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**Town of Springdale
Dane County, Wisconsin**

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Chapter 3. PRIVATE DRIVEWAYS

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3.01 TITLE. This chapter shall be officially known, cited and referred to as the "Private Driveway Ordinance, Town of Springdale, Dane County, Wisconsin."

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3.02 AUTHORITY. These regulations are adopted under the authority granted pursuant to Wisconsin Statutes including Sec. 60.10(2)(c), 60.22(3), 61.34(1) and 236.45 of the Wis. Stats.

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3.03 PURPOSE AND INTENT. The purpose of this chapter is to provide for the review and approval of the design and construction of a driveway on lands within the town. The intent of these regulations is to promote the safe and efficient travel between private lands and a street, road or highway, to ensure that the location, method of construction, and conservation practices to be used will promote public safety and convenience and will minimize the impact on adjacent property owners, on agricultural activities, and on environmentally sensitive areas, and to ensure access of public safety vehicles and equipment to structures served by the driveway. This chapter is designed to help implement the goals and policies set forth in the adopted Town of Springdale Land Use Plan.

3.04 JURISDICTION. This chapter shall apply to all driveways constructed on lands within the Town of Springdale.

3.05 INTERPRETATION. In their interpretation and application, the regulations contained herein shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly in favor of the Town of Springdale to promote the purpose and intent for which they are adopted.

3.06 SEVERABILITY. If any part or provision of this ordinance or the application of these regulations to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity of the remainder of these regulations, or the application of them to other persons or circumstances. The Town Board hereby

*Adopted by the Springdale Town Board on July 6, 2004
Amended Nov. 8, 2004; Sept. 12, 2005; Nov. 18, 2013; Dec. 15, 2020*

46 declares that it would have enacted the remainder of these regulations even without any
47 such part, provision, or application, which is judged to be invalid.

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50 **3.07 DEFINITIONS.**

51

52 (1) ***Access Point.*** The area where a driveway intersects the street, road, or highway right-
53 of-way, and as further defined under *Driveway Permit Part 1.*

54

55 (2) ***Concept Plan.*** An aerial photograph approved or provided by the town of the entire
56 parcel being divided that indicates the proposed development area(s), and all current
57 proposals for lots, including lot area, building envelope(s), and driveways.

58

59 (3) ***Certified survey map (CSM).*** A map of land division, not a subdivision, prepared in
60 accordance with Sec. 236.34. Wis. Stats. and in full compliance with the applicable
61 provisions of both Chapter 75, Dane County Code of Ordinances and Town of Springdale
62 Land Division and Subdivision Code.

63

64 (4) ***Driveway.*** A private driveway, lane, field road, temporary driveway, or other avenue
65 of travel that runs through any part of a private parcel of land or that connects with or will
66 connect with any street, road or highway right-of-way.

67

68 (5) ***Driveway Layout Plan.*** A drawing to scale showing the layout of the entire driveway
69 on a map of the property that contains sufficient details to demonstrate that the driveway
70 can be constructed to meet the technical specifications of this chapter, the Town of
71 Springdale Driveway Construction Guide and goals of the Town of Springdale Land Use
72 Plan.

73

74 (6) ***Driveway Permit Part 1.*** A valid authorization granted by the governing body
75 controlling the street, road, or highway right-of-way allowing access to the street, road or
76 highway.

77

78 (a) For streets, roads, or highways under the control of the Town, a Driveway Permit Part
79 1 is a permit granted by the Town Board allowing access to the street, road, or highway
80 and the placement and construction of that portion of a proposed driveway which may
81 extend to a maximum of fifty (50) feet from the centerline of the roadway surface.

82

83 (b) For streets, roads, or highways under the control of the county or state, the required
84 access permit granted by that governing body controlling the right-of-way shall be
85 obtained by the applicant and a copy provided to the Town before placement and
86 construction of that portion of a proposed driveway which may extend to a maximum of
87 fifty (50) feet from the centerline of the roadway surface.

