

GENERAL INFORMATION

Applicant: City of Bloomington

Request: Consider an ordinance to make multiple amendments to Chapters 10, 14, 19, 21, and 22 of the City Code addressing residential districts and standards

CHRONOLOGY

Planning Commission Action: 12/18/14 – Recommended approval.

City Council Agenda: 01/26/15 – Public hearing scheduled.

APPLICABLE REGULATIONS

Chapter 10 – Environmental Control
Chapter 19 - Zoning
Chapter 21 - Zoning and Land Development
Chapter 22 - Subdivision and Platting

UPDATE

Since the December 18, 2014 Planning Commission meeting, staff proposes one additional clarifying change to the ordinance. Within the multi-family districts (RM-12, RM-24, RM-50 and RM-100) balcony standards for usable open space, the term “length” was added for interpretation clarity and the minimum width and length was changed from six to five feet. The standard now reads, “balconies and porches of at least 50 square feet in area with a minimum width and length of five feet are eligible for usable open space bonus...”.

PROPOSAL

The proposed ordinance includes amendments to City Code Chapters 10, 14, 19, 21, and 22 to:

- 1) shift all residential zoning districts to Chapter 21;
- 2) regroup and restructure use listings;
- 3) create new and revise existing use definitions;
- 4) create a residential use matrix to present use status;
- 5) create a new townhouse oriented zoning district (R-3);
- 6) create a new high density multi-family zoning district (RM-100);
- 7) modify the accessory building, multiple-family residential and neighborhood unit development standards;
- 8) create townhouse, single-family residential, cemetery, crematoria, and family day shelter standards;
- 9) revise the prevailing setback standard; and
- 10) make other miscellaneous changes discussed in the title of the attached ordinance.

This staff report is intended to be read in conjunction with the attached ordinance as it provides commentary on the proposed amendments specific to individual sections of the City Code.

BACKGROUND

As part of a multi-year project, the City is comprehensively updating the Bloomington Zoning Code. Many of the existing base zoning districts and overlay zoning districts were drafted in the 1950s and no longer support City objectives.

In recent years, several Residential Code provisions have already been revised and adopted, including:

- Accessory dwelling unit standards
- Two-family dwelling standards
- Fence standards
- Home business standards
- Height limits and shadowing
- Driveway standards
- Garage standards
- Prevailing lot width
- Institutional uses in residential districts

The current Residential districts zoning update is divided into two phases. Phase I, which is on the Planning Commission's 2014 work plan, includes all of the items addressed in the attached ordinance. Phase II of the Residential districts update is scheduled for 2015 and will focus on creating standards for specific uses in Residential districts (i.e., day care facilities, senior housing).

Comparative Analysis

In developing the amendments, staff reviewed comparative standards in codes from around the Metro and the country. Staff in the Environmental Health Division and City Attorney's office also provided input on the proposed amendments.

Relationship between Chapters 19 and 21 of the Code

As the City updates zoning standards, provisions are shifting from Chapter 19 to Chapter 21. Until the reorganization is completed, both Chapters 19 and 21 collectively serve as the Zoning Ordinance of the City.

OVERVIEW AND ANALYSIS

Individual chapters in the City Code are organized into separate articles and divisions to address specific topics. Amendments are proposed to various chapters, articles and divisions in City Code as described below. These are organized in numerical order following the order of amendments proposed in the attached draft ordinance.

Amendment to Chapter 10

Environmental Control

Article IV. Noise Code

- **Sec. 10.29.02. Noise Source Requirements** – The amendments to this section reflect the new use term, “day care facility.”

Amendment to Chapter 14

Licenses and Permits

Article VIII. Rental Housing Code

- **Sec. 14.568 Definition of Family** – The definition of family is proposed to be amended to modify references to State Statutes, which were recently amended.

