

## Chapter 6

### DRIVEWAY

#### **Sec. 6-1 Purpose and Authorization.**

A) *Authorization.* This ordinance is adopted pursuant to S.s 60.555, 60.627, 144.266, Wis. Stats.

B) *Purpose.* The purpose of this ordinance is to promote public health, safety and general welfare and to protect natural resources. The Town of Dodgeville does enact this ordinance to regulate the construction of driveways within the Town of Dodgeville to insure access to all properties by emergency vehicles and to regulate construction site erosion and storm water management.

C) *Severability.* Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

D) *Permit fee.* The permit fee shall be established by resolution by the Town Board of the Town of Dodgeville.

E) *Effective date.* The provisions of this ordinance shall take effect immediately upon adoption.

#### **Sec. 6-2 Definitions.**

A) *Field Access Driveways.* Those driveways used on a seasonal basis expressly related to agriculture or driveways not accessing any structure, permanent or temporary.

B) *Structure.* Any building, well, well head, septic field or otherwise requiring a permit under the Iowa county zoning ordinance, or the Town of Dodgeville uniform dwelling ordinance.

C) *Un-necessary Hardship.* A condition proven by the owner that the owner has no reasonable use of the property.<sup>1,2</sup>

D) *Multiple User Driveway.* Serves more than one residence.

#### **Sec. 6-3 Exemptions.**

A) Lots platted in accordance with the Iowa County Zoning Ordinance and the Town of Dodgeville Subdivision Ordinance which are less than 20, 000 square feet are exempt from sec.6-5(k).

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<sup>1</sup>, State v. Kenosha County Board of Adjustment, 218 Wis.2d 396, 398, 577 N.W. 2d 813 (1998)

<sup>2</sup> Guide for County Boards of Adjustment, 1<sup>st</sup> Addition, Robert Horowitz, Wisconsin County Mutual Insurance Corporation, Monona, WI 1999.

A) Field access driveways are exempt from 6-5 (m).

#### **Sec. 6-4      Application and Permit.**

The application and permit shall designate the area over which the driveway shall be constructed and where access shall be required to a public highway on a form to be designated by the Town Board of the Town of Dodgeville. The form shall require a driveway plan showing specifications including grade, slope, width and length of the driveway and erosion control procedures. As part of the driveway permit, the applicant must receive and attach as part of driveway permit application, a statement from the Iowa County Zoning Office verifying compliance of the proposed driveway with any County ordinance. The permit shall be issued prior to any person beginning construction of a driveway within the Town of Dodgeville. All permits are valid for one-year after issuance with a one-year automatic extension if requested by the applicant. This request must be made in writing before the expiration of the original permit.

#### **Sec. 6-5      Applicability and Specifications.**

The following specifications and requirements shall apply to all new driveways proposed to be constructed to serve one or more structures and to all existing driveways, which currently serve open land but are proposed to be converted to a driveway serving one or more structures. Any change to an existing structure or construction of a new structure requiring a Wisconsin Uniform Building Permit shall be subject to this ordinance if said structure is accessed by an existing non-conforming driveway.

A) Driveways shall be designed and laid out for the least adverse impact to agricultural crop lands and to facilitate emergency vehicles.

B) Driveways shall contain a minimum roadway base of 6 inches of 4" breaker rock and 6 inches of crushed gravel. Shared driveway's shall be 8" of breaker rock and 8" of crushed gravel.

C) The maximum grade slope of any part of the driveway shall not exceed ten percent (10%). The town may require, at the applicants expense, verification of slope and a signed affidavit confirming slope compliance.

D) The minimum horizontal curve radius of any part of the driveway shall not be less than forty feet (40'), see Diagram #1.

E) Grading shall be required to fit the natural contours of the site. The alignment shall follow natural terrain and shall attempt to retain existing trees and other natural vegetation to stabilize hillside cuts. No lands with a slope of greater than forty-five percent (45%) shall be disturbed for a driveway installation. The Town may require, at the applicant's expense, verification of slope and a signed affidavits confirming slope compliance.

F) Each structure or parcel served requires a **minimum** twelve foot (12') roadway width with a minimum 6'x25' pulloff lane for every three hundred feet (300'), see Diagram #2.

G) Parcels served by a shared driveway may be required to construct an twenty foot (20') roadway width the entire length of the shared portion of the driveway. Factors the inspector will base this requirement may include, but are not limited to: traffic type, traffic density, number of users, safety issues, and soil types.