88

- 89 (7) **Driveway Permit Part 2.** An authorization granted by the Town Board allowing the
90 placement and construction of a driveway from the access point, as permitted under
91 Driveway Permit Part 1, to the building site.
92
- 93 (8) **Shared Driveway.** A driveway that provides access to any street, road or highway for
94 more than one parcel of land or lot.
95
- 96 (9) **Shared Driveway Agreement.** An agreement between the parties sharing any portion
97 of a driveway that shall at a minimum address the rights of the parties concerning access
98 and contain language addressing how any disputes or conflicts between the parties, or their
99 heirs, successors or assigns will be resolved and furthermore shall contain language that
100 absolves the Town from responsibility for or involvement in any dispute resolution.
101
- 102 (10) **Engineered Plan.** A driveway plan that is laid out according to an engineered plan
103 prepared by a licensed professional engineer.
104
- 105 (11) **Farm to Market Road.** A town road, built most often with the intent to serve one or
106 more farmsteads for the purpose of facilitating farm-to-market activity, which may or may
107 not meet current town road standards. The Farm to Market Roads include, but are not
108 limited to, those roads inventoried on the Town of Springdale Unimproved Farm to
109 Market Roads List. A current list of Unimproved Farm to Market Roads is available from
110 the Town Clerk.
111
- 112 (12) **Field Road.** A road used exclusively for agricultural uses, and not any other
113 commercial or residential use. A field road without a direct access point to a street, road or
114 highway does not require a Driveway Permit Part 1 and Part 2. A new field road with
115 direct access to a street, road or highway does require a Driveway Permit Part 1 for the
116 protection of safe and efficient travel between private lands and a street, road or highway.
117
- 118 (13) **Plat.** A map of a subdivision
119
- 120 (14) **Town Road.** Any town street, road, highway or thoroughfare that is dedicated to and
121 accepted by the Town or is established under Chapters 66, 80, or 81, or 82, Wis. Stats.
122 Town streets, roads, and highways shall be governed by the provisions of the Town Road
123 Ordinance, Town of Springdale, Dane County, Wisconsin.
124
- 125 (15) **Subdivision.** A division of a parcel of land where the act of division creates either:
126 (a) Five or more lots, parcels or building sites of 35 acres each or less on an area; or
127 (b) Five or more lots, parcels or building sites of 35 acres each or less in an area by
128 successive divisions within a period of five years, whether by the original or a subsequent
129 owner.
130 (c) All area calculations are to be exclusive of any dedications, right-of-way, easements or
131 reservations.
132
- 133 (16) **Topography.** The surface features of an area of land.

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3.8 GENERAL PROVISIONS

(1) **Driveway Permit Application Fee.** A non-refundable fee of an amount to be determined by the Town Board shall be paid with the submission of each Driveway Permit Application. The current amount of the fee may be obtained from the Town Clerk.

(2) **Other Fees and Costs:** All costs of driveway design, including an engineered plan if required, construction, modification and maintenance, including the costs of culverts, erosion control and storm water management measures, and relocation of any existing utilities shall be paid by the property owners. The property owner shall be responsible for costs of required review(s) of engineered plans and/or additional inspection(s) beyond the one performed by the Town as part of the footings and foundation inspection.

(3) **Driveway Inspection:** The Town or its designee shall inspect a driveway following the rough grade and application of the substrate to determine whether or not the driveway conforms to the requirements of this chapter, the requirements of the Driveway Permit, and the requirements of the Driveway Construction Guide. A driveway inspection shall be completed at the time of the footings and foundation inspection. If /when a driveway is being constructed and is not associated with a new building, a preliminary inspection shall occur immediately following the rough grade and application of the substrate, but no later than 45 days from the start of rough grading.

(4) **Driveway Permit Application.** Applications for Driveway Permits are available from the Town Clerk. All applications shall contain the name, address and phone number of the applicant and physical location data. All applications shall be filed with the Town Clerk together with the permit fee at least two (2) weeks prior to the next regularly scheduled Town Board meeting at which it is to be considered.

(5) **Building Permits.** No Building Permit for new construction shall be issued without proof of a valid Town of Springdale Driveway Permit. No new construction beyond the footings and foundation may be initiated until the driveway is inspected by the Town and is found to be constructed in accordance with the technical specifications of this chapter, the Town of Springdale Driveway Construction Guide and the goals of the Town of Springdale Land Use Plan. The only exception to the required completion of the driveway will be the final application of gravel, seal coating or paving, which may be delayed until heavy equipment needed for building activities will no longer be using the driveway. A final inspection shall be required before an occupancy permit is granted.

(6) **Driveway Access.** One driveway access point to a street, road or highway may be permitted for each parcel of land or lot, except where a shared access is available and would better promote public safety, better serve the public interest, and would better conform to the goals and policies set forth in the Town of Springdale Land Use Plan, and the purpose and intent of this ordinance. More than one driveway access point for a parcel

179 of land may be considered when the additional access point meets the purpose and intent
180 of this chapter and special circumstances so warrant.

