MONROE COUNTY DEVELOPMENT ORDINANCE

WHITE PAPER

A collaboration by:

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Monroe CDO white paper

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Executive summary

Communities thrive when they have a shared vision, lean into their strengths and coordinate investments in those areas. **The Monroe County Development Ordinance (CDO) is an essential cornerstone for our community's prosperity**. The CDO is a tool for aligning land use, buildings, infrastructure and development processes that meet community needs. By facilitating the growth of quality jobs, better wages, and attainable housing through land use, it can pave the way for Monroe County's bright future.

About this paper: This paper was developed in response to the Monroe County Planning Department's request for public comments on the CDO. It is largely based on the CDO draft posted on September 11, 2024, but may include input on earlier versions as multiple iterations have been posted.

The paper was compiled by members and partners of 6 local organizations: Bloomington Economic Development Corporation (BEDC), Bloomington Board of Realtors (BBOR), Building Association of South Central Indiana (BASCI), Habitat for Humanity of Monroe County, Greater Bloomington Chamber of Commerce, and Greater Ellettsville Area Chamber of Commerce.

White paper structure: Section 1 of the paper provides broad feedback on CDO's direction and Section 2 provides chapter-by-chapter notes, highlighting strengths and suggested revisions. Section 3 on Methodology outlines how this paper was developed.

Key takeaways from our review of the CDO can be seen in the preceding table of contents. We should note that the CDO also has numerous strengths including but not limited to streamlined zones, clear writing, and great zoning for the Monroe County Airport that provides flexibility for utilizing airport land for employment developments.

A thriving community is our goal: Monroe County is at a pivotal moment, with demographic shifts that present unique challenges and opportunities. As our population ages, we need to creatively address workforce demands across sectors. The CDO offers a chance to innovate in how we manage regional needs while managing impacts on community costs and revenue. We can build a community where we can age and THRIVE in place...where our children can build their families and a vibrant future.

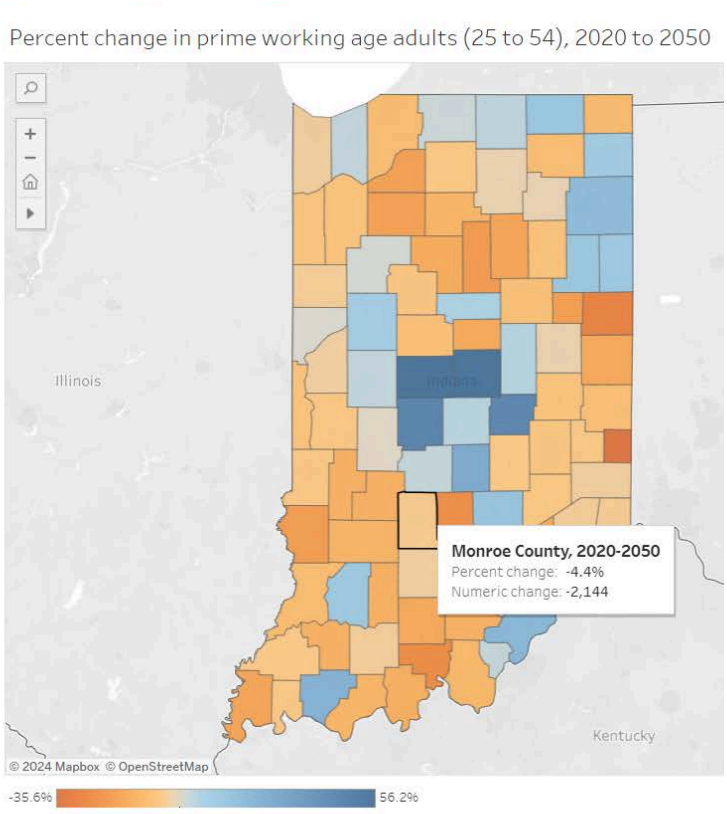
Thank you to the Monroe County Planning Department and Monroe County Plan Commission for the time, talent, and multiple years of work they put into developing the CDO. Planning Director Jackie Nester Jelen has been especially helpful and communicative as we have navigated the CDO. We appreciate you all for your service to our community.

Section 1A: The CDO can help us address community needs

The Monroe County community has great opportunities to leverage. We are a hub on the innovation and talent corridor that runs from Indianapolis to Crane, at the crossroads of the corridor connecting Brown County to Owen County.

Our workforce is our strength, but our working-age population is shrinking.

Monroe County is also a regional hub for talent, with over 93,000 individuals working in the community. While roughly 17% of Monroe County's workforce commutes into Monroe County, our largest employers report half of their staff come from surrounding counties. Over 48% of Monroe County's population has a bachelor's degree or higher, compared to over 33% of the US population (Source: US Census Bureau).



However, Monroe County's prime working age population is shrinking while the age 65+ population is growing. This poses challenges for community succession planning for workers, as well as caring for our older neighbors.

The County added just over 5,000 people aged 65+ from 2012-2022, with a relatively flat overall population (Source: US Census S2301 employment status table).

In August 2024, the IU Indiana Business Research Center (IBRC) reported that Indiana's overall population growth is projected to slow due to rising mortality and declining births. Monroe County's population projections from 2020 to 2050 are much more stark:

- Monroe County's **population over age 65** is projected to **grow** by almost 48% from 2020 to 2050, an increase of 9400 individuals over age 65.
- Monroe County's **prime working-age** population, aged 25 to 54, is projected to **shrink** by 4.4%, which is a decrease of over 2100 individuals by 2050.

- And our **population under age 20** is expected to **shrink** by 10%, which is a decrease of over 3100 individuals by 2050.

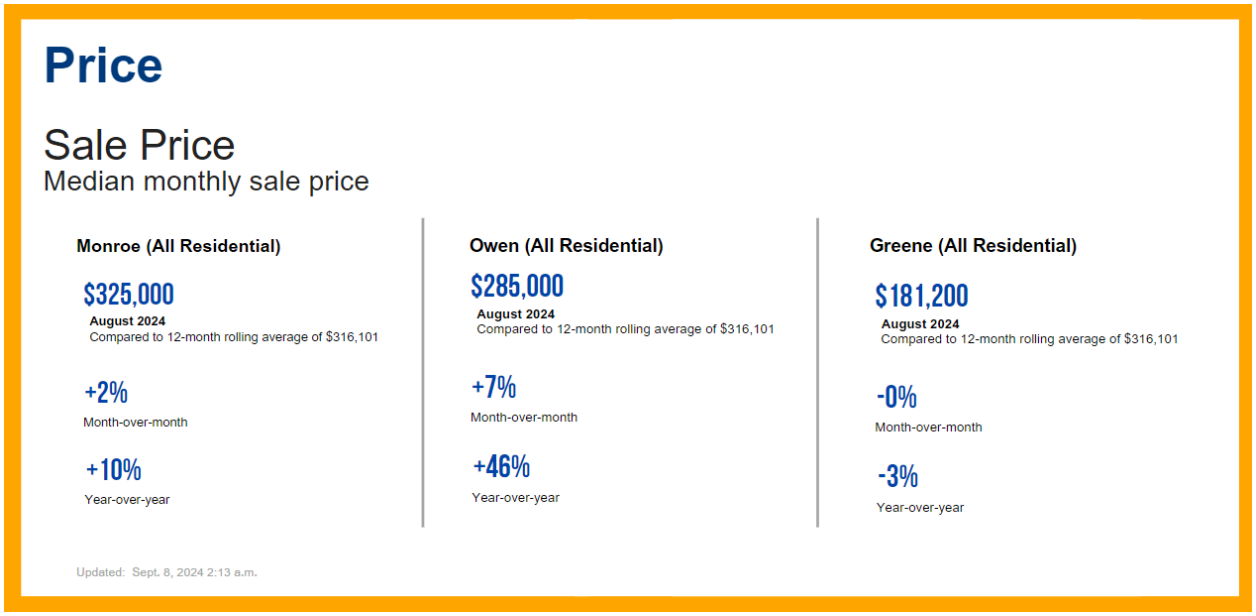
According to the IBRC, these changes stem from an aging Baby Boom generation, steep and steady declines in Indiana birth rates since 2008, and a decreasing Indiana life expectancy, which peaked in 2010. This is primarily due to a steady rise in mortality rates among the state's working-age population. (Source: IBRC study overview; county-by-county data and infographics)

	Total population	Prime working age (25-54)	% Prime working age	25 to 34	35 to 44	45 to 54
2020	139,571	48,586	34.8%	19,771	15,482	13,333
2025	138,159	47,608	34.5%	19,136	15,181	13,291
2030	139,283	48,530	34.8%	18,919	14,852	14,759
2035	140,076	47,677	34.0%	18,347	14,468	14,862
2040	140,874	47,778	33.9%	18,426	14,696	14,656
2045	141,420	47,615	33.7%	18,487	14,568	14,560
2050	141,917	46,442	32.7%	17,321	14,397	14,724

Source: Monroe County population projections from the IBRC, July 2024
Available at https://www.stats.indiana.edu/topic/projections.asp

Housing costs remain a challenge for families

Housing costs and availability also remain a challenge for our current neighbors and local workforce, especially for single family homes. The accepted standard is that a household should spend no more than 30 percent of income on housing costs, including utilities. (Source: State of the Nation's Housing 2024, Harvard Joint Center for Housing Studies) Due to local housing costs, many local households face high barriers in attaining cost-effective housing. According to the same JCHS report, 54.7% of renters in Monroe and Owen Counties are cost-burdened and 39.6% are severely cost-burdened; compared to 16.3% and 7.3% of homeowners.



- **Monroe County's median monthly home sales prices were $318,350 in July 2024 and $325,000 in August 2024.** This is compared to August 2024 median home prices for $181,200 for Greene County, $285,000 for Owen County, and the $265,000 median price statewide. The median sales price for Monroe county is 10% higher compared to a year ago.(Source: Indiana Association of Realtors)
- **Monroe County's median household income is $65,043** (Source: US Census).
- **The household income needed to afford the median home price of $318,500 is $102,500** (Source: Forbes Affordability Calculator). This assumes a 3% down payment and a 30-year mortgage at a fixed rate of 6.25%.
- **The median home is out of reach for most people:** The July median home price of $318,350 is out of reach for the median household income, as shown in the lending scenario analysis at right and below. We must ensure that good-paying jobs and home ownership are not out of reach for our neighbors.

