

## GENERAL INFORMATION

Applicant: City of Bloomington  
Location: Citywide  
Request: Study Item – RS-1 Zoning District Review

## HISTORY

City Council Action	05/23/2023	Adoption of City Code Amendment updating zoning and platting standards related to single- and two-family dwellings ( <u>Case #PL2022-221</u> )
	06/05/2023	Amended the 2023 Planning Commission Work Plan to add the RS-1 Zoning District Study project

## CHRONOLOGY

Planning Commission	02/01/2024	Study session held
Council	02/12/2024	Study session scheduled

## STAFF CONTACT

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## OVERVIEW

This item will discuss the RS-1 Zoning District and potential amendments to its development standards, as well as the District's purpose statement, bulk standards, environmental standards, and allowed uses. This study item is presented along with the Environmental Standards Review (Case #PL2023-184) and includes recommendations informed by that research. It also incorporates information from the discussions and outreach completed during consideration of amendments to the standards for R-1 lots, single-family structures, and two-family structures. Planning Commission reviewed this study item at their February 1, 2024, meeting. Their discussion is noted throughout this staff report and is ***bolded*** and ***italicized*** for easy identification. **A summary of the Planning Commission's recommended actions is provided on Page 16.**

## BACKGROUND

From January to May 2023, the Planning Commission and City Council considered amendments to standards for Single-Family Residential lots, single-family structures, and two-family structures (Case #PL2022-221). Those amendments were adopted by City Council on May 22, 2023 (Ordinance No. 2023-16). During that meeting, the City Council requested that staff review development standards for lots zoned Large Lot Single-Family Residential (RS-1), as well as the District's purpose statement, bulk standards, environmental standards, and allowed uses.

The RS-1 District is described in § 21.203.02, which states that the intent of this district is to:

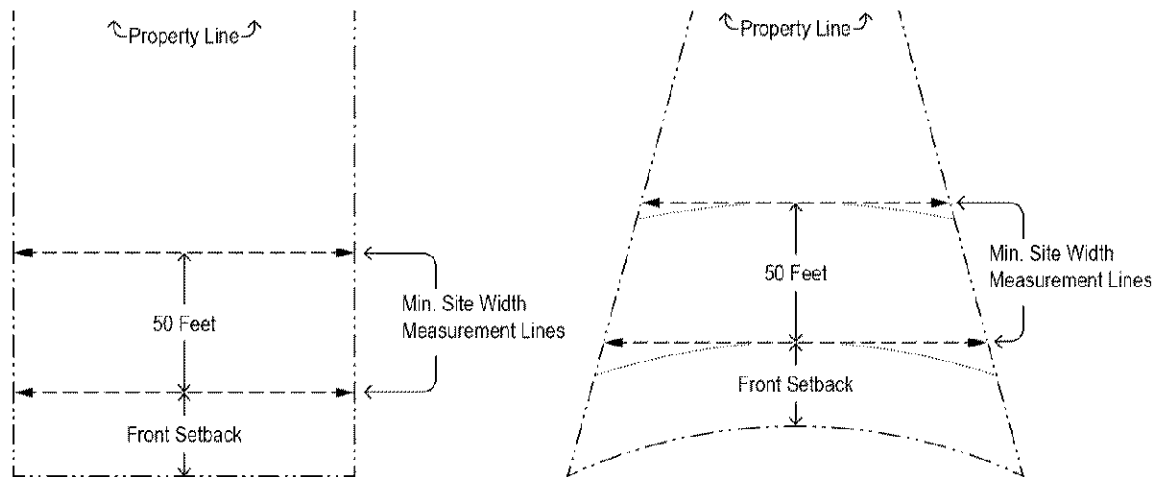
- Provide locations for large lot single-family development in areas of steep slopes, significant vegetation, wetlands or in areas substantially developed as large lots in order to preserve the character of the area; and
- Protect natural resources and ensure compatible redevelopment through appropriate development standards.

There are four contiguous groups of RS-1 lots, all located west of Normandale Boulevard. A map of RS-1 lots is shown on **Exhibit A**. Lot and structure placement standards for this district can be found in City Code § 21.301.01(c) and § 21301.02(d)(1), respectively. Those standards have been reproduced in **Table 1** below.

