5) rather than ten (10) feet.*

**Section 6.** ARTICLE XIII Section 7 (R-1 RESIDENCE ZONE) REAR YARD SETBACK – ALL LOTS shall be amended changing the rear yard setback to a minimum of *fifteen (15) feet rather than thirty (30) feet.*

**Section 7.** ARTICLE XIII Section 9 (R-1 RESIDENCE ZONE) MINIMUM FLOOR AREAS AND BUILDING WIDTH shall be amended changing the minimum floor area of any dwelling to be no less than *six hundred (600) square feet rather than eight hundred sixty (860) square feet.*

**Section 8.** ARTICLE XIV Section 3 (R-2 RESIDENCE ZONE) LOT WIDTH, FRONTAGE, AND AREA shall be deleted amended as follows:

The width and street frontage of a lot shall be a minimum of ~~eighty (80)~~ forty (40) feet at the building line and there shall be a minimum ~~nine thousand (9,000)~~ four thousand eight hundred (4,800) square feet in area, exclusive of right-of-ways. Whenever public sewer and/or water facilities are not available and no unit sanitary sewer is available, the Board of Health requirements for lot area shall prevail, but shall not be less than ~~nine thousand (9,000)~~ four thousand eight hundred (4,800) square feet in area, exclusive of right-of-ways. ~~The lot area shall be used to determine the amount of lot coverage allowed in accordance with Article IX, Section 3.~~

**Section 9.** ARTICLE XIV Section 4 (R-2 RESIDENCE ZONE) FRONT YARD SETBACK – ALL LOTS shall be amended changing the front yard setback to a minimum of *twenty (feet) in depth rather than thirty (30).*



**Section 10. ARTICLE XIV Section 5 (R-2 RESIDENCE ZONE) SIDE YARD SETBACK – CORNER LOTS** shall be amended changing the 2 side yard setbacks to *five (5) feet rather than eight (8) feet* in depth.

**Section 11. ARTICLE XIV Section 6 (R-2 RESIDENCE ZONE) SIDE YARD SETBACK – CORNER LOTS** shall be amended changing the side yard adjoining the street shall be a minimum of *twenty (20) feet rather than twenty-five (25) feet* and the side yard adjoining the adjacent property shall be a minimum of *five (5) rather than eight (8) feet*.

**Section 12. ARTICLE XIV Section 7 (R-2 RESIDENCE ZONE) REAR YARD SETBACK – ALL LOTS** shall be amended changing the rear yard setback to a minimum of *fifteen (15) feet rather than twenty-five (25) feet*.

**Section 13. ARTICLE XIV Section 9 (R-2 RESIDENCE ZONE) MINIMUM FLOOR AREAS AND BUILDING WIDTH** shall be amended changing the minimum floor area of a dwelling to be no less than *six hundred (600) square feet rather than seven hundred sixty (760) square feet*.

**Section 14. ARTICLE XV Section 3 (R-3 RESIDENCE ZONE) LOT WIDTH, FRONTAGE, AND AREA** shall be deleted and amended as follows:

The width and street frontage of a lot shall be a minimum of ~~sixty (60)~~ forty (40) feet at the building line and there shall be a minimum ~~seven thousand five hundred (7,500)~~ four thousand eight hundred (4,800) square feet in area, exclusive of right-of-ways. Whenever public sewer and/or water facilities are not available and no unit sanitary sewer is available, the Board of Health requirements for lot area shall prevail, but shall not be less than ~~seven thousand five hundred (7,500)~~ four thousand eight hundred (4,800) square feet in area, exclusive of right-of-ways. ~~The lot area shall be used to determine the amount of lot coverage allowed in accordance with Article IX, Section 3.~~

**Section 15. ARTICLE XV Section 4 (R-3 RESIDENCE ZONE) FRONT YARD SETBACK – ALL LOTS** shall be amended changing the minimum front yard setback to be *twenty (20) feet rather than twenty-five (25) feet*.

**Section 16. ARTICLE XV Section 5 (R-3 RESIDENCE ZONE) SIDE YARD SETBACK – CORNER LOTS** shall be amended changing the two side yard setbacks to *five (5) feet rather than six (6) feet*.

**Section 17. ARTICLE XV Section 6 (R-3 RESIDENCE ZONE) SIDE YARD SETBACK – CORNER LOTS** shall be amended changing the side setback to the adjoining adjacent property to a minimum of *five (5) feet rather than six (6) feet*.

