



MAYOR & COUNCIL COMMUNICATION

DATE: December 3, 2013

REGULAR

ITEM # 11

AGENDA ITEM: Driveway Ordinance

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Kyle Klatt, Community Development Director
Jack Griffin, City Engineer
Greg Malmquist, Fire Chief
Rick Chase, Building Official

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: Staff recommends amending the City's driveway provisions to incorporate multiple best practices that are currently not addressed in the City Code. The proposed ordinance is recommended for approval by the Planning, Building, Engineering and Fire Departments.

FISCAL IMPACT: None – All costs incurred to the City through the review of driveways are reimbursed by applicable permit fees.

SUMMARY AND ACTION REQUESTED: The City Council is asked to consider an update to the City's driveway provisions in Chapter 93 of the City Code. In advance of higher density growth and development, staff is seeking to incorporate best practices related to the design and construction of residential driveways in Lake Elmo. The intent of the action is to establish sound design principles and construction practices to improve public safety and access to public streets, as well as increase efficiency in the processing of driveway permits.

Staff is recommending that the City Council adopt the proposed Driveway Ordinance through the following motion:

“Move to adopt Ordinance 08-096, incorporating best practices related to driveway design and construction to improve public safety and access to public streets.”

In addition, Staff is recommending that the City Council authorize summary publication of the approved ordinance through the following motion:

“Move to adopt Resolution 2013-105, authorizing summary publication of Ordinance 08-096.”

LEGISLATIVE HISTORY: The City’s driveway provisions have remained the same at least since the adoption of the 1997 City Code. At this time, the City was not planning for any areas of urban growth and development. Given that sewered growth will bring residential neighborhoods of a higher density than what currently exists in the City, now is the appropriate time to update the ordinance to incorporate best practices from other communities that have experienced such development.

BACKGROUND INFORMATION (SWOT):

Strengths: The proposed driveway ordinance includes the adoption of several best practices that currently are not included in the City’s driveway regulations. The following best practices have been incorporated into the proposed ordinance:

- Driveway width: The current ordinance does not specify a minimum width for driveways. Requiring a minimum driveway width is important for the purpose of emergency vehicle access.
- Number of curb cuts: The current ordinance does not limit the number of driveways that residential properties are allowed to have. In order to ensure sound and safe access management to City and County streets, it is important to specify rules regarding the allowed number of driveways.
- Driveway grade: The current ordinance does not specify a maximum grade for driveways. Grade is an important safety consideration, especially given Minnesota’s long winter season.
- Driveway materials: The current ordinance does not specify required materials for driveways. Requiring certain materials for driveways is especially important in urban districts with roads that have curb and gutter.

Weaknesses: The existing driveway regulations do not include several best practices that staff utilize to ensure safe and efficient access to the public street. Not having these best practices directly in the City Code represents a weakness in that the ordinance is ineffective at communicating safe and sound design and construction practices. Given this situation, staff is not able to promote effective driveway design and construction

when presented with a proposed driveway that raises concern over safety or maintenance of City streets.

Opportunities: Including these proposed best practices directly in the City Code clearly communicates the City's standards and expectations as they pertain to driveways. In addition, with clear and effective standards in place, the City should be better able to manage access to City streets in a manner that is conscious of public safety and overall maintenance of City infrastructure.

Threats: Staff is confident that the proposed ordinance will not create any threats or pitfalls. Existing driveways in Lake Elmo are able to maintain the same design through the legal non-conforming statute. In addition, the proposed ordinance is conscious of the many rural properties that exist in the community by allowing crushed rock as an approved material in rural zoning districts. If situations with extenuating circumstances do arise, where property owners are unable to meet a specific standard, City staff will work with the applicant to reach the safest and best design possible within the context of the subject property.

RECOMMENDATION:

Based on the aforementioned, Staff is recommending that the City Council adopt the proposed Driveway Ordinance through the following motion:

“Move to adopt Ordinance 08-096, incorporating best practices related to driveway design and construction to improve public safety and access to public streets.”

In addition, Staff is recommending that the City Council authorize summary publication of the approved ordinance through the following motion:

“Move to adopt Resolution No. 2013-105, authorizing summary publication of Ordinance 08-096.”

ATTACHMENTS:

1. Ordinance 08-096
2. Resolution No. 2013-105
3. Existing Driveway Ordinance (§93.20)
4. Analysis of Driveway Regulations from Other Communities