Home Purchase Comparison: Conventional vs. FHA Loan

- Purchase Price: $318,500
- Interest Rate: 6.5%

Conventional Loan (3% down payment)

- Down Payment: $9,555 (3%)
- Loan Amount: $308,945
- Monthly Principal & Interest: $1,954
- Estimated Property Taxes: $250
- Estimated Homeowners Insurance: $125
- Private Mortgage Insurance (PMI): $129 (0.50% annually)
- Total Monthly Payment: $2,458

FHA Loan (3.5% down payment)

- Down Payment: $11,148 (3.5%)
- Loan Amount: $307,352
- Monthly Principal & Interest: $1,944
- Estimated Property Taxes: $250
- Estimated Homeowners Insurance: $125
- Mortgage Insurance Premium (MIP): $141 (0.55% annually)
- Total Monthly Payment: $2,460

Qualification Scenarios for $65,043 Annual Income

Income Breakdown

- Gross Monthly Income: $5,420
- Net Monthly Income (25% tax rate): $4,065

Low Debt Scenario ($300 monthly debt)

- Conventional:
  - Total Monthly Payment + Debt: $2,758 ($2,458 + $300)
  - DTI: 50.9% (gross), 67.8% (net)
  - **Result:** Does not qualify (exceeds 45% DTI limit)
- FHA:
  - Total Monthly Payment + Debt: $2,760 ($2,460 + $300)
  - DTI: 50.9% (gross), 67.9% (net)
  - **Result:** Qualifies (within 50% DTI limit)

Mid Debt Scenario ($600 monthly debt)

- Conventional:
  - Total Monthly Payment + Debt: $3,058 ($2,458 + $600)
  - DTI: 56.4% (gross), 75.2% (net)
  - **Result:** Does not qualify (exceeds 45% DTI limit)
- FHA:
  - Total Monthly Payment + Debt: $3,060 ($2,460 + $600)
  - DTI: 56.5% (gross), 75.3% (net)
  - **Result:** Does not qualify (exceeds 50% DTI limit)

High Debt Scenario ($1,200 monthly debt)

- Conventional:
  - Total Monthly Payment + Debt: $3,658 ($2,458 + $1,200)
  - DTI: 67.5% (gross), 90.0% (net)
  - **Result:** Does not qualify (exceeds 45% DTI limit)
- FHA:
  - Total Monthly Payment + Debt: $3,660 ($2,460 + $1,200)
  - DTI: 67.5% (gross), 90.0% (net)
  - **Result:** Does not qualify (exceeds 50% DTI limit)

Source: Qualification information provided by Ryan Langley, Vice President and Branch Manager of Ruoff Mortgage in Bloomington, based on bank rates available 9/10/2024.

FHA loans are loans that are insured by the Federal Housing Authority (FHA) and are designed to help low to moderate income borrowers purchase a home with a lower down payment and a lower credit score requirement.

DTI = Debt to Income Ratio.

Key Takeaways

1. In the low debt scenario, the borrower only qualifies for the FHA loan, as the Conventional loan DTI exceeds the 45% limit.
2. In both the mid and high debt scenarios, the borrower does not qualify for either loan type due to exceeding DTI limits.
3. FHA loans offer more flexibility with a higher DTI limit (50% vs. 45% for Conventional), but even this is exceeded in the mid and high debt scenarios.
4. The net income DTI ratios are significantly higher than gross income DTI ratios, highlighting the importance of considering take-home pay when budgeting for a home purchase.
5. As debt increases, it dramatically impacts loan qualification, even with consistent income.
6. Borrowers with higher debt levels may need to consider reducing their debt, increasing their income, or looking for a less expensive property to qualify for a mortgage.

Remember that these calculations are based on the provided DTI limits and don't account for other factors lenders may consider, such as credit score or assets. Some lenders may offer more flexible options or alternative loan programs for borrowers with higher DTI ratios

Talent attraction, housing, and job growth go hand-in-hand.

Our community's ability to provide attainable housing is central to attracting and retaining both the employers and talent needed to make our community vibrant.

Workforce is among the top two issues identified by site consultants, who help employers find new locations for their business. Labor shortages were named the #1 workforce issue for 2024, followed by affordable housing and upskilling (source: Site Selection Magazine).

Why worry about jobs and housing if our working-age population is shrinking?

… shouldn't we just maintain what we have?

The current data shows our community on a track to age out, while missing opportunities to attract and retain the workforce needed to care for our aging population and run our community in the future. Meanwhile, our current neighbors face rising costs.

The central challenge ahead of us is not a question about population growth. At a most basic level, it is about ensuring that we have sufficient replacement population and talent to ensure community succession planning, while caring for our older neighbors. This is to maintain our current level of economic vitality while raising quality of life for our currently-struggling neighbors. It also enables us to ensure our children can build their futures in this community.

Isn't there enough current and new housing in Bloomington and Ellettsville?

The CDO impacts land use for years (decades) to come. Therefore, it's critical to signal where future housing *can* go to guide future development.

Current supply is low: A 3.6 month supply of housing inventory was on the market in Monroe County in August 2024, which falls below what has been historically seen as a healthy amount of supply to control costs. (Source: Indiana Association of Realtors)

"Months' supply refers to the number of months it would take for the current inventory of homes on the market to sell given the current sales pace. Historically, six months of supply is associated with moderate price appreciation, and a lower level of months' supply tends to push prices up more rapidly." (Source: National Association of Realtors)

Greater housing-type diversity is needed for the future: The County's Urbanizing Area Plan calls for promoting diverse housing choices (Source: Monroe County Urbanizing Area Plan, pg. 15). We currently have a housing shortage for all sectors except student housing. Student housing is not likely to be located outside the corporate boundaries of Bloomington, where its growth was driven by city policies over the past 10-15 years. While this has helped address the needs of a growing IU student population, different types of homes are needed for workers, families, empty-nesters, and retirees. Although other new developments are moving forward, such as the Summit District and Hopewell in Bloomington and the Harman Farm development in Ellettsville, these projects do not fully address the spectrum of needs.

It is imperative that the county enact policies that focus on needed housing sectors (family and age 55+ housing) and encourage home ownership and neighborhood opportunities that no longer exist inside of the city. The effect of squeezing this type of housing out by policy, with companion economics for feasible development, pushes these families and community members to find housing outside of the county. This diminishes our tax base, adds commuters on the roadways, and causes the county to become stagnant when we should be envisioning vibrancy for the future.

Land and development costs rise exponentially when policies push out housing, with reduced opportunities for building. Programs that promote affordability, like Habitat for Humanity, cannot operate in an environment where large-lot zoning precludes neighborhood development. Landthat is expensive and cannot be platted to accommodate affordable sized lots for families to own perpetuates income disparities in our community.

If we support the need for affordable housing, it is imperative to avoid zoning and regulatory policies that prevent reasonable development. This is true not only for a program like Habitat but also for a fair-minded entrepreneur that wants to help meet the housing need but cannot afford to do so because of the cost to create housing. As a

community, we will not be able to sustain current housing needs let alone create expected vibrancy in the future with policies that actually inhibit it.

The CDO directly influences critical factors for our future

The CDO is critical to helping address the current needs of our community, while attracting and retaining talent to help us maintain a vibrant place to live. Key factors that attract and retain talent in a community include ample career opportunities, affordable cost of living, and high quality of life.

Land use is a critical component in this equation. The CDO aligns land use, buildings, infrastructure and development processes that meet the community's aforementioned needs. It affects housing, places of employment, and quality of life.

Community benefits of attainable housing and quality employment in Monroe County include the following:

- **Improved quality of life** by reducing longer commutes, which is a savings in transit and time for workers.
- **Improved environmental sustainability** by reducing longer commutes. Example: A regular commuter from Ellettsville to the Monroe County Courthouse has an estimated annual footprint of 1.01t of CO2 emissions, compared to 2.02t of CO2 emissions if they lived in Spencer, IN. (Source: HERE Commuter Carbon Calculator)
- **Limiting sprawl** from workers looking further afield for affordable homes.
- **Increased ability to attract and retain talent.** Our larger employers report more staff commuting from outside of the community, which poses a challenge for them to attract and retain those staff long-term. Local residential opportunities can help address this challenge.
- **Revenue for local government.** It is highly beneficial to local government revenues when residents, workers, and employers stay within the County. Stagnant wages or loss of population can cause slow local income tax revenue growth or even reductions in local income tax revenues. This is because local income taxes, which are distributed to the local taxing units, are collected based upon county of residence and distributed to the taxing units based upon their proportional share of the property tax levies. (Source: Indiana handbook of Taxes, Revenues, and Appropriations, Local Option Taxes section).

  If the number of taxpayers stays stagnant, then the cost per taxpayer increases by more than any increase in property value, or local governments may need to consider raising additional revenues, such as user fees or cutting services. This can create a vicious circle or lost investment in the community.

Overall, a drive for diversification and growth is the best way for communities to stay afloat or even grow their financial health.

Section 1B: Key concerns to address in the CDO

1Ba) Concern: The CDO is based on an older Comprehensive Plan

Understanding that an update to the Comprehensive Plan is coming, the current CDO is based on an older Comprehensive Plan from 2012, which can pose challenges. An updated Comprehensive Plan helps prevent development patterns guided only by project-by-project decisions that can weaken a cohesive land use vision for the future. Without this, the CDO functions as an operating system without overarching principles. Landowners currently go through months of planning review and plan commission recommendations that are often overturned. The CDO should be aligned with its guiding documents, including the Comprehensive Plan and Urbanizing Area Plans.

1Bb) Concern: Ample time is needed for CDO review – now and in implementation

The latest draft of the CDO is close to 500 pages and multiple updated versions have been posted in August and September 2024. This has made it challenging to review during the current period. Residents and businesses would benefit from ample opportunity to understand what's in the document and respond to the latest version. As the new CDO is implemented, a normal part of the process should also include opportunities to update the CDO based on any minor issues revealed in implementation.

1Bc) Concern: The CDO zoning map and regulations impact attainable housing

While aspects of the CDO are strong (detailed in section 2), one of our most significant concerns relate to how the CDO may hinder community efforts to provide more attainable housing, at a time in which housing is challenging for workers and employers alike. This is because:

1. Limited land for housing can drive land prices up
2. Restrictions in the code can add to construction costs, thus home prices
3. Larger home lot sizes can also lend to sprawl and decrease the efficiency of use for current land for housing.

Residential development is included among the key principles of the Comprehensive Plan and Urbanizing Area Plans, which guide the CDO:

- One of the CDO Project Goals is to “Follow the vision, goals, and objectives of the Comprehensive Plan(s) and encourage economic, environmentally-friendly and socially sustainable development.” One of the key principles of the Comprehensive Plan (created in 2012) is to increase residential choices. (Source: Monroe County Comprehensive Plan pg. 5)
- “The CDO guides where development can take place, at what scale/density, and what type of development is allowed” as noted on MonroeCDO.com.
- The Urbanizing Area Plan suggests several approaches to housing diversity including greater density through the construction of multi-family, attached homes, patio homes and cottage homes. It recognizes that older households are wanting to downsize, while new households are generally decreasing in size from previous generations. (Source: Urbanizing Area Plan Phase II)
- The Urbanizing Area Plan also references several fiscal benefits of greater housing density including reducing the upfront cost of infrastructure, generating more property tax per acre, minimizing the per unit cost of government services, and reducing the long-term infrastructure maintenance and operations relative to the tax generated on a per acre basis. (Source: Urbanizing Area Plan Phase II)

Comparatively fewer small parcels of land limit attainable housing opportunities

The proposed CDO zoning map shows fewer smaller parcels of land available compared to the whole. Smaller parcels would enable more affordable residential development. Smaller minimum lot sizes help reduce the per-lot cost of infrastructure, which in turn leads to lower prices for sale units. Due to supply and demand, the lack of undeveloped / underdeveloped smaller minimum lot sizes will drive up the price of the lots that are available, including land in the City of Bloomington and Town of Ellettsville. Price varies by how much of the land is buildable, location, whether it has sewer access, and other factors.