Amendments to Chapter 19

The proposed ordinance amends Chapter 19 to add and modify definitions related to the residential districts, reference the new zoning districts (R-3 and RM-100) and delete the sections that are being transferred to Chapter 21. Proposed amendment additions to Chapter 19 are described below:

ARTICLE I. GENERAL DEFINITIONS

- **Sec. 19.03 Definitions** – The amendments to this section include the addition of 13 new definitions for new uses and names referenced in the residential districts, the incorporation of six definitions from Section 19.40.04, which was a supplemental definition section of Chapter 19, the modification of eight existing definitions and the deletion of six definitions, which are old definitions replaced with new use terms.

ARTICLE III. ZONING DISTRICT MAP, ZONING DISTRICTS AND DISTRICT USES

- **Sec. 19.24. Zoning Districts and Zoning District Ordinances and Maps** – Amendments to this section are proposed to add the R-3 and RM-100 zoning districts into the Multiple-Family Residential Zoning District category.
- **Sec. 19.26. Uses** – The amendments to this section includes the reference to Chapters 19 or 21 that any use not specifically listed as a permitted, accessory, provisional, interim or conditional uses in one of the zoning districts is prohibited.
- **Sec. 19.27 Single-family Residential (R-1A, R-1) District;**
Sec. 19.27.01 Large Lot Single-family Residential (RS-1) District;
Sec. 19.28 Multiple-family Residential (R-4) District;
Sec. 19.28.01 Multiple-family Residential (RM-12) District;
Sec. 19.28.02 Multiple-family Residential (RM-24) District; and
Sec. 19.28.03 Multiple-family Residential (RM-50) District –

These residential zoning districts are proposed to be deleted from Chapter 19 and moved to Chapter 21, Sections 21.203 – 21.203.08.

- **Sec. 19.31.01. Regional Commercial (CR-1) District and Sec. 19.33.01. Industrial Park (IP) District** – The amendment to these two sections replaces the use “private schools” with “instructional center.” Instructional centers offer instruction or tutoring in academic, professional, technical, commercial or trade skills, including but not limited to business, real estate, building and construction, electronics, computer programming and technology, automotive and aircraft mechanics and technology and similar types of instruction. The changed is proposed given the proposed shift away from

differentiating between schools based on whether they are public, private or charter schools and instead focusing on the type of school (for example, K-12, college, instructional center).

- **Sec. 19.38.11. Bluff Protection (BP-1) Overlay Districts.** – The amendment is a grammatical correction to include a hyphen in single-family.

ARTICLE III.A. ADDITIONAL ZONING DISTRICTS

- **Sec. 19.40.04. Supplemental Definitions** – This section is proposed to be incorporated into Section 19.03 and subsequently deleted. Seven of the nine definitions within this section are proposed to move to Section 19.03-Definitions. The remaining two definitions, “foreign trade center” and “international trade center” are proposed to be deleted, as the uses are not listed as an allowed use within any zoning district.

ARTICLE IV. DISTRICT REGULATIONS

- **Sec. 19.41. Minimum District Requirements** – The subsections related to single-family and multiple-family residential are proposed to be deleted from Chapter 19 and moved to Chapter 21, Sections 21.301.01 and 21.301.02.
- **Sec. 19.42. Exceptions and Additions to Setback and Lot Width Requirements** – Portions of this section related to the residential zoning districts are proposed to be deleted from Chapter 19 and moved to Chapter 21. The prevailing setback standards are proposed in Section 21.301.02, the median lot width standards are proposed in Section 21.301.01 and swimming pool and permanent or seasonal recreational court standards are proposed in Section 21.302.07.
- **Sec. 19.43. When Large Lots Required** – This amendment adds reference to the new residential district development intensity and site characteristics, Section 21.301.01. The Council may require larger lots than the minimum in Section 21.301.01 if soil tests indicate that a larger size is necessary to ensure the functioning of on-site sanitary systems.
- **Sec. 19.45. Parking and Storage of Vehicles and Trailers in Residential Zones** - Amendments to this section are proposed to add the R-3 and RM-100 zoning districts to the phrase “residentially zoned lot.”
- **Sec. 19.48. Exceptions to Minimum Floor Area Requirements** – Amendments to this section add reference to the residential zoning districts minimum floor area requirements, Section 21.301.01 and correct a section reference error.