**Table 1. RS-1 Site and Structure Placement Standards**

<b>Minimum Lot Area</b>	33,000 square feet
<b>Minimum Site Width</b>	Interior lots – 60 feet Corner lots – 100 feet  Single-family dwellings approved after August 31, 2006, must meet the minimum site width at the front setback line and over the first 50 feet beyond the front setback line. Please refer to <b>Figure 1</b> for a graphic demonstration of this measurement.*
<b>Impervious Surface Area</b>	35 percent (same as R-1 lots)
<b>Residential Setbacks</b> <i>Along Streets</i> <i>Rear</i> <i>Side Not Along Streets</i>	30 feet (prevailing setback applies) 30 feet 10 feet

**Figure 1. Minimum site width for lots that are either regular (left) or irregular (right)**



The RS-1 District was originally established in 1986 (Ordinance No. 1986-42) as a slight modification to the previous large lot residential zoning district, RS-2. This change included increasing the minimum lot area from 22,000 square feet to 33,000 square feet. Closely following the establishment of the RS-1 District, the City Council adopted ordinances to rezone both areas identified as Forest Haven and Timberglade (Ordinance No. 1986-59 and Ordinance No. 1986-60, respectively). In 2004, the area identified as Green Briar (Ordinance No. 2004- 30). The fourth area is composed of two lots at 10616 and 10626 Normdale Blvd, which were rezoned in 1999 (Ord No. 1999-37). For the purposes of this report, these lots were excluded from some of the analyses.

A large lot residential district is not unique to the City of Bloomington. Many peer suburban communities in the metropolitan region have a similar type of district with some noteworthy differences in characteristics as discussed later in this staff report. For Bloomington, the RS-1 District and its restrictions on residential development serve as one strategy for preserving the character of areas with large residential lots and protecting sensitive environmental features present on those lots. However, as noted during consideration of amendments to the R-1 lot standards, the City has very little vacant land available to develop new single-family or two-family homes. With such scarcity, infill development opportunities are vital for adding housing to the City's inventory and expanding variety. The City Council recognizes the issues surrounding constrained housing supply and has adopted a strategic priority to expand housing choices. Allowing more infill opportunities in RS-1 would advance the City's mission. But, it would also pose some challenges to the intent and characteristics of the RS-1 District. In response, staff has prepared some optional amendments to address these conflicts and find an acceptable balance between maintaining the unique nature of the RS-1 District and offering opportunities for infill that respect the sensitive natural features within it.

## ANALYSIS

### **Purpose and Intent**

Purpose and intent statements for a zoning district often establish the goals for the application of the district, as well as inform what use allowances and standards are found therein. Criteria identified within a district's purpose and intent is often an important evaluation metric for assessing whether or not a rezoning request is or is not appropriate for a given property. As part of our review, staff evaluated the purpose and intent of the RS-1 District found in § 21.203.02, which is provided below.

- a) *Intent. The Large Lot Single-Family Residential (RS-1) District is intended to:*
- 1) *Provide locations for large lot single-family development in areas of steep slopes, significant vegetation, wetlands or in areas substantially developed as large lots in order to preserve the character of the area; and*
  - 2) *Protect natural resources and ensure compatible redevelopment through appropriate development standards.*

From the evaluation of that language, staff drafted several potential changes that strengthen the District's definition and could help with assessing land use and rezoning requests within RS-1.

The language in the intent statement limits the characteristic use to single-family residential development. However, as will be discussed later in this report, staff is proposing to expand the list of allowed uses to include two-family dwellings and groupings of two-family dwellings. With that change, staff is offering two revision options to the intent that reflect the potential amendments to the uses allowed within RS-1:

The Large Lot Single-Family Residential (RS-1) District is intended to:

- Option #1: "Provide locations for large lot [~~single-family~~] low-density residential development..."
- Option #2: "Provide locations for large lot single-family and other compatible residential development..."

***At their February 1, 2024, meeting, the Planning Commission were unable to reach a consensus on their preferred language, but two out of the four members present did choose Option #1.***

The current intent statement identifies RS-1 lots as those with "areas of steep slopes, significant vegetation, wetlands or in areas substantially developed as large lots." The use of the word "or" suggests that a lot has to feature only one those characteristics to be consistent with the intent of the RS-1 District. Staff is asking for the Planning Commission's input if one characteristic is sufficient for a lot to be considered for rezoning to RS-1. More required characteristics would maintain the uniqueness of the RS-1 District. However, it also may limit the ability to rezone to RS-1 in some instances or locations. ***The Planning Commission was in favor of requiring property owners seeking rezoning to RS-1 to demonstrate their property met multiple characteristics in order to be consistent with that District.***

Staff is also proposing other minor modifications to the District intent, such as providing reference to § 19.57.01 Steep Slopes, which regulates steep slopes for parts of the City outside Bluff Protection Overlay District. This section applies to all properties in R-1, R-1A, and RS-1 zoning designations and aims to prevent slope soil erosion from surface water run-off through a series of impervious surface calculations starting at 12 percent slope. As discussed in the Environmental Standards Review (Case #PL2023-184), steep slopes are not defined clearly in Chapters 19 and 21. In light of this, this staff report assumes that areas with a slope of 12 percent or greater are considered to have steep slopes. A map of average slopes by lot can be found in **Exhibit B**. This characteristic is discussed further on page 10.

