



Request for Council Action

Originator	Item
Planning	5.1 Study Item - RS-1 Zoning District Review Part III
Agenda Section	Date
ORGANIZATIONAL BUSINESS	October 28, 2024

Requested Action:

No formal motion or action is required at this time. Staff recommends advancing Ordinance Option 1A to a public hearing and will seek Council direction. If Ordinance Option 1A has majority Council support to proceed, staff will schedule future public hearings at the Planning Commission and City Council. If Option 1A does not have majority support, staff will poll Council members on the other ordinance options to determine how to proceed.

Item created by: Nick Johnson, Planning
Item presented by: Nick Johnson, Planning Supervisor

Description:

Background

Staff has prepared six optional ordinances that would amend the RS-1 and R-1A Zoning Districts in various ways as a follow up item to the study session that occurred on August 5th, 2024. All of the previously presented materials associated with the study, including all the staff report and exhibits, are available for download on the project portal page (Case #PL20240002). A map (Exhibit A) identifying all the lots in Bloomington zoned RS-1 is attached for reference. In addition, the meeting minutes from all of the Planning Commission and City Council Study Sessions are also attached. All of the meeting videos are also available on the City's YouTube page and can be accessed at these links: PC 02/01/2024, CC 02/12/2024, and CC 08/05/2024.

At the August 5th, 2024 City Council meeting, the following potential changes to the RS-1 Zoning District were presented for City Council consideration:

1. Amending District intent statement;
2. Lowering the minimum lot size to 22,000 square feet (not recommended by Planning Commission);
3. Removing the median site width requirement (not recommended by Planning Commission);
4. Removing prevailing front setback requirement (not recommended by Planning Commission);
5. Use Changes - Allowing two-family dwellings in RS-1 and prohibiting some institutional uses in both RS-1 and R-1A; and
6. Affirming five criteria for evaluating Rezoning requests.

The City Council came to consensus to proceed to public hearing with four of the six components: amending the RS-1 district intent, removing the median site width and prevailing front setback requirements, and the use changes presented by staff (Items #1, 3, 4, and 5 listed above). In addition, the Council affirmed the five criteria presented by staff that would be used to evaluate any future requests for Rezoning to the RS-1 Zoning District. The two items where Council did not reach consensus were 1) modifying the minimum lot size or area, and 2) adding enhanced environmental protection provisions above and beyond what exists today. To determine what changes to minimum

lot size and added environmental protection have majority Council support to move forward to public hearing, staff has prepared six optional ordinances, all attached, as well as a summary cover sheet labeled as Exhibit B. Basic information about how each ordinance option was developed and the differences between the options are provided in the summary section below. Following an overview of the six ordinance options, staff will present a recommendation of how to proceed.

Summary of Ordinance Options

A summary of the six ordinance options prepared for Council feedback is attached as Exhibit B. The six ordinance options are labeled Ordinance Option 1A, 2A, 3A, 1B, 2B, and 3B, and are included as separate attachments for ease of document navigation. In addition to a summary table explaining the differences between the options, staff has also added a "Spectrum of Change" visual that is intended to communicate how impactful the proposed changes of each ordinance option are in staff's view. With respect to impacts, it is important to note that these changes would be applicable both to existing properties and those that could be developed or redeveloped in the future. Staff shares this point to note that the ordinance options that have the most significant changes do have greater potential to create new legal nonconformity on existing lots.

There are two factors that when combined in different ways result in the six prepared ordinance options - Minimum Site Area and Enhanced Environmental Standards. Staff has prepared three options (1, 2, and 3) for minimum site area for the RS-1 Zoning District as follows: 1) 33,000 sq. ft. (0.75 acres), 2) 22,000 sq. ft. (0.51 acres), and 3) 7,800 sq. ft. (0.18 acres) for interior lots and 11,050 (0.25 acres) for corner lots. Option 1 is the existing minimum site area for the RS-1 District. Option 2 is the represents a reduction in lot area that would still be consistent with what most cities consider a "Large Lot" residential district. Option 3 matches the existing minimum site area requirements of the R-1 Single-Family Residential Zoning District. For Enhanced Environmental Standards, staff has prepared two options that are effectively A) No (no district specific environmental regulations will be added) and B) Yes (the ordinance includes district specific environmental regulations that go above and beyond what is required in the R-1 District. The combination of these two factors result in six potential ordinance options to consider: 1A, 2A, 3A, 1B, 2B, and 3B.

The minimum site areas in the optional ordinances are fairly straight forward and been the subject of previous discussion. The added environmental regulations that are specific to the RS-1 warrant more explanation. The ordinance options that include enhanced environmental regulations focus on requirements in two areas: Maximum Impervious Surface and Tree Preservation.

