

MEMO

To: Monroe County Plan Commission
From: Elizabeth Fields, AICP, and Greg Dale, FAICP, McBride Dale Clarion
Date: July 14, 2020
Re: Module 1 Diagnosis

INTRODUCTION

The purpose of this diagnosis of Module 1 is to provide a detailed documentation of the strengths and weaknesses of the current Monroe County Zoning and Subdivision Ordinances. This memo will focus on the Chapters included in Module 1 of the code update process: generally, administration, processes, subdivision control, and enforcement. It allows the county to review the overall structure and scope of the update before drafting begins. The diagnosis is based on our discussions with county staff, plan commission, and community stakeholders, along with our review of the county's existing ordinances. Additional edits may be made to the proposed structure and content as additional engagement occurs. The diagnoses of Module 2 and Module 3 will be completed at a future date, subject to the approval of the County Plan Commission. This document is organized into two main sections as follows:

- Part A: Module 1 Themes
- Part B: Module 1 Existing Code Review

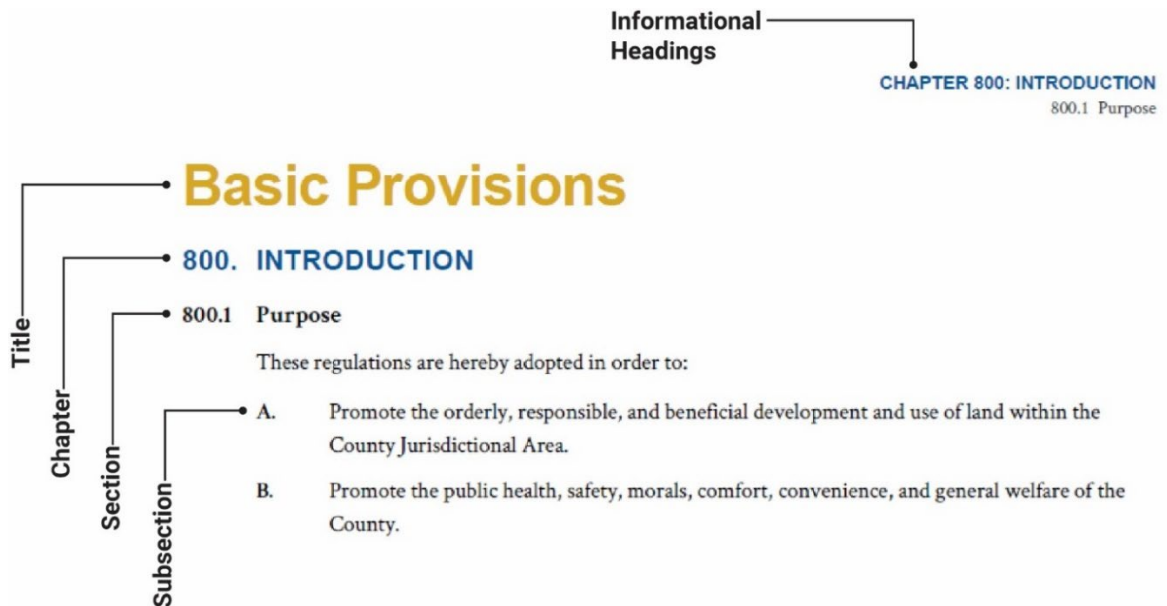
PART A: MODULE 1 THEMES

Several major themes, or goals, for the update process emerged after discussions with county staff, leadership, and stakeholders. The intent of this part of the diagnosis is to provide an overview of each theme that includes direction or options for how to address that item. The major themes for the Module 1 update include:

1. Reorganize and Reformat the Code
2. Update Administrative Procedures and Processes
3. Implement the Recommendations of Adopted County Plans

Reorganize and Reformat the Code

The format and design of the current code is simple and very text heavy. It varies in terms of headings, design, and font from section to section. This is common when new chapters are drafted and integrated into the code over time. This has also led to the chapters being in an unorganized order, which makes finding information confusing and cumbersome. To improve the usability of the code, we propose a more modern code format that focuses on the use of headers/footers, consecutive page numbers, clear organization, graphic illustrations, flowcharts, tables, and cross-references. These organizational strategies will assist users of the code in finding the specific information they are looking for. We will also provide an editable word document of the updated code at the end of the process to allow for easy amendments and changes by the county.



The re-design will be done in conjunction with reorganizing the sections within the code to ensure that the document is organized in a logical order. Usability is improved when the sections are ordered based on functions and when redundancy is reduced. As you can see in the below table, current chapters of a similar function are located in non-consecutive locations within the code. For instance, under our proposed Development Standards Chapter, the Parking and Loading and Signs Chapters are located consecutively, but the Landscaping Chapter is located in a completely different location of the code.