181

182 (7) **Driveway and Access Locations.** Access to rights-of-way and driveways shall be
183 located to: promote the safe and efficient access and travel between a right-of-way and
184 parcels of land and lots; ensure that the location, method of construction, and conservation
185 practices related to the driveway will promote public health safety and welfare; minimize
186 the impact on adjacent property owners, agricultural activities, and environmentally
187 sensitive areas; and ensure safe and adequate access of public safety vehicles and
188 equipment to structures served by the driveway. To the extent that the location of a
189 driveway is not detrimental to public safety or the environment, or will not impede access
190 for public safety vehicles and equipment to structures served by the driveway, it shall be
191 located in such a manner as to minimize the impact on agricultural land use.

192

193 (8) **Period of Approval.** Driveway Permit Part 1 and Driveway Permit Part 2 are valid for
194 a period of one year after the date of approval by the Town Board. If construction is not
195 completed at the end of the one year period, the Driveway Permit Part 1 and Part 2 will
196 automatically expire and, a new application shall be submitted along with the required fee.
197 The period of approval of a permit granted by another governing body controlling the
198 right-of-way, the state or the county, not the Town, shall be determined by that governing
199 body.

200

201 (9) **Permits Required.** An approved Driveway Permit Part 1 is required prior to the
202 approval of the Driveway Permit Part 2. When a driveway accesses a state or county
203 highway, the required access permit granted by that governing body controlling the right-
204 of-way shall be obtained by the applicant and a copy provided to the Town before issuance
205 of the Driveway Permit Part 1. An approved Driveway Permit Part 2 is required for the
206 construction of a new driveway from the access point to the building site and shall be
207 obtained from the Town Board prior to construction, pursuant to this chapter. Driveway
208 Permit Part 1 and Part 2 may be issued simultaneously.

209

210 To the extent that the Town Board would vacate a town road, no Town Driveway Permit
211 Part 1 and Part 2 application shall be required for the vacated town road. The vacated town
212 road shall continue as the private driveway and the Town shall approve and issue a Town
213 Driveway Permit Part 1 and Part 2 for the vacated town road address. When a discontinued
214 town road accesses a state or county highway, the required access permit granted by that
215 governing body controlling the right-of-way shall be facilitated by the Town.

216

217 In the event that the property served by the vacated town road contains lots for
218 development under the Town of Springdale Land Use Plan, the Town Board will consider
219 the adoption of a new town road per the town policy for new town roads.

220

221 (10) **Shared Access.**

222

223 (a) Access for more than one parcel of land or lot to a street, road or highway via a shared
224 private driveway may be approved when the Town Board determines that a shared private
225 driveway is desirable for public safety, to minimize agricultural or environmental impact,
226 conforms to the goals and policies set forth in the Town of Springdale Land Use Plan, and
227 conforms to the purpose and intent of this chapter..

228
229 (b) Each property served by a shared driveway must have road access guaranteed by a
230 shared driveway agreement recorded with Dane County Register of Deeds. A shared
231 driveway agreement legally binding on the property owners who will have shared access
232 shall be executed by the property owners and recorded with the Dane County Register of
233 Deeds as part of a Driveway Permit Part 1 and Part 2 approval process. The shared
234 driveway agreement shall be in a form and contain terms reasonably acceptable to the
235 Town Board.

236
237 (c) Up to three (3) single family detached dwelling units may share one (1) driveway, or
238 one (1) single family detached dwelling unit and one (1) duplex dwelling unit may share
239 one (1) driveway.

240
241 (d) Exception: If an otherwise allowed dwelling unit would better meet the goals and
242 policies of the Town of Springdale Land Use Plan with an exception to the shared
243 driveway limit, the Town Board may consider an additional dwelling unit to a shared
244 driveway, i.e., four (4) dwelling units on a shared drive. This exception is not to allow
245 development that could not occur if required access and frontage were not available
246 elsewhere. *“(d)” approved by TB on 12.15.2020*

247
248 (9) **Spacing.** The Town shall not approve Driveway Permit Part 1 for a new driveway
249 when the horizontal distance from the centerline of the access point is less than 250 feet
250 from the centerline of an intersecting street, road or highway.

251
252 **3.9 APPLICATION REQUIREMENTS AND PROCEDURES.**

253
254 (1) No person shall establish or construct a driveway or field road that accesses, connects
255 to, or intersects a street, road, or highway right-of-way within the Town of Springdale
256 without approval from the Town Board in the form of the issuance of a Driveway Permit
257 Part 1.