ARTICLE V. PERFORMANCE STANDARDS

- **Sec. 19.50.02. Accessory Buildings** - The accessory buildings standards are proposed to be deleted from Chapter 19 and moved to Chapter 21, Section 21.301.19.
- **Sec. 19.51. Refuse Handling and Storage Facilities** - The amendments are grammatical corrections to include a hyphen in single-family and multiple-family.
- **Sec. 19.52. Landscaping and Screening** - The amendment is a grammatical correction to include a hyphen in two-family.

- **Sec. 19.62. Multiple-Family Dwelling Design and Performance Standards** – Amendments to this section add a hyphen in multiple-family and reference the new residential district development intensity and site characteristics, Section 21.301.01.
- **Sec. 19.62.01. Neighborhood Unit Developments** - The neighborhood unit developments section is proposed to be deleted from Chapter 19 and moved to Chapter 21, Section 21.501.13.
- **Sec. 19.63.08. Exterior Materials and Finish** - Amendments to this section are proposed to add the R-3 and RM-100 zoning districts into the appropriate exterior materials and finish regulation sections.
- **Sec. 19.63.09. Home Enterprises** – This amendment removes licensed day care from the home occupation section. In-home daycare is broken out in the use table per State licensing size regulations. State licensed day care facilities serving 12 or fewer persons and State licensed group family day care facilities serving 14 or fewer children are listed in the use table as a permitted use within the single-family zoning districts and a conditional use within the multiple-family zoning districts.

ARTICLE VIII. ANTI-BLIGHT REGULATIONS

- **Sec. 19.84. Zoning Regulations** - Amendments to this section are proposed to add the R-3 and RM-100 zoning districts into the residential use districts.

ARTICLE X. SIGN REGULATIONS

- **Sec. 19.108. General Provisions, including Basic Design Elements** - Amendments to this section are proposed to add the R-3 and RM-100 zoning districts as part of the residential districts list.
- **Sec. 19.111. Class II Sign Districts** – Amendments to this section are proposed to add the R-3 and RM-100 zoning districts to the Class II Sign District.

Amendments to Chapter 21

The proposed ordinance amends Chapter 21 to incorporate the seven existing residential zoning districts (R-1, R-1A, RS-1, R-4, RM-12, RM-24 and RM-50) from Chapter 19 and create two new residential zoning districts (R-3 and RM-100). The amendments also include modifying the accessory building standards, multiple-family residential standards and neighborhood unit development standards and creating cemetery, crematoria, townhouse, single-family residential and family day shelter standards. Proposed amendments to Chapter 21 are described below.

ARTICLE II. DISTRICTS AND USES

Division B. Residential Zoning Districts

- **Sec. 21.203. Residential Zoning Districts** – This section outlines the purpose of the residential zoning districts and references the sections of general standards that apply to all residential zoning districts.
- **Sec. 21.203.01. Single-family Residential (R-1) District;**
Sec. 21.203.02. Large Lot Single-family Residential (RS-1) District; and
Sec. 21.203.03. Restricted Large Lot Single-family Residential (R-1A) District –

These sections are carryovers from Chapter 19 being retained with minor amendments to include references to applicable standards that apply to each district.

- **Sec. 21.203.04. Townhouse Residential (R-3) District** – This is a new zoning district intended to provide appropriate development standards for townhouse and rowhouse style development. Currently, townhomes are allowed in the R-1 zoning district when approved as a planned development. There are no specific standards to provide guidance for potential developers and the standards that apply are negotiated site by site.

