



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, April 12, 2022
Category:	OLD BUSINESS
Type:	ACTION
Subject:	Ordinance Amending Chapter 62 of the City Code establishing Sec. 62.11-Access Management (Driveway Ordinance) – Adoption of Ordinance.
Background Information:	<p>City staff is proposing to establish a set of driveway regulations that more explicitly describes the requirements and limitations for driveways in various land uses. The proposed ordinance would apply to new properties or applications for modifying existing driveways. Applications to replace driveways, as they are currently, would be exempt from the requirements in the ordinance.</p> <p>The proposed ordinance describes the requirements for materials and geometrics (size, slope, etc.) for residential, commercial, and industrial-zoned properties. The ordinance also identifies an exemption process, should a property owner wish to install a driveway that does not conform to the requirements in the proposed ordinance.</p> <p>Staff believes that the proposed ordinance would provide clear direction to property owners regarding driveway installations. Limiting driveway width and spacing between driveways can improve safety by helping to reduce vehicle/pedestrian interaction area and by reducing and limiting street access/conflict points, help ensure good gutter drainage, reduce unnecessary storm water runoff, help ensure compliance with vegetative cover ordinance requirements, and help maintain character of a neighborhood. Establishment of driveway regulations are typical for many other communities in Minnesota. Staff can review requirements of other communities as needed.</p> <p>This item was presented to the Public Improvement/Transportation Committee at their meeting on January 25, 2022, with a recommendation from the Committee for approval of the driveway ordinance to the City Council.</p> <p>This item was presented to the Legislative & Ordinance Committee at their meeting on March 1, 2022. At L&O Committee, Councilman Lozinski suggested that the City Council discuss allowing bituminous paving as an accepted driveway material in the City right of way. City staff prefers to require concrete in City right of way, but can make this amendment if the Council desires. After discussion, motion passed with the recommendation from the Committee to Council to introduce the Ordinance Amending Chapter 62 of the City Code establishing Sec. 62-11 - Access Management (Driveway Ordinance) and call for public hearing to be held March 22, 2022.</p> <p>At their meeting on March 22, 2022, the City Council conducted a public hearing. There was no input from the audience. With only four members of the City Council present, a unanimous vote was required to pass the ordinance. The motion failed on the adoption of the ordinance due to a 3-1 vote of the Council. The Council elected to bring the item back to Council at this meeting to be heard by the entire City Council.</p>

Fiscal Impact:	None.
Alternative/ Variations:	No alternative actions recommended.
Recommendation:	<p><u>Recommendation No. 1</u> that the Council adopt Ordinance No. 22-002, which is the Ordinance Amending Chapter 62 of the City Code establishing Sec. 62-11 - Access Management (Driveway Ordinance).</p> <p><u>Recommendation No. 2</u> that the Council adopt Ordinance No. 22-002, which is the Summary Ordinance for Publication of the Ordinance Amending Chapter 62 of the City Code establishing Sec. 62-11 - Access Management (Driveway Ordinance).</p>

ORDINANCE NO. 22-002

ORDINANCE AMENDING CHAPTER 62 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES ESTABLISHING SEC. 62-11 - ACCESS MANAGEMENT

The Common Council of the City of Marshall does ordain as follows:

Section 1: City Code of Ordinances, Chapter 62, Sec. 62-11 is hereby added in its entirety as follows:

CHAPTER 62 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. – IN GENERAL

Sec. 62-11. – Access Management

(a) Definitions.

(1) Driveway

- a. For the purpose of this Section, driveway is that portion of a private drive leading to an off-street destination such as a garage or parking area and providing access for motor vehicles from a public way that lies between the curb or pavement edge of a public street and the property line.

(b) Review.

(1) Determinations.