Another minor change is augmenting “significant vegetation” as “significant natural or native vegetation.” The reasoning behind this change is to clarify that the City prioritizes natural or native vegetation over other species deemed invasive. When an area is being evaluated for potential rezoning to RS-1, the City’s Natural Resources staff could evaluate the area to determine the general value of the vegetation.

Finally, staff is seeking feedback about a new intent characteristic that includes areas within a conservation corridor as defined by Minnesota Department of Natural Resources. That last change recognizes the concerns expressed by residents and Council Members about importance of RS-1 protecting sensitive environmental features. A map of the conservation corridors is provided in **Exhibit C**. This potential characteristic is discussed further on page 11.

### **Lot Area and Width**

As part of the single- and two-family residential updates to the Zoning Code, staff analyzed and modeled the impacts of existing and proposed minimum lot areas and widths. Similarly, staff has now evaluated existing and proposed area requirements for lots in the RS-1 District to identify locations for potential rezoning and infill development opportunities. These analyses were conducted at two scales – citywide and neighborhood.

There are some disclaimers to note about these analyses and the resulting maps that are inherently tied to the data being readily available for staff to complete the analysis in a timely manner. These disclaimers include the following:

- **Median Site Width** (see § 21.301.01(c)(1)(B)) requires that “site width for all single and two-family residential lots in the RS-1 and R-1A zoning districts approved or modified by the city after August 31, 2006 meet or exceed 80% of the median site width of existing lots wholly or partially located within 500 feet of the perimeter of the proposed subdivision measured along existing or proposed public streets.” Because site width data, as measured per **Figure 1** on **Page 3**, for all 21,253 residential lots in the City is not readily available in a citywide database, this requirement was not considered. The analysis instead relies on **Lot Frontage** as a proxy for site width. However, as described below, this proxy value has its shortcomings. It should be noted that the median site width standard has a large impact on potential subdivision and would rule out a high percentage of subdivision opportunities under existing standards even when lot size and lot width are met. This standard is discussed further on page 10.

- **Lot Frontage Data** is highly variable and not truly representative of an accurate site width measurement of an individual lot. As demonstrated in **Figure 1 on Page 3**, site width is measured at the front setback line, and minimum widths must be maintained 50 feet beyond the front setback line. Unfortunately, accurate site width data as calculated in the zoning ordinance must be gathered on a parcel by parcel basis and is not available in a citywide database. Lot frontage data, while not equivalent to lot width data, is the best proxy data source available.
- **Physical Site Limitations**, including lot configuration, structure setbacks, stormwater management, etc., of individual sites are not considered as part of this analysis. Slopes are considered later in this report.
- **Corner Lots** require higher lot widths in existing regulations. However, as differentiation between corner and internal lots is not available on a citywide basis, these sites are not evaluated separately according to these requirements.

These analyses also do not consider the economic factors (mostly structure and land value) that would inform whether or not an individual lot is more or less likely to be a candidate for subdivision. For example, a teardown and subdivision of a lot is unlikely unless the value of the lots that would result exceeds the value of land as a single parcel, plus the value of the structure plus the costs of demolition and platting. As such, an analysis identifying lots that are candidates for subdivision has significant limitations. Staff views the value of these analyses more so from the standpoint of providing a visual indication of the areas or locations of Bloomington that would not be candidates for rezoning or infill development opportunities under both existing and potential regulations. Given the limitations described above, staff does not put a high level of confidence in the quantitative results of the analysis and expects the actual number of candidate lots to be much lower.

#### Citywide Analysis

During the discussions in 2023 regarding amendments to the R-1 District, single-family structures, and two-family structures, some residents expressed interest in rezoning their properties from R-1 to RS-1. The lots of some of those property owners did not meet the minimum area of 33,000 square feet required in the RS-1 District, and some asked that the City consider lowering that minimum area to 22,000 square feet (approximately 0.5 acres). This analysis examines all lots zoned R-1 and compares them against the existing and potential minimum area for the RS-1 District.

In light of the caveats described above, results of the citywide analysis are shown in **Table 2** below and mapped in **Exhibits D and E**. Again, to be included as a candidate site for this limited analysis, an existing R-1 lot must simply meet or exceed a certain lot area and lot frontage. There are other factors, in addition to the data limitations mentioned, that accurately inform whether or not an individual site is a true candidate for rezoning or subdivision.

