

**CHAPTER 804**

**ZONING ORDINANCE: HEIGHT, BULK, AREA, AND DENSITY PROVISIONS**

**804-1. Height, Bulk, Area, and Density Table**

- (A) Except as provided in this ordinance, no building or structure shall be erected, enlarged, altered, changed or otherwise modified, on a lot unless such building, structure or modification conforms to the height, bulk, area and density regulations of the zone in which it is located.
- (B) The conditions, standards, requirements and notes set forth in Table 4-1 and otherwise prescribed by this chapter are established as the basic height, bulk, area and density regulations for the County Jurisdictional Area.

**804-2. General Exceptions to Height, Bulk, Area, and Density Regulations**

The requirements which follow are intended to provide exceptions or qualify and supplement the specific district regulations set forth:

- (A) Height Exceptions.
  - (1) Structures or parts that shall be exempt from the height limitations are: barns, silos, grain bins, windmills, chimneys, spires, flagpoles, skylights, derricks, conveyors, cooling towers, telecommunication antennas and towers, observation towers, power transmission towers and water tanks.
  - (2) Buildings for public and semi-public use (see Land Use Schedule, Table 2-1) may exceed the height limitations of the district if the minimum depth of the front, side and rear yards required in the district is increased one (1) foot for each two (2) feet by which the height of such structure exceeds the prescribed height limit.
  - (3) Height restrictions in the areas adjacent to the Monroe County Airport shall be regulated by the Airport Zoning Regulations and by the Tall Structures Act, to the extent that this ordinance does not regulate the maximum height of the structures (see Subsection 800-6(B) of these regulations).
- (B) Yard, Building Setback and Open Space Exceptions.
  - (1) No yard, open space or lot area required for a building or structure shall, during its life, be occupied by or counted as open space for any other building or structure.
  - (2) The following structures shall be allowed to project into the required yard or beyond the building setback line, subject to conditions in the following table:

**Projecting Use**

**Horizontal  
Projection Allowed**

Architectural Features	3 feet
Awnings and Canopies (9 ft. clearance above street or walks)	3 feet
Bay Windows and Chimneys	2 feet
Fire Escapes	6 feet
Steps and Porches (non-enclosed)	6 feet

- (3) The following structures or facilities shall be allowed to be constructed in any yard: Driveways, curbs, sidewalks, fences, walls, hedges (subject to the regulations of this section), flagpoles non-permanent landscape features, planting boxes, recreational equipment, parking spaces and, only if adequately screened, composting or garbage disposal equipment.
- (4) For adjoining lots under single ownership, setback requirements may be determined from the perimeter of the adjoining lots, ignoring interior lot lines, as shown in Table 4-2, provided that only one main structure and its accessory structures shall be allowed within the perimeter of such adjoining lots and, the following notation is placed on the recorded deed to each such adjoining lot: "For planning and zoning purposes, the lot described herein shall be considered as part and parcel of the adjacent lot(s) owned by [insert owner's name] pursuant to a deed (or deeds) recorded at Deed Record [#s], page [#s], in the office of the Recorder of Monroe County, Indiana. The real estate described herein shall not be considered to be a separate parcel of real estate for land use, development, conveyance or transfer of ownership, without having first obtained the expressed approval of the Monroe County Plan Commission, Monroe County, Indiana, or any successor local governmental body having land use jurisdiction over the real estate. This restriction shall be a covenant running with the land.

