

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-096

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING THE CITY'S DRIVEWAY REQUIREMENTS.

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 93: Streets and Sidewalks; Sections 20 through 27 to read the following:

DRIVEWAYS

§ 93.20 Purpose

The purpose of §§ 93.20 *et seq.* is to control the location of driveways and curb cuts in order that traffic hazards be reduced, adequate street drainage be maintained, and that ingress and egress from properties shall not constitute a hazard or impair the health, safety, or general welfare of the residents of the city.

§ 93.21 Permit Requirements

No driveway shall be constructed in any location where motor vehicles will be provided with access to any public right-of-way without first obtaining a permit for construction. Prior to the issuance of the permit, the provisions of this Ordinance shall be complied with.

§ 93.22 Application

Applications for permits shall be made in writing upon printed forms furnished by the City. Each application for a permit shall have thereon the correct legal description of the property and a drawing of the land showing the location of the proposed driveway with respect to the boundary lines of the property. The written application shall describe the project along with a site plan that indicates that the requirements of this Ordinance are met.

§ 93.23 Permit Fees

The permit fees shall be set in the City's Fee Schedule by ordinance by the City Council.

§ 93.24 Permit Revocation

The permit issued may be revoked by the City at any time after its issuance for failure to comply with the conditions of the permit or the directions of the City relative to the work covered by the permit.

§ 93.25 General Requirements

- A. *Licensed Contractor.* All work done within the right-of-way of the street shall be done by a City licensed contractor as specified in Chapter 115 of the City Code.
- B. *Site Plan.* Prior to the construction of a driveway, a scaled plan must be submitted which indicates the location and specifications for driveways and curb cuts, the widths and dimensions at the street, property line and building structure, the slope of the driveway, and the location of the curb box as applicable in accordance with §§ 93.20 *et seq.* The site plan submitted shall be approved prior to the issuance of a permit for a driveway.

§ 93.26 Driveway Standards

The following regulations shall apply to all driveways and curb cuts. All driveway work shall be constructed in accordance with the approved site plan. No deviations or changes shall be made in the field without first obtaining permission from the City.

- A. *Driveway Width.* All driveways shall conform to the following requirements:
 - 1. Residential Districts
 - a. *Minimum Width.* All driveways shall have a minimum width of ten (10) feet.
 - b. *Maximum Width.* All driveways shall have a maximum width of twenty-two (22) feet at the point it intersects the right-of-way line. In the absence of platted right-of-way, the setback at which point the driveway width is measured shall be established by the prescriptive easement as determined by the City Engineer.
 - c. *Curb Cut.* A curb cut must not exceed the width of the driveway approach at the property line by more than ten (10) feet.
 - 2. Commercial and Mixed-Use Districts
 - a. *Minimum Width.* All driveways shall have a minimum width of twenty (20) feet.
 - b. *Maximum Width.* All driveways shall have a maximum width of thirty-four (34) feet at the point it intersects the right-of-way line.
 - c. *Curb Cut.* A curb cut must not exceed the width of the driveway approach at the property line by more than ten (10) feet.
- B. *Vertical Clearance.* There must be fourteen (14) feet of vertical clearance above all driveways.
- C. *Number of Curb Cuts.* In Residential Districts, each property shall be limited to one curb cut per dwelling unit. Exceptions may be allowed when neither access is onto a major street, and when the lot exceeds one hundred and fifty (150) feet in width or is a corner lot. All requests for a second curb cut shall be reviewed by the City Engineer.
- D. *Distance between Driveways.* The minimum distance between curbs of driveways at right-of-way line shall be 10 feet in any residential district. Lots that have been developed with zero lot line setbacks may be exempt from this provision. In all other districts, the minimum distance shall be 20 feet.

- E. *Distance from Intersection.* No driveway or curb cut shall be less than 20 feet from any right-of-way line of any street intersection, except that in high density residential, commercial and mixed-use zoning districts, the minimum distance shall be 50 feet.
- F. *Driveway Angle.* All driveways shall connect to the public street at 90 degree angles, or must be approved by the City Engineer. Exceptions must demonstrate an inability to meet the 90 degree angle due to extenuating circumstances.
- G. *Driveway Grade.* Driveways exceeding a grade of 10% must be approved by the City Engineer. Exceptions must demonstrate an inability to meet the 10% maximum grade due to extenuating circumstances.
- H. *Driveway Materials.*
 - 1. *Urban Districts.* All driveways shall be constructed of bitumen, concrete or a durable material approved by the City Engineer.
 - 2. *Rural Districts.* Driveways may be constructed of crushed rock or equivalent crushed material provided that the portion of the driveway within the road right-of-way shall be constructed of bitumen or concrete when accessing an improved street.
- I. *Curb Box, Residential Districts.* Curb boxes located within driveway shall be protected with an A1 Ford Lid or approved equal.
- J. *Control of Traffic.*
 - 1. Where other alternatives exist, commercial sites should not be accessed from local residential streets.
 - 2. Traffic shall be controlled to ensure that the location of driveways shall not constitute a hazard nor be injurious to adjacent residential uses.
- K. *Access to Major Streets (Thoroughfares).* On properties having frontage on both thoroughfares and minor roads, access shall be provided via the minor road unless otherwise approved by the City Engineer. Access may be restricted on any non-residential local road. The number and types of access drives onto major streets may be controlled and limited in the interests of public safety and efficient traffic flow.
- L. *State and County Highway Requirements.* Driveways constructed to access any street designated as a state or county highway shall meet all additional specifications of the appropriate jurisdiction. Access drives onto state and county roads shall require a review by the road authority and the City Engineer. The state, county and City Engineer shall determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.
- M. *Distance from Driveways to Side Lot Line.* A driveway must be at least 5 feet from any side lot line.
- N. *Emergency Vehicle Access.* Driveways to principal structures that traverse wooded, steep or open field areas shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles.

§ 93.27 Parking Areas

The parking restrictions applicable to driveways are stated in the zoning code and §§ 150.001 *et seq.*

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-096 was adopted on this third day of December 2013, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Adam Bell, City Clerk

This Ordinance 08-096 was published on the ____ day of _____, 2013.