**Section 18. ARTICLE XV Section 7 (R-3 RESIDENCE ZONE) REAR YARD SETBACK** – **ALL LOTS** shall be amended changing the rear yard setback to a minimum of *fifteen (15) feet rather than twenty-five (25) feet*.

**Section 19. ARTICLE XV Section 9 (R-3 RESIDENCE ZONE) MINIMUM FLOOR AREAS AND BUILDING WIDTH** shall be amended changing the minimum floor area of a dwelling to be no less than *six hundred (600) square feet rather than seven hundred twenty (720) square feet*.

**Section 20. ARTICLE XVI Section 1 (R-4 RESIDENCE ZONE) PERMITTED USES** shall be supplemented and amended follows under Subsection 8:

8. Accessory dwelling provided the floor area of the accessory dwelling be not less than three hundred (300) square feet and provided the additional off-street parking requirements are met in accordance with ARTICLE XXX, Section 2.

**Section 21. ARTICLE XVI Section 2 (R-4 RESIDENCE ZONE) SPECIAL USES SUBJECT TO APPROVAL BY THE BOARD OF ZONING APPEALS, Subsection 6 as follows, shall be deleted entirely.**

*6. Accessory dwelling provided the floor area of the accessory dwelling be not less than three hundred (300) square feet and provided the additional off-street parking requirements are met in accordance with ARTICLE XXX, Section 2.*

**Section 22.** That this Ordinance shall be in full force and effect from and after its adoption and such publication as required by law.

	YEAS	NAYS	ABSTAIN	ABSENT
Dale Basham				
Jerry Dishman				
Brandon Garrett				
Jeff Green				
Sara Gullion				
William McIntosh Sr.				
Harold Mason Jr.				
Nora Powell				
Ro Selvey				

Passed by the Common Council of the City of Muncie, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
President of the Common Council  
City of Muncie, Indiana

Presented by me to the Mayor for his approval this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Belinda Munson, City Clerk  
City of Muncie, Indiana

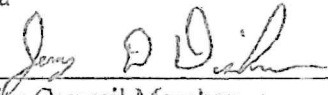
The above ordinance approved (vetoed) by me this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Dan Ridenour, Mayor of the City of Muncie,  
Indiana

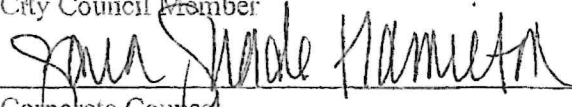
ATTEST:

\_\_\_\_\_  
Belinda Munson, City Clerk of Muncie, Indiana

This ordinance is proposed by:

  
\_\_\_\_\_  
City Council Member

This ordinance is approved in form by:

  
\_\_\_\_\_  
Corporate Counsel

**REPORT TO THE COMMON COUNCIL OF  
THE CITY OF MUNCIE, INDIANA**

June 6<sup>th</sup>, 2025

**To the Honorable:**

Common Council of the City of Muncie, Indiana

**Dear Council Members:**

The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on AN ORDINANCE TO AMEND THE TEXT OF THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE REGARDING CHANGES TO RESIDENTIAL DEVELOPMENT STANDARDS.

**WHEREAS**, the Delaware-Muncie Metropolitan Plan Commission is charged, by state statute, with the preparation of amendments to the zoning ordinance in order to maintain a viable updated ordinance dealing with planning and zoning and said Commission has reviewed, revised and adapted certain standards for the City of Muncie, Indiana.

**WHEREAS**, the said Plan Commission initiated a public hearing and, following discussion and the public hearing, a motion was made, seconded and approved to forward a favorable recommendation for the proposed amendment as attached with revisions.

**WHEREAS**, the said 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 in the jurisdiction and responsible growth and development.

**NOW, THEREFORE**, the Delaware-Muncie Metropolitan Plan Commission hereby **FAVORABLY RECOMMENDS** (9-0) the proposed amendment to the City of Muncie Comprehensive Zoning Ordinance regarding residential development standards as more accurately set forth in the attached Ordinance to Amend.

