

Town of Excelsior, Sauk County, Wisconsin

DRIVEWAY ORDINANCE

1.01 PURPOSE

The purpose of this ordinance is to regulate the establishment, construction, improvement, modification or reworking of a driveway to assure that the site, method of construction, and conservation practices used will promote the public health, safety, and general welfare of the community, and to enforce the goals and policies set forth in the Town of Excelsior Comprehensive Plan.

1.02 JURISDICTION

Jurisdiction of these regulations shall include all driveways on land within the Town of Excelsior. Except as provided in section 1.11, existing driveways that undergo repairs involving changes to the existing grade, re-routing or increased use (to serve an additional house, dwelling unit or material increase in business) are subject to the provisions of this ordinance.

1.03 AUTHORITY

These regulations are adopted under general police powers authority granted pursuant to Section 60.10(2)(c), 60.22(3) and 61.34(1) of the Wisconsin Statutes, and under the controlled access highway power granted pursuant to section 83.027(10) and 84.25(10) of the Wisconsin Statutes.

1.04 DEFINITIONS

1. Agricultural Access Driveway. A private driveway, road or other avenue of travel that runs through any part of a private parcel of land that connects with any public roadway, that is used for the sole purpose of providing roadway access to agricultural buildings, fields, or other agricultural areas.
2. Agricultural Land. Any land within the Town of Excelsior that has been, is or could be farmed, including cropland and pastureland, or land that is included in a government set-aside program or that is protected under the agriculture policies described in the Town of Excelsior Comprehensive Plan.
3. Driveway. A private driveway, road or other avenue of travel that runs through any part of a private parcel of a land and connects with any public roadway, and will provide service to a residence or business, except agricultural access driveways.
4. Town Driveway Official. The individual(s) and/or agent(s) designated by the Town Board to act in these capacities.

1.05 APPLICATION REQUIREMENTS AND PROCEDURES

1. Who Must Apply. Any person or entity wishing to establish, construct, improve, modify, or re-route a driveway that changes the existing grade of the land or any driveway, or increases the use for access to an additional dwelling, dwelling unit or significant increase in business, must first obtain a Driveway Construction Permit from the Town Driveway Official.
2. Application Forms. The Town Board shall approve an application form for Driveway Construction Permits. Application forms shall be available from the Town Clerk.
3. Application and Supporting Documents Package. The person or entity shall submit a completed Driveway Construction Permit Application with the appropriate fee and the following attachments to the Town Clerk.
 - (a) Site Map. Indicating the location and dimensions of the desired driveway and the parcels immediately adjacent to the applicant's property. The map shall be labeled with dimensions.
 - (b) Driveway Location Plan or Driveway Construction Plan as Required in 1.06. All applicants will need the Town Driveway Official to view the driveway location to determine the grade and which plan is needed.
4. Application Review. The Town Clerk shall forward the application to the Town Driveway Official who shall conduct an investigation regarding the application in accordance with this ordinance. The Town Driveway Official shall approval with conditions or disapproval the application within 35 days of receipt of a completed application.
5. Appeal Procedure. In the event the Town Driveway Official disapproves the application, the applicant may appeal the determination with the Town of Excelsior Plan Commission upon completion of an application form and payment of the review fee as set forth in the Town's Fee Schedule.. Application forms shall be available from the Town Clerk. The applicant shall comply with the procedures set forth in, and the variance application shall be determined under the guidelines set forth in, Section 17(3)(d) of the Town of Excelsior Plan Commission Ordinance. In the event a variance is granted, the Town Driveway Official shall approve the application with conditions required by the Plan Commission and as otherwise provided in this ordinance.
6. Permit Period. The Driveway Construction Permit is effective for 12 months from the date of issuance. The permit shall expire after these 12 months unless renewed by the Town Driveway Official.

7. Driveway Inspection. The applicant shall notify the Town Clerk within 30 days of completing construction or modification. Within 30 days of this notice, the Town Driveway Official will inspect the driveway to ensure full compliance with all of the provisions in this ordinance.
8. Building Permits. No Building Permit for new construction will be issued until the driveway permit has been issued. Roadway access for all vehicles, including during the construction phase will only be allowed by use of the permitted driveway. The Town Driveway Official may allow a temporary driveway to be installed during construction of the dwelling and/or structure.
9. Occupancy Permit. No occupancy permit for new residential construction shall be issued until the driveway is constructed according to the specification of this ordinance and the Town Driveway Official approves the final inspection.
10. Application Fee. A non-refundable application fee of an amount determined by a resolution of the Town Board and specified in the Town's Fee Schedule shall be charged for each application.
11. Other Fees. By applying for a driveway permit the applicant also enters into an agreement with the Town to reimburse the Town for any fees incurred for work by its engineer, building inspector, or attorney, or other administrative costs, related to the application for a driveway permit. The applicant will also reimburse the Town within 30 days for any damage caused to the Town road or road right-of-way for construction of the driveway.
12. Responsibility For Costs. All costs of design and construction of said driveway, including permit fees, cost of culverts, and various erosion controls and surface water management measures, engineer's plans(s), inspectors(s), if required, shall be paid by the property owner requesting the permit.

