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# INTERNATIONAL ZONING CODE

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## Z2-04/05

### 801.2.3

#### *Proposed Change as Submitted:*

**Proponent:** Rick Davidson, City of Hopkins, MN

#### **Revise as follows:**

**801.2.3 Location of on lot.** The parking spaces required by this code shall be provided on the same lot under the same ownership as the use being served. ~~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. Except for single- and two-family dwellings, parking spaces in residential zones shall not be permitted in the required front yard setback.~~

**Reason:** Off-site off street parking should be addressed as a variance or conditional use permit. The current language is to loosely worded and there are to many issues involved with off-site parking to allow it as a permitted use, especially in a model zoning ordinance. For example, how does one insure the long-term use of off-site parking when it may be under the ownership of someone other than the owner of the use intended? How does one prevent the owner of the parking lot from converting the space to another use? How does one insure that the designated parking spaces will be for the sole use of the business or use intended? How does one insure the lot is maintained? The current language would permit off-site parking to be across a river or beyond some obstacle that would make it's use inconvenient or impossible. This section would put the zoning department in the position of having to accept less than desirable parking locations with no opportunity to object.

The sentence added at the end of the paragraph would require that off street parking only for multi-family dwellings be placed beyond the front yard setback to provide green space, to improve aesthetics and the streetscape, to enhance property values, and for the public welfare. It is inappropriate for a model zoning ordinance to ignore streetscape issues and permit off street parking for apartment buildings to abut a front property line. Pushing these lots into the side and rear yards meets the purpose and intent of the IZC. Most modern zoning ordinances prohibit parking lots in residential front yards for these same reasons. The Property Maintenance Committee disapproved a similar version to this change on a close 4-3 vote because " the proposal would not clarify the existing code language. In some areas of the country, this could eliminate the only area available for parking."

The proposal has been revised in an attempt to clarify it even more. Regarding the second part of the statement, it would seem that if the lot were so congested as to only allow parking to occur right to the front property line that the jurisdiction needs to look at its platting and zoning processes. This problem would be self-created. If there are situations that may be unique to the property, a variance may be the solution.

**Cost Impact:** None

**Committee Action:**

**Disapproved**

**Committee 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.

**Assembly Action:**

**None**

#### *Individual Consideration Agenda*

This item is on the agenda for individual consideration because a public comment was submitted.

*Public Comment:*

**Rick Davidson, City of Hopkins, MN, requests Approval as Submitted.**

**Commenter's Reason:** Current text in the International Zoning Code permits the use of off-site parking without any limitations or controls on its use. This means that a developer could potentially use parking that may be on land owned by another or be inconveniently located and reduce its use. The stated intent of the zoning code is to control various land use issues including parking. As currently written, there is little in the code to aid in the control of this important area of land use. This issue is best treated as a conditional use permit or variance as is commonly the case in most local zoning ordinances.

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## Z3-04/05

### 801.4.5

#### *Proposed Change as Submitted:*

**Proponent:** Rick Davidson, City of Hopkins, MN

#### **Revise as follows:**

**801.4.5 Screening of parking areas.** ~~A 3-foot-high (914 mm) buffer at the public way shall be provided for all parking areas of five or more parking spaces. 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 (915 mm) high buffer and shall 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:** The current language provides screening protection for parking lots only at the public right of way. There are no screening requirements between a dwelling and a Wal-Mart parking lot. This proposal provides for effective screening between residential uses and parking lots and is well within the scope and purpose of the IZC. The language is also expanded to specifically list the types of screening permitted. At past meetings, the Zoning Committee heard a number proposals addressing parking that required additional work. This proposal addresses one of the issues from the previous hearings. This proposal also provides direction on what constitutes screening and provides an exception to screening for adjoining residential uses.

The Property Maintenance Committee disapproved this change on a 5-3 vote in Nashville. The published reason was that "The word fencing is vague and leaves the matter of providing a buffer insufficiently regulated." Webster defines fencing as "to enclose with a fence". It is also interesting to note that the term "fencing" is used in the International Property Maintenance Code yet is not defined there either. If we know what a fence is under the IPMC, I think we will know what a fence is under the IZC. It is necessary to remind the committee that the current language in the code requires only "a 3 foot high buffer at the public way for all parking areas of five or more parking spaces". So we

currently need a buffer, which is undefined, only at the street when we have a parking lot for five or more vehicles. The purpose of such screening is not apparent. We don't need one to separate the Wal-Mart parking lot from an adjoining residence. Since the term "buffer" is not defined so I would argue that the current language is vague and leaves the matter of a buffer unregulated. The revision clarifies what "buffering" is. It states that it "may consist of fencing, earth mounding or berms, or vegetation of sufficient width and density to provide an effective visual screen."

**Cost Impact:** None

**Committee Action:** **Disapproved**

**Committee Reason:** 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.

**Assembly Action:** **None**

### *Individual Consideration Agenda*

**This item is on the agenda for individual consideration because a public comment was submitted.**

*Public Comment:*

**Rick Davidson, City of Hopkins, MN, requests Approval as Submitted.**

**Commenter's Reason:** This proposal would require a 3-foot high buffer or screen between residential uses and commercial or industrial parking lots containing more than 5 parking spaces. The code currently requires a 3-foot high buffer between these parking lots and a public street but no buffer between the parking lots and adjoining residential uses. It is appropriate to require some type of separation between uses such as a Wal-Mart parking lot and adjoining residential uses. The IZC Committee denied this proposal because they said that owners of adjoining residential properties might prefer the view of the parking lots rather than the buffer. It is inconceivable that adjoining residential owners would rather look at a parking lot rather than a fence or landscaped screen. Residential neighborhoods need the protection these buffers will provide at least to the same extent that a buffer is necessary along a public street.

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