**DELAWARE-MUNCIE METROPOLITAN  
PLAN COMMISSION**

**BY:**

  
Chris Smith, President

  
Kylee Swackhamer, Secretary

**MPC 03-25A**

**EXHIBIT A**

**THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE**  
**PROPOSED AMENDMENTS**

**Page 3**

**ARTICLE IX**

**Section 3      YARDS: LOT COVERAGE**

No single family, two family or multiple family dwelling, together with accessory buildings or structures, shall occupy more than the following percentages of the total area of the lots, exclusive of right-of-ways:

~~R-1 and R-2 Residence Zones—35% lot coverage~~

~~R-3 and~~ R-4 Residence Zones – 40% lot coverage

R-5 Residence Zone – 50% lot coverage

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**ARTICLE XIII (R-1 RESIDENCE ZONE)**

**Section 3      LOT WIDTH, FRONTAGE AND AREA**

The width and street frontage of a lot shall be a minimum of ~~one hundred (100)~~ forty (40) feet at the building line and there shall be a minimum ~~twelve thousand (12,000)~~ four thousand eight hundred (4,800) square feet in area, exclusive of right-of-ways. Whenever public sewer and/or water facilities are not available and no unit sanitary sewer is available, the Board of Health requirements for lot area shall prevail, but shall not be less than ~~twelve thousand (12,000)~~ four thousand eight hundred (4,800) square feet in area, exclusive of right-of-ways. ~~The lot area shall be used to determine the amount of lot coverage allowed in accordance with Article IX, Section 3.~~

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**ARTICLE XIII (R-1 RESIDENCE ZONE)**

**Section 4      FRONT YARD SETBACK – ALL LOTS**

There shall be a front yard setback of a minimum ~~thirty (30)~~ twenty (20) feet in depth measured from the right-of-way line to the front wall of the building.

**ARTICLE XIII (R-1 RESIDENCE ZONE)**

**Section 5      SIDE YARD SETBACK – CORNER LOTS**

There shall be two (2) side yard setbacks of an interior lot, each being a minimum ~~ten (10)~~ five (5) feet in width measured at right angles to the side property line.



## **ARTICLE XIII (R-1 RESIDENCE ZONE)**

### **Section 6      SIDE YARD SETBACK – CORNER LOTS**

There shall be two (2) side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of ~~twenty-five (25)~~ twenty (20) feet in depth measured from the right-of-way line to the sidewall of the building. The side yard adjoining the adjacent property shall be a minimum of ~~ten (10)~~ five (5) feet in width measured at right angles to the side property line.

## **ARTICLE XIII (R-1 RESIDENCE ZONE)**

### **Section 7      REAR YARD SETBACK – ALL LOTS**

There shall be a rear yard setback of a minimum ~~thirty (30)~~ fifteen (15) feet in depth measured from the rear property line to the rear wall of the building.

## **ARTICLE XIII (R-1 RESIDENCE ZONE)**

### **Section 9      MINIMUM FLOOR AREAS AND BUILDING WIDTH**

The minimum floor area of any dwelling shall be not less than ~~eight hundred and sixty (860)~~ six hundred (600) square feet, exclusive of garages, carports, open porches, or breezeways. The dimensions of the dwelling shall be not less than twenty-four (24) feet in width nor less than twenty-four (24) feet in depth.

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## **ARTICLE XIV (R-2 RESIDENCE ZONE)**

### **Section 3      LOT WIDTH, FRONTAGE, AND AREA**

The width and street frontage of a lot shall be a minimum of ~~eighty (80)~~ forty (40) feet at the building line and there shall be a minimum ~~nine thousand (9,000)~~ four thousand eight hundred (4,800) square feet in area, exclusive of right-of-ways. Whenever public sewer and/or water facilities are not available and no unit sanitary sewer is available, the Board of Health requirements for lot area shall prevail, but shall not be less than ~~nine thousand (9,000)~~ four thousand eight hundred (4,800) square feet in area, exclusive of right-of-ways. ~~The lot area shall be used to determine the amount of lot coverage allowed in accordance with Article IX, Section 3.~~

## **ARTICLE XIV (R-2 RESIDENCE ZONE)**

### **Section 4      FRONT YARD SETBACK – ALL LOTS**

There shall be a front yard setback of a minimum ~~thirty (30)~~ twenty (20) feet in depth measured from the right-of-way line to the front wall of the building.

## **ARTICLE XIV (R-2 RESIDENCE ZONE)**

### **Section 5      SIDE YARD SETBACK – CORNER LOTS**



There shall be two (2) side yard setbacks of an interior lot, each being a minimum ~~eight (8)~~ five (5) feet in width measured at right angles to the side property line.