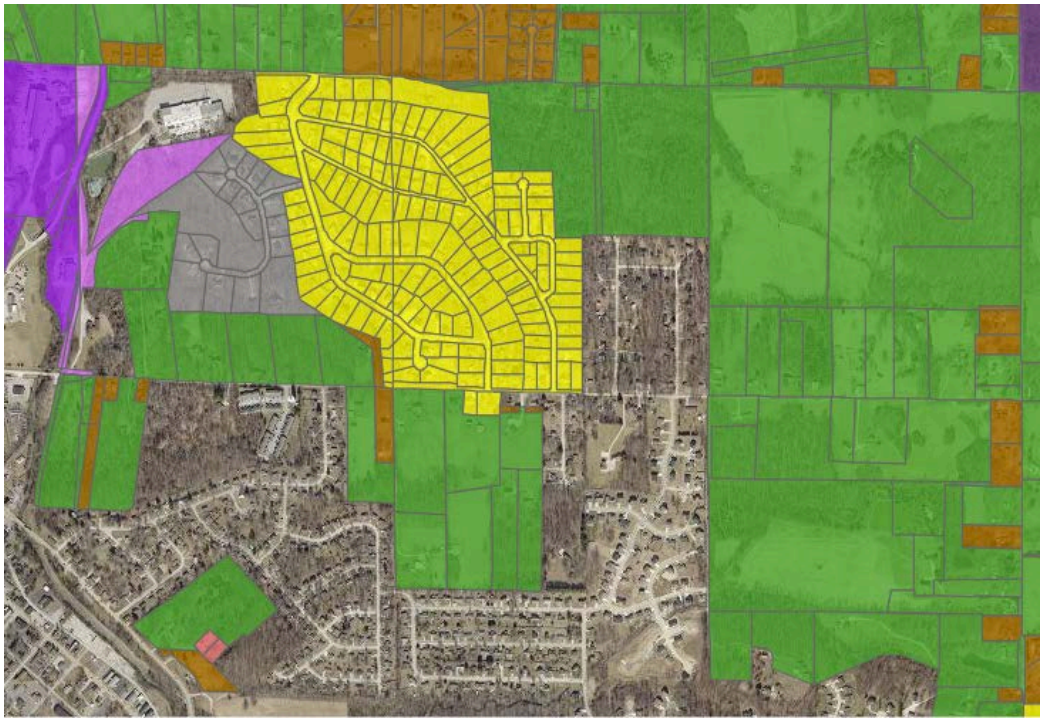
The following analysis of zoning map changes show how acreage will change by zoning type, alongside the smallest lot sizes allowed for residential development on the zoning map.

- A very positive change is that acreage for HD (High Density) and CD (Community Development Residential) has increased.
- However, residential land is limited in the overall scope of land use across the county, compared to more rural designations, even though the CDO increases acreage for Rural Neighborhood (RNH), High Development Residential (HD), Community Development Residential (CD), Low Development Residential (LD), and Residential 1 (RES).

EXISTING Zones	Existing Minimum Lot Size	Total Existing Zone Acres	Vacant - Existing Zone Acres (and % of total)	NEW Zones	New Minimum Lot Size	Total Acres	Vacant- New Zone Acres (and % of total)	Gained/Lost Acres from EXISTING to NEW Zones	Category in Use Table Net Gain/Loss
AG/RR (Agriculture/Rural Reserve)	2.5 Ac	115436	45013 (39%)	AGR (Agricultural Residential 2.5)	2.5 Ac	100421	38571 (38%)	-15015	RURAL RESIDENTIAL + 2,687 ACRES
RE2.5 (Estate Residential 2.5) CR (Conservation Residential)	2.5 Ac	10225	3234 (32%)	CVR (Conservation Residential 2.5)	2.5 Ac	22537	8744 (39%)	12312	
BP (Business Park) FR (Forest Reserve)	N/A 5 Ac	72376	14204 (20%)	FOR (Forest Residential 5)	5 Ac	77528	15169 (20%)	5152	
(NULL)		New Zone	New Zone	RNH (Rural Neighborhood)	0.14 Ac - 1 Ac	238	27 (11%)	238	
RM15 (Multi Dwelling Res 15) RM7 (Multi Dwelling Res 7) UR (Urban Residential) HR (High Density Residential)	0.14 Ac	331	33.38 (10%)	HD (High Development Residential)	0.14 AC	860	139 (16%)	529	RESIDENTIAL +230 Acres
RS4.5 (Single Dwell Res 4.5) RS3.5/PRO6 (Single Dwelling Res 3.5) MR (Medium Density Residential) RS3.5 (Single Dwelling Res 3.5) RS (Single Dwell Res)	0.22 Ac	2475	198 (8%)	CD (Community Development Residential)	0.22 Ac	2546	201 (8%)	71	
LR (Low Density Residential) RS2 (Single Dwelling Res 2)	0.34 Ac 0.5 Ac	580	66 (11%)	LD (Low Development Residential)	0.34 Ac	470	82 (17%)	-110	
PUD (Planned Unit Development)	N/A	4263	1116 (26%)	PUD (Planned Unit Development)	N/A	4263	1116 (26%)	0	
ER (Estate Residential) RE1 (Estate Residential 1) SR (Suburban Residential)	1 Ac	13436	2542 (19%)	RES (Residential 1)	1 ac	13176	2278 (17%)	-260	
REC (Recreation) I (Institutional Uses) IP (Institutional/Public)	N/A	1357	12 (1%)	IP (Institutional/Public)	N/A	1397	13 (1%)	40	INSTITUTIONAL +40 Acres
CG (General Commercial) GB (General Business)	N/A	216	39 (18%)	GB (General Business)	N/A	183	43 (23%)	-33	BUSINESS -23 Acres
CA (Commercial Arterial) CL (Commercial Limited) LB (Limited Business) PB (Pre-existing Business)	N/A	701	80 (11%)	LB (Limited Business)	N/A	711	70 (10%)	10	
LI (Light Industrial) IL (Limited Industrial)	N/A	1485	394 (27%)	LI (Light Industrial)	N/A	1447	312 (22%)	-38	INDUSTRIAL +44 Ac
HI (Heavy Industrial) IG (General Industrial)	N/A	709	182 (26%)	HI (Heavy Industrial)	N/A	718	181 (25%)	9	
Q (Quarries) ME (Mineral Extraction)	N/A	6412	3729 (58%)	ME (Mineral Extraction)	N/A	6485	3815 (59%)	73	
AP (Airport)	N/A	892	0	AP (Airport)	N/A	1286	119 (9%)	394	AIRPORT +394 Ac
WA (Lakes)	N/A	14078		DELETED FROM THE ZONING LAYER	N/A	10706		-3372	LAKES Removed the Lakes as a Zoning district and converted remaining largely State/Federal land to FR

Source: Analysis of Zoning Map Changes between the Existing Zoning District and the CDO Draft Zones (updated August 28, 2024) posted on MonroeCDO.com

Here is an example of an area where attainable housing options could be increased. This is a screenshot from the CDO zoning map of an area in the county adjacent to the Town of Ellettsville:



Source: [CDO draft zoning map]

With the exception of an existing higher density neighborhood, most of the rest of the land is zoned Agriculture 2.5 or Residential 1.

The Town of Ellettsville has zoned the land adjacent to these areas as higher density residential, consistent with existing uses and likely future uses:

Source: Elevate

Ellettsville's zoning also reflects the availability of sanitary sewers.

The County's zoning of property in this area should similarly reflect the surrounding current uses and the opportunity for attainable housing to increase.

Sewer options are needed for attainable housing development

One of the justifications for larger minimum lot sizes (and by design, single-family detached dwellings) is that denser developments require sewer access — that is positive, and a best practice for extending services to more residents. However, the City of Bloomington is currently not extending residential sewer service in the County due to ongoing annexation litigation.

An alternative to accommodate denser development could be for the County to pursue a regional sewer district, much like the Town of Ellettsville has achieved. This would provide greater certainty for where sewer can go over an extended period of time, to allow for it to grow in a planned, intentional way. It would also align with principles outlined in the Comprehensive Plan: "Monroe County shall encourage the provision of sanitary sewers to our Designated Communities to permit increased housing densities, potential business locations, and vital community services while reducing land consumption resulting from the use of septic systems." (Source: Comprehensive Plan, Section 3.3)

A sanitary sewer system to convey wastewater to a wastewater treatment facility achieves better water quality than on-site sewage disposal systems. This is especially true near lakes and rivers. Lake Lemon and Bean Blossom Creek are assets shared by Monroe and Brown Counties. The Brown County Regional Sewer District has been working toward an effort to provide sanitary sewer service to residents and businesses in the vicinity of these water bodies to improve their water quality. Should that effort extend into Monroe County, the CDO should not act as an impediment to the provision of wastewater treatment to protect Lake Lemon and Bean Blossom Creek.

Sliding scale subdivisions should also be revised to address housing concerns

Twenty-five year moratoriums on development for a sliding scale subdivision are an additional concern for attainable housing within the current draft of the CDO.

Sliding scale subdivisions are defined in Chapter 831 as follows: "The Sliding Scale Option provides an alternate lot size and density distribution from the minor subdivision standards in a case where public sewer is not accessible. This ordinance allows for the creation of smaller Lots while retaining larger Lots of undeveloped and/or vulnerable

land as well as large residential or agricultural parcel uses. Under the Sliding Scale Option, the allowance for small lot development is based upon the size of the original parent parcel."

Currently, Chapter 831 of the CDO states that "The designated parent parcel remainder shall not be further subdivided for a period of 25 years from the date of recording of the Secondary Plat unless connected to a public sewage disposal system or further subdivision of the property is authorized by ordinance."

That means that you can parcel off part of a large property, but may not be able to modify the rest for 25 years.

This can prevent the development of smaller lots, which would be helpful for attainable housing. It also limits what property owners can do with their properties, which have an impact on family wealth. For additional notes on sliding scale subdivision, please see comments on Chapter 831 in Section 2 of this whitepaper.