The proposed organization and structure will not only enhance the usability by combining function, but also promotes the more frequented information – zoning districts uses and design standards – and moves the lesser used sections to the back of the code. For instance, the public and developers generally do not need to reference the code’s definitions, yet they take up 46 pages at the beginning of the current code. The proposed organization would move definitions to the back of the code to function more similarly to a book’s glossary.

We propose the following general outline for the code update. Section numbers and slight changes to titles may occur, but the following represents the expected structure and format of the new code contrasted with the current code’s Chapters. Existing ordinance chapters that are struck through indicates a chapter that will not be incorporated into the new ordinance. Select information from these chapters may be carried forward as necessary.

	PROPOSED ORDINANCE CHAPTERS	EXISTING ORDINANCE CHAPTERS
	■ Module 1	■ Module 2 ■ Module 3
	Chapter 800: Basic Provisions	Chapter 800: General Provisions
		Chapter 850: Subdivisions: General Provisions
	Chapter 802: Zoning Districts	Chapter 802: Zones and Permitted Use
		Chapter 813: Conditional Uses (use-specific standards)
	Chapter 804: Use Table and Standards	Chapter 809: Preservation of Agricultural Uses
		Chapter 834: Wireless Communication Facilities
		Chapter 837: Adult Oriented Businesses
	Chapter 806: Design Standards	Chapter 804: Height, Bulk, and Density
	Chapter 808: Development Standards	Chapter 806: Parking and Loading
		Chapter 807: Signs
		Chapter 830: Landscaping
	Chapter 810: Environmental Constraints and Overlay Districts	Chapter 825: Environmental Constraints Overlay Zone
		Chapter 829: Karst and Sinkhole Development Standards
		Chapter 808: Flood Damage Prevention
		Chapter 810: Historic Preservation
		Chapter 811: Planned Unit Developments (overview)
		Chapter 805: Manufactured Home Parks
		Chapter 827: Business and Industrial Overlay District
		Chapter 835: Community Zoning Overlay
Chapter 890: Airport Zoning Ordinance		
	Chapter 812: Subdivision Standards	Chapter 856: Subdivisions: Improvement, Reservation, and Design Standards
		Chapter 858: Subdivisions: Assurances for Completion and Maintenance of Improvements
		Chapter 862: Subdivisions: Sliding Scale Option Subdivision
		Chapter 826: Cluster Subdivision Design

Chapter 814: Administration	Chapter 820: Board of Commissioners
	Chapter 821: Advisory Board of Zoning Appeals
	Chapter 822: Advisory Plan Commission
	Chapter 823: Historic Preservation Board of Review
	Chapter 824: Planning Department
Chapter 816: Processes and Permits	Chapter 811: Planned Unit Development (approval procedure)
	Chapter 812: Variances
	Chapter 813: Conditional Uses (approval procedure)
	Chapter 814: Permits and Certificates
	Chapter 815: Site Plan Review
	Chapter 816: Erosion Control/Grading Plan
	Chapter 819: Fees
	Chapter 831: Amendments to the Zoning Map and Text
	Chapter 832: Appeals
	Chapter 854: Subdivisions: Application and Approval Procedures
	Chapter 860: Subdivisions: Document Specifications
	Chapter 833: Administrative Additions for Former City of Bloomington Jurisdictional Areas
Chapter 818: Nonconformities	Chapter 803: Nonconformities
Chapter 820: Enforcement and Penalties	Chapter 817: Violations and Enforcement
	Chapter 818: Permit, Certificate, and Approval Revocation
Chapter 822: Definitions	Chapter 801: Definitions
	Chapter 852: Subdivisions: Definitions

Update Administrative Procedures and Processes

The regulations that address the County's administrative procedures, permits, and processes currently are located throughout the code. With this update we propose to create two chapters for this information. One for the administrative regulations which will include the information pertaining to the county's applicable boards and staff departments; and one for the county's processes and permits. With this reorganization, we also proposed to incorporate a number of elements to improve the usability of this code including the following:

- Presenting the information related to public hearing requirements and development review processes in a table format.
- Streamlining and modernizing procedures, where possible, to ensure that processes are efficient and thorough while still meeting all legal requirements.
- Clearly identify which development procedure applies to each application type.
- Adding a flowchart at the beginning of each development review process that presents an overview of the approval procedure and requirements. Also adding a purpose statement at the beginning of each section to clearly identify the purpose and use of the requirements.
- Creating a section dedicated to public hearing requirements that identifies the requirements and timings of such events in one location, instead of having public hearing requirements repeated for each development review process.
- Developing a section for site plan requirements that identifies the overall requirements for such submittals, while removing more specific information such as number of copies required, size of drawings, and submittal dates. This information is better suited in checklists provided by staff.
- Aligning County procedures and code requirements, while also reducing redundancy when possible.
- Adding hyperlinks and cross-references within the text to improve in-code navigation.

