

CHAPTER 10

DRIVEWAY AND PARKING PAD REQUIREMENTS

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9-10-1: Purpose and Scope:

A. The purpose of these requirements is to control the location, construction or reconstruction of driveways, and parking pads, and curb cuts in order that traffic hazards be reduced and adequate street drainage be maintained. It is also the purpose and intent of these requirements to maintain the city's positive appearance.

B. These requirements shall apply to all new driveway and parking pad construction, to repairs and changes to existing driveways and parking pads, and to existing non-conforming driveways and parking pads upon improvement to the subject property. The requirements apply whether the driveway or parking pad is accessed from the street or alley.

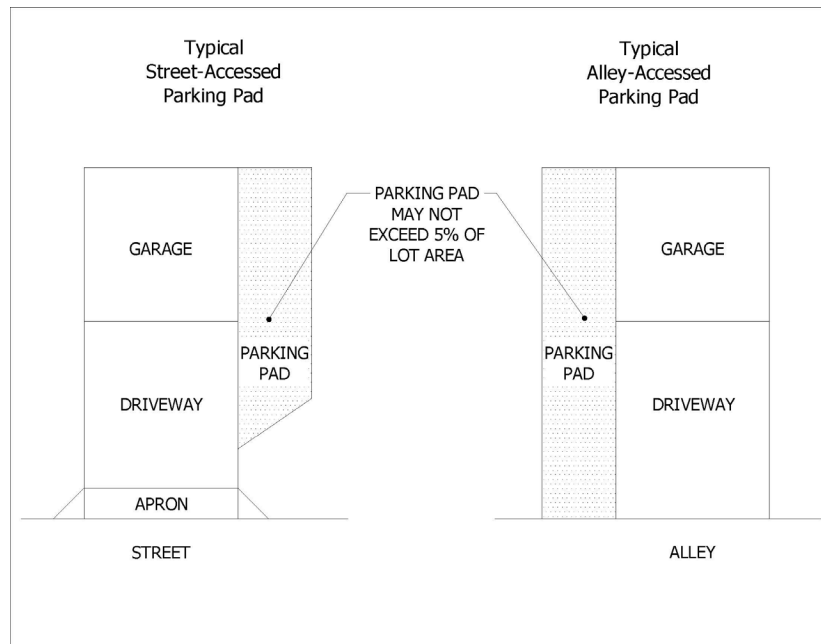
9-10-2: **Definitions:** For the purposes of this chapter, the following definitions shall apply:

A. "Alley" shall mean a right-of-way through the middle of a block giving access to the rear of lots or buildings.

B. "Driveway" shall mean an improved surface primarily intended for ingress and egress to a garage or other vehicle parking structure.

C. "Parking Pad" shall mean an improved surface intended for the parking of a motor vehicle as defined in Minnesota Statutes, Section 168.002, as amended from time

to time. The parking pad area is calculated by determining the total improved surface area exclusive of driveways as depicted below.



D. “Pervious Pavement” shall mean those pavement materials and techniques that allow the movement of water from the surface to a base and/or sub base. Common pervious pavement materials and techniques include, but are not limited to, porous asphalt, porous concrete, grass pavers, gravel pavers, and geoblock.

E. “Permit” shall mean a driveway or parking pad permit issued by the city in accordance with this chapter.

9-10-3: **Permit Required:** No driveway or parking pad shall be constructed or re-constructed in any location without first obtaining a permit.

9-10-4: **Application and Site Plan for Permit:** Any person desiring a permit shall present a written application to the City Administrator describing the improvements to be made. This application shall be accompanied by a site plan drawn to scale showing the location of the driveway or parking pad with respect to property lines, the width of the driveway or parking pad, type of construction material used, driveway angle, distance between adjacent driveways, and, if applicable, the driveway's distance from a street intersection.

9-10-5: **Permit Fees:** The permit fees shall be prescribed, from time to time, by ordinance.

