

**CHAPTER 4****ROADS****400. DRIVEWAYS**

**Section 400.01 Definitions.** For the purposes of Sections 400.01 through 400.15, the following terms shall have the meanings given to them unless the context clearly indicates otherwise:

- (a) "Corner" means the point of intersection of the lines of two street curb faces or pavement edges extended into the street intersection;
- (b) "Driveway" means a paved or otherwise delineated area off of the right-of-way used for the operation of vehicles;
- (c) "Driveway approach" means a paved or otherwise delineated area on the right-of-way between the roadway and private property intended to provide access for vehicles from a roadway to private property;
- (d) "Storm water treatment system" means a device, method, system or systems designed to reduce, store, treat, separate, stabilize, or dispose of storm water for purposes of preventing or abating pollution or maintaining or improving water quality;
- (e) "Storm water treatment system management plan" means a written plan to minimize pollutants in stormwater discharged from the property. The plan must include a site description and map, identify best management practices for implementation at the property and identify maintenance and inspection requirements for the best management practices.
- (f) "Superintendent" means the superintendent of public works of the city of Medina.

**Section 400.03. Permit Required.** No person shall construct, reconstruct or make any substantial alteration of any curb cut, driveway or driveway approach on any property within the city without first obtaining a permit from the Superintendent as provided in this ordinance.

**Section 400.05. Application for Permit.** Application for a permit shall be made in writing to the Superintendent on a form prescribed by the city and which shall include the following:

- (a) The name, address and telephone number of the owner of the property to be served, or other person authorizing the work and of the contractor;
- (b) The location of the construction area together with drawings or plans showing the details of the proposed construction, including the provisions for drainage, and the elevation of the driveway in relation to the adjacent street;

- (c) Sight distances on the street; and
- (d) Such other information as the Superintendent may require.

**Section 400.07. Issuance of Permit.**

**Subd. 1.** The Superintendent may issue a permit hereunder when he or she finds that the following conditions will be satisfied:

- (a) adequate provision has been made for the drainage of surface waters;
- (b) construction of the driveway as proposed will not interfere with road grading, snow removal, or other maintenance and road construction needs of the city;
- (c) adequate sight distances have been provided; and
- (d) the use of the proposed driveway will not unreasonably interfere with public travel nor impair the use and enjoyment of other property.

**Subd. 2.** The Superintendent may request the assistance of the city engineer, building inspector, city attorney, or other persons in connection with review of an application for a permit.

**Section 400.09. Fees.** At the time of filing an application for a permit, the Superintendent shall collect from the applicant a fee to cover the cost of review of the application and issuance of the permit. The amount of the fee shall be established by the city council. Additional expenses incurred by the city in connection with the review and issuance of the permit may, at the discretion of the Superintendent, be billed to the applicant.

**Section 400.11. Construction Requirements Generally.** In addition to such rules, regulations and specifications as may be required by the Superintendent for specific projects, the following requirements shall be met with respect to all work performed under permits issued pursuant to this ordinance:

- (a) Required excavation for drainage shall be completed before placement of the culvert or fill material for the driveway approach;
- (b) The driveway approach shall be completed and graveled before any construction may begin on the property;
- (c) During the time of construction on the property, the driveway approach shall be the only ingress or egress to the property;
- (d) Driveways shall be located a minimum of 10 feet from the side property line. In the Uptown Hamel district, driveways shall be located at least 2.5 feet from the side property line, unless a shared driveway is utilized. Shared driveways shall be encouraged when applicable, be located at the rear of the building utilizing a rear

access road and adjacent property owners shall enter into a reciprocal easement and maintenance arrangement;