- **Maximum Impervious Surface** - Additional limits are included that would cap adding structures or hardscapes to a site at a lower limit (25% of lot area) than what exists today (35% of lot area), unless mitigated through approved stormwater management techniques. The precise level of allowed impervious surface between the three ordinance options with Enhanced Environmental Standards (1B, 2B, and 3B) varied slightly according to decreasing minimum site area requirements. These changes to impervious surface limits could serve as a barrier to completing additional expansion or site disturbing activity that might have temporary or longer lasting detrimental effects to more sensitive sites. It should be noted that the draft ordinance are conceptual at this point and do need to be studied further by the City's Engineering and Water Resources staff.
- **Tree Preservation** - The ordinance options include an amendment that would apply to the RS-1 Zoning District only that the City's Reforestation Requirement associated with single and two-family residential platting activity would be triggered beyond 25% of removals of existing significant trees. The current Reforestation Requirement is triggered beyond 50% of removals of significant trees. In other words, Tree Preservation requirements associated with platting in these areas would trigger at a lower limit of removals versus what is required today.

It should be noted that this is a concept for Council discussion and direction purposes. Other district-specific environmental standards could include making Tree Preservation requirements last longer than two years after subdivision or be applicable during building permit reviews in addition to platting. The City could also limit grading activity in areas with an average slope over 20%. Finally, provisions to support wildlife in these areas could

include turf grass limits, minimum areas of native plantings for habitat, or fencing standards that allow for greater wildlife movement. However, staff does want to share challenges that should be considered as part of these conceptual or potential regulations. First, adding district specific environmental standards adds regulatory complexity at a time when the City is actively trying to lower barriers to development approval and stimulate more housing production. Relatedly, more complex regulations that are only applicable in distinct area can be more difficult to administer. Second, additional regulations related to slopes that prohibit disturbing activity could impact many existing properties and would need to be evaluated by the Legal Department, as previous evaluations of similar standards have raised the concerns related to regulatory takings. Finally, it should be noted that administering some additional environmental or wildlife provisions would likely require additional staff assignment to manage such programs that do not currently exist. For example, if the situations or project types that triggered Tree Preservation requirements were to be expanded, additional staff capacity would need to be directed to administer these requirements. Staff does not intend to be dismissive of the potential value added of these potential regulations or the need to protect sensitive areas. Rather, staff believes it is important to share these considerations that are downstream of the policy discussion.

Staff intends to present all six ordinance options in summary fashion during the meeting, but will focus more time on the staff recommended version of the RS-1 Ordinance - Option 1A.

Staff Recommended Ordinance

Of the six optional ordinances presented, staff recommends Ordinance Option 1A to proceed to the public hearing stage. There are multiple reasons that inform this recommendation:

- **Cost Benefit Analysis** - Option 1A represents the most straight-forward path to make use of the positive policy work and discussions that have occurred to date without incurring significant more City Council, Planning Commission, and staff time and capacity to work that currently applies to a limited number of lots in the community - 116 parcels. Completing additional research and making more impactful policy changes for a district that is applicable to a smaller number of properties in the Bloomington context likely has lesser benefit from a scale or impact perspective compared to other projects that can be pursued.
- **Higher Opportunity for Rezoning** - Options 2A, 2B, 3A, and 3B that lower minimum lot sizes may have the unintended consequence of encouraging additional rezoning requests that may work against the City's housing goals and require additional Council, Planning Commission, and staff time to process.
- **Legal Nonconformity** - Staff recommends Ordinance Option 1A because it represents the most modest impact to the regulations of the existing district. As a result, it has the lowest potential to create legal nonconformity amongst existing residential sites. If more sites or their characteristics become more nonconforming in some way, this can present challenges in the future as these residents want to expand or change their property in some way.
- **Approach to Environmental Protection** - Where standards are needed to protect or preserve natural features, staff feels it is best to apply those standards citywide wherever those features are present rather than applying standards that apply in one zoning district only.
- **Public Engagement** - It should be noted that more robust public engagement has not occurred with property owners and residents of properties zoned RS-1. If the City were to pursue amendments to the RS-1 Zoning District that are more significant and have the potential to create nonconformity, staff would recommend that additional engagement efforts be completed. Ordinance Option 1A is favored in this respect in that it represents the most modest impact to the regulations of the existing district while still improving the district overall through the policy discussions that have occurred to date.

Staff recommends Ordinance Option 1A and will request Council feedback on this recommendation to determine if there is majority support to move this option forward to a public hearing. If there is not consensus to move this option forward, staff will poll the Council regarding the other ordinance options to determine if any have majority support to proceed to public hearing.

Next Steps

If these changes to the RS-1 Zoning District are generally supported, staff will prepare an ordinance to be

considered at future public hearings before the Planning Commission and City Council. These public hearings could likely occur in December 2024 at Planning Commission and January 2025 at City Council respectively. If a majority of the Council is not in support of moving forward to a public hearing with any of the options, then the RS-1 Zoning District Study will be deemed complete unless additional direction is provided by the City Council.

Attachments:

- Exhibit A - RS-1 Lots
- Exhibit B - Summary of Ordinance Options
- RS-1 Ordinance - Option 1A
- RS-1 Ordinance - Option 2A
- RS-1 Ordinance - Option 3A
- RS-1 Ordinance - Option 1B
- RS-1 Ordinance - Option 2B
- RS-1 Ordinance - Option 3B
- Planning Commission Meeting Minutes 02/01/2024
- City Council Meeting Minutes 02/12/2024
- City Council Meeting Minutes 08/05/2024
- Presentation Slides