

## **Draft Model Access Management Overlay Ordinance - Annotated -**

This model was developed using the City of Hutchinson and the Trunk Highway 7 corridor. The basic provisions of this model may be adopted by any jurisdiction as an overlay ordinance for any state or local highway, however, the specific access standards of Section 7 will vary with the access category assignment for the specific highway.

Mn/DOT is seeking further input and would appreciate feedback on the ordinance and its application.

This model ordinance should be adopted only after appropriate legal advice has been obtained.

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## Draft Trunk Highway Access Management Overlay Ordinance -- Annotated

### Section 1. Title.

This Ordinance, included as Section \_\_\_\_\_ of the \_\_\_\_\_ Code of the City/County/Town of \_\_\_\_\_, Minnesota, will be known and referred to as the \_\_\_\_\_ Access Management Overlay Ordinance. When referred to hereafter, it will be known as "this Ordinance"

⇒ *Provide the citation for the ordinance.*

⇒ *The model ordinance may be used by any county, city, or township with authority to regulate land use*

### Section 2. Purpose and Relationship to Other Ordinances.

#### Section 2.1 Purpose.

The purpose of this Ordinance is to regulate the location and general design of public and private access to Trunk Highway \_\_\_\_\_ in order to:

- 1) Promote the safety and mobility of the traveling public;
- 2) Provide safe and convenient access between Trunk Highway \_\_\_\_\_ and the surrounding area, consistent with the highway's functional classification as a(n) \_\_\_\_\_ and state Trunk Highway access category assignment as a \_\_\_\_\_ ;

⇒ *Provide the highway's functional classification.*

⇒ *Provide the trunk highway access category assignment, which is available from Mn/DOT. It will be one of the following:*

1. *High Priority Interregional Corridor;*
2. *Medium Priority Interregional Corridor,*
3. *Regional Corridor,*
4. *Principal Arterial in a Metro Area or a Primary Trade Center,*
5. *Minor Arterial, or*
6. *Collector.*

*Note that Mn/DOT's highway access category assignment may differ from the highway's functional classification.*

- 3) Ensure that all property is provided reasonably convenient and suitable access;
- 4) Support orderly economic development/redevelopment of the surrounding area; and
- 5) Support the development of a coordinated state and local road network.

⇒ *This section may be expanded to include other applicable purpose statements.*

#### Section 2.2 Conformance with Comprehensive Plan and State Transportation Guidelines.

This ordinance implements the goals and policies of the City/County/Town of \_\_\_\_\_ Comprehensive Plan and the Trunk Highway \_\_\_\_ Access Management Plan. In addition, this Ordinance conforms with the policies and guidelines of the Minnesota Department of Transportation.

⇒ *The model overlay ordinance is designed to implement access management policies established in the comprehensive plan, access management plan, or other plan. Adopting access policies in your plans provides the best basis for the ordinance, however, this ordinance can be adopted without a plan with specific access management policies.*

⇒ *The standards used in this model ordinance reflect Mn/DOT's access management policy, as specified in the **Highway Access Category System and Spacing Guidelines**.*

### Section 2.3 Access Management Overlay Zone Established.

This ordinance establishes an Access Management Overlay Zone. The requirements of this Ordinance apply within the Overlay Zone and supplement the requirements of the City/County/Town of \_\_\_\_\_ zoning, subdivision, and other regulations that govern the use and development of property within the City/County/Town. Therefore, all standards and requirements of this Ordinance are in addition to the requirements of the \_\_\_\_\_ Zoning and Subdivision ordinances.

- 1) Any parcel of land located within the Overlay Zone is subject to all requirements of the underlying zoning district.
- 2) If there is a conflict between any provision of this Ordinance and any provision of the City/County/Town of \_\_\_\_\_ zoning, subdivision, or other regulation, the more restrictive provision will apply.

⇒ *The model ordinance is designed as an overlay that supplements existing zoning and subdivision regulations. Its standards are intended to apply in addition to all requirements of the underlying zoning district. This ordinance is not intended to replace any existing ordinance or regulate the type or intensity of land use.*

### Section 3 Definitions.

For the purpose of this Ordinance, certain phrases, terms and words are defined as follows:

- Access                                    An entrance, driveway, street, road, or other way or means of approach that provides a vehicular entrance or exit to a property from an abutting property or public road.
- Access, commercial:                A private access serving more than three residential units; one or more commercial, industrial, institutional or multiple family uses; or an agricultural feedlot.
- ⇒ *Note that an access serving three or more residential units is considered a commercial access.*
- Access, field:                            An access to an agricultural field used for the movement of farm vehicles and equipment. However, an access to a farmstead, feedlot, or farm-related structures is not a field access.
- ⇒ *As defined below, access to a farmstead is considered residential access, while access to an agricultural feedlot is commercial access.*
- Access, residential:                A private access serving three or fewer residential units, which may be either individual detached units or attached units within a single structure, a farmstead, or farm-related structures, but not including an agricultural feedlot.
- Access connection:                Any entrance, driveway, street, road, turnout, or other means of providing for the movement of vehicles to or from the public road system.
- Access Management Administrator:                An administrative officer, such as the planning/zoning director or city engineer, as designated by the \_\_\_\_\_ City/County/Town Council/Board to administer this Ordinance.
- ⇒ *The specific administrative officer to be given this authority can be designated here by definition or in the overlay ordinance's administrative procedures.*
- Build-out plan:                        A plan or concept that depicts full development of property in accordance with the requirements of the existing underlying zoning district, the Subdivision Ordinance, and/or the Comprehensive Plan.

Corner clearance: The distance from an intersection to the nearest access connection. It is measured along the edge of the traveled way, from the nearest pavement edge of the primary roadway to the nearest pavement edge of the access on the connecting street. **Figure 1** illustrates corner clearance.

Driveway, shared: A single driveway or other entrance that is shared by two or more uses on one or more properties.

Intersection, Minor: An intersection that does not meet the spacing standards for a Primary or Secondary Intersection with Trunk Highway \_\_\_\_, but is necessary to provide reasonable connectivity to an area otherwise isolated from the local street network due to historic development patterns or topography. Minor Intersections are not intended for signalization and turning movements may be restricted.

Intersection, Primary: An intersection planned and designed to serve as a major connection between Trunk Highway \_\_ and the local road network. Primary Intersections generally allow turning movements in all directions and may be signalized if warranted.