1Bd) Item to monitor: The CDO will affect property values

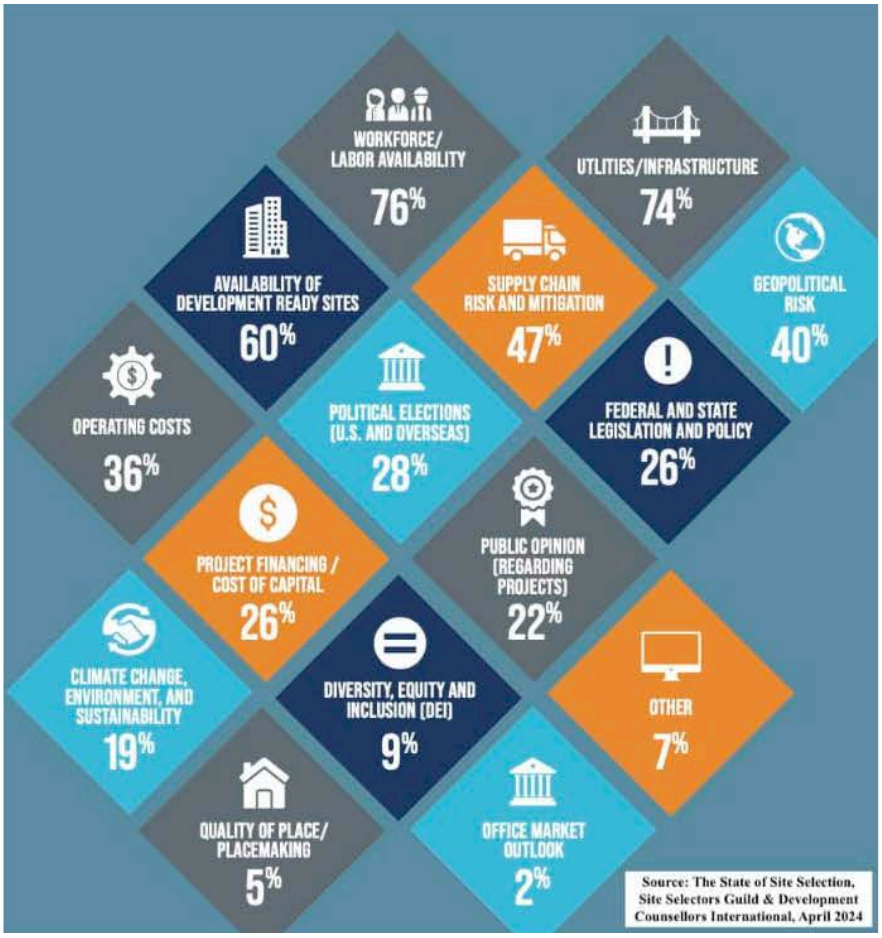
Zoning changes will inevitably impact property values, according to appraisers and bankers we spoke to for this white paper. This can have a cascading effect on assessed values and local government revenue.

- **Increased values:** Some property values will go up. Ex: limits on a certain type of property or use can drive up the value of remaining, similar properties.
- **Decreased values:** Other property values may go down, such as in the case of downzoning. This could lead to a regulatory taking, "which means that the government restricts the owner's rights so much that the governmental action becomes the functional equivalent of a physical seizure" (Source: Cornell Law School)
- **Disincentives for upgrades:** When more requirements are added to any given zoning type, it can increase time and costs for upgrades, therefore disincentivizing new investments on upgrading those properties. This could lead to legal nonconforming properties to deteriorate over time.

1Be) Need to provide: Clear and quick permitting and development processes

To foster quality jobs that pay good wages, we must support the space needs of our existing employers while working to attract future employers. New jobs grow in a community through (1) expansion of existing employers and (2) attraction of new ones.

As shown in this infographic, some of the most common needs we see among prospective employers are suitable sites (land, buildings, and utilities), and skilled talent and access to workforce development. (Source: Site Selectors Guild)



Having an existing building to meet an employer's needs usually leads to the greatest success, because it enables an employer to more quickly locate in a community.

A current strength of the CDO is that the zoning and infrastructure is good for most of our existing employment sites, *except* for the Monroe County Airport which needs additional utility infrastructure to effectively develop its available land.

Needs for clarity and speed: Businesses are moving increasingly quickly when finding new locations. Communities succeed when they can respond quickly with appropriately zoned sites that can move through permitting and development processes.

A common refrain we hear locally is that Monroe County is a difficult place for development due to lengthy, unclear development processes compared to other markets. The CDO provides an opportunity to strengthen these processes.

Section 1C: Broad recommendations

Monroe County can set a course for a thriving future, while steering clear of unintended consequences for workforce, housing, and jobs through updates to the comprehensive plan and CDO, alongside complementary policies and efforts. We submit the following recommendations, including suggestions that run parallel to the CDO. These items should be done in concert with one another to address community needs.

1. **Create a shared vision and update the Comprehensive Plan**

   Understanding an update to the Comprehensive Plan is coming, we encourage the County to proactively create a shared vision for our future that harmonizes the aforementioned needs of residents and employers while preserving our quality of place. Comprehensive plans are crucial for guiding land use decisions to meet community needs for housing, employment, and preservation in a proactive way.

   - An updated Comprehensive Plan should be based on the more recent work of the Urbanizing Area Plans, to guide the CDO as noted on MonroeCDO.com.
   - Then we can align the zoning map to these plans, to identify areas within Monroe County where housing and employment can be concentrated for future needs and opportunities. By first outlining the Purpose, Vision, and Goals of the county with an updated and current Comprehensive Plan, it will provide clear guidelines for an updated CDO.

2. **Consider our regional position when updating the CDO and Comp Plan**

   Because Monroe County is a regional hub, a regional lens is also needed across the Comprehensive Plan and CDO to ensure land use complements employment and workforce needs and realities. Therefore, we recommend communicating with other local government planning departments to ensure coordination across jurisdictions as we work to meet community needs.

   The I69 corridor connecting Indianapolis to Crane and SR 46 corridor connecting Brown County to Owen County are key thoroughfares to consider. Economic zones and zoning along these corridors would be very useful to complement our regional positioning and needs. For example, the west side of Ellettsville, in Monroe County along the 46 corridor, is well positioned for development. The areas West of Ellettsville from Flatwood Road (West) to County Line Road then

North to properties just above Ratt Lane across to Chafin Chapel Rd. have very favorable development potential for light industrial (LI) development.

3. **Extend time to review the CDO - and/or - create an interim update period**

   Given the length of the CDO and short turnaround on posting the latest versions, we also recommend (1) extending the CDO review period to ensure the community can review and understand it - AND/OR - (2) creating an interim period after its initial adoption to allow for additional revisions.

   Whether or not the CDO review period is not extended, we recommend creating an interim period after its adoption to enable revisions to be made. This is particularly important as the new CDO and zoning map is applied across the community. Application of the document will undoubtedly reveal sections that can be revised based on its use in the field.

   The interim period should be defined in length with a clear, published process for providing additional public comment and County updates based on input. 12-18 months could be considered for this period, unless there is another best practice.

4. **Measure CDO impact on property values and local government revenue**

   Zoning changes will inevitably impact property values. Some property values will increase, while others decrease. Added regulations may disincentivize property improvements due to related costs (time and money). Overall, zoning changes can impact the assessed values of a property and surrounding properties, as well as mortgages and local tax revenues.

   We recommend that Monroe County evaluate how property values are impacted by changes in the CDO to understand its impact on (1) individual property owners and (2) local government revenues.

5. **Update the CDO and map to address housing needs**

   Housing needs can be partly addressed through updates to the zoning map and CDO, including but not limited to the following:

   a) **Increase the number of small parcels:** Retain and expand the number of smaller parcels for residential use, to meet the range of housing needs for all market niches, especially single family homes and housing suitable for empty nesters and retirees. These parcels can be focused in the urbanizing fringe, as identified in the urbanizing area plans.

b) **Eliminate the sliding scale subdivision 25 year moratorium** to enable a greater number of small parcels, while giving property owners greater flexibility for how they use their property and mitigating significant impacts on their property values. This will also help clarify what the property can be used for long term.
c) **Revise right-of-ways and setbacks, by-right approvals, and minimum lot sizes** affecting septic fields as noted in our section 2 chapter-by-chapter notes.
d) **Redistribute housing density that is lost to floodplains**, so housing can be added elsewhere in the county where there is suitable land and access to infrastructure.
e) **Allow more by-right zoning** to enable more predictability of development.

All of these steps can enable land for homes to be used more more efficiently while lowering costs and mitigating environmental impact through sprawl.

6. Facilitate infrastructure development through the CDO and other processes

Continuously enhance vital infrastructure like broadband, sewer, and water, as housing and employment expansion is best situated close to this infrastructure. While some of these steps are outside the purview of the CDO, this must happen in parallel to the CDO to be effective. Specific recommendations include:

a) **Develop a sewer study / strategy:** Study the need for future sewer capacity based on where density is emerging. This would enable the community to create a strategy for future wastewater treatment needs.
b) **Regional sewer district:** Within the CDO, encourage the provision of regional district wastewater treatment facilities and sanitary sewer service. This infrastructure is critical for both residential and employment properties, to enable more of our neighbors to build wealth through homeownership and quality jobs, which benefits the broader community.
c) **Permitted uses:** Ensure that wastewater treatment is permitted in all non-residential zones and conditional in all residential zones. See Chapter 805 in section 2 of this paper for more details.
d) **Resolve the sewer stalemate:** Outside of the CDO process, we encourage the County and City of Bloomington to resolve the current stalemate on sewer extensions. This can affect residential and employment growth in key areas. For example, while the CDO's flexible provisions for land at the Monroe County Airport are quite good, if

infrastructure is not in place at the airport, that land cannot be effectively promoted for employment and investment growth.

e) **Setbacks and other requirements impacting utilities:** Within the CDO, ensure setbacks and other requirements do not unnecessarily add additional costs to development. This can be visited in places such as CDO Chapter 823.5 A 1 and on setback provisions throughout the document, as larger setbacks increase the cost of running utilities from main routes. This is especially critical for broadband and other key utilities.

It is important to note that property closest to existing infrastructure typically wins when it comes to being developed, due to local terrain restraints and existing regulations. Properties adjacent to infrastructure should be zoned appropriately to ensure those investments in infrastructure are appropriately leveraged to meet community needs. For example, properties near new Fullerton Pike infrastructure and those near rail along Angelina Way should be upzoned to allow for more flexible use.

7. **Create a development and CDO communication plan**

   To address concerns around difficult permitting and development processes, we recommend creating a “CliffsNotes” version of the CDO and accompanying development processes to make them more accessible to the public.

   County Planning can expand on the helpful information provided at MonroeCDO.com. This communication should clearly communicate the transition process for any new CDO that is instituted. Given the long length of the CDO, this will ensure it is accessible to the public, property owners, and anyone that needs to navigate these regulations.

   Streamlining processes and visually sharing them through a flow chart can increase transparency, while clearly outlining development costs and requirements. Other communities can be a source for best practices in streamlining these processes.

Overall, the CDO is an essential cornerstone for our community’s prosperity. By facilitating the growth of quality jobs, better wages, and affordable housing, it can pave the way for Monroe County's bright future. The CDO is a tool for aligning land use, buildings, infrastructure and development processes that meet community needs.

Section 2: CDO chapter-by-chapter feedback and recommendations

The above analysis is a broad overview of the CDO's impact. Our CDO working group also reviewed the CDO chapter-by-chapter for items that are strong and recommendations for revisions.