H) No driveway shall allow more than three users or single family residences unless approved by the Town Board. All multiple user driveways must have a maintenance agreement between the landowner and each additional landowner served by the driveway. This agreement must be recorded with the Iowa County Register of Deeds.<sup>1</sup>

I) The portion of the driveway which abuts the public highway shall have a minimum width of twenty feet (20'), a maximum width of thirty feet (30') and a minimum of twenty feet (20') of length perpendicular to the public right of way. See Diagram #2.

J) A minimum width clearance of twenty four feet (24') and a minimum height clearance of eighteen feet (18') shall be required for all driveways constructed under this ordinance, as required by Iowa County Ordinance. This includes the minimum driveway width plus a two foot (2') shoulder on each side and a two foot (2') ditch for drainage. Tree and brush removal may be required to comply with width requirements.

K) The minimum spacing between driveways accessing a Town road shall be as follows except to serve lots platted in accordance with the procedures and requirements of the Iowa County Subdivision Ordinance:<sup>2</sup>

<u>Zoning District</u>	<u>Minimum spacing with public sewer &amp; water</u>	<u>Minimum spacing without public sewer &amp; water</u>
A-1	100 FEET	100 FEET
AR-1	100 FEET	100 FEET
R-1	70 FEET	100 FEET
R-2	70 FEET	70 FEET
R-3	100 FEET	100 FEET
H-1	100 FEET	100 FEET
AB-1	100 FEET	100 FEET
B-1	100 FEET	100 FEET
B-2	100 FEET	100 FEET
B-3	100 FEET	100 FEET
M-1	100 FEET	100 FEET

L) The portion of driveway which crosses the public right-of-way of the highway shall slope away from the public highway at a minimum of one percent (1%) and a maximum of five percent (5%).

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<sup>1</sup> Required in the Multiple Use provision of S. 6.3 Iowa County Zoning Ordinance

<sup>2</sup> Per Driveways in all Districts and Highway Classification-Minimum Spacing provisions of S. 6.3 Iowa County Zoning Ordinance.

M) All gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The Town may request an erosion control plat that specifies measures that will be taken to assure the minimization of erosion problems. The erosion control plan shall be reviewed by the Soil and Water Conservation District to determine the adequacy of the proposed measures. The guidelines, standard and specifications contained within "Minimizing Erosion in Urbanizing Areas" by the U.S. Department of Agriculture, soil Conservation Service, will provide a framework for the development, review and implementation of the erosion control plan. The Town of Dodgeville may require a bond to enforce erosion control measures.

N) At the dead end of all driveways, a turn around with a minimum radius of twenty five feet (25') or shall be provided. as an alternate , a circle with a traveled way eighteen (18) feet wide with a horizontal curve radius of 20 feet measured to the edge of the traveled way nearest the center radius point or a "t" may be constructed with a minimum width of twelve (12) feet and a perpendicular length of twenty five (25) feet measured from the center of the driveway. See Diagram #3.

O) For all driveways accessing Town roads, culvert, ditch and bank specifications, location and depth shall be provided by the Town Board of the Town of Dodgeville and this information shall be made a part of the applicant's permit. For all driveways accessing County or State roads, a written access approval statement must be acquired from the appropriate highway authority and this statement shall be a part of the applicant's permit.

P) The Town Board reserves the right to require additional specifications for shared driveways and single user driveways that serve residential and non-residential parcels.

Q) Multi-user driveways may be allowed in subdivisions upon approval of the Town Board.

R) Any portion of a driveway which causes safety issues (such as light reflection from running parallel) on a Town road may require barriers such as natural vegetation, fencing, earth mound, etc.

S) Side slopes – side slopes may be required to be sloped to prevent rollovers in the event a vehicle slides off the driveway. A 2 to 1 slope is recommended wherever possible.

T) Culverts and culvert replacements at private driveways abutting Town Roads shall be the responsibility of the owner of the property. When the Town of Dodgeville determines that a culvert is in need of replacement at a private driveway abutting Town Roads the Town of Dodgeville will notify the landowner via a letter requesting a new culvert be installed. The landowner has fourteen days to respond to the letter with the timeframe in which the project will be completed. If the Town of Dodgeville doesn't receive a response within the specified timeframe the Town of Dodgeville will install the culvert and bill the landowner for time and materials. If this invoice is unpaid as of November 1<sup>st</sup>, it will be assessed as a

special charge on the property tax bill in which the services were received per State Statute S66.0627.

