



## Request for Council Action

Originator Planning	Item <b>5.1 Study Item - RS-1 Zoning District Review Part II</b>
Agenda Section ORGANIZATIONAL BUSINESS	Date August 5, 2024

### Requested Action:

No formal motion or action is required at this time. Staff will present six recommended changes to the RS-1 Zoning District to determine if they have the support necessary to proceed with the drafting of an ordinance to be considered as part of future public hearings at the Planning Commission and City Council.

Item created by: Nick Johnson, Planning

Item presented by: Nick Johnson, Senior Planner

### Description:

#### **Background and General Recommendations**

Staff is providing an overview of potential changes to the RS-1 Zoning District as a follow up item to the study session that occurred on February 12th, 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 both the Planning Commission and City Council Study Sessions are also attached. Both meeting videos are also available on the City's YouTube page and can be accessed at these links: PC 02/01/2024, and CC 02/12/2024.

As described in greater detail in the previous staff report dated February 12th, the following recommended changes to the RS-1 Zoning District will be 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 and prohibiting some institutional uses; and
6. Affirming five criteria for evaluating Rezoning requests.

#### **Summary of Recommended Changes**

To provide a more simplified summary of the recommended changes, staff will describe key considerations that inform the staff recommendation for each of the six potential changes. If more detailed analysis is desired, the previous staff report dated February 12, 2024 provides a more in-depth description and analysis of each issue that is synthesized within this report. Key considerations for each of the six items are now provided as follows:

**1) Amending the District Intent Statement** - Zoning district intent statements are important in establishing the purpose and the appropriate locations for application of a respective district. The existing intent statement for the RS-1 Zoning District can be viewed in Sec. 21.203.02(a) or by viewing attached Exhibit B. The RS-1 Zoning District Study recommended updating the existing district intent statement to clarify that the district is intended for low density residential development in areas that have a minimum of two of the identified characteristics. Exhibit B also shows the recommended update to the RS-1 Zoning District intent statement. Updating the intent statement would better align the district with other recommended changes (specifically use changes) and better define what areas of the city are best suited for application of the zoning district in the future.

**2) Lowering the Minimum Lot Size to 22,000 Square Feet** - The existing minimum lot size in the RS-1 Zoning District is 33,000 square feet (0.75 acres) (see Sec. 21.301.01(c) for residential lot standards). One of the potential changes to RS-1 studied was to lower the minimum lot size to 22,000 square feet (0.50 acres). Reviewing the minimum lot size for the Large Lot Residential District was a requested element as part of the project. Based on the research completed by staff, there is no best practice or industry standard for what constitutes a "large lot district". As such, staff has not found any information that would conclude that a minimum lot size of 0.5 acres would not constitute a "large lot", especially in a Bloomington context. However, it should be noted that, historically speaking, large lot zoning districts have been considered to have been utilized in some contexts or jurisdictions as a tool of exclusion. Related to this potential change, staff has some concern that if applied widely or inappropriately, the RS-1 Zoning District could be used as a means to preclude or stifle infill housing development. Such application would be inconsistent with the City's Comprehensive Plan, specifically the Housing Element, and other City goals around housing creation. In summary, it is very important that the City consider future application of the zoning district carefully with a high level of discretion. When the Planning Commission reviewed this recommendation, they did not recommend changing the minimum lot size (vote: 3-1 against), noting that the existing RS-1 areas should remain as they exist today.

**3) Removing Median Site Width Requirement** - Median site width is a requirement that currently only applies to the RS-1 and R-1A zoning districts. The requirement (see Sec. 21.301.01(c)(1)(B)) establishes that new or modified lots must meet or exceed 80% of the median site width of lots located within 500 feet of the subject property. The standard is intended to ensure greater neighborhood continuity from a site width perspective. Staff proposed to remove this requirement for multiple reasons. First, the larger minimum lot area requirement associated with the RS-1 Zoning District should be effective in sustaining existing neighborhood characteristics in most cases. Second, median site width as a requirement adds an extra layer of regulatory complexity that makes evaluating potential plats and development projects more difficult and costly for property owners and City staff. The median site width requirement previously applied to the R-1 Zoning District in addition to RS-1 and R-1A. Staff believes this change to be positive and directionally sound to achieve the City's long-term goals pertaining to development and regulatory environment. The Planning Commission did not recommend removing median site width, instead preferring to adhere to the existing standards of RS-1.

