

## **CHAPTER 7.02      DRIVEWAY PERMITS**

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**Sec. 7.02.01**      **Purpose**

The purpose of this Chapter 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 Sumpter Land Use Plan.

**Sec. 7.02.02**      **Jurisdiction**

Jurisdiction of these regulations shall include all driveways on land within the Town of Sumpter. Except as provided in Section 7.02.11 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 Chapter. The provisions of this Chapter do not apply to field roads.

**Sec. 7.02.03**      **Authority**

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

**Sec. 7.02.04**      **Definitions**

A. For purposes of this Chapter, the following definitions shall apply:

- (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 Sumpter 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 Sumpter Land Use Plan.
- (3) Bluffs. The bluff areas in the region, also known as the Baraboo Bluffs and Baraboo Hills, include all lands that are designated as protected on the Sauk County Baraboo Range Protection Program map as well

as lands that are designated in the Town Land Use Plan and maps as Bluff Vista Conservation Area.

- (4) Driveway. A private driveway, road, or other avenue of travel that runs through any part of a private parcel of land and connects with any public roadway, and will provide service to a residence or business, except agricultural access driveways.
- (5) Field Road. A road that does not connect with a public roadway and lies outside the right-of-way of a public roadway.
- (6) Grade. The change on elevation over a distance of a minimum of fifty (50) feet.
- (7) Town Building Inspector/Engineer. The individual(s) and/or agent(s) hired by the Town Board to act in these capacities.

**Sec. 7.02.05      Application Requirements and Procedures**

- A. 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 Board.
- B. Application Forms. The Town Board shall approve an application form for Driveway Construction Permits. This is available from the Town Building Inspector/Engineer and the Town Clerk.
- C. Sketch Map. Applicants are encouraged to submit a rough sketch map of the conceptual idea of the project, approximate location and dimensions to the Plan Commission prior to preparing or submitting an application for the Plan Commission to provide initial comments. However, formal approval for a Driveway Construction Permit will not be granted without submitting a complete application and supporting documents package.
- D. 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 at least fifteen (15) days prior to the next Plan Commission meeting. If no Plan Commission meeting is scheduled, the Town Clerk shall schedule a Plan Commission meeting to take place within the next thirty (30) days.

- (1) 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 no smaller than one (1) inch = one hundred (100) feet scale, eleven (11) x seventeen (17) inches in total size or smaller and labeled with dimensions.
  - (2) Driveway Location Plan or Driveway Construction Plan as Required in Section 7.02.06. All applicants will need the Town Building Inspector/Engineer to view the driveway location to determine the grade and which plan is needed.
- E. Application Review. The Town Clerk shall forward the application to the Town Building Inspector who shall conduct an investigation regarding the application in accordance with this Chapter. The Building Inspector shall prepare a written report summarizing his or her investigation to the Plan Commission along with a recommendation to the Plan Commission for approval, approval with conditions, or disapproval. The Plan Commission shall consider the application and make a recommendation to the Town Board for approval, approval with conditions, or disapproval to the Town Board within thirty-five (35) days of its review of the application. The Town Board will act upon the application after reviewing the report and recommendation of the Building Inspector and the Plan Commission. If the Town Board does not receive a recommendation from the Plan Commission within sixty-five (65) days of the filing of the application with the Town Clerk, the Town Board may act without input from the Plan Commission.
- F. Permit Application Denial. If the Town Board denies two consecutive applications for a Driveway Construction Permit, the same applicant may not submit an application for a Driveway Construction Permit for the same parcel within three months of denial.
- G. Permit Period. The Driveway Construction Permit is effective for twelve (12) months from the date of issuance. The permit shall expire after these twelve (12) months unless renewed by the Town Board.
- H. Renewal. The permit may be renewed for one additional period of six (6) months by the Town Board.
- I. Driveway Inspection. The applicant shall notify the Town Building Inspector/Engineer within thirty (30) days of completing construction or modification. Within thirty (30) days of this notice, the Town Building Inspector/Engineer will inspect the driveway to ensure full compliance with all of the provisions of this Chapter.

- J. Building Permits. No Building Permit for new construction will be issued until the driveway is constructed according to the specifications of this Chapter. The only exception will be the final application of gravel or other approved surface that may occur after heavy equipment needed for building activities will no longer be used on the driveway. Roadway access for all vehicles, including during the construction phase, will only be allowed by use of the permitted driveway.
- K. Occupancy Permit. No occupancy permit for new residential construction shall be issued until the driveway is constructed according to the specifications of this Chapter and the Town Building Inspector/Engineer approves the final inspection.
- L. 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.
- M. Other Fees. At the time of applying for a driveway permit, the applicant shall enter 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 thirty (30) days for any damage caused to the Town road or road right-of-way for construction of the driveway.
- N. Responsibility For Costs. All costs of construction of said driveway, including permit fees, cost of culverts and various erosion controls and surface water management measures, engineer's plan(s), inspection(s), if required, shall be paid by the property owner requesting the permit.