Significant features include:

- Maximum density of 8 dwelling units per acre
- Must meet the newly created townhouse standards (Section 21.302.08)

Benefits and Intent:

- Creation of standards specific to townhouse developments
- Allow townhouses by right rather than the Planned Development review

- **Sec. 21.203.05. Multiple-family Residential (R-4) District** – This section is a carryover from Chapter 19 being retained with minor amendments to include references to applicable standards.
- **Sec. 21.203.06. Multiple-Family Residential (RM-12) District** – This section is a carryover from Chapter 19 being retained with minor amendments to the usable open space requirements and to include references to applicable standards. Amendments reduce the minimum usable open space requirement per dwelling unit from 800 square feet to 600 square feet. This amendment matches the minimum usable open space requirement in the RM-24 zoning district.
- **Sec. 21.203.07. Multiple-family Residential (RM-24) District** – This section is a carryover from Chapter 19 being retained with minor amendments to the usable open space requirements and to include references to applicable standards. The amendments are to make the minimum site area, width, length, and the usable open space bonus for porches or balconies consistent among all of the multiple-family zoning districts.
- **Sec. 21.203.08. Multiple-family Residential (RM-50) District** – This section is a carryover from Chapter 19 being retained with minor amendments to the usable open space requirements and to include references to applicable standards. The amendments to RM-50:
 - reduce the minimum usable space requirement per dwelling unit from 400 square feet to 300 square feet consistent with a more urban character, which this district is intended to foster;
 - make the minimum area width, length, and the usable open space bonus for porches or balconies consistent among all of the multiple-family zoning districts; and
 - includes a provision allowing rooftop decks of 400 square feet or more to count towards a maximum of 50 percent of the usable open space requirement.
- **Sec. 21.203.09. Multiple-family Residential (RM-100) District** – This is a new zoning district intended to provide appropriate development standards for higher density multiple-family residential uses with direct access to arterial or collector streets in proximity to areas of employment, supportive commercial and retail services and well served by mass transit and public open space. The district will

also allow certain commercial and service activities, which are clearly subordinate to and integrated with the principal residential use such as schools, ground floor restaurants and incidental retail uses.

Significant features include:

- Maximum density of 100 dwelling units per acre with bonus provisions allowing 110 dwelling units per acre if certain criteria are met
- Similar to RM-50-Multiple-family Residential District standards

Benefits and Intent:

- Existing multiple-family zoning districts allow densities up to 50 units per acre (RM-50) with bonus provisions allowing 60 units per acre.
- To provide a higher density multiple-family residential district outside of the mixed-use zoning districts. The current mixed use districts require a percentage of non-residential uses to be incorporated. The RM-100 District would allow a high density development to be fully residential.
- The amendments create the district, but it would not be applied anywhere until a property owner requests or the City Council initiates rezoning of land to the new district. Rezoning is a discretionary process through which the Planning Commission and City Council would consider many factors and consider public testimony to determine whether the new zoning is appropriate.

Division H. Uses.

- **Sec. 21.209. Use Tables** - This section creates a residential use matrix to display use status. A majority of the uses and classifications are carryovers from Chapter 19, with amendments to create consistent use names. One of the major uses discussed with the Planning Commission and City Council was transient lodging in dwelling units.
 - The Planning Commission was split on allowing transient lodging stays provided certain standards were met or prohibiting lodging stays under 30 days.
 - The City Council recommended prohibiting transient lodging stays under 30 days.
 - The proposed code amendments reflect City Council's recommendation.

ARTICLE III. DEVELOPMENT STANDARDS

Division A. General Standards

- **Sec. 21.301.01. Development Intensity and Site Characteristics** – Amendments to this section compile the residential site standards in a matrix format. Most of the standards from Chapter 19 are carried over, with some minor clarifying text amendments, and new standards are created for the two new districts (R-3 and RM-100).
- **Sec. 21.301.02. Structure Placement** – Amendments to this section create a residential district setbacks matrix. The residential district setbacks are new for R-3 and RM-100 and a carryover from Chapter 19 with minor clarifying text amendments to the existing zoning districts. One substantive amendment discussed with the Planning Commission and City Council was the elimination or alteration of the prevailing setback requirement.
 - The Planning Commission recommended eliminating the existing prevailing setback standard.
 - The City Council recommended retaining the prevailing setback, but allowing up to a five-foot encroachment provided current district minimum setbacks be maintained.
 - The proposed code amendments reflect City Council's recommendation.