1.06 PLAN REQUIREMENTS

1. Driveway Location Plan. A Location Plan is required for all segments of the proposed driveway. All applicants will need the Town Driveway Official to view the driveway location to determine the grade and whether a Location or Construction Plan is needed. The plan shall show the exact location of the driveway on the lot. However, driveways that require a Driveway Construction Plan shall include the exact location of the driveway on the lot in the Construction Plan and do not need a separate Location Plan.
2. Driveway Construction Plan. A Driveway Construction Plan is required for the entire driveway when:
 - (a) Construction of a driveway or segment of a driveway requires disturbing land with an existing grade of 12% or more; or

- (b) A driveway or segment of a driveway requires a retaining wall or other special erosion control measures as determined by the Town.
- (c) A driveway crosses a waterway or has the potential to significantly alter existing drainage patterns and/or quantity of runoff.

1.07 SPECIFICATIONS FOR DRIVEWAY LOCATION PLANS

1. Location. The precise location of the driveway on the lot.
2. Grade. A profile of the proposed driveway route before and after construction.
3. Culvert. The location and size of any culverts as determined by the Town Driveway Official.
4. Erosion Control Plan. The proposal shall describe plans and dates to re-seed, mulch, ditch, place culvers and carry out other erosion control practices. With the exception of seeding and vegetation, all erosion controls shall be installed prior to land disturbance or at the appropriate stage of construction and shall remain in place until permanent vegetation is sufficiently established to effectively prevent erosion. Identify the type and location of erosion control measures including, but not limited to, flow diversion, silt fence, erosion bales, stone ditch checks and measures to prevent tracking soil onto public roadways.

Preparing a Driveway Location Plan does not guarantee the Town's approval of the Driveway Construction Permit Application.

1.08 SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION PLANS

If required, a Driveway Construction Plan will include a scale plan showing the information included in the Driveway Location Plan, plus the following:

1. Retaining Walls. The location and structure of any retaining walls as applicable.
2. Cross-section. Typical cross-sections of the driveway in cut and in fill.
3. Storm Water Management. Drainage methods for the driveway engineered for the particular surface type, including location and dimensions of ditches, proper grading techniques, projected water handling capability, and water loads at the point of access to the public roadway.
4. Other Documents. The Town Driveway Official may require other documents with the Driveway Construction Plan.

Preparing a Driveway Construction Plan does not guarantee the Town's approval of the Driveway Construction Permit Application.

1.09 APPROVAL FOR DRIVEWAY CONSTRUCTION PERMITS

1. Conditions. No construction of a driveway may commence until:
 - (a) The Driveway Location or Construction Plan is approved by the Town Driveway Official; and
 - (b) The Driveway Construction Permit is issued by the Town; and
 - (c) When applicable, any necessary approvals are obtained from Sauk County or the State of Wisconsin (See section 86.07 of the Wisconsin Statutes).
2. Disclaimer. The Town's approval of a Driveway Construction Permit Application does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for the public. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose.

1.10 SPECIFICATIONS FOR CONSTRUCTING DRIVEWAYS

1. Access Limits. There shall be no more than one driveway for any given buildable parcel of land. Upon application, the Town may, by special permit, allow an additional driveway where the landowner shows satisfactory evidence that the same is necessary because of existing natural barriers or some other special condition of the land.
2. Agricultural Access Driveway. The Town may allow more than one Agricultural Access Driveway for any given parcel for the purpose of attaining necessary access to agricultural buildings, fields, and other agricultural uses. In addition to this ordinance, the Agricultural Access Driveway is subject to Sauk County and State permitting processes.
3. Agricultural Access Driveway Construction Requirements. The same construction requirements listed in this ordinance are required for those portions of all Agricultural Access Driveways located within the Town Road Right-of-Way.
4. Shared Driveways. All driveways shall be shared when possible, especially when homes are clustered. Shared access shall be limited to provide access to no more than three single-family residences. Any driveway proposed for joint use shall be required to have recorded multi-party access easements and maintenance agreements.
5. Grade. Proposed driveways on land with an existing grade between 12% and 20% shall be closely reviewed. No land with an existing grade of 20% or more shall be disturbed to construct, establish, improve, modify or re-work a driveway, except that, under extraordinary circumstances, the Town may permit development on land with grades equal to or greater than 20% only if all

minimum environmental criteria are met. Minimum environmental criteria include:

- (a) Plans, special studies, and design calculations acceptable to the Town are submitted for retaining walls, slope stability, erosion control, storm water runoff, and safety issues.
- (b) The Town may establish additional criteria.