Intersection, Secondary: An intersection planned and designed to supplement Primary Intersections as needed to provide adequate connectivity between the local road system and Trunk Highway \_\_. Secondary Intersections are generally located midway between Primary Intersections and not intended for signalization. To maintain safe traffic flow on the trunk highway and signal progression through Primary Intersections, turning movements may be restricted.

Modification of Access Standards: A procedure used to consider approval of an Access Plan that would not otherwise meet the standards of this Ordinance when deemed necessary to allow reasonable economic use of the property as permitted by the underlying zoning and to ensure reasonably convenient and suitable access to a legal lot or parcel of record.

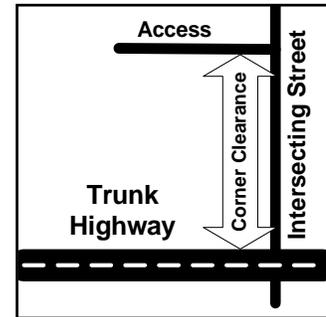
⇒ *This procedure is used in situations where access cannot otherwise conform with the standards of the overlay ordinance and no other suitable access is available.*

Mn/DOT: The Minnesota Department of Transportation.

Related application: An application for a zoning permit or subdivision approval that also requires approval of an access management plan under the provisions of this Ordinance.

Restricted turning movement: A restricted turning movement occurs when a physical barrier (such as a median), signage, or pavement markings prevent a vehicle from making a specific maneuver when entering or exiting an access. This may include restrictions on right turns, left turns, or through movement across a street.

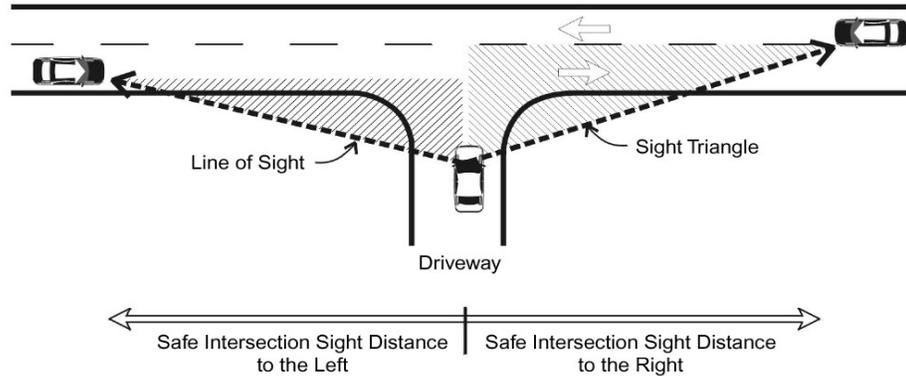
**Figure 1**



Sight distance,  
intersection:

The distance visible to the driver of a stopped vehicle, as measured along the normal path of the roadway. This ensures that a driver can see far enough down the roadway to safely cross or pull out into traffic. In some cases, there may be another access within intersection sight distance. Intersection sight distance is illustrated in **Figure 2**.

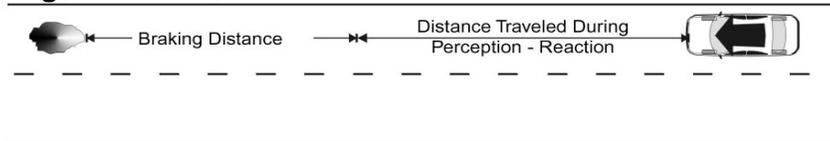
**Figure 2**



Sight distance,  
stopping:

The distance required by the driver of a vehicle, traveling at a given speed, to bring their vehicle to a stop once an object on the roadway becomes visible. Stopping sight distance is measured from the nearest edges of two adjacent entrances, which may be on opposite sides of a two-lane roadway. Stopping Sight Distance is illustrated in **Figure 3**.

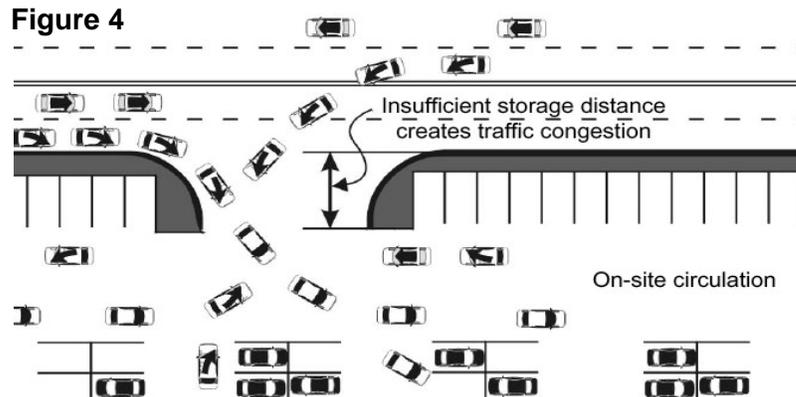
**Figure 3**



Subdivision Regulations: \_\_\_\_\_, as may be amended from time to time.

⇒ *Cite the relevant ordinance or section of code. Omit this if the community has not adopted subdivision regulations.*

Throat length: The distance from the shoulder of the roadway to the first on-site location where a driver can make a right or left turn. Throat length is illustrated in **Figure 4**.



⇒ The driveway throat provides a storage area where vehicles can wait to enter or exit the property. This prevents vehicles from creating congestion on the roadway.

Zoning Ordinance: \_\_\_\_\_, as may be amended from time to time.

⇒ Cite the relevant ordinance or section of code.