Implement the Recommendations of the Adopted County Plans

Monroe County has adopted a number of plans and studies in the recent years that provide the vision and guidance for the community moving forward. These plans include:

- **Monroe County Comprehensive Plan** | February 2012
- **Monroe County Urbanizing Area Plan** | October 2015
- **Monroe County Urbanizing Area Plan Phase II Implementation Report** | December 2016
- **Monroe County Rural Zoning Framework** | January 2017
- **Monroe County Transportation Alternatives** | February 2018

Each of these plans include guidance for the update to the County's Consolidated Development Ordinance in different ways, and we will be utilizing these plans throughout the process. The following is a summary of the goals, policies, and strategies found in these plans that are relevant to the content of this module. They

are organized under themes that relate to chapters within the CDO and includes a reference to the plan and relevant goal or policy number (*CP = Comprehensive Plan, MCUA = Monroe County Urbanizing Area Plan, MCUA P2 = Monroe County Urbanizing Area Plan Phase II Implementation Report, MCRZ = Monroe County Rural Zoning Framework, MCTA = Monroe County Transportation Alternatives*).

- **General/Administrative**
 - Maintain a regular schedule of intergovernmental meetings where County participation is beneficial for County-based planning and zoning (CP | Goal 6.5).
 - Maintain an inventory of County planning and zoning issues that require intergovernmental cooperation (CP | Goal 6.5).
 - Promote certainty, efficiency, and economy in Zoning Ordinance administration (CP | Goal 6.5).
 - Arrange and present the Zoning Ordinance in the unified development code format (CP | Goal 6.5).
 - Update the Zoning Ordinance as necessary to address emerging technologies and business opportunities (CP | Goal 6.5).
- **Code Enforcement, Fees, and Fines**
 - Establish a mechanism for valuing both the direct cost of development to the developer and the direct and indirect cost of development to the property owners in the vicinity (CP | Goal 6.3).
 - Increase sanctions for violations of protected slopes, karst features, and floodways (CP | Goal 6.4).
- **Nonconformities**
 - Consider zoning strategies that provide more flexibility to property owners to make continued investments in existing developments, especially for commercial uses that contribute to the County's economy (MCUA | Strategy 7.1.0).
 - Existing lots of record that do not meet the requirements of the new regulations shall not be identified as non-conforming, but rather shall be allowed to make changes that align with the goals of the Urbanizing Area Plan (MCUA P2 | pg. 24).
- **Site Plan Review**
 - Prior to development in urban areas, availability of sufficient infrastructure to support expected residential, commercial, and industrial activities must be presented or provided (CP | Policy 5.2).
 - Establish a process for regular on-site inspection of erosion, sediment, and other pollution control practices through the development process (CP | Goal 6.4).
 - Create an Environmental Review Committee made up of citizens with technical expertise on environmental systems to provide a review of development proposals and report on concerns or mitigation recommendations (CP | Goal 6.4).

- Seek ways to reduce the cost and time involved in obtaining approvals and permits, including without limitation, offering on-line petitioning, expanding the use of alternative approval procedures, and obtaining and using site inspection reporting software (CP | Goal 6.5).
- Site plan review should provide an efficient and predictable review process for development applications in the urbanizing area (MCUA P2 | pg. 24).
- Site plan reviews shall include recommendations on transportation alternatives (MCTA | Pg. 48)
- Reviews of re-use and retrofit properties shall include a review of required and potential design upgrades (MCRZ | Pg. 34)
- **Subdivision Design and Process**
 - Create an escalating bond, fine, and cost structure to ensure timely completion of all required public improvements (CP | Goal 6.3).
 - Require new subdivisions served by County roads to not result in a reduction in the level of service within road sheds feeding Federal, state, and arterial and collector highways, because of the impacts of the subdivision or due to the condition of existing unacceptable level of service (CP | Goal 6.3).
 - Explore ways to better implement the intended objectives of the cluster subdivision regulations in the existing code, but in a more user-friendly and attainable approach (MCUA | Strategy 7.1.0).
 - Review the County's reverse frontage regulations to determine if residential developments should or should not front on major thoroughfares in the urbanizing area (MCUA | Strategy 7.1.1).
 - Determine appropriate block lengths in the urbanizing area that balance walkability while not disrupting traffic flow (MCUA | Strategy 7.1.1).
 - Consider amendments to the sidewalk and planting strip regulations in the urbanizing area to allow for more urban design patterns of having the curb integrated with the sidewalk (MCUA | Strategy 7.1.1).
 - Update the county's sidewalk standards (MCTA | pg. 31-35).