Refer to the "Latest draft of the CDO" here
Scroll down for the CDO zoning map comments

Color coding: CDO strength*; concern; recommendation; question for planning*

Chapter & Title	Notes & Recommendations
Overall	**Strength:** Current structures/uses that are legal under today's zoning code would be legal nonconforming if they do not conform to the new CDO (as noted on MonroeCDO.com)
800 Title and Purpose	**Strength:** This section is very clearly written. **Recommendation:** Consider adding the following purposes: ● "Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public facilities." ● "Promote development of affordable housing in the County."
801 General Regulations and Applicability	**Strength:** This is a good provision allowing for lawful pre-existing, nonconforming use: **Chapter 801 - 6A0.** "When a use lawfully existing as a permitted use prior to the effective date of this Ordinance becomes a nonconforming use as a result of the adoption of this Ordinance, or an amendment to this Ordinance, such use shall be deemed a lawful pre-existing nonconforming use subject to the nonconforming use provisions of Chapter XXXX of these regulations." **Chapter 801- B5.** A Site Plan or Improvement Location Permit approved prior to the effective date of this Zoning Ordinance shall remain in full force and effect, subject to the standards and conditions of approval by the Planning Director. Subsequent amendments to site plans and Improvement Location Permits shall be subject to this ordinance. Complete applications for site plans and improvement location permits submitted prior to the effective date of this ordinance shall be subject to the ordinance in effect at the time of a complete application. **Recommendation:** For applicants applying before and after the new CDO – we recommend anything that can be done to help applicants understand this transition, where they stand, and how to ensure their application is complete and up to date given the transition. Please clearly post and communicate this process.

802 Establishment of Zones	**Strength:** This streamlined, shorter list is much clearer and easier to navigate than the older, longer list of zones/ districts.
803 Overlays and Special Development Limitations	No notes at this time
804 Rural Zoning Districts	**Strength:** We appreciate supporting flexibility in increased development in areas with adequate services and buildable area: “The character of the Rural Neighborhood “RNH” Zoning District encompasses historic communities within Monroe County. The purpose of this zoning district is to allow for expansion of existing rural communities and foster flexibility for increased development in areas with adequate services and buildable area.” **ECO zones:** ● **Question** across zoning districts but first appearing here: Is ECO zone 3 still in existence? Have the zones been consolidated? ● Concern: Related to ECO zones across zoning districts: the CDO notes that the zone requires at least 1 AC of continuous land, which is very difficult to find in these areas on the map. ● Recommendation:
805 Residential Zoning Districts	**Chapter 805 - Overall:** ● **Question:** Where would new housing go based on this language? “... The need for expanding this district beyond the areas designated on the Official Zone Maps on the date of the adoption of the zoning regulations is discouraged.” ● **Concern:** The above will make it more difficult for a rezone to accommodate new housing. ● **Question:** When does the clock start on subdividing acreage? ● **Overall notes:** ○ **Recommendation:** Remove this language or modify it to ensure greater flexibility for adding housing: “The need for expanding this district beyond the areas designated on the Official Zone Maps on the date of the adoption of the zoning regulations is discouraged” ○ **Recommendation:** Overall, it would be helpful to see more residential zoning with smaller lot sizes throughout the County to make housing more accessible, due to the high costs of land. ○ **Recommendation:** In the permitted use tables, ADUs are only permitted in rural zones, on larger lots, which makes them more expensive with fewer in stock. It would be ideal

for them to be permitted in more urbanized areas as well, to ensure more efficient use of developed land.
    - **Recommendation:** Look at transportation plans and ensure that more dense residential areas are centralized along transportation corridors, or ensure that transit can be extended to these areas to best serve residents.
    - **Recommendation:** Provide housing options for seniors to address shifting demographic needs.

- **Sewer requirements:**
    - **Strength:** The majority of these districts are dependent on sewer availability, which is a best practice, good for long term costs to homeowners, and is a better environmental option compared to septic.
    - **Strength**: An earlier version of the CDO inadvertently prohibited wastewater treatment expansion in various areas outside of rural designations. We appreciate that this has since been updated and corrected.
    - **Concern:** However, it appears there are inconsistencies in various tables regarding whether the use is permitted or conditional.
    - **Concern:** The City of Bloomington's pause on connecting sewer results in a de-facto pause on new residential developments.
    - **Concern:** Some AG zoning has remained next to gravity sewer, while the Comprehensive and Urbanizing Area plans have guidance for growth. Sewer is good guidance for where development should go.
    - **Question:** Would a package plant impact lot sizes to allow for more density in the county?
    - **Recommendation:** Permit wastewater treatment in all non-residential zones and allow as conditional use in all residential zones. A public process could be required to site a wastewater treatment facility in a residential zone.
    - **Recommendation:** The need to come to agreement with other municipalities means that these definitions should be altered to allow for eventual sewer connection. Without doing this, it feeds into the stalemate on sewer, while undermining our ability to expand housing inventory meaningfully and come to a consensus on sewer. In addition, sewer maps continue to be a good indicator for where future developments should go.

Chapter 805 - High Development Residential "HD" Zoning District

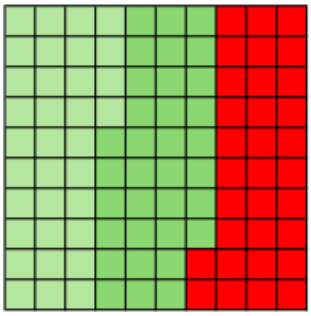
- **Strength:** The HD category establishes good minimum lot sizes.

- **Recommendation:** Understanding existing sewer maps helped inform placement of HD districts, it would be helpful to examine development plans for both the City of Bloomington and Town of

Ellettsville to identify additional, future opportunities for residential growth along urbanized fringe areas. For example – the Town of Ellettsville has recently annexed land and begun development on additional housing. The Envision Ellettsville plan also identifies areas for future housing growth that are near County.

Chapter 805 - Lot size calculations for Low Development and Community Development Residential:

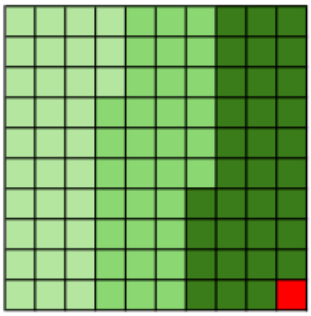
- **Concern:** The minimum lot sizes for these two zones restrict the number of lots that can be subdivided per acre.
- **Recommendation:** Minimum lot sizes should be 0.33 acre for Low Development Residential and 0.2 acre for Community Development Residential. This minor adjustment - in both cases, just 435 square feet - would maximize subdivision potential within these zones, as shown in the following graphics.



Low Development (LD) Residential

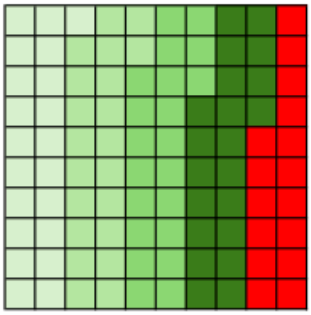
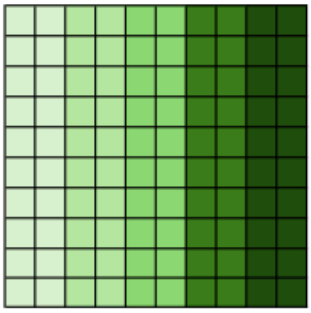
Minimum lot size: 0.34 acres = 2.9 lots per acre
One acre zoned LD can be subdivided into 2 lots
Two acres can be subdivided into 5 lots
Three acres can be subdivided into 8 lots...

Lot 1 = 0.34 acre
Lot 2 = 0.34 acre
Remaining = 0.32 acre



Dropping the minimum lot size by one one-hundredth of an acre (435 square feet) to 0.33 = 3 lots per acre
One acre could be subdivided into 3 lots
Two acres could be subdivided into 6 lots
Three acres can be subdivided into 9 lots...

Lot 1 = 0.33 acre
Lot 2 = 0.33 acre
Lot 3 = 0.33
Remaining = 0.01 acre

	 **Community Development (CD) Residential** Minimum lot size: 0.21 lots per acre = 4.76 lots per acre One acre zoned CD can be subdivided into 4 lots Two acres can be subdivided into 9 lots Three acres can be subdivided into 14 lots... Lot 1 = 0.21 acre Lot 2 = 0.21 acre Lot 3 = 0.21 acre Lot 4 = 0.21 acre Remaining = 0.16 acre  Dropping the minimum lot size by one one-hundredth of an acre (435 square feet) to 0.2 = 5 lots per acre One acre could be subdivided into 5 lots Two acres could be subdivided into 10 lots Three acres could be subdivided into 15 lots... Lot 1 = 0.2 acre Lot 2 = 0.2 acre Lot 3 = 0.2 acre Lot 4 = 0.2 acre Lot 5 = 0.2 acre ●
806 Institutional/ Public Zoning Districts	**Chapter 806- Conditional Uses** **Recommendation:** Data Centers should be included under conditional uses or incorporated as a defined use within an existing Conditional Use or Mixed Uses and Adaptive Use category. Data Centers have increased in demand. They range significantly in size and required utilities, depending on the type of data center being built.
807 Business Zoning Districts	**Overview:** The Monroe County Development Ordinance sets forth guidelines for the development of new businesses, particularly in the Limited Business (LB) and General Business (GB) zoning districts. The ordinance includes minimum setback requirements and other standards aimed at regulating land use to maintain community character, control traffic, and protect environmentally sensitive areas. **Minimum Setbacks Comparison:** ● Limited Business (LB) District: Setbacks in the 9/11/24 CDO draft were updated and improved to 25 feet, which is helpful. ● General Business (GB) District: Front Yard Setbacks: Slightly larger, ranging from 50 feet for local roads to 150 feet for interstates. Side and Rear Yard Setbacks: Also set at 20 feet. ● Concern: The setbacks, combined with the 1 AC minimum for septic, can render a number of lots unusable. ● Question: How many properties have gone into an upzone or a downzone? ● Question: What process will the County follow if zoning changes cause land to become less developable and lose value? E.g. is

there a process for making up the loss to the property owner?

Chapter 807 Strengths – Best Practices Alignment:

1. Cohesive Groupings & Access Control: The ordinance's focus on grouping businesses and providing interior cross-access aligns with best practices in urban planning. This approach reduces traffic congestion and improves safety by minimizing highway entry and exit points.
2. Environmental Protection: The emphasis on protecting environmentally sensitive areas reflects a thoughtful approach to sustainable development, ensuring that new businesses do not negatively impact floodplains, watersheds, or other critical areas.

Chapter 807 Areas of Concern:

1. Cumbersome Setbacks: This may need further review. In an earlier CDO draft, the minimum front yard setbacks, particularly in the GB district, appear more stringent than what is typical in some of the existing zones, especially when considering the lack of minimum lot sizes for many parcels in the current zoning. This may be seen as overly restrictive. For example, requiring a 70-150 feet setback from the road centerline can significantly reduce usable land, especially for small to medium-sized businesses. In some areas, these setbacks can also run into ridgetops and higher slopes, where one cannot build. This could limit development opportunities and discourage business growth in these zones.

2. Comparative Overreach: When compared to previous standards, the increase in minimum setbacks (e.g., from LB to GB) could be viewed as an overreach. This shift seems more stringent and may not align with the needs of businesses, especially in areas where space is limited or where prior standards were sufficient for safety and aesthetic purposes.

3. The Pre-Existing Business (PB) zone is disappearing and either going to business or residential, depending on the current use. Have all of these business owners weighed in on the changes to their properties?

Chapter 807 Recommendations for Change:

1. Reevaluate Setbacks: Reducing the front yard setback requirements, particularly in the GB district, would make development more feasible without compromising the ordinance's intent. A balanced approach, possibly reverting to previous standards in certain cases, could encourage more business growth. 25-35 foot setbacks are often good and still offer streetscaping. Allowing smaller setbacks can also enable more parking at the rear of the building, which is positive for aesthetics and safety.