**4) Removing Prevailing Front Setback** - Prevailing front setback is another standard that attempts to maintain continuity amongst the development characteristics of neighboring properties. Similar to median site width, the requirement (see Sec. 21.301.02(d)(3)) is applicable in the RS-1 and R-1A zoning districts, while recently being removed from the R-1 Zoning District. The standard requires new homes or additions to be sited no closer to the front lot line than five feet in front of the average of the two abutting properties (if those dwellings existed prior to October 7, 1974), with a maximum setback of no greater than 65 feet from the front property line. Staff recommends removing this standard for three primary reasons. First, the extra setback requirement adds regulatory complexity that add surveying and analysis costs to both applicants and City staff. Second, the requiring dwellings to be moved back farther away from the street can have negative environmental consequences by necessitating longer driveways that add unnecessary impervious surface (also adding cost) or adding potential conflicts with existing mature trees on-site in some cases. Third, requiring greater front setback for neighborhood character or aesthetic purposes to maintain "estate lot" designs is more of a subjective consideration that does not directly connect with the tests of maintaining public health, safety, and welfare,

which are the tests by which most zoning standards are fundamentally evaluated by. When asked about prevailing front setback, the Planning Commission recommended leaving the requirement in place, again mostly due to their narrow application to only the RS-1 and R-1A lots.

**5) Use Changes** - As part of the RS-1 Zoning District Study, staff recommends adding two-family dwellings as a permitted use, and removing three institutional uses that staff deemed inappropriate in the RS-1 District: Private food service in institutional uses (accessory), Columbaria accessory to place of assembly for worship, cemetery, or mausoleum (accessory), and Conservatory or green house, accessory to institutional use (accessory). Regarding two-family dwellings, the City's Comprehensive Plan (land use element) makes it clear that two-family dwellings are an appropriate use for low density residential areas. In staff's judgment, if these uses are appropriate for the R-1 Zoning District, they should also be permitted in RS-1. From a potential impact standpoint, a two-family, although typically larger, does not always include larger site impacts than a single-family home. There have been multiple dwellings constructed in areas zoned RS-1 that are very large from both a floor area and height standpoint. As such, two-family dwellings should be allowed in RS-1 in staff's judgement. Regarding the institutional uses recommended to be removed, staff believes these uses were added to RS-1 in error years ago. Whereas the R-1 Zoning District allows numerous institutional uses to exist or be established due to the history of the City's Zoning Code and approach, institutional uses are not allowed in the RS-1 District for the most part. As such, staff recommends these uses be removed. The Planning Commission concurred or supported these recommended use changes.

**6) Affirming Five Criteria for Rezoning Requests** - The last item is not a recommended change to the RS-1 District or other part of the Zoning Code. Rather, staff is seeking to establish consistent criteria and guidance from the Planning Commission and City Council of how any potential privately-initiated requests for Rezoning to the RS-1 District will be evaluated. These five criteria were discussed in greater detail in the February 12, 2024 staff report, but put more succinctly they would be as follows: A) Consistency with the RS-1 District Intent, B) Level of Conformity with RS-1 District Standards (lot size being most important), C) Scale of Rezoning Action (# of lots), D) Neighborhood Continuity, and E) Proportion of Neighborhood Support. Staff already uses similar methods to evaluate all requests for Rezoning, but it is important in this case to maintain a consistent approach to evaluate future requests as consistently as possible. The Planning Commission supported this approach.

#### **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 September/October (Planning Commission) and October/November (City Council) respectively. If no consensus is reached to change the City Code, then the RS-1 Zoning District Study will be effectively deemed complete unless additional direction is provided by the City Council.

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#### **Attachments:**

Exhibit A - RS-1 Lots  
Exhibit B - RS-1 Zoning District Intent  
Planning Commission Meeting Minutes 02/01/2024  
City Council Meeting Minutes 02/12/2024  
Presentation Slides