#### **Sec. 7.02.06 Plan Requirements**

- A. Driveway Location Plan. A Location Plan is required for all segments of the proposed driveway. All applicants will need the Town Building Inspector/Engineer 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.
- B. Driveway Construction Plan. A Driveway Construction Plan prepared by a licensed civil engineer or the Town's Engineer is required for the entire driveway when:

- (1) Construction of a driveway or segment of a driveway requires disturbing land with an existing grade of twelve (12%) percent or more; or
- (2) A driveway or segment of a driveway requires a retaining wall or other special erosion control measures as determined by the Town Board or Town Building Inspector/Engineer; or
- (3) A driveway crosses a waterway or has the potential to significantly alter existing drainage patterns and/or quantity of runoff.

**Sec. 7.02.07**      **Specifications for Driveway Location Plans**

A. A Driveway Location Plan will include:

- (1) Location. The precise location of the driveway on the lot.
- (2) Grade. A profile of the proposed driveway route before and after construction as prepared by the Town Building Inspector/Engineer
- (3) Culvert. The location and size of any culverts as determined by the Town Building Inspector/Engineer to meet a minimum 25-year, 24-hour storm standard.
- (4) Erosion Control Plan. The proposal shall describe plans and dates to re-seed, mulch, ditch, place culverts 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. See the Application Guide for an outline.

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

**Sec. 7.02.08**      **Specifications For Driveway Construction Plans**

A. If required, a Driveway Construction Plan will include a scale plan showing the following:

- (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) Retaining Walls. The location and structure of any retaining walls.
- (4) Culverts. The location, size and design calculations of any culverts.
- (5) Cross-section. Typical cross-sections of the driveway in cut and in fill.
- (6) 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.
- (7) Erosion Control Plan. The proposal shall describe plans and dates to re-seed, mulch, ditch, place culverts 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. See the Application Guide for an outline.
- (8) Other Documents. The Town may require other documents with the Driveway Construction Plan. Contact the Town Building Inspector/Engineer to determine if other documents are needed.

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

#### **Sec. 7.02.09 Approval For Driveway Construction Permits**

- A. Conditions. No construction of a driveway may commence until:
  - (1) The Driveway Location or Construction Plan is approved by the Town Board; and
  - (2) The Driveway Construction Permit is issued by the Town; and
  - (3) When applicable, any necessary approvals are obtained from Sauk County or the State of Wisconsin (See sec. 86.07, Wis. Stats.).

- B. 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.

**Sec. 7.02.10 Specifications For Constructing Driveways**

- A. Dividing Agricultural Land. Driveway construction shall have the least substantial adverse impact on agricultural land. Applicants shall construct driveways that follow lot lines to preserve agricultural lands.
- B. Forested Areas. Driveway construction shall minimize breaks in forest canopy.
- C. Access Limits. There shall be no more than one (1) driveway for any given buildable parcel of land. Upon application, the Town Board 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.
- D. Agricultural Access Driveway. The Town Board 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 Chapter, the agricultural access driveway is subject to the Sauk County permit process.
- E. Agricultural Access Driveway Construction Requirements. The same construction requirements listed in this Chapter are required for all agricultural access driveways. Exceptions to these requirements may be listed in the Application Guide.
- F. 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 (3) single-family residences. Any driveway proposed for joint use shall be required to have recorded multi-party access easements, and maintenance agreements that include escrow accounts or performance bonds.
- G. Grade. Proposed driveways on land with an existing grade between twelve (12%) percent and twenty (20%) percent shall be closely reviewed. No land with an existing grade of twenty (20%) percent or more shall be disturbed to construct, establish, improve, modify, or re-work a driveway, except that, under extraordinary circumstances, the Town Board may



permit development on land with grades equal to or greater than twenty (20%) only if all minimum environmental criteria are met, and a special public hearing has been held to assess the effects of the specific property on surrounding property owners. Minimum environmental criteria include:

- (1) At least sixty (60%) percent of each building lot shall remain undisturbed and in its natural state. Existing trees and vegetation on the undisturbed portion shall not be removed by the development.
- (2) Plans and design calculations acceptable to the Town Building Inspector/Engineer are submitted for retaining walls and other erosion control measures for each lot.
- (3) Lots large enough so that no buildings or driveways shall be constructed on or through land with existing grades of twenty (20%) percent or greater while maintaining normal building setbacks.
- (4) The soils shown on the Sauk County Soil Survey Map for the land have no more than a "slight" erosion hazard potential as determined by the Soil Conservation Service.
- (5) The soil limitations for dwellings with basements, local streets and roads, and septic tanks shall be no greater than "moderate" as determined by the Soil Conservation Service.
- (6) Such special studies of soils, slope stability, storm water runoff, erosion, and safety as have been requested by the Plan Commission, Town Board, or Town Building Inspector/Engineer having been conducted by the applicant and presented to the Town Board prior to official submittal of the preliminary plat.
- (7) The Town Board may establish additional criteria.
- (8) For any driveway allowed on land with a slope equal to or greater than twenty (20%) percent, the applicant shall place a deed restriction or easement containing provisions necessary to implement these environmental criteria. The deed restriction or easement shall be in a form approved by the Town.

H. Maximum Finished Grade. The maximum finished driveway grade shall not be greater than thirteen (13%) percent, except that the grade of the proposed driveway within one hundred (100) feet of the homestead or a structure shall not exceed three (3%) percent.

- I. Radius of Curves. Driveway curves shall have an inside radius of no less than thirty-six (36) feet.
- J. 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 Building Inspector/Engineer, using good engineering practice, shall determine the permitted location for driveways with consideration given to the roadway's classification, topography, and posted travel speed. The near edge of a driveway shall be at least one hundred (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 requirements set forth in Exhibit A shall be met in all cases.
- K. Juncture With Public Roadway. The angle between the centerline of the driveway and the centerline of the roadway shall be no less than seventy (70) degrees.
  - (1) A length of driveway of a minimum of twelve (12) feet shall have a maximum of five (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 debris from washing onto the public roadway.
  - (2) 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.
- L. Culverts. Each driveway shall have installed a culvert at the ditch line where the driveway meets the public roadway, unless the Town Building Inspector/Engineer determines it is not necessary. Culverts shall be installed prior to construction work being commenced on the property. All culverts shall be constructed of material acceptable to the Town Building Inspector/Engineer. Culverts shall be sufficient gauge or schedule to provide adequate bearing capacity for vehicles expected to use the driveway as determined by the Town Building Inspector/Engineer.
  - (1) Minimum Size. Culverts shall be a minimum of twenty (20) feet in length, and shall be no smaller than fifteen (15) inches in diameter, or equivalent, to meet a minimum 25-year, 24-hour storm standard. Larger culverts may be required by the Town Building Inspector/Engineer where needed to accommodate the area's water drainage.

- (2) Placement. Culverts shall be placed in the ditch line at elevations as set by the Town Building Inspector/Engineer so as to adequately convey water and assure proper drainage.
- (3) 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 material are prohibited.
- (4) Backfill and Cover Material. Culverts shall be bedded and backfilled with granular material, compacted in place, or other material acceptable to the Town Building Inspector/Engineer. The minimum cover, measured from the top of the pipe to the top of the subgrade material, shall be six (6) inches.

- (5) Gauge/Schedule. The minimum wall thickness for corrugated metal culverts or HDPE (high density polyethylene) plastic pipe shall be:

(a)	<u>Metal Pipe Diameter</u>	<u>Gauge</u>
	15 to 24 inch	16
	30 to 36 inch	14
	42 to 54 inch	12
	60 to 72 inch	10
	78 to 84 inch	8
(b)	<u>HDPE Plastic Pipe Diameter</u>	<u>Schedule</u>
	15 inch	.035 inch
	18 inch and greater	.050 inch

- M. 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.
- N. Natural Drainage Patterns. Construction of driveways shall not interfere with the natural drainage patterns. Natural drainage crossings shall be riprapped or otherwise stabilized below drainage and culvert discharge points for a distance sufficient to carry the discharge water without channel erosion.
- O. 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 three (3) horizontal to (1) vertical. The top and toe of the slopes shall be rounded to avoid additional erosion.