	2. Flexibility in Application: Introducing more flexibility in setback requirements, perhaps through conditional waivers based on specific site conditions or business needs, would prevent the ordinance from being overly rigid and promote a more business-friendly environment. 3. Create a process for revisiting any concerns in the CDO. This would be particularly important for individual business owners who find their PB zoning changed. Conclusion: While the Monroe County Development Ordinance incorporates several best practices that benefit community planning and environmental protection, certain aspects, particularly the stringent setback requirements, may hinder business development. Adjusting these regulations to be less restrictive could foster a more supportive environment for new businesses, balancing community needs with economic growth.
808 Industrial Zoning Districts	**Chapter 808 Overall Notes** ● Strength: Maximum height of 60 HI / 50 LI feet for principal structures, which is pretty good based on the requests received by the BEDC. ● **Question:** what are the standards for flexibility if we receive height requirements outside of this? A clear process for addressing variable requests would be helpful. ● **Question:** minimum movement of goods and vehicles on the exterior of industrial - what is this for LI vs HI? A shifting classification has a cascading effect. Is there a list for what they classify? ● **Recommendation:** There should be a primary use of ”outdoor storage” for utility, construction related companies to inventory in an orderly fashion deemed standard business practices by the industry. This should be the case for LI, HI and ME. Front setbacks could apply here with most outdoor storage placed behind an existing or temporary structure(s) ● **Rezoning -** Concern: We are losing 25 AC of light industrial zoned property. This Planning Dept. states this change is based on an uptick in requests/variances for residential uses and on the largest parcel being the airport. Can this acreage be replaced? ● **Reshoring -** Concern- Reshoring has condensed the development and build windows, very competitive – so what you can do quickly without additional approvals impacts your ability to attract employers.
809 Airport Zoning	**Chapter 809 Overall-**

District	• **Strength:** There are significant permitted uses for the area, which is quite good and important for employment development and investment at the airport. This also supports building revenue for the airport. **Chapter 809 Wastewater-** • **Concern:** The City of Bloomington's pause on connecting sewer may result in a de-facto pause on being able to develop land at the airport. • **Recommendation:** Enable the development of wastewater treatment independent of the City of Bloomington Utilities, to ensure land at the Monroe County Airport can be developed. **Chapter 809 Airport Proximity-** • **Recommendation:** The District Character and Purpose section states "This zoning district shall be limited to parcels located within the proximity to the Airport." – It may be helpful to include language to the effect of within the boundaries of the Airport and surrounding properties that are identified within the FAA protection zone guidelines. For instance, in the "runway protection zone" there are building height and proximity restrictions for structures. The recommendation is to include some language acknowledging those rules. This could also be an added footnote - # 8 in the AP Summary of Dimensional Standards section stating "If the property resides within the runaway protection zone, as establish by the FAA, all structures, primary and accessory, must conform to the more stringent of the FAA or Monroe CDO standards.
810 Establishment of Zone Maps	No notes at this time
811 Use Regulations	**Chapter 811 Overall:** • **Question:** There are certain distance limitations and proximity on a variety of things like daycare… how were these distances determined? • **Recommendation:** Develop an appeal process for applications that are denied for planned investments to improve the neighborhood. • **Recommendation:** Facade improvements should be spelled out on all building sides - front, sides and back. • **Recommendation:** If not already part of the process, ensure that Use Determination forms are evenly employed and applied • **Recommendation:** Include real estate sales in business zones

Table 810.1: permitted land uses:

Chapter 811 - Concern on sewer and wastewater
QQQQ. Industrial - site must have access to sewer. This is a stalemate if the city does not extend sewer.

The Table of Permitted Land Uses lists the following:

Wastewater Treatment Facility	C	C	C	P	C	C	C	C	P	P	P	P	P	P	P	
Water Treatment Facility	C	C	C	C					C			C	C		C	

Recommendation: Wastewater Treatment Facilities should be permitted in all non-residential zones and conditional in all residential zones. Water Treatment Facilities should be permitted in all zones. The zoning cards in Chapters 804 - 809 should be updated to be consistent with these revisions.

Chapter 811 - Recommendation on Land Uses not Listed in the CDO:
Understanding this was removed from a previous draft, it would still be helpful to add some type of process for assessing land uses not listed in the CDO, rather than assuming it is not permitted. Here is sample language from the Ellettsville UDO, which could be considered, however, it could be written differently for the CDO as well.

- a. Decisions for Unlisted Land Uses
  - 1) Unlisted Use is Similar to a Listed Use. If the Administrator determines that the unlisted land use is determined to be similar to a land use listed in the UDO based on Chapter 2.1.D.2.b: Criteria for Classifying Unlisted Land Uses. To determine whether an unlisted land use is similar to a listed use, the Administrator or the BZA shall examine the desired use by the following four criteria:, the Administrator shall classify it as such and the respective process and development standards for the similar use shall be followed.
  - 2) Unlisted Use is Not Similar to a Listed Use. If the Administrator determines that the unlisted land use is not similar to a listed land use based on 2.1.D.2.b: Criteria for Classifying Unlisted Land Uses. To determine whether an unlisted land use is similar to a listed use, the Administrator or the BZA shall examine the desired use by the following four criteria:, the unlisted land use shall be prohibited unless a Use Variance is approved by the BZA.
  - 3) Uncertainty or Disagreement. In the case of uncertainty or disagreement of classifying an unlisted land use, the Administrator may forward land use classification to the BZA for a final decision based on 2.1.D.2.b: Criteria for classifying Unlisted Land Uses. To determine whether an unlisted land

	use is similar to a listed use, the Administrator or the BZA shall examine the desired use by the following four criteria:.b. Criteria for Classifying Unlisted Land Uses. To determine whether an unlisted land use is similar to a listed use, the Administrator or the BZA shall examine the desired use by the following four criteria: ■ 1) Intensity. Is the unlisted use similar in the amount of activity and type of activity to a listed use? ● a) Residential, Public, and Office Uses. Intensity levels should compare the number of people using a space. ● b) Commercial Uses. Intensity levels should compare the gross commercial floor area associated with the primary structure as well as the operation of the business, such as hours of operation and anticipated customer volumes. ● c) Industrial Uses. Intensity should compare the amount of noise, noxious exhaust, and public safety hazards generated on the site. In addition, the types of vehicles used, type of storage (indoor or outdoor), and hours of operation should be considered. ■ 2) Character. Does the unlisted use have similar physical characteristics, structures, scale, operational hours, or other features similar to a listed use? ■ 3) Accessory Uses and Structures. Does the unlisted use have similar potential for accessory uses and/or structures to a listed accessory use? Or if it is an accessory use, is it incidental to, necessary, and/or compatible with a permitted primary use? ■ 4) Intent. Is the unlisted use compatible with the purpose of the subject zoning district and consistent with the Comprehensive Plan?
812 Special Uses	**Chapter 812 Mobile Home Community Concerns:** ● The minimum requirements make this difficult to develop affordably. An advantage of mobile home parks is that they have fewer restrictions than a subdivision. New mobile home parks are non-existent in Monroe County. ● The separation between homes is more than the width of the home. ● The standards seem arbitrary - e.g. why are certain restrictions included such as the arterial vs collector streets?? **Recommendations:** ● Revise standards to enable this type of development to take place and bring home prices down. Mobile homes can be a next step to homeownership for individuals leaving apartments. ● Revise setbacks and enable smaller park lots to be developed more

	affordably
813 Height, Bulk, Area & Density Provisions	**Chapter 813 Overview** **Question:** Discretion is given to the planning director on lot sizes. What is the standard used? ● **Concern:** Setbacks and permitted projections – ex: architectural feature definition is a bit vague ● **Concern:** Restricted slopes are not defined, although it points to chapters 802 and 805 ● **Recommendation:** See earlier recommendations for allowing smaller lot sizes, as there are still very large lot sizes for a number of individual properties
814 Off-Street Parking and Loading	**Concern:** Single-family attached/detached 2 spaces per unit within a private driveway are not conducive to affordable development. This can be very limiting (1 or none is okay; on street parking could also accommodate) and does not take into account actual circumstances.
815 Lighting	**Notes and recommendations:** ● **Note:** It is not a major concern for most commercial properties to use photogentics; it just requires the plan to show how bright it is and not exceed the limits for commercial properties. ● **Recommendation:** Would be helpful to list the lights ● **Concern:** One issue is that in different zones, environmental overlays cannot have any light ● **R2 note:** Mid-low moderate ambient lighting; can be outdoor, low level; moderate-high industrial and General Business areas it aligns with Bloomingtoon, lumens reduced for 10 pm to 5 am parking lot lighting; newer dev areas, they dim to 50 percent **Question and recommendation:** Is any lighting for security required? If a business is open after dark, there should be a minimum standard applied to anything under commercial standards and multi-family occupancy. (We note that a Batman spotlight would not be permitted in this chapter :))
816 Landscaping	**816 Overview:** The Monroe County Development Ordinance outlines specific landscaping requirements for business zones, aimed at promoting aesthetic appeal, environmental sustainability, and functional land use. However, some of these requirements may align well with best practices, while others could be seen as overly burdensome, potentially hindering business development. **816 Strengths:** **1. Environmental Benefits:** The ordinance emphasizes the use of native plants, which is a best practice for sustainability. Native plants require less

	water and maintenance, are more resilient to local pests, and contribute to local biodiversity. This approach reduces long-term costs for businesses and supports environmental goals. **2. Aesthetic Appeal:** Requirements for maintaining a certain percentage of green space and landscaping buffers between commercial properties and residential areas are beneficial. These buffers help to mitigate noise, reduce visual pollution, and improve the overall appearance of the area, which can attract more customers and improve the business environment. **3. Stormwater Management:** The ordinance's focus on integrating landscaping with stormwater management systems (e.g., rain gardens, permeable pavements) aligns with best practices. These measures reduce runoff, prevent flooding, and lower the burden on municipal stormwater systems, which is a proactive approach to environmental stewardship. **816 Concerns:** **1. High level of detail:** The level of detail in this entire chapter is quite high, making it difficult and costly to follow. For example, a landscape plan must be prepared by architect, nursery person or other professional; a soil mix used for landscaped areas; landscaping must be maintained in perpetuity (including a statement signed by the property owner); a tabulation of all existing and proposed vegetation; plantings arranged to promote energy conservation per LEED standards; all traditionally landscaped areas must be mulched with hardwood; etc. **2.Certificate of occupancy:** The chapter notes that no certificate of occupancy shall be issued without completion of all landscaping shown on the landscape plan. Fully landscaping a development before all units are built is not a responsible use of the resources required to fund the landscaping, as building subsequent units inevitably results in the removal of these trees and plants, unnecessarily duplicating effort. **3. Rigid Buffer Requirements:** The strict buffer zones between commercial properties can be seen as excessive. While buffers are important, the current standards may limit the useable land for businesses, particularly for smaller lots. More flexible guidelines that consider the specific context of the property could be more effective. **4. High Vegetation Density:** The ordinance's requirement for a high density of vegetation may be cumbersome for businesses in terms of maintenance and initial costs. It also does not consider the mature size of the plants, which can affect visibility around corners, cover signs, and obstruct sidewalks affecting safety, accessibility, and long term maintenance. The need for frequent upkeep, especially in the initial years, could be a financial strain, particularly on small businesses. A phased approach or incentives for maintaining the landscaping could reduce this burden.