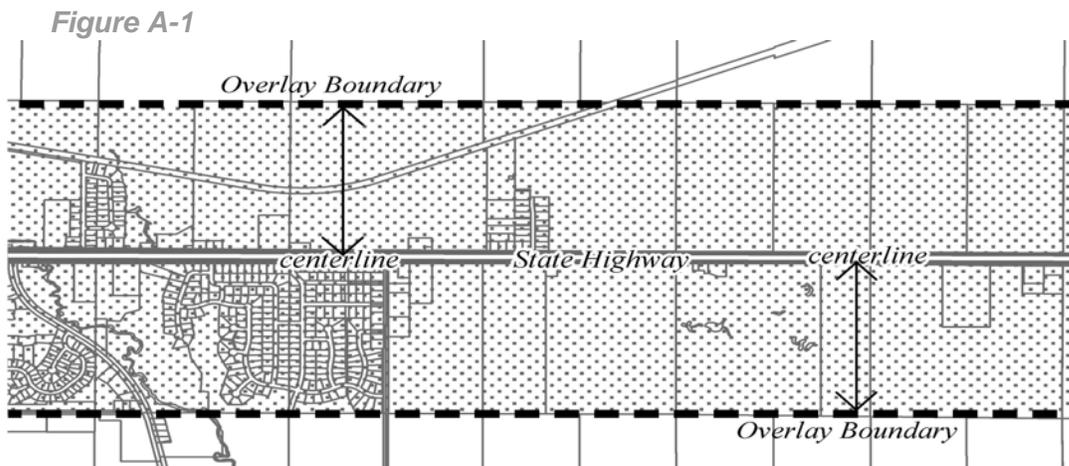
## Section 4 Applicability.

### Section 4.1 Location.

All land within \_\_\_\_\_ mile (\_\_\_\_\_ feet) of the centerline of Trunk Highway \_\_\_\_\_ in the City/County/Town of \_\_\_\_\_ is located within the Access Management Overlay Zone and subject to this Ordinance.

⇒ The area encompassed within the access Management Overlay Zone should be wide enough to include all property between the trunk highway and the parallel local road network. In Urban Core areas, the Overlay Zone may need to extend only a block from the center line in each direction. However, in Rural areas it may extend a half mile or mile in each direction, depending on the size of adjacent parcels. Although the Overlay Zone established here and illustrated as **Figure A-1** is the same width along its entire length, the width could vary by District (Section 6.2). If so, the specific width of each must be documented.

⇒ If only a segment of the corridor is included in the Access Management Overlay Zone, the end points should be designated here as well.



## **Section 4.2 Scope.**

From the effective date of this Ordinance, the provisions of this Ordinance apply to the general location and design of the public street network and access to property within the Access Management Overlay Zone. Any access that was legally established, but is not in conformance with the standards of this Ordinance, is considered a non-conforming access and may continue under the conditions established in Section 4.4 below.

⇒ *It is not intended that any existing access will be closed on adoption of this ordinance. Instead, existing access will be reviewed for compliance with the ordinance when changes are planned for the access itself or the land use it serves.*

## **Section 4.3 Exemption.**

The provisions of this Ordinance do not apply to any field access.

⇒ *Mn/DOT regulates field access by permit. Some communities may also choose to regulate field access.*

## **Section 4.4 Non-conforming Access.**

### **4.4.1 Purpose.**

The purpose of this subdivision is to recognize the existence of access connections to Trunk Highway \_\_\_ which were lawful when established, but do not meet the requirements of this Ordinance; discourage the expansion and/or intensification in the use of such access; and encourage the elimination of non-conforming accesses or reduce their negative impacts on Trunk Highway \_\_\_\_\_ and the surrounding area.

⇒ *It is likely that many existing accesses will not comply with the standards established in the ordinance. However, by designating them as nonconforming, they may continue in existence until the access or its land use is expanded, discontinued, or, in certain cases, destroyed.*

### **4.4.2 Continuation of Non-conforming Access.**

Any access connection in place as of the date of adoption of this Ordinance that does not conform with the standards herein is a non-conforming feature that will be allowed to continue as long as the access or the land use it serves is not expanded or discontinued.

### **4.4.3 Expansion of Non-conforming Access or Use.**

If there is an expansion of a non-conforming access or the land use served by a non-conforming access, the non-conforming access must either be eliminated or brought into conformance with the standards of this Ordinance.

### **4.4.4 Discontinuation of Non-conforming Access or Use.**

If a non-conforming access or the use or structures of the property served by a non-conforming access is discontinued for more than one year, use of the access must not be re-established unless approved under the provisions of Section 5 of this Ordinance.

### **4.4.5 Destruction of a Non-conforming Use.**

If the use or structures of the property served by a non-conforming access is a legal non-conformity according to the Zoning Ordinance and is destroyed, subsequent access to the property may be required to conform to the provisions of this Ordinance as allowed by law.

## **Section 4.5 Conditional Uses.**

In addition to the findings and review criteria established in \_\_\_\_\_ of the Zoning Ordinance, approval of a conditional use requires full compliance with the standards of this Ordinance. A Modification of Access Standards will not be approved for a conditional use.

- ⇒ *Cite the reference for your community's conditional use provisions.*
- ⇒ *A cross reference to this section of the overlay ordinance should be included in the review criteria for conditional uses. This cross reference should specify that access serving any conditional use located within the Access Management Overlay Zone must comply with the standards of the Access Management Overlay Ordinance.*
- ⇒ *This requirement may be too stringent for communities with zoning districts where most or all uses are conditional. If so, this provision may be omitted, allowing approval of a Modification of Access Standards for conditional uses.*

## **Section 5 Administration.**

### **Section 5.1 Access Plan Approval Required.**

Approval of an Access Plan is required prior to any one of the following events:

- 1) The approval of any land subdivision, conditional use permit, interim use permit, site plan, or zoning-related permit for any property located within the Access Management Overlay Zone;
- 2) The construction of any new public or private access to Trunk Highway \_\_\_ or to a public street that intersects directly with Trunk Highway \_\_\_;
- 3) The reconstruction or relocation of any existing public or private access to Trunk Highway \_\_\_ or to a public street that intersects directly with Trunk Highway \_\_\_;
- 4) A change in the primary use of land (which may include, but is not limited to, a change from agricultural to industrial, residential to commercial, or office to retail) that may change the amount of traffic using any existing private access to Trunk Highway \_\_\_; or
- 5) A change in the intensity of the land use served by a commercial access to Trunk Highway \_\_, defined as either a.) an increase in the gross floor area of a primary or accessory structure by 25% or 500 square feet, whichever is greater, or b.) an increase in the number of parking stalls by 25% or 5 stalls, whichever is greater.