PART B: MODULE 1 EXISTING CODE REVIEW

Part B of this memo sets forth a section-by-section review of the chapters included in Module 1 and proposes changes in either organization or substance based on our assessment of the code and discussions with the county. The intent of this section is not to provide line-by-line edits, but to identify key issues that may need to be addressed in the code update process.

Zoning Ordinance

- **Chapter 800: General Provisions.** This chapter will be incorporated into the new Basic Provisions Chapter. The contents will be updated as described below:
 - Identify the document as the Monroe County Development Ordinance and consistently identify the document throughout.
 - Change all pronouns to gender neutral terminology.
 - Update document's purpose statements to be consistent with the County's adopted Comprehensive Plan and MCUA Plan.
 - Update Chapter 800-13: Transition Rules to address projects in process when the CDO is going through the CDO adoption process.
 - Delete Section 800-14: City County Jurisdictional Transition Rules as the section is irrelevant.

- **Chapter 803: Pre-Existing Nonconforming Uses.** This chapter will be incorporated into the new Nonconformities Chapter. The contents will be updated as described below:
 - Add purpose statement to the beginning of the chapter.
 - Reorganize nonconforming section to clearly distinguish regulations for nonconforming uses, structures, and lots.
 - Clarify and modernize standards that have been confusing to staff or hard to administer including how to define an abandoned nonconforming use and the discontinuance of a legal nonconforming status.
 - Relocate nonconforming sign regulations to this section.

- **Chapter 812: Variances.** This chapter will be relocated and incorporated into the new Processes and Permits Chapter. The contents will updated as described below:
 - Create a designated section for public hearing requirements in the new Processes and Permits Chapter so only need to state those requirements once.
 - Remove the site plan requirements from this chapter and create a section in the new Processes and Permits Chapter that identifies the minimum drawing specifications acceptable to the county for site plan submittals.
 - Align County procedures and code requirements, such as the Rules of Procedures for BZA.

- Remove allowance that an applicant can submit an amended application of a denied variance within six months of the denial without paying an application fee and add standards for what qualifies as an amended application.
 - Review and revise standards under design variance approvals to include clearly identifiable terminology.
- **Chapter 813: Conditional Uses.** This chapter will be relocated and incorporated into the new Processes and Permits Chapter. The contents will be updated as described below:
 - Relocate the conditional use standards from the conditional use section to the new Use Table and Standards chapter in order to have all the uses and use-specific standards located in one area of the code.
 - The use-specific conditional use standards will be reviewed and updated in conjunction with Module 2 once the use table is drafted.
 - Revise the list of conditional uses in Module 2, including confirming that all state and Federal requirements are being complied with.
 - Align County procedures and code requirements, such as the Rules of Procedure for BZA.
 - Remove conditional use approval for pre-existing nonconforming uses as this will be addressed in the nonconforming section.
- **Chapter 814: Permits and Certificate.** This chapter will be relocated and incorporated into the new Processes and Permits Chapter. The contents will be updated as described below:
 - Revise procedure for applying for an improvement location permit and land use certificate.
 - Move Chapter 814-4 to be incorporated into the Use Table/Conditional Use requirements in the Zoning Districts Chapter.
 - Move Chapter 814-5 to the Subdivision Standards Chapter.
- **Chapter 815: Site Plan Review.** This chapter will be relocated and incorporated into the new Processes and Permits Chapter.
- **Chapter 816: Erosion Control/Grading Plan.** This chapter will be relocated and incorporated into the new Processes and Permits Chapter. The definitions within this chapter will be relocated and incorporated into a consolidated Definitions Chapter. Regulations that are covered by the Drainage Chapter in the Stormwater Division will be removed to avoid overlap and inconsistencies.
- **Chapter 817: Violations and Enforcement.** This chapter will be relocated and incorporated into the new Enforcement and Penalties Chapter. The contents will be aligned with County procedures and code requirements, including requiring fines to generally refer to Chapter 115.