258
259 (2) The owner of any existing parcel of land or lot shall file for a Driveway Permit Part 1
260 and Part 2 on an application form obtained from the Town Clerk. When a driveway
261 accesses a state or county highway any state or county access permit shall be obtained by
262 the applicant and a copy provided to the Town with the Driveway Permit Application.

263
264 (3) The Driveway Permit Application will be reviewed by the Town Board, who shall
265 arrange to conduct a site visit of the proposed driveway to determine compliance with the
266 provisions of this chapter and the Town of Springdale Land Use Plan.

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(4) In determining whether to approve, conditionally approve, or deny the Driveway

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Per
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Application
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Board
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following

ng: whether or not the proposed driveway conforms to all of the requirements of this chapter (including the purpose and intent of the chapter) and any applicable state or county regulations; whether or not the proposed driveway conforms to the requirements of the Town's land use plan; public comment regarding the potential impact of the proposed driveway on adjacent property owners; and the impact of the proposed driveway on public

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268 safety, agricultural activities and the environment. As a condition of permit approval, the
269 Town Board may require modification of the location or design specifications of the
270 proposed driveway. The submission of an engineered plan does not guarantee approval of
271 a Driveway Permit by the Town Board.
272

273 (5) An applicant may request a variance from the strict application of specific provisions
274 of this chapter. Variance requests may be added to the agenda of the next regularly
275 scheduled Town Board meeting, at which time public comment will be considered
276 regarding the advisability of any variance requested by the applicant. The decision to
277 grant or deny a variance shall be based on criteria set forth in this chapter.
278

279 **3.10 PLAN REQUIREMENTS.**

280
281 (1) **Driveway Layout Plan.** A driveway layout plan is required for all segments of any
282 proposed driveway construction.
283

284 (2) **Engineered Plan.**
285

286 (a) An engineered plan prepared by a licensed professional engineer shall be required for
287 construction of a new driveway under the following circumstances:
288

289 (a.1) For any driveway or segment of a driveway found by the Town Board or its designee
290 to contain significantly unusual circumstances such as: site topography including slopes
291 greater than 10%, soil type, a historically or archeologically sensitive area, one that
292 requires a retaining wall, bridges, dams, or other special erosion control measures, or
293 proximity to natural, recreational, or watershed areas; or
294

295 (a.2) For any driveway or segment of a driveway for which the Town Board requests an
296 engineered plan.
297

298 (b) An engineered plan shall consist of a scale plan including:
299

300 (b.1) **Location.** The precise location on the property of the proposed driveway or
301 segment of the driveway that requires an engineered plan.
302

303 (b.2) **Slope.** The slope of the proposed driveway showing no segment exceeding 10%
304 slope.
305

306 (b.3) **Culverts.** The location and dimensions of any culverts and how the size was
307 determined.
308

309 (b.4) **Cross-section.** A cross-section diagram of the proposed driveway.
310

311 (b.5) **Erosion Control and Storm Water Management Measures.** Any required
312 grading, seeding, mulching, ditching, retaining walls or other erosion control and storm
313 water management measures.

314

315 (b.6) **Certification.** The engineered plan shall include the engineer's name, address,
316 license number, and signature; and shall include a statement from the engineer that the
317 plan fully complies with all the provisions of this chapter.

318

319 (3) **Erosion Control and Storm Water Management Plan.** The driveway layout plan or
320 engineered plan shall be accompanied by evidence of compliance with applicable county
321 and state erosion control and storm water management regulations.

322

323 (4) **Waterways and Wetlands.** The driveway layout plan or engineered plan shall be
324 accompanied by evidence of compliance with applicable county, state and federal
325 regulations when located in or near wetlands, streams, lakes, ponds, or other perennial
326 surface water resources.

327

328

329 **3.11 DRIVEWAY SPECIFICATIONS.** A complete listing of driveway specifications
330 is published in the Town of Springdale Driveway Construction Guide, which is available
331 from the Town Clerk. The construction of a driveway shall comply with the Town of
332 Springdale Driveway Construction Guide.