⇒ *These figures are examples. The intent is to capture changes that may impact traffic volume or flow and to exclude very minor changes. These figures should generally be consistent with the existing thresholds established for site plan review.*

### **Section 5.2 Access Plan Application Requirements.**

An Access Plan consisting of a sketch plan of the property and the surrounding area, drawn to scale, must be submitted to the Access Management Administrator. The Access Plan must provide the following information:

- 1) The dimensions of the property and the location of public rights-of-way and property lines;
- 2) The existing and proposed land use. For residential uses, indicate the number of units. For all other uses, indicate the specific type of use, square footage of existing and proposed structures, number of employees, and number of parking spaces;
- 3) The location and dimensions of existing and proposed structures, accesses, parking, drive aisles, and internal circulation;
- 4) The location of local streets and roads serving the surrounding area, the land use on adjacent parcels, and the location of and distance to public or private access serving adjacent parcels;
- 5) If the property is planned to be developed in phases or could be further subdivided in conformance with the underlying zoning, a build-out plan specifying location, size, and timing of additional parcels and/or structures and parking;

- 6) A traffic impact study if requested by Mn/DOT, any other affected road authority, or the Access Management Administrator;
- 7) A signal justification report, if a traffic signal is proposed as part of the plan; and
- 8) Any other information reasonably required by the City/County/Town.

### **Section 5.3 Access Plan Review and Approval.**

#### **5.3.1 Approving Authority.**

If the proposed development requires any additional approval according to the underlying Zoning or Subdivision Ordinance, the Access Plan must be reviewed and acted upon as a supplement to those requirements and according to the procedures established for the related application.

If the proposed development does not require additional review and approval, the Access Management Administrator must review and approve or deny the Access Plan.

#### **5.3.2 Coordination With Affected Road Authorities.**

The Access Management Administrator must notify and consult with Mn/DOT and any other affected road authority regarding the proposed access plan and must consider their comments and recommendations in the review of the Access Plan. Review and approval of an Access Plan required under this Ordinance does not substitute for compliance with the access permit regulations of Mn/DOT or any other affected road authority.

#### **5.3.3 General Considerations.**

To determine whether the proposed Access Plan meets the standards of this Ordinance, the Approving Authority must consider all of the following factors:

- 1) The relationship to the existing and proposed land use for the City/County/Town; the transportation and road network plans of the City, County, and State; and the *Trunk Highway 7 Access Management Plan*;
- 2) The potential for future subdivision and development of the property and other properties in the vicinity of the proposed access;
- 3) The adequacy of existing or planned roadways to accommodate the proposed development in a safe and cost effective manner;
- 4) Environmental conditions affecting the area such as wetlands, floodplains, shorelands, slopes, and cultural resources;
- 5) Existing, planned, and potential future access to and circulation on adjacent properties;
- 6) Comments from Mn/DOT or any other affected road authority;
  - ⇒ *Under Minnesota Statutes 505.03, local units of government are required to give Mn/DOT 30 days to review any plat proposing development adjacent to a state highway. (Similar county review is required for plats adjacent to county roads.) However, early Mn/DOT review of all types of development proposals can streamline the development process. Ideally, Mn/DOT's participation should begin at the time of pre-application discussion.*
- 7) If a signal is proposed, review and comments from the affected road authority pertaining to a signal justification report; and
- 8) The findings and conclusions of any related studies such as an environmental assessment, traffic impact analysis, or signal justification report.

#### **5.3.4 Measurements.**

The spacing between accesses will be measured as follows:

- 1) Public intersections must be measured from the centerline of the intersection under review to the centerline of the next intersection or the nearest edge of the next driveway.
- 2) Private driveways must be measured from the nearest edge of the driveway under review to the nearest edge of the next driveway or the centerline of the next intersection.
- 3) An access will be considered in compliance with spacing requirements if it does not deviate more than 5% from the spacing standards established in this Ordinance.

⇒ *This is the method Mn/DOT uses when measuring access points.*

#### **5.3.5 Findings of Approval.**

An Access Plan must be approved by the designated authority as provided in Section 5.3.1 if the plan:

- 1) Complies with the standards and conditions set forth in Sections 7 and 8 of this Ordinance for the applicable Access Management District; or
- 2) Satisfies the findings of approval for a Modification of Access Standards as set forth in Section 9 of this Ordinance.

#### **5.3.6 Conditions of Approval.**

The Access Management Administrator or other designated authority may add conditions to the approval of the Access Plan to ensure compliance with the spirit and intent of this Ordinance.

### **Section 5.4 Construction Responsibilities and Security Deposit.**

#### **5.4.1 Responsibilities.**

The applicant is responsible for all costs associated with implementation of the Access Plan, including the construction of improvements required to meet any conditions of approval. Improvements may include the construction of the access or intersection, turn lanes, medians, connecting roadways or driveways, drainage devices and structures, associated grading and site restoration, and the acquisition and/or dedication of necessary right-of-way as permitted by law.

#### **5.4.2 Security deposit.**

The applicant must provide a security deposit of \_\_\_\_\_ to guarantee provision of any required improvements associated with the approved Access Plan.

⇒ *Specific requirements for the form and amount of the deposit should be specified or, if the jurisdiction has established deposit requirements under another ordinance, referenced.*

#### **5.4.3 Compliance.**

The intersection or access must be constructed in complete compliance with the approved Access Plan. If the Access Management Administrator finds that the construction has not been completed as approved, the security deposit provided in Section 5.4.2 may be used by the City/County/Town to complete or repair the access and/or any required improvements in compliance with the approved Access Plan.

## **Section 5.5 Duration of Approval.**

If the access has not been constructed or utilized within one year after approval of the Access Plan, the approval expires unless a time extension is granted by the original Approving Authority. To request an extension, a written request explaining the need for the extension must be submitted to the Access Management Administrator at least 30 days before the expiration of the original approval. The original Approving Authority must determine whether to grant the extension or require a new application.

⇒ *The approval of an Access Plan needs to have a set expiration, as changes over time may impact future access options. This time frame may vary and should coordinate with timeframes established for site plan approval.*

## **Section 6 Access Management Overlay Districts Established and Assigned.**

### **Section 6.1 Districts Established.**

Three separate Access Management Overlay Districts are established within the Overlay Zone to recognize variations in the existing and planned land use of the surrounding area.

⇒ *These align with the subcategories established in Mn/DOT's access management guidelines.*

⇒ *In some jurisdictions, not all land use types will be present. Unless the overlay ordinance is being adopted as part of a multi-jurisdictional effort to manage access along a corridor, any district that is not relevant to the jurisdiction may be eliminated.*

#### **6.1.1 Urban Core Access Management District.**

The Urban Core District extends through the fully developed center of the City where the road network is characterized by short blocks and a grid system of intersecting streets. Individual lots are typically small and buildings may be located close to streets. Sidewalks, pedestrian traffic, and on-street parking are common. Trunk Highway \_\_\_ is planned to operate at lower speeds, typically 30-35 mph, compared to the speeds for the overall corridor.