#### **ARTICLE XIV (R-2 RESIDENCE ZONE)**

##### **Section 6      SIDE YARD SETBACK – CORNER LOTS**

There shall be two (2) side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of ~~twenty-five (25)~~ twenty (20) feet in depth measured from the right-of-way line to the sidewall of the building. The side yard adjoining the adjacent property shall be a minimum of ~~eight (8)~~ five (5) feet in width measured at right angles to the side property line.

#### **ARTICLE XIV (R-2 RESIDENCE ZONE)**

##### **Section 7      REAR YARD SETBACK – ALL LOTS**

There shall be a rear yard setback of a minimum ~~twenty-five (25)~~ fifteen (15) feet in depth measured from the rear property line to the rear wall of the building.

#### **ARTICLE XIV (R-2 RESIDENCE ZONE)**

##### **Section 9      MINIMUM FLOOR AREAS AND BUILDING WIDTH**

The minimum floor area of any dwelling shall be not less than ~~seven hundred and sixty (760)~~ six hundred (600) square feet, exclusive of garages, carports, open porches, or breezeways. The dimensions of the dwelling shall be not less than twenty-four (24) feet in width nor less than twenty-four (24) feet in depth.

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#### **ARTICLE XV (R-3 RESIDENCE ZONE)**

##### **Section 3      LOT WIDTH, FRONTAGE, AND AREA**

The width and street frontage of a lot shall be a minimum of ~~sixty (60)~~ forty (40) feet at the building line and there shall be a minimum ~~seven thousand five hundred (7,500)~~ four thousand eight hundred (4,800) square feet in area, exclusive of right-of-ways. Whenever public sewer and/or water facilities are not available and no unit sanitary sewer is available, the Board of Health requirements for lot area shall prevail, but shall not be less than ~~seven thousand five hundred (7,500)~~ four thousand eight hundred (4,800) square feet in area, exclusive of right-of-ways. ~~The lot area shall be used to determine the amount of lot coverage allowed in accordance with Article IX, Section 3.~~

#### **ARTICLE XV (R-3 RESIDENCE ZONE)**

##### **Section 4      FRONT YARD SETBACK – ALL LOTS**

There shall be a front yard setback of a minimum ~~twenty-five (25)~~ twenty (20) feet in depth measured from the right-of-way line to the front wall of the building.

## **ARTICLE XV (R-3 RESIDENCE ZONE)**

### **Section 5      SIDE YARD SETBACK – CORNER LOTS**

There shall be two (2) side yard setbacks of an interior lot, each being a minimum ~~six (6)~~ five (5) feet in width measured at right angles to the side property line.

## **ARTICLE XV(R-3 RESIDENCE ZONE)**

### **Section 6      SIDE YARD SETBACK – CORNER LOTS**

There shall be two (2) side yard setbacks of a corner lot. The side yard adjoining the street shall be a minimum of twenty (20) feet in depth measured from the right-of-way line to the sidewall of the building. The side yard adjoining the adjacent property shall be a minimum of ~~six (6)~~ five (5) feet in width measured at right angles to the side property line.

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## **ARTICLE XV (R-3 RESIDENCE ZONE)**

### **Section 7      REAR YARD SETBACK – ALL LOTS**

There shall be a rear yard setback of a minimum ~~twenty-five (25)~~ fifteen (15) feet in depth measured from the rear property line to the rear wall of the building.

## **ARTICLE XV (R-3 RESIDENCE ZONE)**

### **Section 9      MINIMUM FLOOR AREAS AND BUILDING WIDTH**

The minimum floor area of any dwelling shall be not less than ~~seven hundred and twenty (720)~~ six hundred (600) square feet, exclusive of garages, carports, open porches, or breezeways. The dimensions of the dwelling shall be not less than twenty-four (24) feet in width nor less than twenty-four (24) feet in depth.

## **ARTICLE XVI (R-4 RESIDENCE ZONE)**

### **Section 1      PERMITTED USES**

8. Accessory dwelling provided the floor area of the accessory dwelling be not less than three hundred (300) square feet and provided the additional off-street parking requirements are met in accordance with ARTICLE XXX, Section 2.

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## **ARTICLE XVI (R-4 RESIDENCE ZONE)**

### **Section 2      SPECIAL USES SUBJECT TO APPROVAL BY THE BOARD OF ZONING APPEALS, Subsection 6.**

~~6. Accessory dwelling provided the floor area of the accessory dwelling be not less than three hundred (300) square feet and provided the additional off-street parking requirements are met in accordance with ARTICLE XXX, Section 2.~~