9-10-6: **Driveway and Parking Pad Construction Standards:**

A. Surface: All driveway and parking pads shall be surfaced with one of the following materials:

1. Bituminous. A plant-mixed machine-laid bituminous material conforming to Minnesota Department of Transportation (MNDOT) Specification No. 2360, Mixed Designation SPWEA240B, or City Engineer approved equal. However, should it subsequently become necessary to repair or replace such bituminous surfacing in the right-of-way area in whole or in part, the owner of the property serviced by such bituminous driveway shall pay all costs of such repairs or replacements.
2. Concrete. Concrete must be a plant mix unless otherwise approved by the City Engineer. However, should it subsequently become necessary to repair or replace such concrete surfacing in the right-of-way area, in whole or in part, the owner of a property serviced by such concrete driveway shall pay all costs of such repairs or replacements.
3. Gravel Driveways. Gravel driveways existing on or before June 28, 2005 may be maintained as gravel driveways.
4. Gravel Parking Pads. Gravel parking pads legally existing on the effective date of this ordinance may be maintained as gravel parking pads but may not be enlarged, replaced, or reconstructed without first obtaining a permit as required herein.
5. Pervious Pavement. Pervious pavement for driveways and parking pads not in the public right-of-way may be allowed if approved by the City Engineer. The applicant must submit plans for the City Engineer's review to the City Administrator. Such plans shall be approved by the City Engineer if they meet the parking and land use goals of the city, do not unduly burden the city's stormwater system and do not pose a health or safety risk to the community. Such plans must include the following, at a minimum:
 - i. site plan drawn to scale showing the location of the driveway or parking pad with respect to property lines;
 - ii. depth of excavation;
 - iii. type and volume of subsurface materials;
 - iv. locations of overflow drainage outlets;
 - v. connections to public and/or private stormwater systems; and
 - vi. surface materials.

Surface materials which are susceptible to washing away or disintegrating will not be approved by the City Engineer. These materials include, but are not limited to, gravel, rocks, and sand. The applicant shall be responsible for all costs associated with the City Engineer's review of the plans required under this section.

B. Driveway Width:

1. Community Business (B-1), Neighborhood Business (B-2), and Industrial (I-1) Zones: Driveway widths, on site and at the curb cut, shall not exceed 36 feet.
2. Multiple Residential (R-3) Zones: Driveway widths, on site and at the curb cut, shall not exceed 30 feet.
3. Suburban Residential (R-1) And Urban Residential (R-2) Zones: Driveway widths, on site and at the curb cut, shall not exceed 24 feet.

C. Driveway Length: All street-accessed driveways shall extend a minimum of 20 feet beyond the back edge of the right-of-way apron and provide access for vehicles to a parking space or spaces, carport, garage, dwelling or other structure toward the side or rear of the property. Parking shall not be allowed in the public right-of-way.

D. Distance Between Driveways: The minimum distance between curbs of driveways shall be 10 feet in any R-2 and R-3 district, and 20 feet in any B-1, B-2, and I-1 district.

E. Distance from Intersection: No driveways or curb cut shall be less than 20 feet from any street intersection, except that in Industrial (I-1) Zones, the minimum distance shall be 50 feet.

F. Driveway Angle: The minimum driveways angle from a two-way access shall be 90 degrees. The minimum driveways angle from a one-way street shall be 30 degrees.

G. Setback: Driveways in any R-2, R-3, B-1, B-2, and I-1 district, except driveways which are shared by two or more adjacent property owners, shall not be located within five feet of any side or rear lot line. In the R-1 district, there is no setback requirement for driveways from the side yard lot line. Property owners must provide proof of property lines when submitting a permit application to demonstrate that no part of the driveway will encroach onto neighboring properties.

H. Control of Traffic: Where commercial land uses are adjacent to residential districts, driveways shall be located to reduce the amount of traffic entering residential areas.