#### **6.1.2 Urbanizing Access Management District.**

The Urbanizing District is established to guide the location and design of access in areas beyond the Urban Core that are currently urbanized or planned for future urbanization with a full range of urban services, including a local supporting road network. Trunk Highway \_\_\_ is planned to operate at a somewhat reduced speed, typically 40-50 mph, through this district, compared to the speed of the overall corridor.

#### **6.1.3 Rural Access Management District.**

The Rural District is established to guide access location and rural subdivision design decisions within the portion of the Trunk Highway \_\_\_ Corridor extending through long-term agricultural areas with limited residential and commercial development, as provided in the Comprehensive Plan. The highway is planned to operate at higher speeds through this district, typically 50 mph or more.

**Section 6.2 Assignment of Districts within the Overlay Zone.**

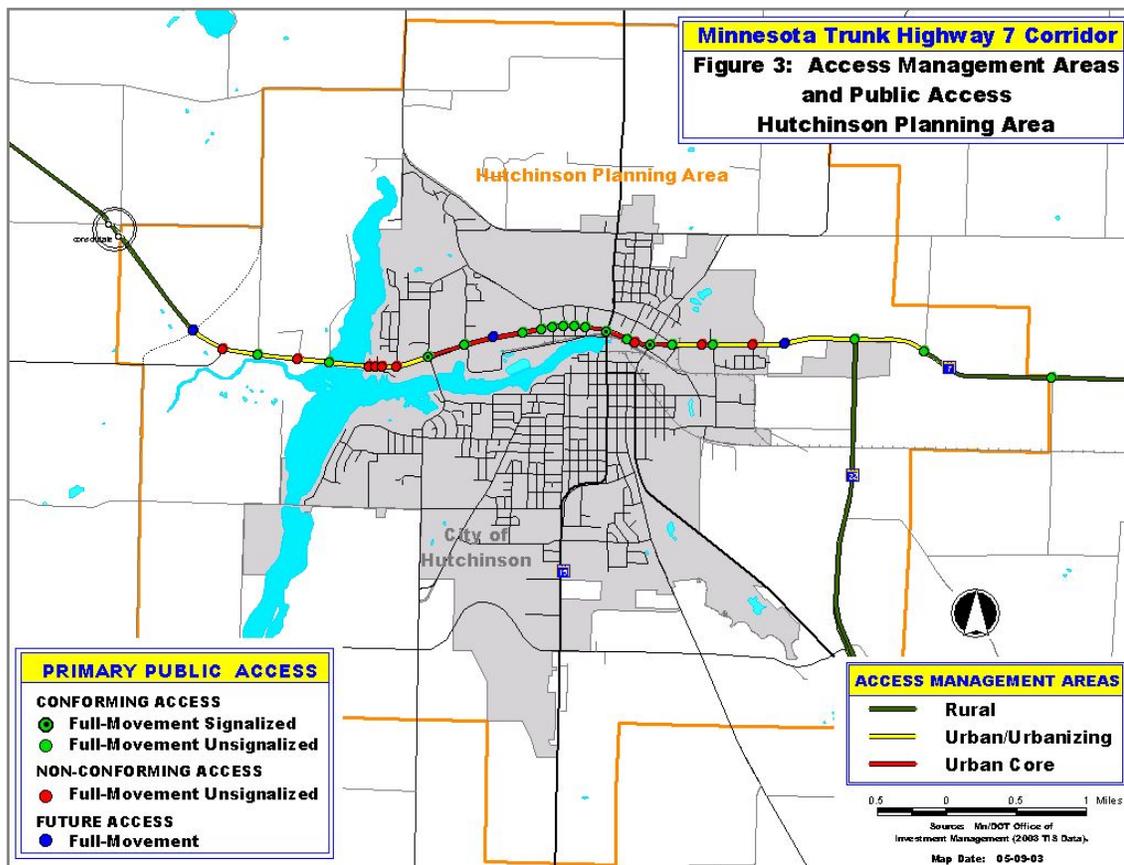
All property within the Access Management Overlay Zone is assigned to an Access Management District as defined in Section 6.1 and designated in Table 1 of this Ordinance.

**Table 1.  
Access Management District Assignment**

Highway Segment	Access Management District
West City Limits (Abc Road) to Xyz Road	Urbanizing District
Xyz Road to 5 <sup>th</sup> Avenue NE	Urban Core District
5 <sup>th</sup> Avenue NE to East City Limits	Urbanizing District
East City Limits to County Road 8	Rural District

- ⇒ Access Management District assignments should reflect existing and planned growth and should be developed in cooperation with Mn/DOT to ensure agreement.
- ⇒ If an access management plan is not adopted as a separate plan or amendment to the Comprehensive Plan, a map showing these districts could be included here. **Figure A-2** shows the map developed for the City of Hutchinson’s plan.

**Figure A-2**



**Section 7 District Standards.**

All access to Trunk Highway \_\_\_ must conform to the spacing and design standards provided in Table 2 and as follows.

- ⇒ On a state trunk highway, choose the appropriate table of standards from **Appendix A**, which includes tables for Medium Priority Interregional Corridors, Regional Corridors, Principal Arterials (Metro and Primary Trade Centers only), Minor Arterials, and Collectors. The standards in these tables are consistent with Mn/DOT guidelines for each highway access category.
- ⇒ If the Overlay Zone is on a local road, a similar table of standards should be developed by your community and the road authority.