- P. Retaining Walls. Any cut and fill slopes greater than three (3) to one (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.
- Q. Side Slopes. Driveway side slopes shall be a minimum of four (4) feet on each side with a slope no steeper than one (1) foot vertical in four (4) feet horizontal (25 percent).
- R. Ditch Back Slopes. Ditch back slopes shall be no steeper than one (1) foot vertical in two (2) feet horizontal (50 percent).
- S. Driveway Length. Any driveway longer than one hundred fifty (150) feet long shall be built to the following standards:
  - (1) Roadway surface width – sixteen (16) feet
  - (2) Roadway surface thickness – eight (8) inch compacted crushed aggregate
  - (3) Shoulder width – two (2) feet each side
  - (4) Shoulder surface thickness – four (4) inch crushed aggregate
  - (5) Maximum finished grade – eleven (11%) percent
  - (6) Minimum structure design loading - H 15
  - (7) Maximum shoulder side slope - 4:1
  - (8) Maximum ditch back slope - 2:1
  - (9) Clear roadway width for structures – twenty-four (24) feet
- T. Driveway Width. Driveways shall be sixteen (16) feet wide or greater whenever possible; however, no driveway shall be greater than twenty (20) feet wide.
- U. Clear Space. A clear space fourteen (14) feet high and eighteen (18) feet wide shall be maintained at all times for emergency vehicle access.

- V. Turnarounds and Cul de Sacs. Turnaround areas or cul de sacs shall be provided for all driveways within seventy-five (75) feet of the house, no matter the driveway length. Turnaround areas shall be tees with minimum dimensions of thirty (30) feet long by twenty (20) feet wide. Cul de sacs shall have a minimum radius of sixty (60) feet. The Town Board may consult with emergency service providers and require additional specifications should conditions present additional safety concerns.
- W. Emergency Service Access Signage. Appropriate signage shall be placed at the entrance to a driveway servicing a residence so emergency service personnel can accurately and expediently locate the driveway. The sign shall conform to current Sauk County regulations.
- X. 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 (6) inches in depth, unless specified otherwise in this Chapter, or other granular material approved by the Town Building Inspector/Engineer. 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. A field road is exempt from this provision.
- Y. Excavation For Fill. With the approval of the Town Board, the Driveway Construction Permit may allow excavation at the site to provide fill for the proposed driveway.
- Z. Restoring Roadways and Disturbed Surfaces. All public roadway surfaces and right-of-ways, shoulders, curbs, ditches, slopes, and vegetation disturbed during driveway construction shall be restored to original conditions within thirty (30) days of completing the driveway or before the Town will issue an occupancy permit.
- AA. Waiver of Specifications. The Town Board may waive or modify any of the above specification(s) if the specification(s) is unnecessary to fulfill the purpose of this Chapter. 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 Board must submit a written and signed statement detailing the reasons for waiving the specification(s) and attach it to the permit.

#### **Sec. 7.02.11 Existing Driveways**

- A. Hazardous Conditions. When washing or other conditions created by existing driveways or agricultural access driveways that do not meet the

specifications in this Chapter obstruct or become a potential hazard to a public roadway, or unreasonably hinder access to the property by emergency service personnel, the Town Board shall notify the property owner of the condition(s). Any property owner failing to correct such condition(s) within thirty (30) days after notice by the Town Board shall be subject to the penalties described in the penalties section of this Chapter and shall also be liable for any costs the Town incurs to eliminate the hazard as provided in sec. 66.0627(2), Wis. Stats.

- B. Change In Use. No field road or agricultural access driveway may be used as a driveway to acquire access to a residential or commercial property unless the field road or agricultural access driveway has been approved as a driveway according to the provisions of this Chapter.

#### **Sec. 7.02.12 Penalties**

- A. Forfeitures. Should a driveway be constructed or modified in violation of the provisions of this Chapter, or create a hazard that is not corrected within thirty (30) days of notification, or such other time as determined by the Town Board, the owner(s) of the land through which the driveway passes shall pay a forfeiture of not less than one hundred (\$100.00) dollars nor more than two hundred (\$200.00) dollars 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.
- B. Corrections. In addition, the landowner shall make the corrections ordered by the Town Board within a period of time determined by the Town Board, but not less than ten (10) days.
- C. Special Charge For Correction By Town. If the owner(s) of the land through which the driveway passes doesn't make required corrections ordered by the Board that affect a public roadway or right-of-way within the specified time period, the Town Board shall cause the required corrections 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 sec. 66.0627, Wis. Stats. Any funds escrowed with the Town shall be disbursed to the Town in partial compensation for its above costs.

**Sec. 7.02.13** **Establishing Fees For Driveway Construction Permits**

- A. A non-refundable fee, as specified in the Town's Fee Schedule, shall be charged for each driveway permit application. Said fee shall include two inspections by the Town Building Inspector/Engineer.
- B. Additional Inspections. If in the Town Building Inspector/Engineer's opinion or the Town Board's opinion, additional inspections are required, an additional fee, as specified in the Town's Fee Schedule, shall be charged.