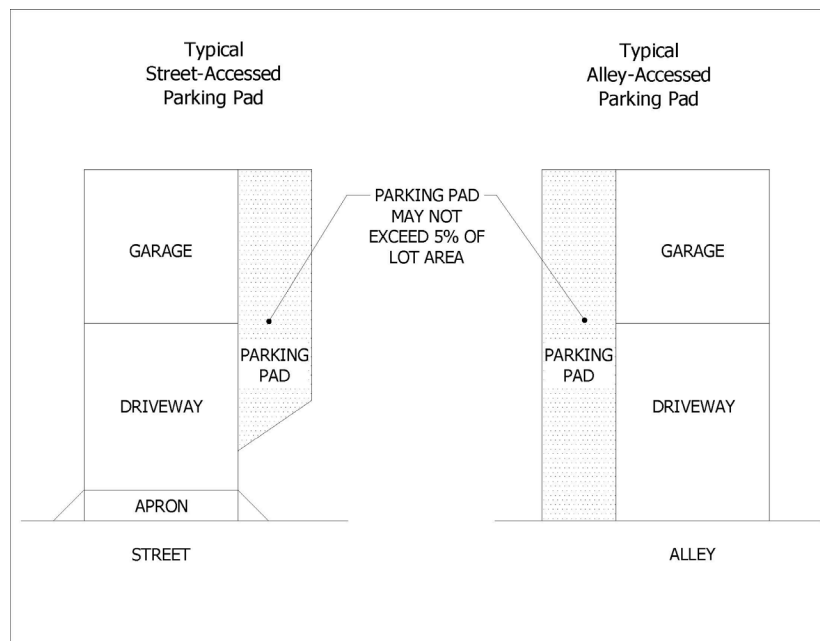
I. Street Access: For properties having frontage on two streets, access shall be provided via the street with the least traffic wherever feasible in order to reduce the number of curb cuts on more heavily traveled streets.

J. State and County Highway Requirements: If the proposed driveway is to be constructed so that it opens onto any street designated as a State or County highway or street, all additional specifications of the appropriate highway departments will

apply. The applicant must provide proof of State or County approval with their permit application.

- K. Shared Driveways: If two or more driveways are shared, the portion of the driveway on each property shall comply with maximum driveway width requirements.
- L. Licensed Contractor: All work done within the right-of-way of the street shall be done by a contractor holding a valid Residential Building Contractor (RBC) license issued by the State of Minnesota.
- M. Notification of Construction. The City Administrator shall be notified in writing at least 24 hours in advance of the commencement of any construction authorized in this chapter.

9-10-7: **Limitations:** Each residential property is limited to one parking pad not exceeding 5% of the total area of the lot. If an owner wishes to construct a new parking pad, no permit shall be issued until any existing parking pad is removed in its entirety and replaced with vegetative ground cover. Parking pads may be located in the rear and side yards but may not extend beyond the front plane of the house as defined by the projection furthest from the front yard right-of-way. The parking pad area is calculated by determining the total improved surface area exclusive of driveways as depicted below.



9-10-8: Waivers; Appeals

- A. The city council may grant a waiver from any requirement of this chapter 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.

B. Any person aggrieved by a decision of city staff regarding the issuance, non-issuance or revocation of a permit under this chapter may appeal such decision to the city council.

C. 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 or parking pad 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 city staff. After consideration of the waiver or appeal, the city council may make such findings and issue such orders as it deems appropriate.

9-10-9: **Revocation of Permit:** The permit issued may be revoked at any time after its issuance for failure to comply with the conditions of this section or the directions of the city relative to the work covered by the permit. If a permit is revoked by the city, the owner shall return the area of the parking pad or driveway to its natural state.

9-10-10: **Enforcement:** Failure to comply with the provisions of this chapter shall constitute a misdemeanor and may be punishable as defined in Minnesota Statutes, Section 609.03, as amended from time to time. Each day the failure to comply exists shall constitute a separate violation. Failure to comply with this chapter shall constitute a public safety hazard. Upon written notice that a property is not in compliance with this section, the owner and occupant of such property shall have 90 days to cause the property to conform. If the property is not brought into compliance within 90 days, the city may take all reasonable steps necessary to bring the property into compliance, the costs of which may be assessed against the property in accordance with Minnesota Statutes, Chapter 429. Nothing contained in this section shall be interpreted to preclude the city from seeking any other remedy in response to a violation of this section through any legal means available to it.

Adopted by the Lauderdale City Council the 25th day of May, 2021.

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