

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.

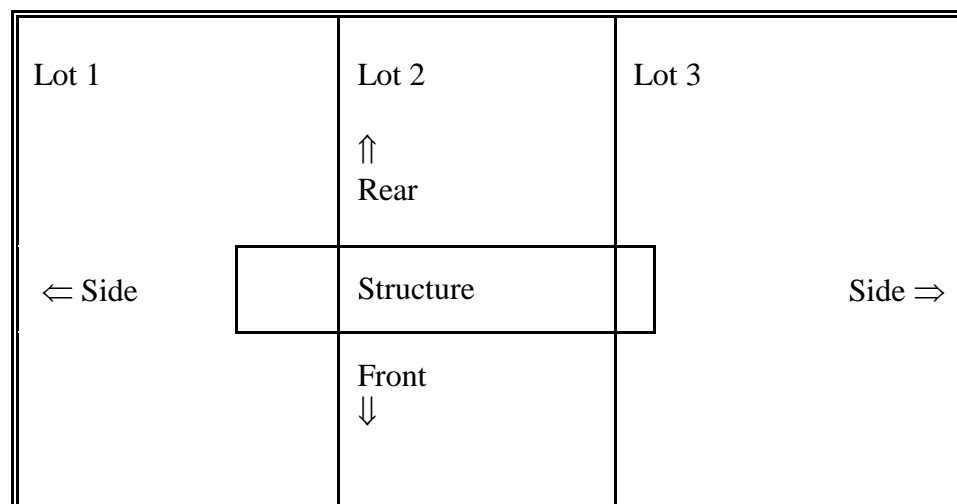


Figure 4-1

(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.

(D) **Lot Layout Measurements** in LR, MR, and HR zoning districts when parcels are connected to a Public Sewer Disposal System, or AG/RR, CR, FR, and ER zoning districts.

Legal, pre-existing lots of record shall be deemed to conform to the Height, Bulk, Area, and Density regulations when one of the following situations is present:

(1) The lot is in a platted subdivision for which the plat specifies the particular measurement and the lot demonstrates compliance with that measurement.

(2) The Director determines that the lot or parcel configuration measurements are consistent with the prevailing measurements for lots and parcels in the neighborhood. In making the determination, the Director shall not approve a deviation of greater than 10% of the standards set forth in Table 4-1, Height, Bulk, Area, and Density Requirements for Zoning Districts.

(E) **Administrative Waiver of 15% slope provision**

(1) For legal, pre-existing lots of record which cannot be reasonably utilized for its zoned use as a result of the buildable area requirement regarding slopes of fifteen (15%) percent or greater, an administrative waiver may be granted for the construction of a single family residential unit. The waiver shall be only granted to the extent necessary to construct the same.

(2) An administrative waiver may be granted to allow for the expansion of structures which existed prior to October 2, 2015 into areas with slopes of fifteen (15%) percent or greater where further expansion is limited by:

- existing configuration of development including infrastructure;
- irregular lot configuration; or
- restrictions of existing topography.

The waiver may not authorize an expansion greater than 1000 square feet.

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.

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 legal lot of record unless the development is approved as a shopping center, business or industrial center, commercial / industrial adaptive reuse, or 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.

(E) Any building or structure constructed after October 2, 2015 must be located within a buildable area. The following shall not be included in the buildable area:

- Special Flood Hazard Area as specified in Chapter 808;
- Wetlands as specified in Chapter 801;
- Slopes 15% or greater as specified in Chapter 825 Area 2 Regulations;
- Sinkhole Conservancy Areas as specified in Chapter 829;
- Drainage Easements as specified in Chapter 856;
- Riparian Conservancy Areas as specified in Chapter 801;
- Rights-of-way as specified in Chapter 801;
- Easements for access;
- Pole of a flag lot as specified in Chapter 801; and,
- Setbacks as specified by Ordinance.