**Table 2.  
District Access Spacing and Allowance Standards  
For a Medium Priority Interregional Corridor**

<b>Access Type</b>	<b>Urban Core</b>	<b>Urbanizing</b>	<b>Rural</b>
<b>Public Street Connection Spacing</b>			
Primary Intersections	<i>block length</i>	<i>½ mile</i>	<i>1 mile</i>
Secondary Intersections	<i>Not applicable</i>	<i>¼ mile from a Primary Intersection</i>	<i>½ mile from a Primary Intersection</i>
Minor Intersections	<i>Not applicable</i>	<i>No: By Modification only</i>	<i>No: By Modification only</i>
<b>Private Access Allowance</b>			
Residential driveways	<i>If alternate access is not available, one per parcel</i>	<i>No: By Modification only</i>	<i>If alternate access is not available, one per parcel</i>
Commercial driveways	<i>Subject to conditions</i>	<i>No: By Modification only</i>	<i>Subject to conditions</i>

- ⇒ Primary intersection spacing in the Urban Core District should be determined by the block length established in the Subdivision Ordinance or other regulation. If not otherwise specified, the spacing should be in keeping with the existing urban grid, which usually will result in an urban block length between 330-660 feet.
- ⇒ The spacing for a secondary intersection is one-half the distance between two properly spaced Primary Intersections.
- ⇒ There is no provision in Mn/DOT’s access guidelines that specifically relates to minor intersections, however, they are designated here as an allowable Modification of Standards that can be made when no other alternative is available. Under the department’s access management guidelines, Mn/DOT would review this type of intersection as an exception or deviation which would be required to meet findings similar to those provided in this ordinance in Section 9.4.1.

## **Section 7.1 Public Street Connections**

All streets proposed to connect to Trunk Highway \_\_\_ must meet the spacing standards of the applicable district as provided in Table 2 and below.

### **7.1.1 Standards For Primary Intersections**

- 1) A Primary Intersection is permitted according to the spacing standards of the applicable Access Management District, as provided in Table 2 above and Figure(s) \_\_\_\_\_ of the *Trunk Highway \_\_\_ Access Management Plan*.
  - ⇒ *Maps and plans are particularly valuable for identifying locations for future public intersections and addressing future changes to existing intersections that are not consistent with spacing standards. This map may be in a separate adopted plan or may be provided in Section 6.2 of the ordinance.*
- 2) Any street connecting to trunk highway \_\_ at a Primary Intersection must be functionally planned and designed as an arterial or collector street, unless otherwise approved by the City/County Engineer.
  - ⇒ *Because the number of locations for public street intersections on the trunk highway is limited, these intersections should serve as connections to major local arterials.*
- 3) A Primary Intersection may be designed as a full movement intersection.
- 4) A Primary Intersection may be signalized if determined necessary to facilitate the safe flow of traffic between the highway and the supporting street network. Signalization is subject to approval of a Signal Justification Report by Mn/DOT and any other affected road authority.
  - ⇒ *In Urbanizing areas, the spacing standards in this overlay ordinance support signal coordination. However, in Urban Core areas, signals should ideally be spaced no closer than ¼ mile to promote coordination and progression, although closer spacing may be necessary in some cases.*

### **7.1.2 Standards for Secondary Street Intersections**

- 1) A Secondary Intersection is permitted midway between and one-half the spacing of Primary Intersections, as provided in Table 2 above.
- 2) Any street connecting to Trunk Highway \_\_ at a Secondary Intersection must be functionally planned and designed as a collector or arterial street, unless otherwise approved by the City/County Engineer;
  - ⇒ *Because the number of locations for public street intersections on the trunk highway is limited, these intersections should serve as connections to major local arterials.*
- 3) Based on recommendations from Mn/DOT, turning movements at a Secondary Intersection may be restricted to ensure the safety and mobility of Trunk Highway \_\_; and
- 4) Secondary Intersections are not intended to be signalized.
  - ⇒ *Irregular spacing of signals disrupts coordination and impedes traffic flow.*

### **7.1.3 Standards for Minor Street Intersections.**

The Approving Authority may approve a Minor Intersection in an Urbanizing or Rural District only as a Modification of Access Standards as set forth in Section 9 of this Ordinance.

**7.1.4 Standards for All Street Intersections.**

- 1) A street intersection must not be located within a turn lane to another public street or a private driveway;
- 2) The intersection must be located to provide adequate intersection sight distance, as provided in Table 3 below:

**Table 3  
Stopping and Intersection Sight Distances**

Posted Speed (mph)	Stopping Sight Distance (ft) *	Intersection Sight Distance (ft) **	
		Right-turning vehicles	Left-turning vehicles
25	155	240	280
30	200	290	335
35	250	335	390
40	305	385	445
45	360	430	500
50	425	480	555
55	495	530	610

Source: AASHTO *Green Book* 2001

\* Stopping sight distance is based on a level roadway without horizontal curvature. It is measured from the nearest edges of two adjacent entrances. On two-lane undivided roadways, adjacent entrances may be on opposite sides of the road.

\*\* The intersection sight distance shown is for a stopped passenger car to cross or turn onto a two-lane highway with no median and a grade of 3% or less.

- 3) The minimum spacing between a street intersection and the next street intersection or commercial access to Trunk Highway \_\_\_ must conform to the stopping sight distance associated with the posted speed limit, as provided in Table 3 above;
- 4) Turn lanes must be provided in accordance with Mn/DOT guidelines or as recommended by the affected road authority;
- 5) On undivided roadways, street connections on opposing sides of Trunk Highway \_\_\_ must be aligned with one another to the greatest extent practicable; and
- 6) To ensure adequate corner clearance, any public or private access to a street that intersects with Trunk Highway \_\_\_ must be located away from the edge of the travel lane of Trunk Highway \_\_\_ by the minimum distance indicated in **Table 4** or greater if required by the City/County Engineer.

**Table 4  
Spacing for Streets Connecting to Trunk Highway**

Intersecting Street Type	Connecting Street Type	
	Two-Lane	Four-Lane
Primary	500'	660'
Secondary	125'	125'
Minor	75'	75'

⇒ *Corner clearance ensures that there is adequate space for turn lanes or other features necessary for the intersection to function properly. Greater spacing may be necessary where the access point serves an unusually large volume of traffic or very large numbers of heavy commercial vehicles, resulting in longer turning lanes to store queuing vehicles.*

## **Section 7.2 Private Access.**

### **7.2.1 Access Allowance in Urban Core and Rural Districts.**

- 1) A parcel will be permitted one private access to Trunk Highway \_\_ only if reasonably convenient and suitable alternative access is not available or attainable from the local road network or by a shared driveway with an adjacent parcel.

⇒ *Although private property owners have a right to reasonably convenient and suitable access to the highway, this may not always be the most direct access. However, the definition of reasonably convenient and suitable access will vary with the specific land use and the available road system.*

- 2) A private access designed to serve four or more residential lots or a single parcel with the potential for future subdivision into four or more lots must be considered under the requirements for a public street connection.