- (e) Except as otherwise provided, no driveway may be located closer than 100 feet from a corner. In the urban residential, urban commercial and urban industrial districts, no driveway may be located closer than 50 feet from a corner or shall be located as far from a corner as is reasonably practicable. In the Uptown Hamel district, driveways shall be located as far from a corner as is reasonably practicable;
- (f) If a parcel of land has frontage on both a cul-de-sac and a lead-in portion of a right-of-way, the driveway shall be constructed off of the lead-in portion of the right-of-way and not the cul-de-sac;
- (g) Only one curb cut shall be allowed per parcel of land, except as permitted below. If the parcel of land is bordered by more than one right-of-way, the curb cut shall be located on the less traveled right-of-way, as determined by the Superintendent. If all of the following conditions are met, two curb cuts may be allowed for a residential property:
  - (i) Lot width at street side shall be 100' or greater;
  - (ii) If the curb cuts are for a corner lot with curb cuts on separate streets, the total street frontage shall be 150' or greater;
  - (iii) The property owner entering into an agreement with the city setting forth the terms and conditions for the two curb cuts. The agreement with the city shall be recorded with the Hennepin County Recorder or Registrar of Titles.
  - (iv) A storm water treatment system must be constructed on the property to treat the storm water from the area of the second curb cut. A storm water treatment system management plan must be submitted to the city and approved by the Superintendent prior to the start of construction; and
  - (v) A storm water treatment system may be constructed in public right-of-way if it does not hinder the use of the road by others, it is approved by the Superintendent, the property owner agrees to be responsible for maintaining the area and the property owner enters into a maintenance agreement with the city.
- (h) In new subdivisions, driveways for existing dwellings or properties shall be relocated to be served from the new subdivision right-of-way;
- (i) The width of a residential driveway approach shall abide by the following requirements, based on the zoning district in which it is located:
  - (i.) Rural residential, rural residential-1, rural residential-2, agricultural preserve, and

urban reserve zoning districts:

- (1) 24 feet maximum when measured at the property line.
  - (2) The total combined width of two driveway approaches for two curb cuts shall not exceed 34 feet when measured at the property line.
  - (3) Driveway approach width shall be allowed to increase where meeting the road to a width reasonably necessary to accommodate maneuvering of vehicles. This increased width shall be approved by the Superintendent consistent with the standards of Section 400.07.
  - (4) For the purposes of measuring driveway approach width, if a parcel extends to center of roadway, the width shall be measured 20 feet off the road surface.
- (ii) Other residential zoning districts not listed in (i) above:
- (1) 24 feet maximum when measured at the curb.
  - (2) 28 feet maximum when measured at the property line.
  - (3) The total combined width of two driveway approaches for two curb cuts shall not exceed 34 feet, measured at both curb and property line.
- (j) The total width of a driveway approach shall not exceed 32 feet for commercial and industrial property, measured at the property line. Driveway approach width shall be allowed to increase where meeting the road to a width reasonably necessary to accommodate maneuvering of vehicles. This increased width shall be approved by the Superintendent consistent with the standards of Section 400.07.
- (k) Drainage from the driveway shall not be onto the right-of-way, unless the right-of-way is designed for such purpose;
- (l) No tree, shrub, or other obstruction may be placed adjacent to a driveway if it may impair sight distances.

**Section 400.13. Authority of the Public Works Superintendent.** All work done under a permit issued in compliance with this ordinance shall be under the direction and supervision of the Superintendent who is hereby authorized to make the necessary rules, regulations and specifications with respect to materials for the method of construction of driveways. A permit issued under the provisions of this ordinance may be revoked by the Superintendent if he determines that the construction or activity authorized by the permit is not being performed according to the terms of the permit or this ordinance. All construction work shall cease upon receipt of a notice of the revocation of a permit.

**Section 400.15. Waivers; Appeals.**

**Subd. 1.** The city council may grant a waiver from any requirement of this ordinance if it determines that such requirement is not necessary for protection of public health, safety or welfare. In granting a waiver, the city council may impose such conditions or requirements as it deems reasonably necessary to protect the public health, safety or welfare.

**Subd. 2.** Any person aggrieved by a decision of the Superintendent regarding the issuance,

non-issuance or revocation of a permit under this ordinance may appeal such decision to the city council.

**Subd. 3.** The city council may consider requests for waivers and appeals following such hearing and notice as it deems appropriate. An application for a waiver or an appeal shall be accompanied by a site plan identifying the requested driveway location and alignment, a narrative describing the reason the waiver or appeal is sought, a fee as described by the city fee schedule to reimburse the city for costs accrued in the review of the request, and other information deemed necessary by the Superintendent. After consideration of the waiver or appeal, the city council may make such findings and issue such orders as it deems appropriate.

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#### **Amendment History of this Section**

*Amended February 21, 1989 (Ord. 241).* Previous language in this section was repealed and replaced with the language from Ord. 241.

*Amended November 1, 2005 (Ord. 392).* Amended various subdivisions of subsections 400.01, 400.11, and 400.13 as per Ord. 392.

*Amended November 17, 2009 (Ord. 472).* Amended definitions, driveway widths for single family homes, and waivers and appeals.