

## **Chapter 1 - Driveways**

Town of Fountain Prairie  
Columbia County, Wisconsin

Adopted September 21, 2000

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# **Town of Fountain Prairie, Columbus County**

## **Driveway Ordinance**

### **Section 1-1 General Provisions**

**1-1.1 Statutory Authorization.** This ordinance shall be known and cited as the town of Fountain Prairie Driveway Ordinance. The Town Board has the specific authority, powers and duties pursuant to Section 60.61, 60.62, and 60.23 Wisconsin Statutes, pursuant to the specific statutory Articles noted in this Ordinance and by its adoption of village powers under Section 60.10 to regulate and control certain uses, activities, businesses and operations in the town of Fountain Prairie. The Town Board has been granted village powers pursuant to Section 60.10, Wisconsin Statutes, and at the Town meeting dated February 1, 1999.

**1-1.2 Purpose.** The purpose of this ordinance is to provide for minimum driveway construction standards and access controls in order to:

1. Provide for safe and adequate access from private development to public roadways (ingress/egress).
2. Provide safe and adequate access for emergency vehicles to service improved property and life.
3. Prevent water drainage and siltation from driveways onto public roadways.
4. Protect public investment of existing town roads by preventing costly road maintenance and improvements.
5. Manage stormwater runoff from driveways to protect surface water features and road-side drainage facilities from erosion and sedimentation impacts.
6. Ensure that the proposed use to be served by the driveway is consistent with the *Fountain Prairie Year 2020 Land Use Plan*.

**1-1.3 Applicability.** No person shall construct a driveway nor shall any person improve, modify or rework an existing driveway, except in compliance with this Ordinance.

**1-1.4 Existing Driveways and Field Roads,** Existing driveways or field roads which are determined to create a hazard to public health, safety and welfare or causing damage to town highway public-right-of-way shall be brought into compliance with the terms of this Ordinance to the extent determined practical by the Town Inspector/Engineer.

**1-1.5 Administration.** The Town Planning Commission and the Town Inspector are hereby authorized to administer this Ordinance.

**1-1.6 Amendment.** The Town Board may upon recommendation of the Town Planning Commission amend, supplement or repeal any of these regulations after proper public notice and hearing.

**1-1.7 Variances.** Variances to the standards of this Ordinance may be authorized by the Town Board. Prior to applying for a variance, the applicant must first apply for a driveway

permit from the Town Inspector and/or the Town Engineer. The Town Planning Commission shall consider the recommendation of the Town Engineer in making their recommendation to the Town Board as part of variance request and shall provide written findings to support their decision. Applications for a variance must be accompanied by the appropriate payment of fees set forth under the Fountain Prairie Fee Schedule and must demonstrate that:

1. Failure to grant the variance would result in exceptional and unnecessary hardship to the applicant.
2. The hardship described in part (1) above is specifically related to the property, and is the result of special circumstances applicable to the property, including size, shape, drainage, topography, location and surroundings, and is not, from the applicant's own actions or simply for the economic convenience of the applicant.
3. Granting of the variance will not be materially detrimental to the public health, safety, welfare, use or interest.
4. The granting of the variance will not materially compromise the goals and policies of the Fountain Prairie Land Use Plan, be inconsistent with other applicable regulations or inconsistent with the spirit and intent of this Ordinance.

**1-1.8 Administrative Appeals.** Applicants can appeal any decision or permit condition of the Town Planning Commission to the Town Board. Applications for an administrative appeal must be accompanied by the appropriate payment of fees set forth under the Fountain Prairie Fee Schedule. It is the burden of the applicant to demonstrate why the decision or condition of approval was made in error. The Town Board shall either uphold the decision of the Town Planning Commission; b) reverse the decision; or c) remand the decision back to the Town Plan Commission for further consideration. The Town Board shall provide written findings to support their decision.

**1-1.9 Definitions.** The following definitions shall apply to this Ordinance:

1. Driveway. Any public/private access (including field roads) and associated travel route for motorized/non-motorized vehicles which serves two or less parcels and connects or will connect with any public roadway.
2. Driveway Permit. A permit from the Town of Fountain Prairie issued by the Town Inspector granting access onto a public roadway.
3. Field Road. A road used solely for access to agricultural fields and not leading to a structure which connects or will connect with a public roadway.
4. Public Roadway. Any segment or right-of-way associated with a town, county, state or federal road.
5. Town Board. The Town of Fountain Prairie Board of Supervisors.

## **Section 1-2 Driveway Permit (When Required).**

A. Town driveway permit is required for:

1. Construction of a new driveway.
2. Improvements, modification, and reworking of an existing driveway which changes the driveway grade or location.
3. Construction of a new residential, commercial, industrial or animal confinement structure to be served by an existing driveway.
4. Change of use on a property served by an existing driveway (e.g., use of a field road to serve a structure, change from a residential to business use).
5. Any work or alteration within the public right-of-way including, but not limited to: clearing and grading, construction of fences and structures, planting of vegetation, excavation, etc.