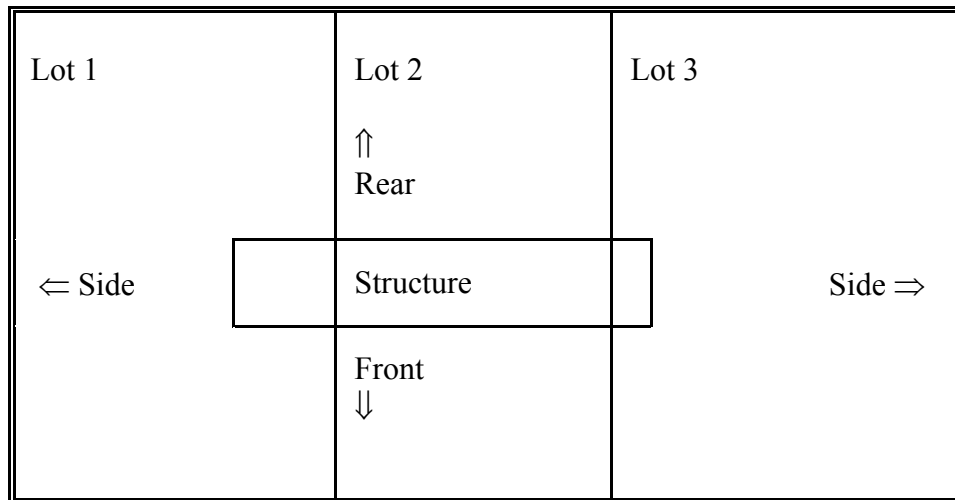


Figure 4-1

- (C) Developed Blocks. If seventy-five percent (75%) or more of the lots in a block are occupied by buildings, the minimum setback for each undeveloped lot on the block shall be the average of the setbacks of the existing buildings nearest to each side of

the lot.

**804-3. Safety and Vision**

The following regulations provide for the maximum safety of persons using sidewalks and streets: on any corner lot, a wall, fence, sign, structure, display of merchandise or any plant growth which obstructs sight lines at elevations between two and one-half (2 1/2) feet and ten (10) feet above the crown of the adjacent roadway shall not be placed or maintained within a triangle of the area of the lot twenty-five (25) feet from the street right-of-way at intersections.

**804-4. Special Requirements**

Special requirements are established to clarify certain conditions pertaining to the use of lots and access points:

- (A) Structures on a Lot. Only one principal building and its accessory structures may be located on a lot unless development is approved as a planned unit development.
- (B) Lot of Record. Any lot recorded or in single ownership at the time of adoption of these regulations shall be permitted to exist in its present dimensions.
- (C) Permanent Outdoor Display of Goods. For nonresidential uses in nonresidential zones, a permanent outdoor display of goods shall conform to the required building setback as set out in the height, bulk, area and density table included in this chapter, unless otherwise prohibited (see Section 804-4 above).
- (D) Temporary Outdoor Display of Goods. Temporary outdoor display of merchandise may encroach ten (10) feet on the required building setback as set out in the height, bulk, area and density chart included in this chapter.

Table 4-1

Height, Bulk, Area, and Density Requirements for Zoning Districts																	
Requirement	AG	FR	CR	ER	SR	LR	MR	HR	UR	LB	GB	PB	LI	HI	IP	ME	REC
Gross Density	0.40 (G)	0.20	0.40	1.00	1.00	3.00	4.80	7.30	7.30	---	---	---	---	---	---	---	---
Minimum Lot Area (acres)	2.5	5.0	2.5 (E)	1.0	1.0 (F)	0.34	0.21	0.14	0.14	---	---	---	---	---	---	---	---
Minimum Lot Width at Building Line	200	200	200	100	50	75	60	50	50	50	50	50	60	100	100	200	200
Minimum Required Setbacks (feet)																	
Yard Fronting on any Street																	
Local	25	25	25	25	25	25	25	25	25	25	25	25	35	35	35	35	25
Minor Collector	35	35	35	35	35	35	35	35	35	25	25	25	35	35	35	35	25
Major Collector	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35
Minor Arterial	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Principal Arterial	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Side Yards	50 (A)	50 (A)	15	15	5	10	5	5	10	6	6	6	3	3	3	50	50
Rear Yard	50 (B)	50 (B)	35	35	10	25	10	10	10	0	0	0	10 (D)	10 (D)	10 (D)	50	50
Minimum Open Space Area (percent)	75 (C)	75	40	40	40	40	40	40	40	15	20	15	20	20	20	---	20
Maximum Height (feet)	35	35	35	35	35	35	35	35	45	35	45	35	50	60	35	---	45
Maximum Floor Area Ratio	---	---	---	---	---	---	---	---	---	0.25	0.30	0.25	0.40	0.40	0.40	---	0.30

**Legend:**

- (A) 15 foot setback for residential structures and residential accessory structures.
- (B) 35 foot setback for residential structures and residential accessory structures.
- (C) 75 percent does not apply to agricultural uses.
- (D) No setback required when adjoining a rail spur.
- (E) Refer to the Environmental Constraints/Lake Watershed Overlay Zone Chapter for further information. Area 1 requires a five (5) acre minimum lot size and Area 4 allows a density of up to three (3) units per acre.
- (F) If all other development standards are met, no variance is required for a lot of record with an area less than one (1) acre.
- (G) Maximum gross density for residential subdivision in AG/RR with the BI Overlay is 0.20 dwelling units/acre.