#### **Sec. 6-6        Driveway Inspector.**

There is hereby created the position of Town Driveway Inspector, who shall administer and enforce this ordinance or a Town Board Member may serve in the inspector capacity. The inspector shall be knowledgeable of all aspects of this ordinance and possess an understanding of the aspects of driveway construction.

#### **Sec. 6-7        Approval Process.**

All driveway applications shall be filed in the office of the Town of Dodgeville Administrator or Clerk with the appropriate filing fee. The proposed location of the driveway shall be clearly marked with appropriate material and the nature of that marking shall be indicated on the application. For all accesses onto Town roads, the Town Driveway Inspector shall inspect the location of the driveway as indicated on the application, specifying the location and depth of required culvert(s) and ditch line with the road right-of-way, and if approved, a permit to construct a driveway shall be issued by the Town Clerk or Town Administrator. For all accesses onto County or State roads, a written statement from the appropriate highway authority shall be required approving the location of the driveway and a permit to construct a driveway shall be issued by the Town Administrator or Town Clerk.

If the driveway does not meet all the provisions of the permit at the time of the request for final approval, the Town Driveway Inspector may, upon request from the applicant, require bonds or similar devices to insure that construction conforms to the standards of the permit. A preliminary final permit can be issued at such time so County and Town building and zoning (but not occupancy) permits may be reviewed for approval. The Iowa County Zoning Office and the applicant will be notified of this approval. If the driveway is not completed within one (1) year after the filing of the bonds or similar devices, the Town Board may use these funds to complete the remaining work.

Compliance with the Town Comprehensive Plan and Town Ordinance's must be met prior to driveway approval.

After the driveway is constructed according to the requirements of the permit, the Town Office shall be notified. Within four (4) working days, the Town Driveway Inspector shall inspect the driveway for final approval. The Iowa County Zoning Office and the applicant will be notified of this approval. The signed permit releases the County to issue the zoning (building permit) and the aforementioned standards must be met in construction of the driveway. The certificate of compliance required to occupy and or use the structure shall not be issued by the County until a Town driveway approval is issued upon final inspection of the completed driveway.

#### **Sec. 6-8        Variances.**

Where the Town Board finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done; provided that public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of these regulations.

#### **Sec. 6-9        Appeals.**

Persons aggrieved by the decisions or determinations of the Town Driveway Inspector or Administrator may appeal the decision or determination to the Town following guidelines established in Chapter 68, Wis. Stats..

#### **Sec. 6-10       Enforcement and Penalties.**

The enforcement of this ordinance shall be by means of withholding building permits, imposition of forfeitures and injunctive action. No permit for building shall be issued until the approval of the driveway has been received from the Town Clerk of the Town of Dodgeville, as notified by the Town Driveway Inspector. Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance.

As a condition of application, the applicant grants permission for access to the affected property by the Town Board or their designee for the purpose of making driveway inspections.

Any driveway over which this ordinance has jurisdiction which is not constructed according to the specification of this ordinance shall be considered a non conforming driveway. Emergency service and vehicles shall not be expected to utilize any non conforming driveway.