Figure 4-2

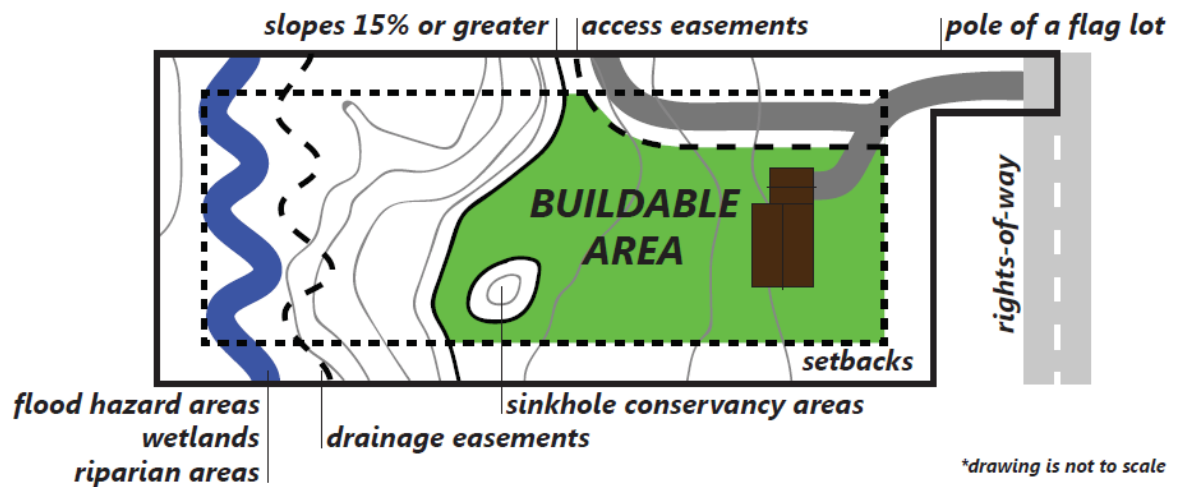


Table 4-1

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 (J)	0.20	0.40	1.00	1.00	3.00	4.80	7.30	7.30	---	---	---	---	---	---	---	---
Minimum Lot Area (acres)	2.5 (I)	5.0 (I)	2.5 (E)(I)	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 (H)	25 (H)	25 (H)	25	25	25	25	25	25	25	25	25	35	35	35	35	25
Minor Collector	35 (H)	35 (H)	35 (H)	35	35	35	35	35	35	25	25	25	35	35	35	35	25
Major Collector	35 (H)	35 (H)	35 (H)	35	35	35	35	35	35	35	35	35	35	35	35	35	35
Minor Arterial	50 (H)	50 (H)	50 (H)	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Principal Arterial	60 (H)	60 (H)	60 (H)	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 (K)	5 (K)	10 (K)	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
Maximum Lot Coverage (AG/RR, CR, FR- Sq. Ft.) Minimum Open Space Area (All Other Zones - percent)	15,000 Square Feet (G)	15,000 Square Feet (G)	15,000 Square Feet (G)	40	40	40	40	40	40	15	20	15	20	20	20	---	20
Maximum Height (feet)	40 Principal Use Structures 30 Accessory Use Structures	40 Principal Use Structures 30 Accessory Use Structures	40 Principal Use Structures 30 Accessory Use Structures	35	35	35	35	35	45	35	45	35	50	60	35	---	45
Maximum Floor Area Ratio	---	---	---	---	---	---	---	---	---	0.25	0.30	0.25	0.4	0.4	0.4	---	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) Excluding agricultural buildings, buildings and structures that contain less than 120 square feet of floor area and that are not built on permanent foundations.
- (H) Measured from Right of Way Line of a Public Road in the Current Thoroughfare Plan, or 50' if no direct frontage on a road
- (I) All lots created after October 2, 2015 shall include a minimum of 1 acre of buildable area.
- (J) Maximum gross density for residential subdivision in AG/RR with the BI Overlay is 0.20 dwelling units/acre.
- (K) 0 foot side setback on one lot line if designated on a subdivision plat.

Setbacks are measured from the road right-of-way line, not the centerline of the road