- a. Intent.
 1. It is the intent of this chapter to regulate access of abutting property to and from the public streets in order to protect and promote the welfare and safety of the public, the movement of traffic on the public streets, and to eliminate unreasonable traffic hazards.
- b. Permit Issuance.
 1. The City Engineer shall issue a permit hereunder when the City Engineer finds:
 - i. That the work will be done according to the provisions described herein;
 - ii. That the curb cut or proposed driveway will not constitute a traffic hazard or unreasonably impair or interfere with vehicular and pedestrian traffic, the demand and necessity for street parking spaces, and the means of ingress to and from adjacent properties; and
 - iii. That the health, welfare and safety of the public will not be unreasonably impaired.
 2. If a permit is denied, the City Engineer shall forthwith notify the applicant and shall set forth in such notice the reasons for denying the permit.
- c. Appeals to City Council.
 1. Any person aggrieved by any action taken by the City Engineer in granting or denying a permit of any curb cut or driveway may appeal to the City Council by filing in the office of the City Clerk a notice of appeal specifying the grounds thereof. An appeal shall stay all proceedings until the City Council renders action. Such appeal shall initiate an opportunity to be heard before the Planning Commission of the Council to which the matter has been referred for review and recommendation. Thereafter, the Council may affirm, reverse or modify the action of the City Engineer.

(2) Requirements.

- a. All driveway construction must comply with the requirements of Sections 62-3 and Chapter 86.
- b. All work on private properties beyond driveways as defined in this Section and applications for permits for replacing the existing surfacing of driveway only with no modifications are exempt from the requirements of this ordinance.
- c. All applications for permits that include driveway modifications must conform to the requirements of this ordinance.

- d. Driveway permit applications that include either new driveways or modifications to an existing driveway must include a plan layout of the proposed work illustrating that the proposed driveway will conform to the requirements in this ordinance.

(3) *Exceptions.*

- a. A property owner may file for an exception to the regulations described herein.
- b. Exception requests shall be submitted to the Office of the City Engineer in the form of a formal letter including additional documentation describing the requested exception(s) including but not limited to the following:
 1. Location map;
 2. Ordinance requirement(s) requested for exception;
 3. Detailed description of proposed work outside of requirements of ordinance; and
 4. Contact information of applicant.
- c. Exception requests shall be reviewed by the City Engineer or his/her designee. The Office of the City Engineer shall offer a determination within 30 days of receiving a written request for exception from the provisions of this ordinance.

(4) *Quantity.*

- a. Residential-Zoned Properties
 1. Properties will be granted one (1) curb cut access for driveway for lot frontage to the street up to eighty-five (85) feet. Properties with greater than eighty-five (85) feet of lot frontage to the street will be granted (2) curb cut accesses for driveways.
- b. Commercial and Industrial-Zoned Properties
 1. All Commercial and Industrial properties will be granted two (2) curb cut accesses per parcel for driveway.

(c) Construction.

(1) *Materials.*

- a. Surface Pavement.
 1. All driveways must be surfaced with concrete from the street to the back of the existing sidewalk.
 2. If no sidewalk exists, concrete surface shall extend to the back of the City Right-of-Way.
- b. Within the City Right-of-Way, driveways require a minimum of four (4) inches of gravel base and six (6) inches of concrete pavement.

(2) *Geometrics.*

- a. Residential-Zoned Properties.
 1. Curb cut access for driveways shall not be more than 36 feet in width measured at the full-width opening, not including required flared sections.
 2. Curb cut access for shared driveways on a multi-family residential property shall not measure more than 48 feet in width.
 3. When Intersecting Existing Sidewalks
 - i. The width of the new sidewalk shall measure a minimum of five (5) feet unless existing surrounding walk is four (4) feet in width, measured perpendicularly to the driveway.
 - ii. The cross-slope of the new sidewalk shall measure less than a 2% to meet ADA requirements.
 - iii. A new sidewalk transition panel outside of each end of the driveway shall transition required cross-slope to match existing adjacent sidewalk.
 4. Minimum Distances.
 - i. In the event of a property owning two or more driveways, the minimum distance of separation between the driveways shall be 24 feet.
 - ii. The minimum distance of a driveway, not including the required flared section, to the side property line shall be five (5) feet.
 - iii. The minimum distance of a driveway from an adjacent intersection shall be 25 feet, measured from the Right-of-Way of the intersecting street.
- b. Commercial-Zoned Properties.
 1. Curb cut access for driveways shall not be more than 36 feet in width measured at the full-width opening, not including required flared sections.

