



## STAFF REPORT

DATE: January 7, 2020

**TO:** Planning Commission  
**FROM:** Ben Prchal, City Planner  
**AGENDA ITEM:** Driveway Ordinance – Additional Curb Cuts  
**REVIEWED BY:** Ken Roberts, Planning Director  
Planning Commission

---

### BACKGROUND

The City reviewed Code Language pertaining to driveway curb cuts in 2018. During that review it was determined, if a lot was able to meet specific conditions then a second curb cut could be allowed. One of the main limiting factors to this is the road classification in front of the property. Additional access would not be allowed for lots that face a collector or arterial roadway.

### REQUEST OF THE CITY COUNCIL

Would the City Council like to approve suggested code language relating to the number of curb cuts allowed on non-City roads?

### PROPOSAL DETAILS/ANALYSIS

During the review in 2018 Public Works and Engineering Staff indicated that there is a general lack of support for second curb cuts, as there is more potential for damage to city streets and curbs and there would be a larger cost involved per driveway during street work projects. However, the intent of the proposed ordinance change would only impact streets that are not maintained by the City. With this being the case the issue of maintenance and increased cost during resurfacing does not necessarily fall to the City.

**Local Roadways** – Generally consist of township roads or local City streets with the intent of directing traffic to specific neighborhoods.

**Arterials** – These roads are larger highways or roads offering high speed mobility.

**Collectors** – Can be divided into either major or minor collectors. Being either City or County roadways which connect neighborhoods. Minor collectors are more or less limited to within the neighborhood.

### **Proposed Change.**

The change would allow properties to have additional curb cuts if the controlling road entity approves the request. The change would only apply to roads that are not under the jurisdiction of the City.

*(Existing Code)*

(C) *Number of curb cuts.* In residential districts, each property shall be limited to 1 curb cut per dwelling unit. Up to two curb cuts may be allowed when neither access is onto a collector or arterial street when the lot exceeds 150 feet in width, when there is a minimum of 40 feet of spacing between driveway curb radii, and when the total width of both driveways does not exceed 26 feet.

*(Proposed Addition)*

a) **Regardless of the road classification, properties having access to a road that is not under the jurisdiction of the City may obtain additional curb cuts by receiving permission from the overseeing entity of that roadway. The total accumulation of the driveway(s) width is further determined by that entity and is not limited to 26 ft.**

**FINANCIAL IMPACT**

Since the change will not have an impact on City controlled streets there a fiscal impact is not expected.

**PLANNING COMMISSION/ CITY STAFF RECOMMENDATION:**

**Planning Commission Recommendation:**

The Planning Commission recommended approval of the suggested code language with an amendment by a 6-0 vote. City Staff is in agreement with the amended language and recommends approval as well.

**ATTACHMENTS:**

1. Ord. 08-232 amending City's driveway ordinance
2. Existing Code
3. Map 7-1 Street Map (*From Comp Plan*)

**CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA**

**ORDINANCE NO. 08-232**

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY  
AMENDING THE CITY'S DRIVEWAY STANDARDS**

**SECTION 1. The City Council of the City of Lake Elmo hereby amends Title IX: General Regulations; Chapter 93: Streets and Sidewalks; Section 93.26: Driveways, by amending the following:**

(C) *Number of curb cuts.* In residential districts, each property shall be limited to 1 curb cut per dwelling unit. Up to two curb cuts may be allowed when neither access is onto a collector or arterial street when the lot exceeds 150 feet in width, when there is a minimum of 40 feet of spacing between driveway curb radii, and when the total width of both driveways does not exceed 26 feet.

a) Regardless of the road classification, properties having access to a road that is not under the jurisdiction of the City may obtain additional curb cuts by receiving permission from the overseeing entity of that roadway. The total accumulation of the driveway(s) width is further determined by that entity and is not limited to 26 feet.

**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 08-232 was adopted on this \_\_\_ day of January 2020 by a vote of \_\_\_ Ayes and \_\_\_ Nays

**LAKE ELMO CITY COUNCIL**

\_\_\_\_\_  
Mike Pearson, Mayor

ATTEST:

\_\_\_\_\_  
Julie Johnson, City Clerk

**§ 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 12 feet.

(b) *Maximum width.* All driveways shall have a maximum width of 26 feet within the public right-of-way. 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. Increased driveway width in the public right-of-way up to commercial standard (34 feet) will be considered for active farms or agricultural properties.

(c) *Curb cut.* A curb cut must not exceed the width of the driveway approach at the property line by more than 10 feet.

(2) *Commercial and mixed-use districts.*

(a) *Minimum width.* All driveways shall have a minimum width of 20 feet.

(b) *Maximum width.* All driveways shall have a maximum width of 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 10 feet.

(B) *Vertical clearance.* There must be 14 feet of vertical clearance above all driveways.

(C) *Number of curb cuts.* In residential districts, each property shall be limited to 1 curb cut per dwelling unit. Up to two curb cuts may be allowed when neither access is onto a collector or arterial street when the lot exceeds 150 feet in width, when there is a minimum of 40 feet of spacing between driveway curb radii, and when the total width of both driveways does not exceed 26 feet.

a) In the instance where a property is addressed to a road that is not under the jurisdiction of the City. In that instance the property owner can reach out to the overseeing entity of that road to obtain permission for additional points of access, regardless of the road classification. —

(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 hot mix bituminous asphalt, 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 hot mix bituminous asphalt, concrete or a durable material approved by the City Engineer when the driveway is 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.