**Table 2. Results of Analysis Examining R-1 and RS-1 Lots Against Existing and Optional Minimum Lot Area**

			NUMBER OF LOTS
Zoning Designation	R-1		21,137
	RS-1		116
<b>R-1 LOTS THAT COMPLY WITH RS-1 SITE AREA AND WIDTH</b>			
Existing Standards (Exhibit D)	Min Lot Area	33,000 square feet	509
	Lot Frontage*	60 feet	
Potential Standards (Exhibit E)	Min Lot Area	22,000 square feet	1,413
	Lot Frontage*	60 feet	

\* Due to the lack of available data at a citywide level, the analysis relies on lot frontage as a proxy measurement for median lot width.

#### Neighborhood Analysis

The neighborhood-level analysis looked specifically at RS-1 lots in the areas Forest Haven, Green Briar, and Timberglade (see **Exhibit A**) and their potential for subdivision. Given the constraints of data availability similar to the previous analysis and limited resources for performing the analysis in a precise and timely manner, staff produced a map identifying which lots of the three areas could be eligible for subdivision based on the existing minimum lot area (33,000 square feet) and the smaller option (22,000 square feet). The analysis also considered median lot width, but this measurement is still imprecise because of limited data and tools available to staff.

The neighborhood analysis also considered the total assessed value of each RS-1 lot into determining their subdivision potential. Under this scenario, staff assumed that subdivision would only occur if it was a financially wise decision, meaning the value of the lot(s) created from the subdivision exceeded the value of the land as a single parcel. This analysis did not account for tearing down an existing residential structure in order to create multiple code compliant lots. To conduct this analysis, staff assumed that lots whose total assessed value was \$600,000 or greater would not be likely candidates for subdivision. Staff recognizes that assessed value is often a lagging indicator and not perfect for this analysis, but it is the best data available. Staff also recognizes that some construction or redevelopment activity proceeds that is not consistent with typical economic or value metrics (return on investment, minimum increase value or revenue, etc.). This analysis does not account for these occurrences. The results are summarized in **Table 3** below and displayed in **Exhibits F through I**.

**Table 3. Results of Analysis Examining the Subdivision Potential of RS-1 Lots Against Existing and Optional Minimum Lot Area**

		NUMBER OF LOTS
SUBDIVISION CANDIDATE SITES IN THE RS-1 DISTRICT		
Existing Standards (Exhibit F)	Min Lot Area of 66,000 square feet	2
Potential Standards (Exhibit G)	Min Lot Area of 44,000 square feet	10
... AFTER CONSIDERING LOTS WITH AN ASSESSED VALUE OF \$600,000 OR LESS		
Existing Standards (Exhibit H)	Min Lot Area of 66,000 square feet	1
Potential Standards (Exhibit I)	Min Lot Area of 44,000 square feet	3

As shown in the results of the analysis, out of 116 RS-1 lots, only two lots are potential candidates for subdivision under current RS-1 lot standards. When the minimum lot area is lowered to 44,000 square feet, the number of candidate sites for subdivision raises to 10. However, the potential for subdivision is tempered by the financial wisdom of that action. When accounting for lots with a total assessed value of \$600,000 or less, the number of lots that might be candidates for subdivision under existing RS-1 standards is one; that number slightly increases to three under the optional minimum lot area.

As mentioned previously, these analyses only consider lot area and do not account for other features that characterize RS-1 lots. But accounting for that and other caveats discussed above, the results from both the citywide- and neighborhood-level analyses show that infill opportunities within the RS-1 District increase when the minimum lot area is lowered, as would be expected. They also show areas that could be eligible for rezoning to RS-1, pending further investigation into other RS-1 characteristics for each lot. However, those rezonings would most likely hinder overall infill development and negatively impact the City's housing goals. Currently, compliant sized lots zoned R-1 face less obstacles to subdivision compared to those zoned RS-1, even under the optional minimum lot area.

Staff also researched the zoning codes of peer suburban communities to understand their large lot residential standards and compare them to those of Bloomington. That research is summarized in **Table 4** below. With some noted exceptions, the listed districts required that each property be serviced by municipal water and sewer.