- **Sec. 21.301.04. Sidewalks** - The amendment is a grammatical correction to include a hyphen in two-family.
- **Sec. 21.301.05. Drive-through Facilities** - Proposed amendments to this section add the R-3 and RM-100 zoning districts to the residential zoning districts.
- **Sec. 21.301.06. Parking and Loading** - The amendments are grammatical corrections to include a hyphen in single-family, two-family, and multiple-family and reflect the new use term, “day care facility.”
- **Sec. 21.301.07. Exterior Lighting** – Proposed amendments to this section add the R-3 and RM-100 zoning districts to the residential zoning districts and add a hyphen in single-family and two-family.
- **Sec. 21.301.10. Height** – Amendments to this section reflect the Planning Commission’s recommendation to increase residential structure height limits. Many new home designs have higher pitched roofs, resulting in taller building heights. In addition, homes built on sloped sites with lower level walkouts often exceed 40 feet in overall height, especially if the house design uses a steeper pitched roof. The proposed amendments increase the maximum height to 45 feet for those single and two-family residential building facades that do not abut a street. Most of the variances issued to this section over the past several years would not have been necessary if the proposed Code amendment had been in place.
- **Sec. 21.301.19. Accessory Structures** – This section categorizes the accessory structure standards from Chapter 19. Major amendments to the accessory structure standards discussed with the Planning Commission were changes to the height, size and location.

Garage Structure – Height – City code currently limits the height of a sidewall of a garage to nine feet, but allows the height to be increased provided the side and rear setbacks of the garage is increased two feet for every foot, or portion thereof, of height over nine feet. Many homes have 9-foot ceilings, which are carried over into the garage space. Because the garage floor is typically lower than the home first floor, the overall garage wall height is often ten feet in height. The Planning Commission recommended an increase in garage sidewall height allowance before additional side setback requirements kick in. The amended code requires, if the height of a sidewall of a garage exceeds ten feet, the side and rear setbacks of the garage to be increased one inch for each one inch of side wall height over ten feet.

Accessory Structure – Height – City code allows a maximum 12-foot height for accessory structures other than garages. In many cases, people want non-garage accessory structures (gazebos, pool houses, storage buildings) to match the home design. The 12-foot height limit often precludes steeper pitched roofs on accessory buildings. The Planning Commission recommended an increase in accessory structure height, but to establish a uniform maximum instead of limiting height to the primary structure. The amended code will allow a maximum 15-foot height for accessory structures, excluding garages.

Garage/Accessory Structures – Size – City code caps the size of all garages and accessory building space at 1,000 SF, but allows for an additional, freestanding 120 SF accessory building for a total of 1,120 SF. The City is frequently approached by homeowners who want to enlarge their garage to obtain the “extra” 120 SF allotted for a separate accessory structure, but do not want to put up a separate shed in their yard. The Planning Commission recommended allowing the additional 120 SF to be allowed as

part of the maximum garage area; however, maintain the existing regulation that the total area of garage and accessory structures may not exceed the ground floor area of the permanent four season living area, plus 120 SF. The amended code reflects the additional 120 SF to be allowed as part of the maximum garage area and the existing language that the combined area of garages and accessory structures may not exceed the ground floor area of the permanent four season living area, plus 120 SF.

Accessory Structure Location – City Code currently states that accessory structures are not allowed to be located in the side yard in Industrial zoning districts. This restricts accessory structures to be located only in the rear yards. The Planning Commission recommended allowing accessory structures in the side yard and establishing a minimum setback. The amended code sets a 10-foot setback in side yards, which is consistent with the commercial zoning districts.