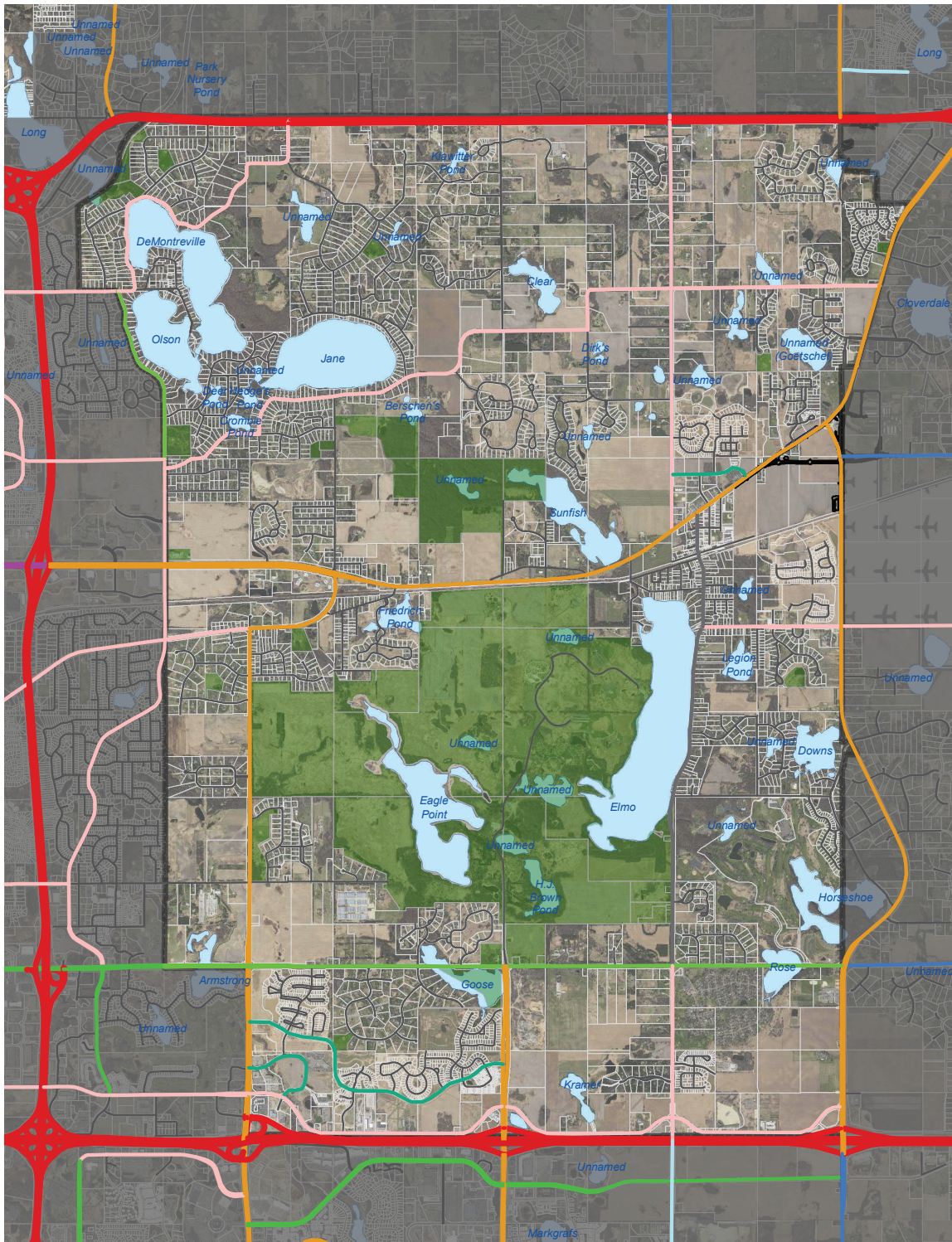
(L) Collector or arterial streets and *state and county highway requirements*. Driveways constructed to access any street designated as a state or county highway shall meet all additional specifications of the appropriate jurisdiction. Access drives onto state and county roads shall require a review 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.

(1997 Code, § 1405.07) (Am. Ord. 97-18, passed 9-16-1997; Am. Ord. 08-096, passed 12-3-2013; Am. Ord. 08-099, passed 2-5-2014; Am. Ord. 08-109, passed 5-20-2014) Penalty, see § 10.99

Map 7-1. Existing Functional Classification of Roadways



**Existing Functional Classification of Roadways**

- |                       |                    |
|-----------------------|--------------------|
| <b>Classification</b> | A-Minor Expander   |
|                       | Principal Arterial |
|                       | Other Arterial     |
|                       | A-Minor Augmentor  |
|                       | A-Minor Connector  |
|                       | A-Minor Reliever   |
|                       | Minor Collector    |
|                       | Major Collector    |



Source: MnGEO, Metropolitan Council,  
Washington County, City of Lake Elmo,  
SHC, Focus Engineering