	5. Overly Prescriptive Species Lists: While the focus on native species is commendable, the ordinance's strict list of approved plants may not account for all the practical considerations businesses face, such as availability, cost, and specific site conditions. A more flexible approach that allows for alternative species under certain conditions would be more practical. **6. Requirements for professional landscape plans** are a higher barrier and cost, especially for small businesses. There are also a limited number of professionals working in these spaces, which can lead to delayed timelines. **816 Recommendations:** **1. Flexible Buffer Requirements:** Modify the buffer requirements to allow for context-sensitive designs that consider the size and shape of the property, as well as the type of adjacent land uses. This flexibility would enable better land use without sacrificing the benefits of buffers. **2. Incentives for Compliance:** Introduce incentives, such as tax breaks or grants, for natural plantings or for businesses that go beyond the minimum landscaping requirements or implement innovative solutions. This approach could encourage voluntary compliance without imposing undue financial burdens. **3. Enable Offsets for Plantings and the Tree Canopy:** Allow for tree plantings and preservation elsewhere on a property as an offset, which could be beneficial for larger lots in the county. It is ideal to preserve the existing tree canopy for many reasons; at the same time it is important to balance preservation with land use for things like attainable housing. For example, if you have a 50 acre site that has 50% tree canopy today (25 acres), they would have to preserve 17.5 acres of tree canopy (35% of the site), which is a fair bit of the site. **4. Broaden Approved Species List:** Expand the list of approved species or provide a mechanism for businesses to propose alternative plants that meet the ordinance's goals. This change would make compliance easier and more cost-effective for businesses.It could also be helpful to incorporate the Indiana native list from an existing agency, such as the Indiana Native Plant Society. These lists get updated regularly. If the ordinance automatically refers to this list, the ordinance does not have to be constantly updated. **Question:** The old ordinance allowed for opaque fencing to reduce plantings. Has this been removed? Conclusion: While the landscaping requirements in the Monroe County Development Ordinance are rooted in sound environmental and aesthetic principles, some provisions may be overly restrictive, potentially stifling business development. By introducing more flexibility and incentives, the ordinance can better balance the needs of businesses with the county's

	environmental and aesthetic goals.This analysis can serve as a foundation for advocating for changes to the ordinance, ensuring it supports sustainable development without imposing unnecessary burdens on the business community.
817 Signs	**817 Strengths:** Size and scale limitations, setback guidelines, illumination controls, and temporary signage are strengths of this chapter. **817 Concerns:** Complexity. Requirements in this chapter are too detailed and varied depending on size/location. A permitting process for almost every sign seems unnecessary. **817: Recommendations:** Simplify the permitting process and do not require permitting for almost every sign. Illumination could use a discretionary approval process
820 Planned Unit Developments	**Concern:** Regulations distribute costs and responsibility unevenly if it triggers requirements for private road or infrastructure developments, which can disincentivize development. **Concern/questions:** Requirements for 25% permanent open spaces in PUDs seems high. Could setbacks be counted as open space? Also if this is phased development, how does that calculate into the total – ex: if a pond is included?
821 Airport Overlay	No notes at this time
822 Historic Preservation and Protection	**Question:** Do local and federal standards align with federal funding for historic preservation?
823 Environmental Constraints Overlay	**823 Overview** ● **Concern:** 823 3. A. 2. Construction projects shall minimize disturbance of tree concentrations to the maximum extent reasonable. – This is a vague definition. ● **Concern:** 823.5 A 1 The maximum land slope upon which any land disturbance involved in construction of buildings, driveways, roads, parking Lots, and utilities can occur shall be 12 percent. – This is a concern for driveways and utilities. It would exclude running underground power lines on a certain slope, sanitary sewer lines, fiber, any underground utilities. This can impact broadband and other utility access. ● **Concern:** 823 5. A. .5 Each dwelling unit shall have at least one

	acre of total contiguous land which is equal to or less than 12 percent slope, and excludes all other areas not defined as Buildable Area per Chapter XX. – Concern about where 1 contiguous acre can be found with less than 12 percent slope, given Monroe County's terrain. (This equals a 6 foot drop over 50 feet.) ● **Concern:** No farming in ecozones, which currently happens.
824 Lake Lemon Overlay Zone	**Questions:** ● 824 1. A. 1. States: "Preserving and enhancing the quality of the Lake for residential, industrial and public use." – Is this a typo, ie is industrial use meant for Lake Lemon? ● What happens to lots that are no longer buildable? Will the county purchase them from owners? ● Will any construction activities be permitted in the 50' setback? ● What will be the impact on existing homes that pull a permit for renovation/reconstruction? ● What will be the impact on lots of legal record? **Concerns:** ● Because Lake Lemon has older cottages dating back to the 1940s and numerous legal nonconforming properties, too many new regulations can disincentivize the purchase of older homes to renovate, because so much more would be required to revitalize the property. An unintended consequence could be the additional deterioration of these properties, which has an impact on the value of surrounding properties as well as tax revenue. ● The overlay focuses more on erosion control. 25- or 15-foot setbacks would not minimize erosion into the lake because most erosion comes from the creek. **Recommendations:** ● It would be important to conduct more direct outreach to Lake Lemon residents, since this is a new overlay zone. This could be done through existing residential associations. ● Sewer is still a possibility for Lake Lemon. Expanding the sewer here would protect the watershed. This is also where older, legal nonconforming properties come into play because some of those properties discharge into the lake. ● Coordination with Brown County is also important, as properties in that county also drain into Lake Lemon. ● Provide incentives for non-comforming properties to be brought up to code in a more cost-effective manner, through grants, expedited permitting, or other methods.
825 Flood Damage Prevention	No notes at this time.

826 Karst and Sinkhole Development	**Concerns:** ● It is currently unclear why distances have been set for 50 feet. Is this according to a specific, evidence-based standard? Have there been issues with the existing standard that necessitate the change? ● Decreasing buildable area by increasing build distances can negatively impact property values, so it would be helpful to have specific evidence for why these changes are needed to justify the impact on property. **Recommendations:** ● It would be very helpful to have the County MS4 present why these standards were set. ● Understanding the CDO must align with the stormwater ordinance, it would be helpful to update the stormwater ordinance to address the above concerns. The language would need to be clear on who identifies sinkholes, such as an engineer or certified geologist, and how a sinkhole is defined.
830 General Subdivision Regulations	No notes at this time.
831 Types of Subdivisions	**Chapter 831 4.E.1 Overview-** ● **Question:** Why set 25 years as the period in which parcel remainders cannot be further subdivided? This seems very restrictive on property ownership. ○ 831 4. E. 1. The designated parent parcel remainder shall not be further subdivided for a period of 25 years from the date of recording of the Secondary Plat unless connected to a public sewage disposal system or further subdivision of the property is authorized by ordinance ● **Concern:** The 25 year moratorium on sliding scale subdivisions is a concern (ex: it allows you to have 1, 2, or 3 small lots but puts the rest in a moratorium for 25 years). This means you can split off part of the land and subdivide but can't touch the rest, which severely impacts the land value for 25 years. Some of our local contractors have seen farmers try to give their children pieces of the farm, to keep it in the family rather than sell it. However, subdividing can be an arduous process to go through, parceling off part of the land but rendering the rest unable to be sold off. ● **Recommendation:** Recommend removing the 25 year moratorium, since minimum lot sizes are in place. This could mitigate significant impacts on property value and help clarify what the property can be used for long term. **Chapter 831 4. E. 4.**

	• **Concern:** Any lots intended for residential use created by the Sliding Scale Option subdivision method shall include one acre of buildable area. This provision may only be waived for proposed lots including pre-existing residential structures. **Why is 1 contiguous buildable acre needed?** State statute for septic is 1 acre minimum, not buildable, but a place is needed for septic. For example, if you have a 4,000 SF home + 400 SF deck + 1,000 SF driveway + 3,200 SF septic field, this adds up to 0.20 acres. Why is 1 continuous buildable acre needed? • **Recommendation:** Revise such that acreage doesn't have to be contiguous. • **Question:** Since some existing properties are on less than an acre, they do not fit the above standard. Will they need to come into compliance with the above requirements? (What would trigger the need to come into compliance?) **Chapter 831 Road Frontage-** • **Recommendation:** Recommend 200' minimum road frontage, at the building line not the road frontage since this would not allow cul-de-sacs and limits lots.
832 Improvement and Design Standards	**Chapter 832 Overview** • 832 7. D. Any lot shall include a buildable area. Reference Table XXX for the amount of buildable area required for each zoning district176. The following shall not be included in buildable area: C. Slopes 15 percent or greater as specified in Chapter 825 Area 2 regulations; **Question:** Where can the table be found and why is 15% being used? • **Concern:** 832 7. G. 1. "Topsoil shall not be removed from residential Lots or used as spoil but shall be redistributed so as to provide at least six inches of cover between the sidewalks and curbs." Six inches seems excessive. • **Concern:** 837 7. D. "Fencing. Each subdivider and/or developer shall be required to furnish and install fences wherever deemed necessary by the Commission to address a hazardous condition." "Deemed necessary" may be too flexible or ambiguous to follow. • **Concern:** 837 8. G. "All streets shall be constructed in the manner prescribed by the Indiana Department of Transportation Standards and Specifications Manual." Could this establish a standard for the County taking developments into inventory? • **Recommendation:** 837 8. H. "Whenever the area to be subdivided is to use an existing street frontage, the street shall be suitably improved as herein provided and must be required181 to provide a minimum of two points of ingress and egress for any new development. The two points of ingress/egress must comply with all applicable zoning requirements, as well as meet the requirements in the Manual for Construction within and Adjacent to Monroe County

	Right-of-Way." ○ This is a change from "May Be Required." Recommend to leave as "May be Required" because may not be feasible in some cases. This does not differentiate between large and small developments and "May Be Required" is important to smaller subdivisions.
833 Assurances for Improvements	● **Question:** In Section 3, does the guarantor have to be within 60 miles of Bloomington? ● Strength: Section 2- This is a positive section regarding secondary plat approval and sale of lots when a performance bond is required, reasonable determination for performance bond amount. ● Strength: Section 8- The Reduction of Performance Bond is positive as the reduction is based on the work completed and there does not appear to be a maximum deduction threshold. For additional comments, still under review
840 General Administration Regulations	No notes at this time, additional time needed to review.
841 Development Processes and Permits	No notes at this time, additional time needed to review.
842 Zoning Map and Text Amendments	No notes at this time, additional time needed to review.
843 Planned Unit Developments	No notes at this time, additional time needed to review.
844 Subdivision Procedures	No notes at this time, additional time needed to review.
845 Appeals	No notes at this time, additional time needed to review.
846 Nonconformities	**Concern:** Property owners could get stuck and not be able to sell because the zoning has changed. What happens if a business or a lease changes hands? Selling it is the big issue

847 Violations and Enforcement	No notes at this time, additional time needed to review.
848 Review and Advisory Bodies	No notes at this time, additional time needed to review.
850 Defined Words	No notes at this time, additional time needed to review.