**Table 4. Large Lot Residential Area Standards in Peer Suburban Communities**

<b>CITY</b>	<b>DISTRICT / INTENT</b>	<b>LOT AREA</b>
<b>Richfield</b>	<i>R (Low-Density Single-Family Residential)</i>	10,000 square feet
	Reserve and preserve appropriately located areas for larger lot single-family uses; ensure adequate light, air, privacy and open space for each dwelling; minimize traffic congestion and avoid the overloading of utilities by preventing the construction of buildings of excessive size (or density) in relation to the surrounding land, buildings or infrastructure; and to provide larger lot single-family residential areas that are safe, attractive and quiet	
<b>Edina</b>	<i>R-1 (Single Dwelling Unit District)</i>	9,000 sf; unless median lot area is greater than 9,000 sf, in which case the minimum lot area shall be not less than the median lot area of the lots in such neighborhood
	No intent statement	
<b>Eden Prairie</b>	<i>R1-44</i>	44,000 square feet
	Reserve appropriately located areas for single family living on large lots where vegetation, slopes, water bodies or other significant natural features are best preserved through large lot development	
<b>Burnsville</b>	<i>R-1A (One-Family Rural Residential District)</i>	1 acre
	No intent statement	
<b>Eagan</b>	<i>E (Estate District)</i>	16,000 square feet
	Large lot single family residential development	
<b>Woodbury</b>	<i>R-2 (Single-Family Estate District)</i>	1 acre
	Allow for a low-density semi-rural life style in areas which because of the topography and vegetation are not suitable for either large-scale agriculture or urban residential development; minimize soil erosion and protect wooded areas; designed to be served by private water and sanitary sewer systems except where municipal services may be available from adjacent communities	
<b>Mendota Heights</b>	<i>R-1A and R-1B (One Family Residential District)</i>	30,000 square feet
	No intent statement	

As shown in **Table 4**, several peer communities did not define their large lot residential district. For the majority that did, their intent statement referred to protection of the environmental characteristics of the district. Lot area varied between each city, but the median area was 30,000 square feet.

Based on the above analyses, staff is requesting guidance regarding the following:

- Is the current minimum lot area of 33,000 square feet in the RS-1 District is appropriate for a large lot district?
- Should it be adjusted to 22,000 square feet (approximately 0.5 acres)?
- Is there a different area requirement that is better suited to the RS-1 District?

***The Planning Commission considered these questions and three of the four members in attendance favored maintaining the current minimum lot area of 33,000 square feet while the remaining member favored lowering the minimum to 22,000 square feet.***

Related to lot area, staff is also asking if median site width is an appropriate standard to maintain for new RS-1 lots. It was introduced in 2006 after several contentious infill residential subdivisions. One in particular was denied by City Council for related impacts on neighborhood character. This denial resulted in a lawsuit brought up by the property owner of the subject parcel. The City lost the dispute, approved the subdivision, and, in the aftermath, ordered the creation of a lot width standard that would consider the width of nearby lots as part of subdivision review.

In their report, staff at the time highlighted the drawbacks of adopting and enforcing the median site width standard, all of which still hold true today. One concern was the decrease in property values for owners of RS-1 lots that were subdividable under regular lot width standards. Staff also recognized that making the lot width standard harder to achieve would result in fewer new lots and homes. For those lots that could satisfy the median site width standard, they were going to be larger and therefore more expensive, exacerbating equity issues. The last issue they identified would be the increase in regulatory complexity and the impact to customer service. Staff's ability to provide a clear and timely answer for property owners of RS-1 lots as to whether they could subdivide is challenging in some cases due to the amount of required research. Property owners would have to hire surveyors to conduct the analysis above and beyond a typical plat or lot split to even explore the possibility of subdivision. The costs for those services would ultimately be passed onto buyers. ***The Planning Commission considered median site width and felt it was an appropriate standard to maintain within the RS-1 District.***

### **Steep Slopes**

Lots in the R-1, R-1A, and RS-1 Districts are subject to steep slope standards found in § 19.57.01. This ordinance was established in 1982 and updated in 1993. It applies to all sites platted after May 1, 1993. Standards in this ordinance aim to prevent slope soil erosion from surface water runoff through a series of impervious surface calculations starting at 12 percent slope. **Figure 2** below shows how the impervious surface calculations align with a lot's average slope.

**Figure 2. Impervious Surface Calculations for 12% Average Slope and Greater**

<i>Average Slope</i>	<i>Maximum Coverage</i>	<i>Average Slope</i>	<i>Maximum Coverage</i>
12%	34%	22%	24%
13%	33%	23%	23%
14%	32%	24%	22%
15%	31%	25%	21%
16%	30%	26%	20%
17%	29%	27%	19%
18%	28%	28%	18%
19%	27%	29%	17%
20%	26%	30%	16%
21%	25%		

This figure demonstrates, as the average slope on a lot increases, the area available for development gets smaller in relation to the total lot area. Another way to put it is the protection of slopes comes at the expense of development potential. A map showing the average slope of each lot in the City is provided in **Exhibit B**. One disclaimer to keep in mind when viewing that exhibit is the average slopes shown were not calculated per the required methods detailed in § 19.57.01. Those methods distinguish between regular and irregular lots and consider the pattern of elevation contour lines. Abiding by those methods to calculate average slope for every lot in the City would have been unfeasible for staff.