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334

335 **3.12 VARIANCE.** Where the Town Board finds that an undue hardship may result
336 from strict compliance with the provisions of this chapter, it may consider granting a
337 variance to one or more provisions so that substantial justice may be done and the public
338 interest secured, provided that any such variance shall not have the effect of nullifying the
339 purpose and intent of this chapter and provided that the Town Board shall making findings
340 based upon information presented to it in each specific request that all the following are
341 applicable:

342

343 (1) **Safety.** The granting of the variance will not be detrimental to the public safety,
344 health or welfare;

345

346 (2) **Uniqueness.** The conditions upon which the variance request is based are unique to
347 the property for which the variance is sought and are not generally applicable to other
348 properties;

349

350 (3) **Hardship.** Because of the particular physical surroundings or topographical
351 conditions of the specific property involved, an undue hardship to the property owner
352 would result, as distinguished from a mere inconvenience or financial considerations, if
353 the strict letter of the regulations were enforced.

354

355 (4) **Measures of Protection Provided.** The variance shall include measures to provide an
356 equivalent level of health, safety, and environmental protection as the chapter provision
357 being varied and shall under no circumstances prevent access of public safety vehicles and
358 equipment to structures served by the driveway.
359

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361 **3.13 EXISTING DRIVEWAYS.**

362 (1) **Hazardous Conditions.** When or if the Town Board determines an existing driveway
363 poses a potential hazard to the public the Town Board shall notify the property owner of
364 the potentially hazardous conditions and require the owner to take remedial action to
365 correct the problem. (Examples of potential hazard to the public versus hazard to the
366 individual property owner include but are not limited to the following: blockage of
367 culverts, washouts, tree limbs which hinder visibility, construction which deposits
368 substantial debris or ice on the public road, or conditions which prevent the access of
369 public safety vehicles and equipment such as fire engines and ambulances.) Remedial
370 action to correct the problem shall be limited to only that which is required to eliminate the
371 public hazard and shall not require the driveway to be upgraded to the standards for new
372 driveway construction. (An example of remedial action is unplugging the culvert.) The
373 notice to the property owner shall state the deadline for correcting the problem that is not
374 less than 30 days and is sensitive to severity of the hazard and seasonal conditions that
375 may impact the corrective action. Any property owner failing to correct such conditions
376 within the time frame (at least thirty days except in cases posing an immediate hazard and
377 for which a quicker response is practical) as stated in the notice by the Town Board may
378 be subject to the following: a. As provided by Wis. Stats. Section 66.60(16), the landowner
379 shall be liable for any costs incurred by the town to remedy the hazardous conditions. b. If
380 the condition is one which prevents full-response of public safety vehicles and equipment
381 the town may provide written notice that the town may not be able to insure full-response
382 in the case of an emergency. c. The landowner may be subject to the penalties described in
383 section 3.15 of this chapter.
384

385 (2) **Field Road.** A field road shall not be used for non-agricultural purposes until the
386 owner of the property on which the field road is located has obtained a Driveway Permit
387 Part 1 and Part 2 under the provisions of this chapter.
388

389
390 **3.14 PENALTIES**

391
392 (1) **Forfeitures.** Should a driveway be constructed in violation of the provisions of this
393 chapter, or create a hazard that is not corrected within 30 days of notification of the
394 property owner of said hazard, the owner of the land through which the driveway passes
395 shall, upon conviction, pay a forfeiture of \$100.00 plus applicable surcharges and court
396 costs per violation. Each day that the violation continues to exist shall constitute a separate
397 offense. An unlawful driveway constitutes a public nuisance and may be enjoined.
398

399 (2) **Corrections.** A landowner shall make the corrections to violations of the provisions of
400 this chapter and the Driveway Construction Guide ordered by the Town Board within 30
401 days or within a period of time determined by the Town Board.
402

403 **3.15 DISCLAIMER.** Approval by the Town Board of a Driveway Permit Part 1 and
404 Part 2 does not constitute a determination that the driveway is in fact safe, suitable for use,
405 or otherwise passable for the public. No person shall rely on the issuance of a Driveway
406 Permit by the Town Board to determine that a driveway is fit for any purpose. Moreover,
407 the permit applicant, his heirs, successors or assigns, agrees that as a condition of the
408 issuance of a Driveway Permit Part 1 and Part 2 to indemnify and hold harmless the Town
409 of Springdale, its officials, officers, agents, or employees, against any claim or cause of
410 action for personal injury (including death) or property damage in anyway related to or
411 arising from the construction or use of a driveway that was constructed pursuant to a
412 Driveway Permit Part 1 and Part 2.sustained by reason of the exercise of an approved
413 Driveway Permit Application.
414

415 **3.16 EFFECTIVE DATE.** This chapter shall take effect and be in force from and after
416 the day of passage and publication as required by law.