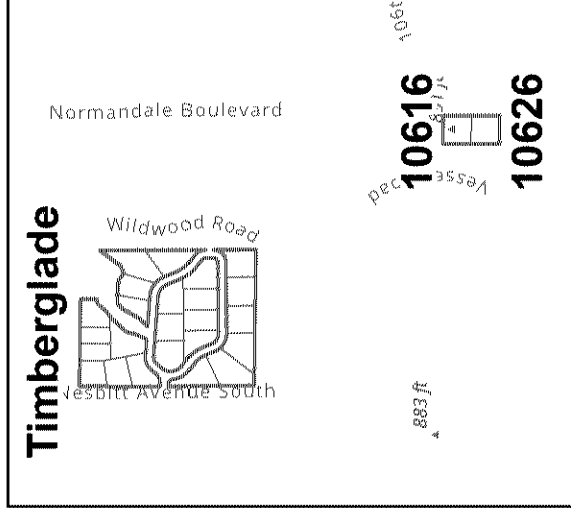
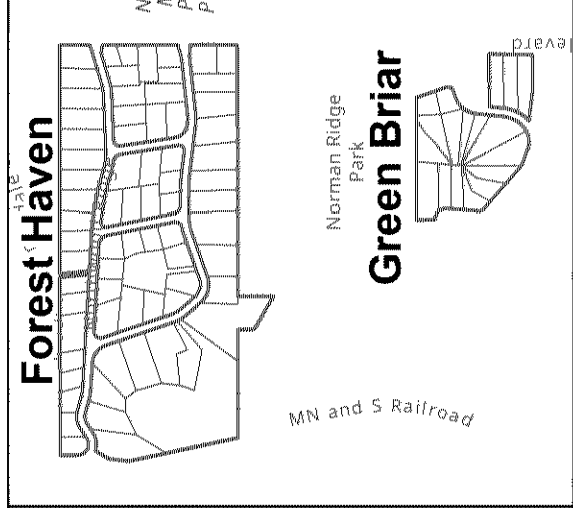
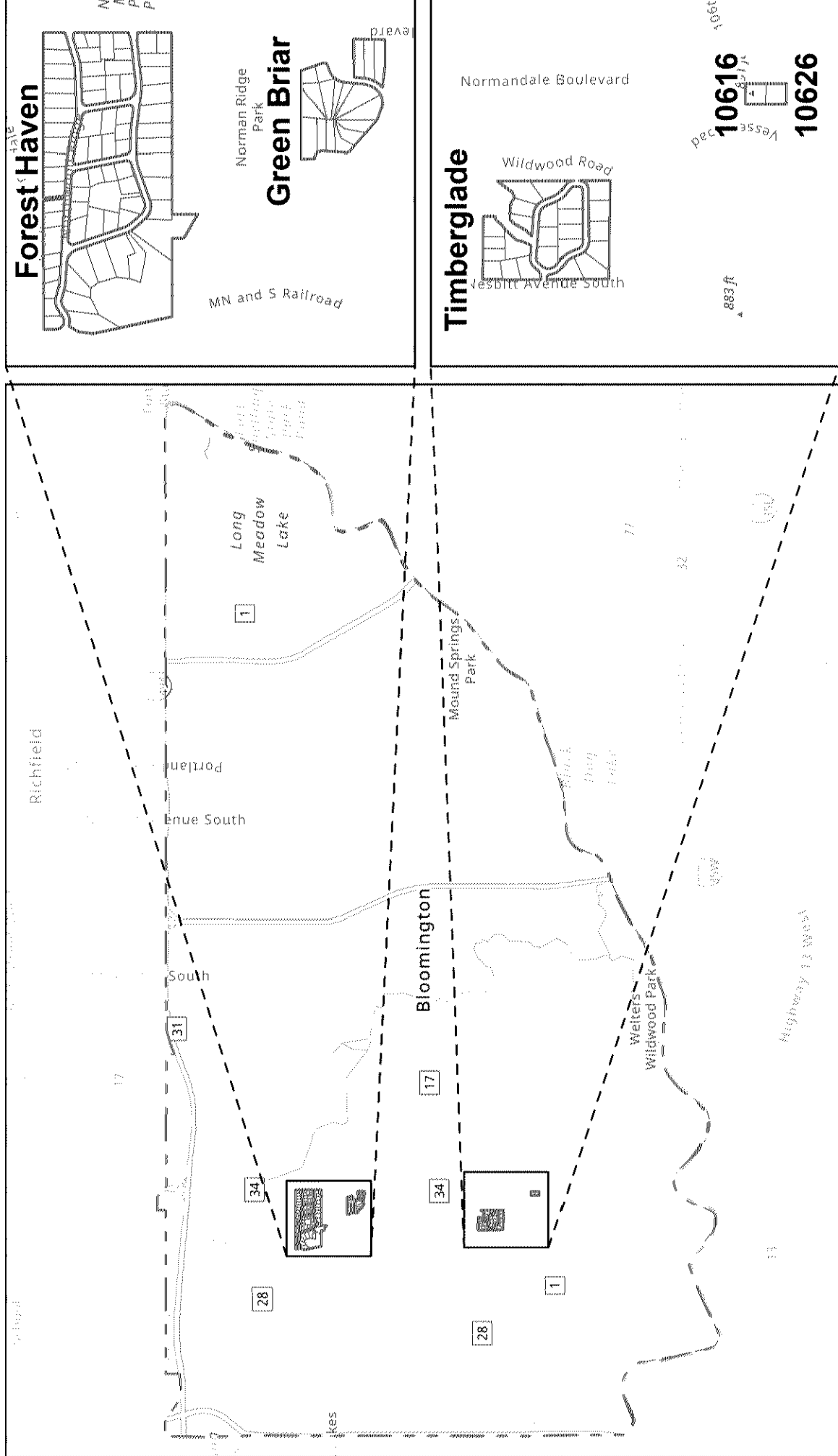


Exhibit A: RS-1 Lots in City of Bloomington

## EXHIBIT B – EXISTING AND PROPOSED RS-1 ZONING DISTRICT INTENT

### **Existing Intent Statement (Sec. 21.203.02(a))**

- (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.

### **Recommended Intent Statement**

- (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:
    - (A) Steep slopes as defined in § 19.57.01 of the city code;
    - (B) Significant natural or native vegetation;
    - (C) Wetlands; or
    - (D) 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.