Questions and comments that did not fit into specific chapters

Site Plans/Approvals	**Question**: Numerous properties did not go through the site plan approval process (ex: pre-existing nonconforming properties from 10 years ago, such as boat storage by the lake) ● Are they being zoned now to be in compliance? ● Same question for permitted uses? **Concern:** Talent needed to comply with regulations. Land use work is often described as challenging in our community. Not enough attorneys, surveyors, others in the area. This can drive up costs and delays.
Adaptive reuse	**Question:** How do we make things more transparent and support those who want to restore and reuse current property? **Concern**: Adaptive reuse is a good resource but currently too expensive of an option. Some unnecessary obstacles in the plan. **Recommendation:** Analyze the costs. Small businesses will suffer if they continue to purchase property without fully understanding what they can and can't use the property for.
Housing, Residential, Density	**Question:** How can we incentivize / spur completion of outstanding housing developments in the County? **Question:** What are the County regulations related to AirBNBs and short term rentals? Do new residents know they will be living next to a short-term rental?

Property additions	**Question:** Are you able to add on to your property if you're less than an acre?
Sanitary Sewer, Utility, Conservancy	**Concern:** Current ordinances have holes regarding different approving agencies interact, for instance; big gaps in stormwater and site plans are reviewed; big gaps in how site plans and the fire department reviews; and inconsistencies in CDU reviews, with a new ordinance there need to be earlier checks; this includes transportation; stormwater is still relying on planning; bio-retention is pushed but planning is reviewing it, not stormwater. (Group 3)
CDO as a living document	**Recommendation:** Build reporting into the CDO so that the public can see what uses are being requested and approved / denied? This would increase transparency and communication. **Recommendation:** Make the CDO a living document, and review it every 6 months before the Council and Commissioners, outlining what is working, and what is not. Institute a process for making changes.

Section 3: Methodology

About this paper: This paper was developed in response to the Monroe County Planning Department's request for public comments on the CDO. It was compiled by members and partners of 6 local organizations:

1. Bloomington Economic Development Corporation (BEDC)
2. Bloomington Board of Realtors (BBOR)
3. Building Association of South Central Indiana (BASCI)
4. Habitat for Humanity of Monroe County
5. Greater Bloomington Chamber of Commerce
6. Greater Ellettsville Area Chamber of Commerce

Content within this paper was informed by over 12 hours of group meetings since July 2024 alone, not counting individual review. Meeting the following:

- **September 12, 2024:** Monroe County Development Ordinance (CDO) Review Meeting hosted by the above partners.
    - ~80 members and partners attended from the above organizations
    - Meeting purpose: help attendees become more familiar with the CDO, learn initial findings from our CDO working group, and share additional feedback for our CDO white paper that will be shared with Monroe County.

    - Planning Director Jackie Jelen attended briefly at the beginning of the meeting to invite attendees to attend the 9/24 hearing.
    - The “How to use the CDO - high level changes” tutorial video was played at the beginning of the meeting.
    - Attendees also participated in breakout discussions to provide additional notes and feedback, which were incorporated into this paper
- **July-September 2024:**
    - 5 small group meetings totalling 9 hours held between the above partners
    - Partners divided up, read, and gathered initial feedback the CDO draft to inform a draft white paper leading into the 9/12 meeting
    - 20+ individuals participated in or provided feedback for the paper
    - During this time, the partners continued communicating with Monroe County Planning on the CDO and questions that arose
- **October 2023 (CDO module 2):**
    - 10/12/23 Planning Director Jackie Jelen met with BEDC, BBOR, and BASCI members to share information on Monroe CDO module 2.
    - In October 2023, representatives from the three partners discussed module 2. The notes from these conversations formed an initial white paper, which was put on hold while Planning completed modules 2-3, in anticipation of the full CDO draft that was released in July 2024. That initial draft of the white paper informed some of this paper.

Section 4: Appendix

Comments provided by Taylor Siefker Williams, which reviewed the CDO for the Greater Ellettsville Area Chamber of Commerce

Provided on August 23, 2024

The proposed ordinance appears to be a revision to the two existing ordinances versus a completely new ordinance. It combines the zoning regulations and subdivision regulations, which is a best practice to have these as one document. There is also a proposed zoning map, which is necessary since the districts are changing.

The current ordinance has an extremely large number of zoning districts, which is not common for a county like Monroe. There are currently 15 districts, 5 overlay/special districts, which would seem much more reasonable. There are also four “environmental constraints” that are listed under this section that I believe are intended to serve not as a district/overlay but as a site consideration.

There is some general inconsistency and incorrect cross references throughout that isn’t necessarily detrimental but could require interpretation by staff.

ZONING DISTRICTS/SITE STANDARDS:

The dimensional standards change between the “development standards” and the “subdivision standards” that are listed in each zoning district for lot width in the rural districts. For example, the minimum lot width is 125 feet in three of these districts but then 200 feet if you do a subdivision. It doesn’t make sense to have a larger lot width for a subdivision versus lot. Another example is the minimum lot size in RNH is 0.14 acres but then 0.5 acres for sewer lots in subdivisions. A different lot size for sewer versus septic makes sense but the different lot size doesn’t make sense if they are both on sewer.

Many districts basically have a 10 acre lot size in order to subdivide if the parcel is on septic. This can cause farms to be broken up more than necessary. This continues into more “dense” districts too as a footnote in the dimension standards tables.

The maximum impervious cover for the AGR district is 15,000 sq ft (about 1/3 of an acre) This is low since it would consider driveways, compacted gravel, buildings, paved areas, etc. For example, the smallest lot size in this district is 2.5 acres (108,900 sq ft), which leaves over 2 acres of the site without any impervious surfaces. Conversely, another example is the RHN district where the minimum lot size is 0.14 acres (just under 7,000 sq ft) and the maximum impervious is 50% of the lot size or 7,000 sq ft (whichever is less).

Some of the dimensional standards could result in very deep lots. For example, the RES minimum lot size is 1 acre with a minimum lot width of 50 feet. This could result in a lot that is 50 feet wide and almost 800 feet deep. There should also be a lot width to depth ratio if they want to do this.

All of the dimensional standards are listed in the zoning districts and then listed again in the dimensional standards section. This can cause conflict if they are not consistent and/or amended over time. We do not recommend the same standards being in two locations in a single ordinance.

I did not cross check all of the uses included in the zoning district tables with Table 810.1 but these are not consistent and pose more issues over time as amendments are made. For example, the ARG district table on page 9 (page 17 of the PDF) includes single-family paired dwelling as a permitted use but it is not shown as permitted on Table 810.1. Additionally, the use regulations in section 810 also specify if the use is conditional or permitted in specific districts. This introduces a third place that could have conflict. Like the dimensional standards comment above, we typically recommend including this in one place to reduce conflict.

They should review the permitted residential uses and accessory residential uses for the districts. I personally usually support things like accessory dwelling units and accessory apartments in most districts – this is a personal preference. There are some other uses that they should look at as well, such as logging is permitted in the GB district.

USE & SITE STANDARDS:

The LB district requires parking to be located 10 feet behind the principal structure. I’m not sure where this district is located on the map but it would be appropriate if it is in a downtown. Even outside of a downtown, it’s not a bad “best practice” but this could cause issues with business owners.

State statue controls short-term rentals, owner-occupied since it is owner-occupied. The use regulations state that they can only rent one room but they could rent the entire house (for example, a weekend when the owner is away). This only applies to owner-occupied.

The use regulations for solar farms does not specify requirements for decommissioning. This leaves it very vague.

The height requirements for wireless communication facilities should be reviewed against IC 5-22-3-7. I have confirmed with multiple attorneys that this amendment to IC prohibits the ability of a local government to limit the height of a cell tower. While the use regulations specify a maximum height, the dimensional standards have an exception for them. This is odd to have conflicting standards here.

The height limit for fences in front yards is 6 feet. This might be high for residential districts.

Parking standards:

- There is a requirement for at least 10% of parking spaces to have the ability to be converted to EV charging stations. It is unclear if this applies to all parking lots or just EV charging stations.
- Parking lots must be paved (which is good) and rural lots that are less than 4,000 sq ft and overflow parking can be gravel. I think this is fine in a rural county.
- The minimum number of spaces required is average. I personally like lower minimums on non-residential uses because we end up with massive parking lots that aren't used.

Landscaping:

- There is an interesting requirement to preserve existing tree canopy if the site has "contiguous" coverage. While I like the idea of preserving the existing tree canopy for many reasons, I also know that might be a hard sell for developers. For example, if you have a 50 acre site that has 50% tree canopy today (25 acres), they would have to preserve 17.5 acres of tree canopy (35% of the site). This is always a balance in my mind; if they require them to preserve the canopy, I like to compromise with the development demands and allow smaller lots if the canopy is preserved so we "meet" in the middle.
- The bufferyard types is not easy to calculate. This is fine but just requires more calculations.
- The D type bufferyard might be a low, especially compared to the parking lot landscaping. For example, if a heavy industrial use locates next to single-family (the extreme example on non-compatible uses), they would be required to have a 20 foot wide buffer area with 6 trees and 8 shrubs per 100 linear feet or a 6 foot fence could be used for 50% of the length. We would typically require more (such as 6-8 canopy trees, 20-24 evergreen trees, and 20-24 shrubs plus a fence or wall within a 100 foot buffer area). Comparatively, each parking lot island (basically 9x18) must have 1 tree, 10 shrubs, and 10 shrubs/perennials/grasses/ferns.
- They require landscaping on each single-family lot as well – 2 trees per lot. I personally like this but developers will push back.

They don’t allow portable signs. Generally, I don’t like portable signs but I like to allow for the “sandwich board” type signs in a “downtown” type area.

SPECIAL DISTRICTS & OVERLAYS:

It’s odd that they only specify a list of uses for PUDs. The purpose of a PUD is that it’s discretionary and considered on a case-by-case basis.

PROCESSES:

They use the terms “location improvement permit” and “building permit” interchangeably, which is not an issue and common. However, there are some structures where they don’t require permits that I would consider. Permits are not required for accessory solar panels (this would be a solar panel for your house). I would typically want them to pull a building permit for this since it involves electrical and if on a rooftop, this allows a process for the applicant to show the structure is able to hold the additional weight. Additionally, “structures that comply with the Americans with Disabilities Act” do not require a permit. I’m not sure what this means, but if you took the literal interpretation of this, any building that complies with ADA doesn’t need a permit.

If development plans (called site plans and plot plans in this ordinance) are approved by the staff, state statute requires that the ordinance must allow for a process for the applicant to appeal or request that the decision be made by the Plan Commission. The process outlined on page 357 states that development plan appeals would be heard by the BZA. This is not consistent with Indiana Code.

It looks like the steps for a zone map amendment are missing on Page 333.

The secondary plat process implies that the County Commissioners must approve assurances of performances and maintenance. This seems onerous and this is usually done at a staff level. The County Commissioners would accept the dedication of public infrastructure after it is built but not the performance bonds.