The driveway permit must be approved by the Town Inspector prior to commencement of construction activities including grading, clearing, excavating, fill or other site preparation activity.

## **Section 1-3 Driveway Permit Application Contents**

**1-3.1 Town Driveway Permit Application Form.** The applicant must submit to the Town Inspector a completed driveway permit application. Applications can be obtained from the Town Inspector. If an engineering plan is required, a copy of the application and the engineering plan shall be forwarded to the Town Engineer for review and approval. The Town Clerk shall receive notification of all permits applied for and issued from the Town Inspector.

**1-3.2 Site Plan.** The plan must be legible, drawn to scale, and submitted on an 8-1/2" by 11", 8-1/2" by 14", or 11" by 17" sheet of paper. The site plan shall contain at a minimum:

1. Scale.
2. North arrow.
3. Lot dimensions.
4. All existing and/or proposed buildings on the lot.
5. All existing driveways on the lot.
6. Approximate location of existing land cover types (e.g., trees, cropped farmland, grassland) on the lot to be served by the driveway.
7. Proposed new driveway location (if applicable).
8. Location of all existing driveways within 1000' of driveway.
9. Approximate location of streams, lakes, ponds, wetlands, and floodplains.
10. Show limits of disturbance for land clearing, grading, excavating, fill or other site preparation activities related to driveway construction and improvements.

11. Show existing grades within limits of disturbance and/or show limits of disturbance on latest U.S. Geological Survey 7.5 Minute Quadrangle Topographic Map, or equivalent.
12. Proposed grades.
13. Location and structure of any existing or proposed retaining walls.
14. Location and dimensions of any existing or proposed culverts.
15. Driveway specifications including grade, slope, width, length of the driveway, culvert location/size, surface and base materials consistent with the minimum driveway standards under Section 5 of this Ordinance. Applicants may use the Town's typical driveway details (see Attachments) to satisfy this requirement.

**1-3.3 Drainage and Erosion Control Plan.** Applications shall specify on the Driveway Permit application and show on the Site Plan intentions and timing to re-seed, mulch, ditch, place culverts and other erosion and drainage control practices.

**1-3.4 Engineering Plan.** Driveway permit applications shall include a site plan and drainage and erosion control plan prepared by a licensed engineer in the State of Wisconsin for a driveway or segment of driveway where:

1. Driveway whose construction requires the disturbance of land with a slope of more than ten percent (10%).
2. Engineering design is determined necessary by the Town Inspector based on review of the driveway permit application and an on-site inspection. Situations where engineering design may be determined necessary include, but are not limited to: crossing of streams, creeks, drainageways or wetlands; seasonal high water tables; construction in floodplains or areas with drainage problems; highly erodible soils; and low bearing strengths of soils to support intended vehicle usage.

The engineer's plan shall contain the minimum information under Sections 3.2 and 3.3. In addition, the engineer's plan shall include typical details such as a cross-section and profile of the driveway which adequately describe the proposed design of the driveway or segment of driveway requiring engineering review. The preparation of an engineer's plan does not guarantee the approval of a driveway permit application. The applicant may choose to obtain approval of the driveway location pursuant to Section 5.1 by the Town Planning Commission prior to submitting an engineered plan.

**1-3.5 Fees.** The application shall contain payment of the following fees:

1. Driveway Application Fee.
2. Driveway Permit/Inspection Fee.

The fee rates shall be established by the Town Board and listed in the Town of Fountain Prairie Fee Schedule. Fees shall be paid to the Town prior to the construction of any new or modified driveway. The applicant must obtain a driveway permit prior to receiving a County Land Use Permit. All other related costs (e.g., construction costs, plan preparation, etc.) to meet the requirements of this Ordinance is the sole responsibility of the applicant.

## **Section 1-4 Permit Processing Requirements**

### **1-4.1 Application Review Procedures,**

1. The Town Inspector shall review the application for completeness within ten (10) working days of filing. Incomplete applications will be returned by certified mail within ten (10) days of filing and must contain the reasons why the application was deemed incomplete.
2. The Town Inspector shall forward copies of the application, determined to be complete, to the Town Clerk.
3. The Town Inspector shall conduct an on-site inspection to review the application for compliance with this Ordinance and to determine whether an engineered plan will be required. The Town Inspector may waive the on-site inspection if in his/her opinion a site visit would not be necessary to determine consistency with this Ordinance. If an Engineering Plan is required, the Town Inspector shall prepare a written inspection report and submit the findings of the report to the Town Engineer and the applicant.
4. The driveway application and report from the Town Inspector shall be reviewed by the Town Engineer, for conformance with this Ordinance, the *Fountain Prairie Land Use Plan*, and all other applicable local rules and ordinances.
5. The applicant shall be notified by mail of any scheduled meeting of the Town Plan Commission related to the driveway permit application.