For any driveway allowed on land with a 20% slope, the applicant shall place a deed restriction or easement containing provisions necessary to implement those environmental criteria. The deed restriction or easement shall be in a form approved by the Town.

- 6. Maximum Finished Grade. The maximum finished driveway grade shall not be greater than 10% except that the grade of the proposed driveway within 100 feet of the homestead or a structure shall not exceed 3%. Driveways greater than 10% will be allowed if approved by emergency government services such as the fire department and ambulance.
- 7. Radius of Curves. Driveway curves shall have an inside radius of no less than 36 feet.
- 8. Visibility From The Roadway. Driveways shall be so located as to not create a safety hazard for vehicles traveling on the roadway, or exiting and entering the property. The Town shall determine the permitted location for driveways with consideration given to the roadway's classification, topography and posted travel speed. The recommended sight distance for 45 mph speed limit shall be 400 lineal feet. The near edge of a driveway shall be at least 100 feet from public roadway intersections measuring from the property line where the driveway intersects the road right-of-way. If the property abuts more than one roadway, the driveway should access the roadway with the least traffic volume. Vision triangles shall be provided to allow reasonable sight distance.
- 9. Juncture With Public Roadway. The angle between the centerline of the driveway and the centerline of the roadway shall be no less than 70 degrees.

A length of driveway of a minimum width of 12 feet shall have a maximum of 5% grade at the point where the driveway enters onto a public roadway. A slight dip across the drive shall be placed just before the culvert at the entrance to a public roadway to prevent water and debris from washing onto the public roadway. Any pavement in the right-of-way, whether new, resurface or replacement may be required to be replaced at the owner's expense when it causes a safety or drainage problem.

10. Culverts. Each driveway shall have installed a culvert at the ditch line where the driveway meets the public roadway, unless the Town Driveway Official determines it is not necessary. Culverts shall be installed prior to construction work being commenced on the property (Town Driveway Official may allow a temporary driveway without a culvert during construction of the dwelling and/or structure). All culverts shall be constructed of material acceptable to the Town Driveway Official. Culverts shall be sufficient gauge or schedule to provide adequate bearing capacity for vehicles expected to use the driveway.
 - (a) Minimum Size. Culverts shall be a minimum of 20 feet in length, and is recommended to be no smaller than 18 inches in diameter unless a smaller culvert is approved by the Town. Larger culverts may be required where needed to accommodate the area's water drainage.
 - (b) Placement. Culverts shall be placed in the ditch line at elevations to adequately convey water and assure proper drainage.
 - (c) Endwalls. All culverts shall have flare endwall sections so backfill and cover material will not erode the bottom of the ditch and reduce the capacity of the ditch and culvert. Endwalls or abutments constructed of timber or similar mater are prohibited.
 - (d) Backfill and Cover Material. Culverts shall be bedded and backfilled with granular material, compacted in place, or other material acceptable to the Town. The minimum cover, measured from the top of the pipe to the top of the subgrade material, shall be 6 inches.
11. Drainage. Ditches along the right-of-way, roadway crowning and culverts shall be provided by the landowner for acceptable drainage. The driveway shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto a public roadway and/or the lands of other landowners.
12. Natural Drainage Patterns. Construction of driveways shall not interfere with the natural drainage patterns. Natural drainage crossings shall be rip-rapped or otherwise stabilized below drainage and culvert discharge points for distance sufficient to carry the discharge water without channel erosion.
13. Align Along Natural Terrain. Grading for driveway construction will be required to preserve or match the natural contours of the site. Driveway alignment should follow the natural terrain. Grading should attempt to retain existing trees and other natural vegetation to stabilize hillside cuts. The maximum grade of cut and fill slopes shall be 3 horizontal to 1 vertical. The top and toe of the slopes shall be rounded to avoid additional erosion.