Continuing the city wide analysis of RS-1 and R-1 lots discussed in the previous section, staff applied the average slope data to lots that satisfied the minimum lot area and width standards. The results of this analysis are shown in **Exhibits J and K**.

From the results of the analysis, staff is asking for confirmation whether or not steep slopes are an appropriate characteristic by which to assess a lot's candidacy for the RS-1 District. ***At their February 1, 2024, meeting, the Planning Commission recommended maintaining the steep slope characteristic for the RS-1 District.***

#### **Conservation Corridors**

During discussions concerning amendments to the R-1 District, single-family structures, and two-family structures in 2023, the topic of conservation corridors was raised. Conservation corridors are continuous or patchy areas of vegetation that provide potential for the movement of humans and wildlife. They often follow waterways or land features such as steep slopes or ravines connecting natural areas, parks and other natural resources. High quality corridors provide habitat and allow for the movement of wildlife, plants and water from one area to another. Such systems enhance the value and ecological function of natural areas and open space by interconnecting them,

counteracting habitat fragmentation as well as habitat loss. Conservation corridors are derived from DNR work done in the late 1990s with later refinement done by Metro Conservation Corridor (MeCC) partners and ecological experts in each county. The purpose is to help counties and local governments prioritize areas for conservation and restoration, typically on publicly owned lands.

A map of the MeCC conservation corridors within Bloomington is shown in **Exhibit C**. As shown, the area of these corridors is extensive on the City's west side and contains various land uses, such as residential, office, industrial, and institutional. For example, most of the Bloomington Civic Plaza site falls within the designated corridors along with industrial uses to the north. These conservation corridors have been incorporated into two local planning efforts: 1) The Natural Resources Prioritization and Management Strategies for City Parks (City of Bloomington), and 2) Wetland Restoration and Protection Opportunity Identification (Nine Mile Creek Watershed District). In both cases, the location of conservation or habitat corridors are utilized as data points that inform prioritization of natural resource restoration or protection efforts either in City parks or related to wetlands. Neither of these plans include clear recommendations related to the implementation of zoning or other land use controls to assist in conservation efforts.

In their draft intent statement for the RS-1 District, staff incorporated location within a conservation corridor in order to see how that characteristic might function within that intent statement.

However, staff has concerns about inclusion of this characteristic as a regulatory tool. The conservation area mapping was not prepared with a regulatory intent according to staff's investigation. The MeCC boundaries in Bloomington include properties that are highly developed, including office properties in the Normandale Lake District, industrial areas in central Bloomington, highly developed portions of the South Loop District, as well as the Civic Plaza site. Adopting a regulatory tool to protect conservation areas identified in the MeCC boundaries could have land use implications for a wider scale and mix of properties than what may be intended.

***The Planning Commission considered the inclusion of a lot's location within a conservation corridor as a characteristic of the RS-1 District. While a consensus was not reached, as two members felt it was an unnecessary characteristic and two were unsure of its value but unable to say that it should be excluded, there was more support for not including than including this characteristic.***

**Staff Draft of RS-1 Intent Statement**

Accounting for the potential changes discussed above and recommendations from Planning Commission, an optional version of the intent statement drafted by staff for discussion purposes is as follows:

- a) *Intent. The Large Lot Single-Family Residential (RS-1) District is intended to:*
  - 1) *Provide locations for large lot low density residential development in areas that have a minimum of two of the following characteristics:*
    - i. *Steep slopes as defined in § 19.57.01 of the City Code;*
    - ii. *Significant natural or native vegetation;*

- iii. *Wetlands; or*
- iv. *Substantially developed as large lots in order to preserve the character of the area; and*
- h) *Protect natural resources and ensure compatible redevelopment through appropriate development standards.*

### **Uses**

Whenever a zoning district is studied or formally evaluated, the list of permitted, conditional, and prohibited uses are typically studied. Staff evaluated the uses allowed in the RS-1 District listed in § 21.209(c). Based on that review, staff is proposing to add two-family dwellings as a permitted use within the RS-1 District. This action would require amending both §§ 21.302.04 and 21.209(c). Groupings of two-family dwellings are also proposed to be allowed in the RS-1 District, but as a conditional use, matching the allowance in the R-1 District. This level of approval is required because groupings of two-family dwellings have the potential for increased levels of neighborhood impact than stand alone, infill two-family dwellings.