**1-4.2 Issuance of Permit.** The Town Inspector shall, within ten (10) days from the date of submission of a complete application approve, approve with conditions, or deny the issuance of the driveway permit. Construction of a driveway shall not commence until a Town Driveway Permit is issued and, when applicable, any necessary approvals are obtained from Columbia County or the State of Wisconsin (See Wis. Stats. 86.07) for access onto a county trunk or Mate road. For the purposes of this Ordinance, construction activities include grading, clearing, excavating, fill or other site preparation activity.

The permit holder shall be liable for all materials, labor and other costs connected with the construction of the driveway, including access within the public right-of-way. The Town shall not be liable for any damage or injury which results from the construction of an access. In addition, the Town shall not be responsible for any maintenance of a private access/access culvert including the removal of snow, ice, or sleet from the access.

**1-4.3 Expiration of Permit.** A driveway permit shall be valid for a period of one (1) year from the date of issue. All construction per the terms of the permit must be completed within this time. The Town Inspector may extend approval of a Town driveway permit to deal with special circumstances not to exceed six (6) months.

- 1-4.4 **Final Approval.** Any person receiving approval of a driveway permit shall notify the Town in writing within 7 days of completion of the driveway (including drainage and erosion controls) to allow for inspection and final approval of the driveway per the terms of the approved permit. Failure to receive a final approval prior to the expiration date of the permit will be considered a violation of this Ordinance and use of the driveway considered illegal. For driveways requiring an engineering plan, final approval will not be granted until a record drawing showing the proposed improvements installed in accordance with the ordinance and the approved plans has been submitted to the Town under the seal of an Engineer or Registered Land Surveyor licensed in the State of Wisconsin.

## **Section 1-5 Minimum Requirements**

### **1-5.1 Location.**

1. No land with a grade of more than twenty five percent (25%) shall be disturbed for the construction, establishment, re-working or improvement of a driveway.
2. New driveways, and uses or structures to be served by said driveway, shall be located to avoid impacts to the following targeted land protection criteria cited in the *Fountain Prairie Year 2020 Land Use Plan*:
  - a. wetlands;
  - b. woodlands greater than 20 acres;
  - c. floodplains;
  - d. land within 100 feet of streams;
  - e. land within 1,000 feet of active or potential farms;
  - f. land beyond 500 feet of public roadways; and
  - g. Class I and II prime agricultural soils.

Land protection criteria (e and f) above shall not be applicable to farm accessory buildings. Where avoidance is not possible, the driveway permit application must demonstrate what measures will be taken to minimize impacts to the targeted land protection criteria. Conversion of a field road to a driveway to serve residential structures shall be subject to this standard.

### **1-5.2 Access Standards.**

1. The maximum number of dwelling units served by a driveway onto a public road is two (2). Shared access is encouraged to minimize the number of access points and interruption of traffic flow.
2. Access to a public right-of-way shall not be allowed where the horizontal distance between access points measured at the centerline would become less than three hundred (300) feet. Areas designated on the Fountain Prairie Year 2020 Preferred Land Use map as Established Residential shall be spaced a minimum distance of 100 feet.

3. The maximum access points per side per mile shall be no more than six (6) unless there is no other way of providing access to the existing parcel. This distance is to be measured one half of a mile in each direction from the centerline of a proposed driveway and is to count all driveway center lines within one half mile in each direction. Areas designated on the Fountain Prairie Year 2020 Preferred Land Use map as Established Residential shall have a maximum of thirty-six (36) accesses per side per mile.
4. Access on opposite sides of a public road shall be located directly opposite each other whenever possible.
5. Safety shall not be interfered with due to access locations near hills, curves or other locations which may not be in clear and apparent view of on-coming traffic.
6. Access onto a town highway may require a paved apron within the right-of-way of the town highway, at owner's expense, in instances when usage or drainage warrants.

**1-5.3 Length.** The maximum driveway length is five hundred (500) feet. A field road is exempt from this provision.

**1-5.4 Width.**

1. The driveway must have minimum surface width of sixteen (16) feet, but shall not exceed twenty-four (24) feet in width. The maximum surface width for property zoned commercial or industrial is thirty-five (35) feet. At least one twenty-five (25) feet in length and 18 feet in width segment of driveway surface shall be provided for each 300 feet of driveway length to provide for the safe passage of meeting emergency vehicles. A field road is exempt from this provision.
2. The driveway apron must provide for safe turning of emergency vehicles (e.g., fire truck) from the public road into the driveway. The minimum allowed turning radius is twenty (20) feet for a sixteen (16) foot wide driveway. The maximum allowed turning radius is thirty (30) feet for residential and forty (40) feet for commercial accesses.