- **Chapter 818: Permit, Certificate, and Approval Revocation.** This chapter will be relocated and incorporated into the new Enforcement and Penalties Chapter.
- **Chapter 819: Fees.** This chapter will be relocated and incorporated into the new Processes and Permits Chapter.
- **Chapter 820: Board of Commissioners.** This chapter will be relocated and incorporated into the new Administration Chapter.
- **Chapter 821: Advisory Board of Zoning Appeals.** This chapter will be relocated and incorporated into the new Administration Chapter. The contents will be updated as described below:
 - Update terminology to conform with state statutes (i.e. President vs. Chair).
 - Remove all references made to ‘special exceptions’.
- **Chapter 822: Advisory Plan Commission.** This chapter will be relocated and incorporated into the new Administration Chapter.
 - Update terminology to conform with state statutes (i.e. President vs. Chair).
 - Remove language that is addressed in the Commission’s Rule and Procedures to reduce inconsistencies and redundancy.
- **Chapter 823: Historic Preservation Board of Review.** This chapter will be relocated and incorporated into the new Administration Chapter.
- **Chapter 824: Planning Department.** This chapter will be relocated and incorporated into the new Administration Chapter.
- **Chapter 826: Cluster Subdivision Design.** This chapter will be deleted and not incorporated into the new code.
- **Chapter 828: Proposals to Extend Sanitary Sewer Service.** This chapter will be deleted and not incorporated into the new code.
- **Chapter 831: Amendments to the Zoning Map and Text.** This chapter will be relocated and incorporated into the new Processes and Permits Chapter.
- **Chapter 832: Appeals.** This chapter will be relocated and incorporated into the new Processes and Permits Chapter.

- **Chapter 833: Administrative Additions for Former City of Bloomington Jurisdictional Areas.** This chapter will be deleted and not incorporated into the new code. We will work with County staff on the future administration of these areas and incorporate any necessary regulations into the new code.

Subdivision Control Ordinance

- **Chapter 850: General Provision.** The general provisions of the Subdivision Control Ordinance will be incorporated into the Consolidated Development Ordinance. The provisions will be reviewed and updated to ensure redundancies are reduced. Applicable provisions will be incorporated into the new Subdivision Standards and Basic Provisions Chapters.
- **Chapter 852: Definitions.** The definitions in the Subdivision Ordinance will be incorporated into the Definitions Chapter in the Consolidated Development Ordinance. Definitions will be reviewed and updated as needed.
- **Chapter 854: Application and Approval Procedures.** The subdivision procedures will be relocated and incorporated into the new Processes and Permits Chapter. The contents will updated as described below:
 - Add a table that identifies that types of subdivisions, applicable lots, and approval process for each.
 - Update procedural and application requirements to align with current practices and state requirements.
 - Extend the amount of time that a preliminary plat approval is valid to be more consistent with current development practices.
 - Clarify and update the administrative subdivision procedures including establishing clear limits and standards for lot line adjustments and lot consolidations.
- **Chapter 856: Improvement, Reservation, and Design Standards.** This chapter will be relocated and incorporated into the new Subdivision Standards Chapter. The contents will be updated as described below:
 - Update standards to align with current practices, best practices, and state requirements. Remove regulations and graphics that are administered by other departments or jurisdictions, including the Highway Department.
 - Add more specifics and graphics to the regulations to make them easier to understand and easier to enforce by staff.
 - Expand the buildable area regulations to address different conditions and create a design standards table that provides the requirements for each situation.

- Minimum lot dimensions and frontage requirements will be reviewed and updated with Module 3.
 - Customize block lengths to uses or zoning districts.
 - Relocate landscaping requirements to Development Standards Chapter.
 - Revise the chapter's tree preservation and planting regulations to address road impacts, survivability, and utility encroachments. These standards will also be specified for the different areas of the county including the urbanizing areas, rural communities, and rural areas.
- **Chapter 858: Assurances for Completion and Maintenance of Improvements.** This chapter will be relocated and incorporated into the new Subdivision Standards Chapter. The contents will be updated as described below:
 - Remove all references to "bonds" in this chapter as they are not accepted by the County.
 - Clarify and strengthen the requirements within this chapter to make them easier to understand and easier to enforce by staff.
 - **Chapter 860: Document Specifications.** This chapter will be relocated and incorporated into the new Processes and Permits Chapter.
 - **Chapter 862: Sliding Scale Option Subdivision.** This chapter will be relocated and incorporated into the new Subdivision Standards Chapter. The contents will be updated as described below:
 - Relocate this chapter's definitions to the Definitions Chapter in the Consolidated Development Ordinance.
 - Streamline the information, which adding specifics where needed, to make the regulations easier to understand and easier to enforce by staff.