Staff believes these uses are appropriate in the RS-1 District. A priority of the City Council is to address housing affordability and availability. Amending the RS-1 District use matrix to allow two-family dwellings would help address the scarcity of opportunities for adding single-family and two-family dwellings to the City's housing inventory. It would also bring RS-1 in regulatory alignment with the R-1 District. Also, all RS-1 and R-1 lots are guided Low Density Residential (LDR) in the 2040 Comprehensive Plan. As described in that document, two-family dwellings are explicitly compatible with that land use category. Finally, the use of two-family dwelling is not inherently inconsistent with the purpose and intent of the RS-1 District from a natural resource protection standpoint in staff's judgment. There are numerous existing single-family dwellings in Bloomington that are larger structures and have greater amounts of impervious surface than other existing two-family dwellings in the community. Two-family dwellings can result from conversion of larger single-family dwellings with no increase in building footprint. Two-family dwellings can be constructed in an environmentally responsible manner that is considerate of natural resources. The large lot sizes present within the RS-1 District will help to further ensure that two-family dwellings can be constructed while meeting all development standards.

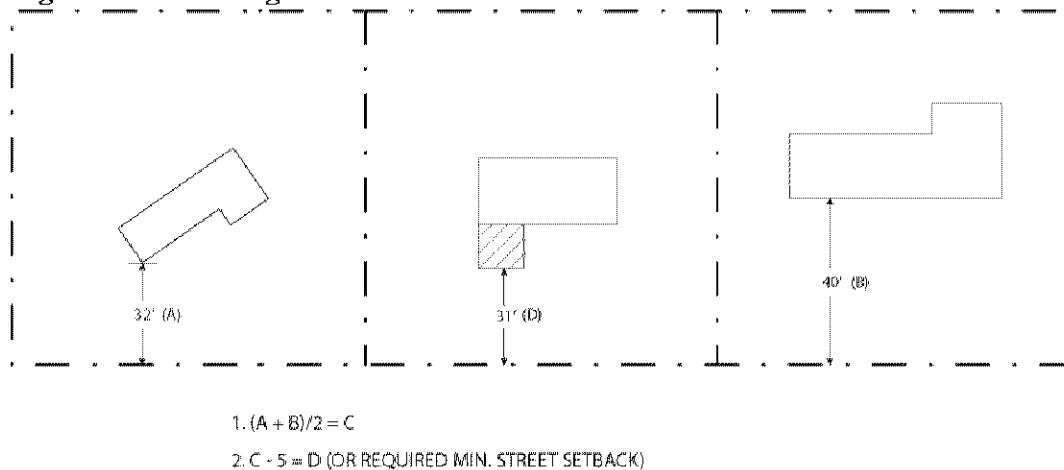
The review of the RS-1 use table also revealed that some uses currently allowed in the RS-1 District are not appropriate and have been suggested for removal. Staff identified three institutional or institutional-related uses that would conflict with the RS-1 District, as it was not intended to accommodate such uses. The results of this review of the use table and proposed revisions are shown in **Exhibit L**.

Staff requests the input of the City Council on these recommendations and if other uses should be considered for addition or removal. ***The Planning Commission considered staff's recommendations for uses to be allowed in the RS-1 District and those that should be removed. There was a consensus among members that two-family dwellings and groupings of two-family dwellings should be allowed in the RS-1 in a similar manner as the R-1 District. They also all agreed to prohibit the institutional-related uses identified in Exhibit L.***

**Prevailing Setback**

Staff would also appreciate feedback on the following bulk standard for residential structures in the RS-1 District. As described § 21.301.02(d)(1) and summarized in **Table 1 on page 2**, the minimum setback distance along streets for residential structures on RS-1 lots is 30 feet from the front property line or as required by the prevailing setback, whichever is greater. Per § 21.301.02(d)(3), the prevailing setback standard applies to all “new single-family and two-family dwellings or additions in the R-1A and RS-1 Zoning Districts” and that structures “must meet increased setback standards along a street if the new dwelling directly abuts to one or more single-family dwellings that were in existence on October 7, 1974.” It is described further as “the average minimum setback of each single-family dwelling on directly abutting sites along the same street segment and within the same block face.” An example of its application is shown in **Figure 3** below.