2. When Intersecting Existing Sidewalks
 - i. The width of the new sidewalk shall measure a minimum of five (5) feet unless existing surrounding walk is four (4) feet in width, measured perpendicularly to the driveway.
 - ii. The cross-slope of the new sidewalk shall measure less than a 2% cross-slope to meet ADA requirements.
 - iii. A new sidewalk transition panel outside of each end of the driveway shall transition required cross-slope to match existing adjacent sidewalk.
3. Minimum Distances.
 - i. In the event of a property owning two or more driveways, the minimum distance of separation between the driveways shall be 40 feet.
 - ii. The minimum distance of a driveway, not including the required flared section, to the side lot property line shall be five (5) feet.
 - iii. The minimum distance of a driveway from an adjacent intersection will be 40 feet, measured from the Right-of-Way of the intersecting street.
- c. Industrial-Zoned Properties.
 1. A site plan will be required that includes proposed curb cut access(es) and width(s) for driveways.
 2. The City Engineer shall review that proposed curb cut accesses meet necessary traffic safety requirements.
 3. When Intersecting Existing Sidewalks
 - i. The width of the new sidewalk shall measure a minimum of five (5) feet unless existing surrounding walk is four (4) feet in width, measured perpendicularly to the driveway.
 - ii. The cross-slope of the new sidewalk is required to measure less than a 2% cross-slope to meet ADA requirements.
 - iii. A new sidewalk transition panel outside of each end of the driveway will be required to transition required cross-slope to match existing adjacent sidewalk.
 4. Minimum Distances.
 - i. In the event of a property owning two or more driveways, the minimum distance of separation between the driveways will be 40 feet.
 - ii. The minimum distance of a driveway, not including the required flared section, to the side lot property line will be five (5) feet.
 - iii. The minimum distance of a driveway from an adjacent intersection will be 40 feet, measured from the Right-of-Way of the intersecting street.

Section 2: This ordinance shall take effect from and after its passage and publication.

Passed and adopted by the Common Council this 12th day of April, 2022.

THE COMMON COUNCIL

ATTEST:

Mayor of the City of Marshall, MN

City Clerk

Introduced on: March 8, 2022

Final Passage on: April 12, 2022

Summary Ordinance in the Marshall Independent on: _____

**SUMMARY ORDINANCE NO. 22-002
FOR PUBLICATION**

**ORDINANCE AMENDING CHAPTER 62 – STREETS, SIDEWALKS AND
OTHER PUBLIC PLACES
ESTABLISHING SEC. 62-11 - ACCESS MANAGEMENT**

On March 22, 2022, the City Council for the City of Marshall, Minnesota (“City”) adopted an Ordinance Amending Chapter 62 (Streets, Sidewalks and Other Public Places) (“Ordinance”) of the Marshall City Code of Ordinances. The Ordinance serves the purpose of Amending Chapter 62 of the City Code establishing Sec. 62-11 - Access Management (Driveway Ordinance).

It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. 22-_____. A copy of the entire Ordinance will be posted at the Marshall City Hall.

It is hereby directed that only the above Title and Summary of Ordinance No. 22-_____ be published conforming to Minnesota Statutes §331A.01 with the following:

NOTICE

Persons interested in reviewing a complete copy of the Ordinance may do so at the office of the City Clerk, City Hall, 344 West Main Street, Marshall, Minnesota 56258.

Passed and adopted by the Common Council this 12th day of April, 2022.

THE COMMON COUNCIL

ATTEST:

Mayor of the City of Marshall, MN

City Clerk

Introduced on: March 8, 2022

Original Ordinance Adopted on: April 12, 2022

Summary Ordinance Adopted on: April 12, 2022

Summary Ordinance in the Marshall Independent on: _____