14. Retaining Walls. Any cut and fill slopes great than 3 to 1 will require constructing a retaining wall, rip-rapping, or similar soil stabilization technique. Erosion control measures must be planted promptly with permanent vegetation to reduce soil erosion.
15. Side Slopes. Driveway side slopes shall be a minimum of four feet on each side with a slope no steeper than 1 foot vertical in 4 feet horizontal (25 percent).
16. Ditch Back Slopes. Ditch back slopes shall be no steeper than 1 foot vertical in 3 feet horizontal (50 percent).
17. Driveway Standards. Any driveway shall be built to the following standards:
 - (a) Roadway surface width – 12 feet when serving a single dwelling and 20 feet when serving more than one dwelling.
 - (b) Roadway surface thickness - 6 inch when compacted crushed aggregate or more if required by soil conditions.
 - (c) Maximum finished grade – 10%. Driveways greater than 10% will be allowed if approved by emergency government services such as the fire department and ambulance.
 - (d) Maximum shoulder side slope – 4:1
 - (e) Maximum ditch back slope – 3:1
18. Clear Space. A clear space 18 feet high and 24 feet wide shall be maintained at all times for emergency vehicle access.
19. Turnarounds and Cul de Sacs. Turnaround areas or cul de sacs shall be provided for all driveways no matter the driveway length, except in locations where the speed limit is 25 MPH. Turnaround areas shall be tees with minimum dimensions of 20 feet long by 12 feet wide. Cul de sacs shall have a minimum radius of 60 feet. The Town may consult with emergency service providers and require additional specifications should conditions present additional safety concerns.
20. Minimum Driveway Surface. Driveways shall have a firm surface capable of supporting cars and emergency vehicles under all weather conditions. Such surfaces may include asphalt, concrete, compacted gravel at least six inches in depth, unless specified otherwise in this ordinance, or other granular material approved by the Town Driveway Official. The gravel or rock must be of a road-construction-surface grade. The driveway must be maintained in a condition that complies with these specifications. An Agricultural Access Driveway serving only fields is exempt from this provision.

21. Restoring Roadways and Disturbed Surfaces. All public roadway surfaces and right-of-way, shoulder, curbs, ditches, slopes and vegetation disturbed during driveway construction shall be restored to original conditions within 30 days of completing the driveway or before the Town will issue an occupancy permit.
22. Waiver of Specifications. The Town Driveway Official may waive or modify any of the above specification(s) if the specification(s) is unnecessary to fulfill the purpose of this ordinance. Any request by an applicant for a waiver or modification of any provision in this section must accompany the initial application and must state the reason for the request. The Town Driveway Official must submit a written and signed statement detailing the reasons for waiving the specification(s) and attach it to the permit.

1.11 EXISTING DRIVEWAYS

1. Hazardous Conditions. When conditions created by existing driveways or Agricultural Access Driveways that do not meet the specifications in this ordinance obstruct or become a potential hazard to a public roadway, or unreasonably hinder access to the property by emergency service personnel, the Town Driveway Official shall notify the property owner of the condition(s). Any property owner failing to correct such condition(s) within 30 days after notice by the Town shall be subject to the penalties described in the penalties section of this ordinance and shall also be liable for any costs the Town incurs to eliminate the hazard as provided in Wis. Statutes 66.06(16).
2. Change In Use. No Agricultural Access Driveway may be used as a driveway to acquire primary access to a residential or commercial property unless the Agricultural Access Driveway has been approved as a driveway to acquire access to a residential or commercial property unless the Agricultural Access Driveway has been approved as a driveway according to the provisions of this ordinance.

1.12 PENALTIES

1. Forfeitures. Should a driveway be constructed or modified in violation of the provisions of this ordinance, or create a hazard that is not corrected within 30 days of notification, or such other time as determined by the Town Driveway Official, the owner(s) of the land through which the driveway passes shall pay a forfeiture of not less than \$100.00 nor more \$200.00 plus applicable surcharges and court costs, for each violation. Each day the violation continues to exist shall constitute a separate offense and subject to another penalty, after expiration of the notice period. An unlawful driveway constitutes a public nuisance and may be enjoined.
2. Corrections. In addition, the landowner shall make the corrections ordered by the Town Driveway Official within a period of time determined by the Town Driveway Official, but not less than 10 days.

3. Special Charge For Correction By Town. If the owner(s) of the land through which the driveway passes do(es) not make required corrections ordered by the Town Driveway Official that affect a public roadway or right-of-way within the specified time period, the Town Driveway Official shall cause the required correction to be made and charge the cost of correcting such violations, including, when necessary, the return of disturbed land to its original condition. The Town's direct and indirect costs of correcting the violation, including but not limited to engineering, legal, administrative, materials and construction expenses shall be imposed as a special charge against the property through which the driveway passes pursuant to Wis. Statutes 66.60. Any funds escrowed with the Town shall be disbursed to the Town in partial compensation for its above costs.

1.13 SEVERABILITY

The provisions of this ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provision of this ordinance irrespective of whether one or more provisions may be declared invalid. If any provision of this ordinance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

1.14 EFFECTIVE DATE

This ordinance shall take effect the day after publication as required by law.

Date Adopted: _____

Ordinance No: _____

Date Effective: _____