DIAGRAM 1: Horizontal Curve Radius

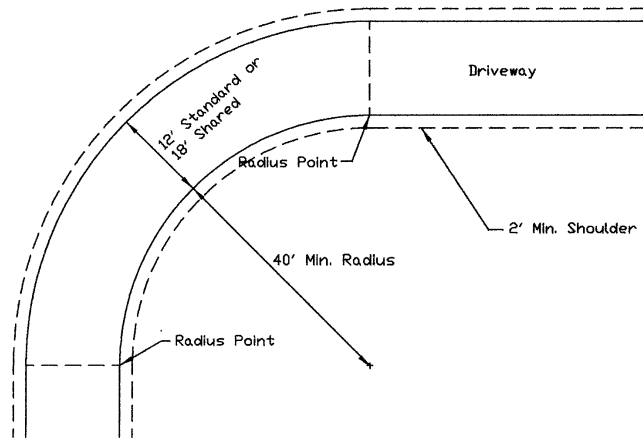


DIAGRAM 2: Driveway pull off and Abutting Public Highways

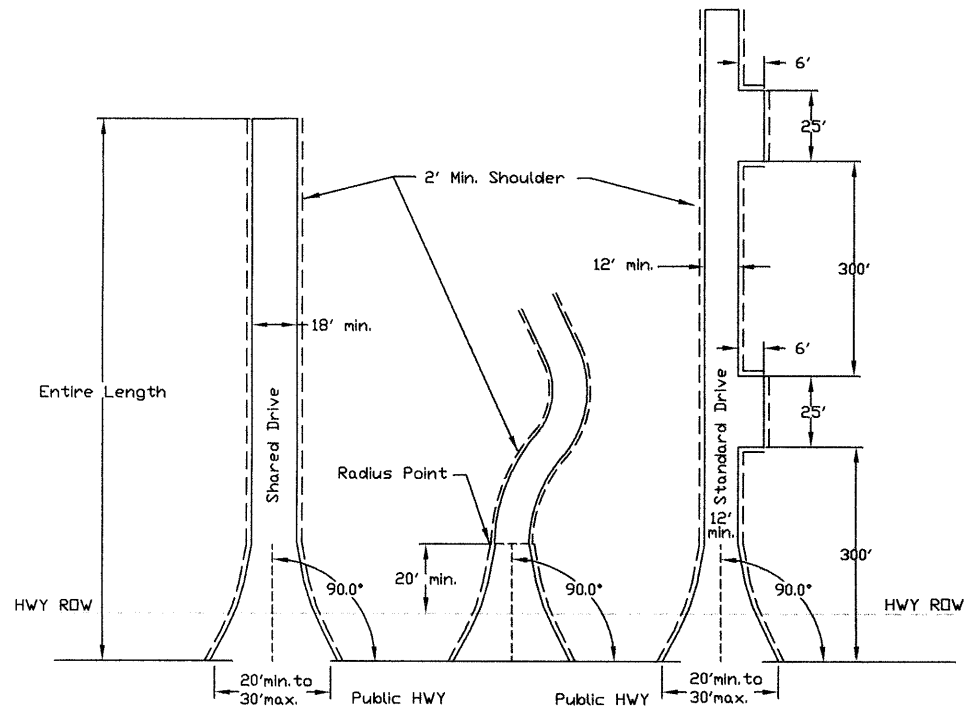




DIAGRAM #3: Minimum Driveway Turn Around Options

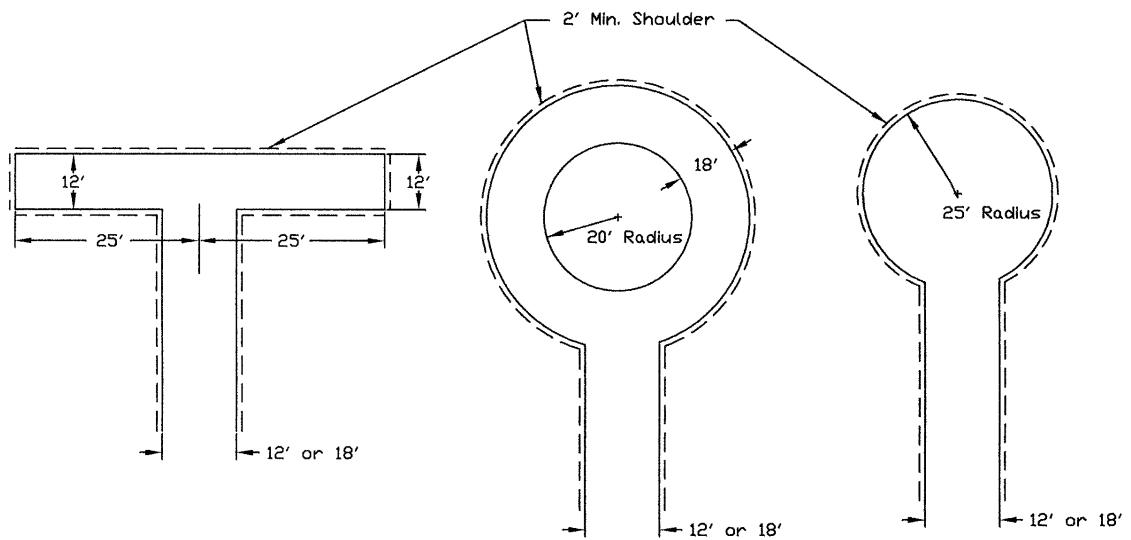


DIAGRAM #4: Typical Cross Section of a Driveway