**Figure 3. Prevailing Setback**



While the prevailing setback standard is intended “to promote the compatibility of infill redevelopment with existing development in older neighborhoods” per the ordinance, it also imposes costs on the property owner and can result in increased environmental impacts on the lot or immediate area. For instance, should a property owner replace a residential structure or build one on a newly created lot from a subdivision, they would have to hire a surveyor to measure setbacks on abutting properties in order to calculate the prevailing setback, increasing the surveying costs. In cases where the prevailing setback exceeded the minimum setback, the property owner would need to construct a longer driveway to access their garage. This feature would not only be more expensive than otherwise, it also would increase the amount of impervious surface on the property, negatively impacting the natural hydrology of the property more than necessary. Because it requires attention to setbacks on abutting properties, it also adds regulatory complexity to housing development.

***The Planning Commission considered the prevailing setback standard for RS-1 lots and agreed that it should be maintained.***

## REZONING RECOMMENDATIONS

In this report, staff provides a detailed review of the RS-1 District and analyzes single-family residential lots that might meet existing RS-1 standards. However, staff does not recommend wide-scale, pro-active, city-initiated rezonings. The scale of such an action would be very difficult to administer and risks creating confusion or concern among residents.

When evaluating a rezoning request, no matter if private- or publicly-initiated, staff recommends utilizing five consistent criteria to test the merit of those applications:

1. **Consistency with RS-1 Intent** – No matter the final form of the intent of the RS-1 District, if the area or lots to be rezoned are inconsistent with its intent, then staff would not recommend approval of a rezoning request.
2. **Level of Conformity with RS-1 District Standards** – Should a significant proportion of the lots requesting rezoning not meet the minimum area requirement, staff would flag that as a concern. Where the line is drawn for what constitutes a “significant proportion” is at the discretion of the City Council. That being said, staff’s view is that if over half (50 percent) of the lots do not meet the district requirement, then that level of nonconformity is significant.
3. **Scale of the Rezoning Action (Number of Lots)** – Evaluation of a rezoning request should also consider the number of requested lots. For example, a request to rezone an individual single- family lot to RS-1 would be viewed less favorably than a request of greater scale, particularly if lots surrounded that individual lot zoned R-1.
4. **Neighborhood Continuity** – Related to the last point, staff would encourage an approach promoting continuity of zoning amongst residential neighborhoods, blocks, or areas, as opposed to smaller scale requests within neighborhoods that could create less uniform standards amongst residential lots within an individual area.
5. **Proportion of Neighborhood Support** – Another important consideration is the property owner and occupant support level for a rezoning action. If a rezoning request is pPrivately initiated, then the property owner's support is 100 percent. However, suppose the Planning Commission and Council were responding to a petition request for rezoning. In that case, those bodies should decide what level of the property owner and occupant support is appropriate to consider initiation of rezoning. Suppose there is a measurable quantity of property owners and occupants not supportive of such an action. In that case, that factor should be considered in determining whether to proceed with a publicly initiated rezoning.

*The Planning Commission considered staff’s recommendations for the criteria to evaluate requests to rezone lots to RS-1. Two members were in favor of the proposed criteria while the others did not provide a judgement.*

## **PLANNING COMMISSION REVIEW**

The following is a summary of the actions recommended by Planning Commission at their February 1, 2024, study meeting:

- Require lots considered for rezoning to RS-1 to exhibit multiple characteristics found in the District's intent statement in order to be consistent with RS-1. (Page 4)
- Maintain the the current minimum lot area of 33,000 square feet required for lots in the RS-1 District. (Page 10)
- Maintain median site width as a standard defined in § 21.301.01(c)(1)(B) for assessing new RS-1 lots. (Page 10)
- Keep the presence of steep slopes as a characteristic of lots in the RS-1 District. (Page 11)
- Within the RS-1 District, allow two-family dwellings as a permitted use and allow groupings of two-family dwellings as conditional use. (Pages 13 and 14)
- Prohibit all institutional-related uses from being established in the RS-1 District. (Pages 13 and 14)
- Maintain prevailing setback as a standard for structures built on RS-1 lots. (Page 14)

## **PUBLIC ENGAGEMENT**

Following the approach of the single- and two-family residential zoning update project, staff created a [Let's Talk Bloomington page](#) to host information about the RS-1 Zoning District study. The engagement report is attached for consideration. Two parties contacted staff through the online engagement page. The comments received as of the date of agenda publication are included in the agenda packet for consideration.

## **NEXT STEPS**

Staff is seeking feedback from the City Council on the issues highlighted in this report and any recommended changes to RS-1 standards. If guidance from these study sessions directs staff to prepare and propose amendments to the RS-1 District, public hearings to consider those amendments are expected to be held in April 2024.