**1.5.5 Clearance.** An area twenty-four feet (24') in width and twenty feet (20') in height shall be cleared and maintained of obstructions (e.g., tree limbs, abandoned vehicles, etc...) in order to permit the safe passage of emergency vehicles. In cases where removal of an obstruction would be environmentally damaging (e.g., increase slope instability, removal of threatened or endangered plant species, disturbance of native wetland plants, etc.), the Town Inspector or Town Engineer will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard, and may require alternative driveway locations to be considered. A field road is exempt from this requirement.

**1-5.6 Angle of Entry.** The angle of a driveway shall be ninety (90) degrees with the centerline of the public right-of-way.

- 1-5.7**      **Grade.** Maximum grade of the driveway or any portion of the driveway shall be no more than ten percent (10%).
- 1-5.8**      **Surface Type.** The top layer of soil shall be removed prior to placement of driveway surface material. The driveway must have at least four inches (4") of two-inch (2") rock on the roadbed, covered with two inches (2") of three-quarter inch (3/4") gravel. Substitution for suitable material can be agreed upon by the Town inspector/engineer. A field road is exempt from this provision.
- 1-5.9**      **Setbacks.** The edge of the driveway surface must be a minimum of fifteen (15) feet from the edge of any adjacent existing lot of record.
- 1-5.10**     **Culverts.** Each new driveway shall have a new (unused) culvert at least eighteen (18) inches in diameter and a minimum thirty (30) feet long at the ditch line where the driveway meets the public road, be at least 10 feet from the newest culvert, and be constructed of corrugated metal or concrete, with endwalls. Plastic pipe and/or plastic endwalls shall not be allowed. The requirement for a culvert may be waived by the Town Inspector upon a written finding that placement of a culvert is unnecessary to provide for adequate drainage. Examples could be driveway location on the crest of a hill or inadequate ditch depth. This requirement may also be waived or modified on showing of hardship or difficulty by the Town Board and, in the case of County or State highways, approved by the Columbia County Highway Department or district engineer of the Wisconsin Department of Transportation.
- 1-5.11**     **Access Height.** The driveway access height at the point of the culvert shall be equal to/or lower than the level of the outside edge of the road shoulder.
- 1-5.12**     **Turnarounds.** At the end of a new driveway, a 25-foot minimum radius turn-around shall be constructed so that vehicles do not need to back out onto a public road. Other methods which allow vehicles to turn around may be allowed as determined by the inspector/engineer and approved by the Town Planning Commission.
- 1-5.13**     **Drainage and Erosion Control.**
1. Ditches, roadway crowning and culverts shall be provided for acceptable drainage.
  2. The driveway area within public right-of-way shall slope away from the public road at a minimum of one percent (1%) and a maximum of five percent (5%) for a minimum of 20' from the edge of the pavement, to prevent drainage and debris from washing onto the public road.
  3. Crowning of access shall be provided with a minimum pitch of 1-1/2 percent towards the sides of the access.
  4. Banks shall be seeded promptly to control erosion.
  5. Once the construction of the driveway has begun, all specified erosion controls, including retaining walls, ditching, culverts, crowning, mulching and matting

shall be completed within ninety (90) days.

6. Culverts shall be kept free of obstruction and build-up of sediment and other materials to maintain drainage.

**1-5.14 Side Banks.** The side banks shall be graded to a slope of no more than one (1) foot of vertical rise in each three (3) feet of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in an engineer's plan approved by the Town Engineer. Slopes to the side of the access shall not be steeper than 4 to 1 (25 percent desirable) or that of the embankment of the exiting public road whichever is less.

**1-5.15 Curves.** Curves in the driveway shall have an inside radius of no less than thirty-six (36) feet.

**1-5.16 Retaining and Stone Walls.** Retaining and stone walls shall not be allowed within the public right-of-way.

**1-5.17 Vision Corners.** Vision corners shall be established and maintained free of all obstructions per Columbia County Highway Access Standards (see Attachment).

**1-5.18 Maintenance.** Driveways shall be maintained consistent with the requirements of this Section.

## **Section 1-6 Enforcement**

**1.6.1 Forfeiture.** Should a driveway be constructed or modified in violation of the provisions of this ordinance, the owner(s) of the land through which the driveway passes shall, upon conviction, pay a forfeiture equal to three times the fee charged for the permit application plus applicable assessments and fees and, in addition, 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.

**1-6.2 Special Charge for Correction by Town.** If the owner(s) of the land through which the driveway passes does not make required corrections ordered by the Board under Section 6.1 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 Wis. State. 66.60(6).

## **Section 1-7 Effective Date**

This Ordinance shall take effect after passage and publication as provided by law.