Division B. Use Standards

- **Sec. 21.302.03. Accessory Dwelling Units** - The amendments are grammatical corrections to include a hyphen in single-family.
- **Sec. 21.302.04. Two-family Dwellings** - The amendments are grammatical corrections, reference the new Chapter 21 section and modify garage frontage requirements to be consistent with the new townhouse standards.
- **Sec. 21.302.06. Institutional Use Standards** - Proposed amendments to this section add the R-3 and RM-100 zoning districts to the residential zoning districts and multi-family districts.
- **Sec. 21.302.07. Single-family Residential** – This section establishes standards intended to accommodate single-family dwellings as it relates to private swimming pools and permanent or seasonal recreational courts. These standards were brought forward from Chapter 19, with minor text amendments.
- **Sec. 21.302.08. Townhouses** – This section establishes standards intended to accommodate townhouse developments. The Planning Commission and City Council discussed the creation of townhouse standards.
 - The Planning Commission recommended creating townhouse standards addressing articulation and garage frontage.
 - The City Council recommended flexible standards.
 - The proposed code amendments are based on input from both Planning Commission and City Council.

Significant features include:

- Minimum and maximum units per building
- Require compatible design, color scheme and palette of materials
- Balance windows along the façade
- Require staggering or offset between units
- Garage design requirements along the public street

Benefits and Intent:

- Encourage active streetscapes along townhouse developments
- Avoid large flat and blank walls along a façade

- Limit the visual area of garage doors along the street
- **Sec. 21.302.20. Cemeteries and Crematoria** – This section establishes standards intended to accommodate cemeteries and crematoria. The majority of these standards are carried forward from Chapter 19. Major amendments are the establishment of a setback of 10 feet for gravesites and a crematorium setback of 500 feet from any residentially used lot. Intent of the setbacks were to minimize the impacts to the surrounding properties. The Planning Commission recommended the setback regulations.
- **Sec. 21.302.21. Family Day Shelter, Unlicensed** – This section establishes standards intended to accommodate unlicensed family day shelters within the R-1 zoning district. These standards were carried forward from Chapter 19.

ARTICLE V. ADMINISTRATION AND NONCONFORMITY

Division A. Approvals and Permits

- **Sec. 21.501.04. Conditional Use Permits** – Amendments to this section reflect R-1, R1-A, and RS-1 conditional uses within the use table that do not need to be located on a site immediately adjacent to a commercial zoning district, an industrial zoning district, the intersection of two streets classified by the Comprehensive Plan as arterial streets, or the intersection of a street classed by the Comprehensive Plan as an arterial street and a railroad.
- **Sec. 21.501.04. Neighborhood Unit Developments** – This section was brought forward from Chapter 19 and amended to not allow new Neighborhood Unit Developments (NUD) after the ordinance adoption date. The remaining language of the Code is retained for any future amendments to the existing NUD's. Any future residential developments that are seeking deviations from City Code will use the Planned Development (PD) process.

Amendments to Chapter 22

SUBDIVISION AND PLATTING

Division C. Process

- **Sec. 22.05. Preliminary Plats** – Amendments to this section replaces the term “prevailing lot width” with “median lot width” and references the new section within Chapter 21.

PUBLIC OUTREACH

Notice of the public hearing on the proposed amendments to the City Code was published in the official newspaper (Sun Current). Notice will also be sent via e-mail to 674 people who have registered for the “Zoning Ordinance Updates” e-subscribe group and 980 people who have registered for the “Planning Commission” e-subscribe group. The proposed amendments will be sent to recent residential developers within the City for their review and feedback. In addition, the proposed amendments and supporting information contained in the staff report will be posted on the City website prior to the December 18, 2014 public hearing.

RECOMMENDATION

Planning Commission and staff recommend the City Council make the following motion:

In Case 10000F-14, move to approve the Ordinance as attached to the staff report to amend Chapters 10, 14, 19, 21, and 22 of the City Code.

F:\Planning\PC\Reports\Reports2014\s10000F-14 PC 121814 provox.doc