⇒ *Many private roadways eventually become public streets when additional lots are created or when there is a need to provide additional services or correct deteriorating roadway conditions. Communities should require private roadways to meet the same design standards as for public roadways in order to prevent future problems.*

### **7.2.2 Access Allowance in Urbanizing Districts.**

Private Access to Trunk Highway \_\_ is permitted only upon approval of a Modification of Access Standards as set forth in Section 9 of this Ordinance.

⇒ *In an Urbanizing District, all private access should be provided by the local road network. However, a Modification of Standards may be used in situations where there really is no alternative to a private driveway.*

### **7.2.3 Access Standards for all Private Access.**

In addition to the requirements of Sections 7.2.1 and 7.2.2 above, private access to Trunk Highway \_\_ is subject to the standards below. If any of these standards cannot be met, the access may only be approved as a Modification of Access Standards as set forth in Section 9 of this Ordinance.

- 1) A private access connection must not be located within a turn lane to a public street or another private driveway;
- 2) A private access must be located on the property to provide adequate intersection sight distance as provided in Table 3;
- 3) The minimum spacing between commercial access connections or between a commercial access and a public street connection must conform to the stopping sight distance requirements in Table 3 above:
  - a. If lot frontage is inadequate to provide the required minimum spacing, access must be provided via a shared entrance or cross access easement with an adjacent property, unless a Modification of Access Standards is granted under Section 9;
  - b. To maintain minimum safe spacing between commercial accesses as future development occurs, a commercial access may be required to serve adjacent property via a shared entrance located on the common property line or a cross access easement; and
  - c. When required to provide a shared entrance or cross access easement, the property owners must record an easement allowing cross access to and from the properties served by the shared driveway or cross access. The easement must include a joint maintenance agreement defining the responsibilities of the property owners;
- 4) On undivided roadways, access connections on opposing sides of streets must be aligned with one another to the extent practicable;

- 5) Turn lanes must be provided as recommended by Mn/DOT or the affected road authority; and
- 6) Turning movements to and from a private access may be restricted at the time of construction or at a future date based upon existing or anticipated roadway conditions.

## **Section 8 Design Standards For All Districts.**

### **Section 8.1 Subdivision Standards.**

All subdivisions in the Overlay Zone must meet all of the following design standards:

- 1) The street system of a proposed subdivision shall be designed to meet the public street spacing provided in Section 7 of this Ordinance and to coordinate with existing, proposed, and planned streets serving the surrounding area.
- 2) All access to individual lots shall be provided from the internal street system. A prohibition of access to Trunk Highway \_\_\_ shall be recorded in the chain of title of each lot within the subdivision.
- 3) Where a proposed development abuts undeveloped land or a future phase of the same development, street stubs shall be provided as deemed necessary by the Approval Authority to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around or cul-de-sac and shall be signed to indicate that future extension is planned.

⇒ *Roadways serving subdivisions should be designed to connect to the existing and planned local road network or, in the absence of a local network, should be stubbed out for extension to future development. Cul de sacs and short loop roads should be avoided.*

### **Section 8.2 Commercial Site Design Standards.**

To ensure safe vehicular movement, property with commercial access must meet all of the following design standards:

- 1) Sites must be designed to promote safe internal access between parking areas, buildings, and future development areas on the property and on adjacent properties;
- 2) Backing, loading, unloading, or other maneuvers must be accommodated on the site;
- 3) The design of any access to Trunk Highway \_\_\_, including the width, grade, and radii shall conform with Mn/DOT guidelines and standards; and  
⇒ *The geometrics of the driveway affect the speed at which a vehicle can safely enter or exit the site. Proper design ensures that the driveway can accommodate the number and type of vehicles using it.*
- 4) The driveway's throat length must be sufficient to prevent vehicles using the access from interfering with traffic movement on Trunk Highway \_\_\_.

### **Section 8.3 Residential Access.**

Residential access must be designed to provide adequate space on the property for vehicles to turn around without backing on to Trunk Highway \_\_\_.

## **Section 9 Modification of Access Standards.**

### **Section 9.1 Purpose.**

The City/County/Town recognizes that the complete and interconnected supporting local street network necessary for full compliance with this Ordinance may not be available due to conditions beyond the control of the individual property owner. The following procedure has been established to consider modifications of the access standards when necessary to allow reasonable economic use of property as

permitted by the underlying zoning and to provide reasonably convenient and suitable access to every legal lot or parcel of record.

⇒ *The modification procedure allows for a more in depth review to determine how to best meet the intent of the ordinance in situations where strict application of the standards is not possible. The approval of a modification is likely to include conditions aimed at minimizing negative impacts caused by the access. Such conditions may require the installation of turn lanes, median closure, turning restrictions, etc.*

⇒ *This process eliminates the need for a variance.*

## **Section 9.2 Application Requirements.**

An application for a Modification of Access Standards shall include:

- 1) A complete Access Plan as required in Section 5 of this Ordinance;
- 2) Additional information as may be required by the Access Management Administrator or recommended by Mn/DOT or another affected road authority, such as a traffic impact study or a signal justification report.

## **Section 9.3 Procedures for Review and Approval.**

The procedures for the review and approval of a Modification of Access Standards shall be the same as for an Access Plan as specified in Section 5 of this Ordinance.

## **Section 9.4 Findings for Approval of Modification of Access Standards.**

### **9.4.1 Public Street Connections.**

The approving authority may approve a public street connection as a Modification of Access Standards when the proposed street connection meets all of the following findings:

- 1) The proposed street connection is necessary to provide reasonable connectivity to the supporting road network or to provide access to an area that is otherwise isolated due to topography, unique natural features, or existing land use and street patterns;
- 2) The proposed street connection is necessary for the property to be put to reasonable economic use as permitted by the underlying zoning; and
- 3) The proposed street connection conforms to the greatest extent practicable with the access spacing, location, and design standards in Sections 7 and 8 of this Ordinance.

