

2006/2007 PROPOSED CHANGES TO THE INTERNATIONAL ZONING CODE

Proposed changes to the International Zoning Code are heard by the International Property Maintenance Code Committee. See the tentative order of discussion for the International Property Maintenance Code Committee.

Z1-06/07

801.2.3

Proponent: Richard Davidson, City of Hopkins, Minnesota

Revise as follows:

801.2.3 Location of on lot. The parking spaces required by this code shall be provided on the same lot as the use or where the exclusive use of such is provided on another lot not more than 500 feet (152 m) radially from the subject lot within the same or less restrictive zoning district being served.

Reason: This is the second time around for a portion of this proposal. At last years code hearings, the committee disapproved this code change for the following reason: "In existing construction it is not practical to require all required parking to be on the same lot as the existing building. Many urban areas have conditions where this is not possible, and parking on adjacent lots is necessary." While it is true that some zoning ordinances have special requirements for central business districts where there are adequate municipal or private parking lots that solution is much more complicated than what is contemplated for the IZC. And even though it may be appropriate for the IZC, the process set out here provides no direction to the code official in approving such a solution. The first problem is that parking lots are not listed as a permitted use in any of the commercial or industrial zones. While this might be an oversight in the IZC, it means that these off-site spaces must be located on another, already developed, piece of property. It is a rare piece of property that has excess parking spaces and spaces that can be permanently committed to provide off-street parking for a use located up to 500 feet away. How does the code official prohibit the desire of the owner or a new owner from further developing this lot as they see fit in the future? How does the code official monitor that the lot is for the "exclusive use" of the use in question? Won't the parking become commingled? How does the code official encumber a lot to prohibit future development, especially when these properties can be individually sold? This proposal does not prohibit parking from being provided off-site but would require that the approval go through a variance or conditional use permit. Both of these processes provide for a more formal process and the ability to include conditions with an approval.

Cost Impact: The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

Z2-06/07

801.4.5

Proponent: Richard Davidson, City of Hopkins, Minnesota

Delete and substitute as follows:

~~**801.4.5 Screening.** A 3-foot high (914 mm) buffer at the public way shall be provided for all parking areas of five or more parking spaces.~~

801.4.5 Screening of parking areas. All open off-street parking areas of five or more parking spaces shall be screened from abutting residential uses and the public way. Screening shall provide a 3-foot high buffer and shall be permitted to consist of fencing, earth mounding or berms, or vegetation of sufficient width and density to provide an effective visual screen. Screening shall not be required between adjoining residential uses.

Reason: Webster defines "screen" as "to guard from injury or danger" and "to separate with or as if with a screen". The IZC currently requires that parking areas be screened from the public way. But screening is also used to protect one use from the negative impacts of adjoining uses such as noise, visual impacts, dust, glare, etc. If it is appropriate to shield a parking lot from a public street, why is it not appropriate to shield this same parking lot from adjoining residential uses? This is common practice in most modern zoning ordinances except for the IZC. When the committee heard this proposal last year, it was disapproved with the following comment: "The intent of the existing language is to provide a buffer between the public way and the off-street parking. Requiring a buffer between off-street parking and adjacent residential properties would perhaps block views that are preferred by the owner of the residential property." The committee has to come up with a better reason. It is inconceivable that a residential property owner would prefer the view of a parking lot to that of screening. If that were the case, screening would not be necessary anywhere. Why would we care if we can see a parking lot from a street? There is no hardship in providing screening between commercial/industrial parking lots and residential uses. It is time the IZC catches up with what is common practice.

Cost Impact: The code change proposal will increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF

Z3-06/07

808.1

Proponent: Richard Davidson, City of Hopkins, Minnesota

Delete without substitution:

~~**807.1 Residential entrances.** There shall be a passageway leading from the public way to the exterior entrance of each dwelling unit in every residential building of not less than 10 feet (3048 mm) in width. The passageway shall be increased by 2 feet (610 mm) for each story over two.~~

(Renumber subsequent sections)

Reason: This provision of the IZC is inconsistent with the IBC. The requirement for a 10-foot passageway is overly restrictive when one considers that the IBC permits 44 inches for egress courts for multi-family dwellings and 36 inches for one- and two-family dwellings. Section 807.1 is essentially a building design requirement that should be left to the IBC and the IRC and deleted from the IZC.

Cost Impact: The code change proposal will not increase the cost of construction.

Public Hearing: Committee:	AS	AM	D
Assembly:	ASF	AMF	DF
