

Draft Model Access Management Overlay Ordinance

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 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.

For additional information or to provide comments, please contact:

**Cindy Carlsson
651-366-3313
cindy.carlsson@state.mn.us**

Draft Trunk Highway Access Management Overlay Ordinance

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"

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 _____ ;
- 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.

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.

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.

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.

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.

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.

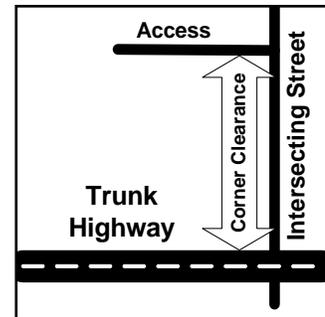
Access connection: Any entrance, driveway, street, road, turnout, or other means of providing for the movement of vehicles to or from the public road system.

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.

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.

Figure 1



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.

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.

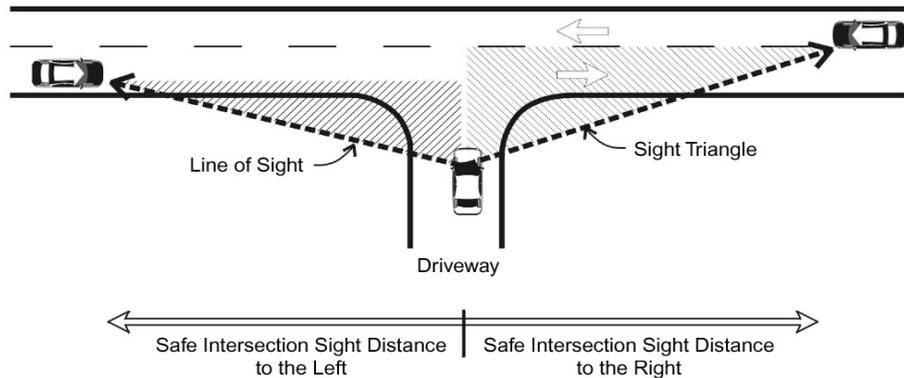
Restricted turning movement:

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.

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**.

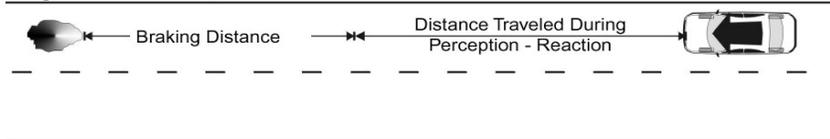
Figure 2



Sight distance, stopping:

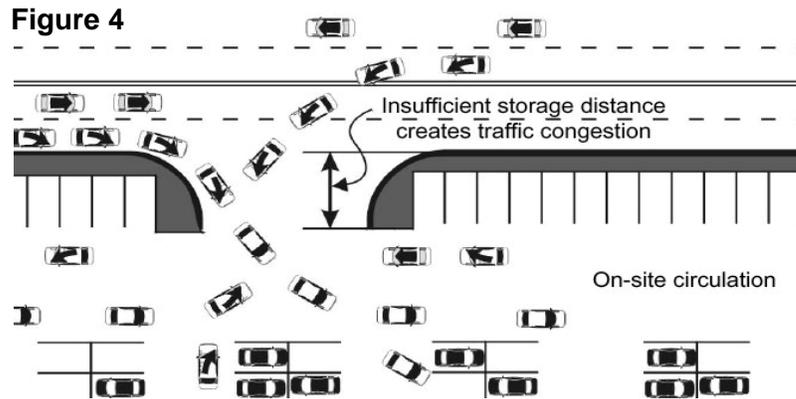
The distance required by the driver of a vehicle, traveling at a given speed, to bring their vehicle to a stop once an object on the roadway becomes visible. Stopping sight distance is measured from the nearest edges of two adjacent entrances, which may be on opposite sides of a two-lane roadway. Stopping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

Figure 3



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

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**.



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

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.

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.

Section 4.3 Exemption.

The provisions of this Ordinance do not apply to any 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.

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.

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 _____% or _____ square feet, whichever is greater, or b.) an increase in the number of parking stalls by _____% or ___ stalls, whichever is greater.

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;
- 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.

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.

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 _____ days before the expiration of the original approval. The original Approving Authority must determine whether to grant the extension or require a new application.

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.

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

Section 7 District Standards.

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

Table 2.
District Access Spacing and Allowance Standards
 For a _____

Access Type	Urban Core	Urbanizing	Rural
<i>Public Street Connection Spacing</i>			
Primary Intersections			
Secondary Intersections			
Minor Intersections			
<i>Private Access Allowance</i>			
Residential driveways			
Commercial driveways			

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*.
- 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.
- 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.

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;
- 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.

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'

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.
- 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.

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.

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.

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
- 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.

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;
- 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;
- 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;
- 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.

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.