### **9.4.2 Private Access.**

The Approving Authority may approve a private access as a Modification of Access Standards when the proposed access meets **all** of the following findings:

- 1) The property retains access rights;
  - ⇒ *Generally private access is not permitted if Mn/DOT or another public entity holds title to the access rights.*
- 2) Reasonably convenient and suitable alternative access is not available or attainable from the local road network or by shared access and/or cross access to adjacent properties due to one or more of the following circumstances:
  - a. Use of the alternative access would disrupt a protected wetland under the Wetland Conservation Act, a protected shoreland under the Shoreline Zoning Act, or a steep slope (greater than 12%);
  - b. The affected road authority will not authorize the necessary extension of the connecting road system;
  - c. The adjacent property owner will not authorize the necessary shared access or cross-access agreement; or

- d. The affected road authority will not authorize use of the local connecting road system due to the projected impacts of anticipated traffic on the structural or geometric capacity of the roadway or the safety and livability of the surrounding area;

⇒ *For example, if the only alternate access to a large industrial use were through a residential neighborhood, it could be determined that suitable alternative access is not available.*

- 3) The proposed private access connection is necessary for the property to be put to reasonable economic use as permitted by the underlying zoning; and
- 4) The proposed private access conforms to the greatest extent practicable with the access spacing, location and design standards in Sections 7 and 8 of this Ordinance.

### **Section 9.5 Conditions of Approval.**

The Approving Authority may attach conditions to the approval of a Modification of Access Standards as deemed necessary to promote the spirit and intent of this ordinance.

- 1) The access may be approved as an interim access to be phased out at a future time or condition;
- 2) Turning movement to and from the access may be restricted at the time of construction or at a future date, based upon existing or anticipated traffic volumes;  
⇒ *Whether or not conditions are placed on turning movements at the time of initial construction, Mn/DOT has the authority to install a median at any time if warranted by traffic conditions.*
- 3) The access may be required to serve existing or future adjacent property by a shared entrance or cross access easement as provided in Section 7.2.3 of this Ordinance; or
- 4) Other conditions may be required based on the conclusions and recommendations of a traffic impact study and/or the review by Mn/DOT or another affected road authority.

## **Section 10 Appeals.**

### **Section 10.1 Applicant may Appeal Decision.**

An applicant whose Access Plan is not approved, or is approved with conditions not agreed to by the applicant, shall have \_\_\_ days to appeal the decision in writing, stating the reasons for which an appeal should be approved. Appeals of decisions approved by the Access Management Administrator must be considered according to the procedures set forth for variances under the City/County/Town Zoning Ordinance. Appeals of decisions on Access Plans incorporated in related applications must be considered according to the procedures for appeals set forth in the Zoning and Subdivision ordinances.

⇒ *The time period for appeals must fit into applicable statutory timelines.*

### **Section 10.2 Notice to Road Authorities.**

The Access Management Administrator must notify any affected road authority, including Mn/DOT, a minimum of 10 days prior to the scheduled public hearing for the appeal.

### **Section 10.3 Conditions.**

The City/County/Town may impose conditions on the approval of any appeal as necessary to effect compliance with the spirit and intent of this ordinance.

## Appendix A: Access Spacing and Allowance Standards

One of the following set of tables should be used for Table 2 when the overlay ordinance is used on a Trunk Highway. These tables provide spacing standards for public streets and allowances for private access for each highway access category. They are based on Mn/DOT's **Highway Access Category System and Spacing Guidelines**.

### District Access Spacing and Allowance Standards For a Medium Priority Interregional Corridor

Access Type	Urban Core	Urbanizing	Rural
<b>Public Street Connection Spacing</b>			
Primary Intersections	<i>block length</i>	<i>½ mile</i>	<i>1 mile</i>
Secondary Intersections	<i>Not applicable</i>	<i>¼ mile from a Primary Intersection</i>	<i>½ mile from a Primary Intersection</i>
Minor Intersections	<i>Not applicable</i>	<i>No: By Modification only</i>	<i>No: By Modification only</i>
<b>Private Access Allowance</b>			
Residential driveways	<i>If alternate access is not available, one per parcel</i>	<i>No: By Modification only</i>	<i>If alternate access is not available, one per parcel</i>
Commercial driveways	<i>Subject to conditions</i>	<i>No: By Modification only</i>	<i>Subject to conditions</i>

### For a Regional Corridor or Principal Arterial in the Metro Area or Primary Trade Center

Access Type	Urban Core	Urbanizing	Rural
<b>Public Street Connection Spacing</b>			
Primary Intersections	<i>Block length</i>	<i>½ mile</i>	<i>1 mile</i>
Secondary Intersections	<i>Not applicable</i>	<i>¼ mile from a Primary Intersection</i>	<i>½ mile from a Primary Intersection</i>
Minor Intersections	<i>Not applicable</i>	<i>No: By Modification only</i>	<i>No: By Modification only</i>
<b>Private Access Allowance</b>			
Residential driveways	<i>If alternate access is not available, one per parcel</i>	<i>No: By Modification only</i>	<i>If alternate access is not available, one per parcel</i>
Commercial driveways	<i>Subject to conditions</i>	<i>No: By Modification only</i>	<i>Subject to conditions</i>

**For a Minor Arterial**

<b>Access Type</b>	<b>Urban Core</b>	<b>Urbanizing</b>	<b>Rural</b>
<b>Public Street Connection Spacing</b>			
Primary Intersections	<i>Block length</i>	<i>¼ mile</i>	<i>½ mile</i>
Secondary Intersections	<i>Not applicable</i>	<i>1/8 mile from a Primary Intersection</i>	<i>¼ mile from a Primary Intersection</i>
Minor Intersections	<i>Not applicable</i>	<i>No: By Modification only</i>	<i>No: By Modification only</i>
<b>Private Access Allowance</b>			
Residential driveways	<i>If alternate access is not available, one per parcel</i>	<i>No: By Modification only</i>	<i>If alternate access is not available, one per parcel</i>
Commercial driveways	<i>Subject to conditions</i>	<i>No: By Modification only</i>	<i>Subject to conditions</i>

**For a Collector**

<b>Access Type</b>	<b>Urban Core</b>	<b>Urbanizing</b>	<b>Rural</b>
<b>Public Street Connection Spacing</b>			
Primary Intersections	<i>Block length</i>	<i>1/8 mile</i>	<i>½ mile</i>
Secondary Intersections	<i>Not applicable</i>	<i>Not Applicable</i>	<i>¼ mile from a Primary Intersection</i>
Minor Intersections	<i>Not applicable</i>	<i>No: By Modification only</i>	<i>No: By Modification only</i>
<b>Private Access Allowance</b>			
Residential driveways	<i>If alternate access is not available, one per parcel</i>	<i>No: By Modification only</i>	<i>If alternate access is not available, one per parcel</i>
Commercial driveways	<i>Subject to conditions</i>	<i>No: By Modification only</i>	<i>Subject to conditions</i>