

1 **Town of Springdale**
2 **Dane County, Wisconsin**

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5 **Chapter 3. PRIVATE DRIVEWAYS**
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8 **3.01 TITLE.** This chapter shall be officially known, cited and referred to as the "Private Driveway
9 Ordinance, Town of Springdale, Dane County, Wisconsin."

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11 **3.02 AUTHORITY.** These regulations are adopted under the authority granted pursuant to
12 Wisconsin Statutes including Sec. 60.10(2)(c), 60.22(3), 61.34(1) and 236.45 of the Wis. Stats.
13

14 **3.03 PURPOSE AND INTENT.** The purpose of this chapter is to provide for the review and
15 approval of the design and construction of a driveway on lands within the town. The intent of these
16 regulations is to promote the safe and efficient travel between private lands and a street, road or
17 highway, to ensure that the location, method of construction, and conservation practices to be used
18 will promote public safety and convenience and will minimize the impact on adjacent property
19 owners, on agricultural activities, and on environmentally sensitive areas, and to ensure access of
20 public safety vehicles and equipment to structures served by the driveway. This chapter is designed
21 to help implement the goals and policies set forth in the adopted Town of Springdale Land Use Plan.
22

23 **3.04 JURISDICTION.** This chapter shall apply to all driveways constructed on lands within the
24 Town of Springdale.
25

26 **3.05 INTERPRETATION.** In their interpretation and application, the regulations contained
27 herein shall be held to be the minimum requirements for the promotion of the public health, safety
28 and general welfare. These regulations shall be construed broadly in favor of the Town of Springdale
29 to promote the purpose and intent for which they are adopted.
30

31 **3.06 SEVERABILITY.** If any part or provision of this ordinance or the application of these
32 regulations to any person or circumstance is adjudged invalid by any court of competent jurisdiction,
33 the judgment shall be confined in its operation to the part, provision or application directly involved
34 in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity
35 of the remainder of these regulations, or the application of them to other persons or circumstances.
36 The Town Board hereby declares that it would have enacted the remainder of these regulations even
37 without any such part, provision, or application, which is judged to be invalid.
38

39 **3.07 DEFINITIONS.**
40

41 (1) **Access Point.** The area where a driveway intersects the street, road, highway right-of-way, or
42 shared driveway and as further defined under *Driveway Permit Part 1*.
43

44 (2) **Concept Plan.** An aerial photograph approved or provided by the town of the entire parcel
45 being divided that indicates the proposed development area(s), and all current proposals for lots,

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46 including lot area, building envelope(s), and driveways.

47

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

52

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

56

57 (5) **Driveway Layout Plan.** A drawing to scale showing the layout of the entire driveway on a map
58 of the property that contains sufficient details to demonstrate that the driveway can be
59 constructed to meet the technical specifications of this chapter, the Town of Springdale
60 [Driveway Construction Guide](#) and goals of the Town of Springdale Land Use Plan.

61

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

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

69

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

75

76 (c) For private driveways branching from shared driveways, the Permit Part 1 shall be the
77 properly permitted access for the shared driveway granted by either the Town, county or
78 state.

79

80 (7) **Driveway Permit Part 2.** An authorization granted by the Town Board allowing the placement
81 and construction of a driveway from the access point, as permitted under Driveway Permit Part
82 1, to the building site.

83

84 (8) **Shared Driveway.** A driveway that provides access to any street, road or highway for more
85 than one parcel of land or lot.

86

87 (9) **Shared Driveway Agreement.** An agreement between the parties sharing any portion of a
88 driveway that shall, at a minimum, meet the requirements in County Ordinance 75.19(8)f, and
89 in addition contains language addressing how any disputes or conflicts between the parties, or
90 their heirs, successors or assigns will be resolved and furthermore shall contain language that
91 does not require the Town to become involved in any dispute or conflict unless the Town Board,

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92 the Town Engineer, or the local fire department and EMS service determines the dispute or
93 conflict relates to the safety and/or adequate access for emergency vehicles, school buses, and
94 other emergency or Town equipment.

95
96 (10) **Engineered Plan.** A driveway plan that is laid out according to an engineered plan prepared
97 by a licensed professional engineer.

98
99 (11) **Farm to Market Road.** A town road, built most often with the intent to serve one or more
100 farmsteads for the purpose of facilitating farm-to-market activity, which may or may not meet
101 current town road standards. The Farm to Market Roads include, but are not limited to, those
102 roads inventoried on the Town of Springdale Unimproved Farm to Market Roads List. A
103 current list of Unimproved Farm to Market Roads is available from the Town Clerk.

104
105 (12) **Field Road.** A road used exclusively for agricultural uses, and not any other commercial or
106 residential use. A field road without a direct access point to a street, road or highway does not
107 require a Driveway Permit Part 1 and Part 2. A new field road with direct access to a street,
108 road or highway does require a Driveway Permit Part 1 for the protection of safe and efficient
109 travel between private lands and a street, road or highway.

110
111 (13) **Plat.** A map of a subdivision.

112
113 (14) **Town Road.** Any town street, road, highway or thoroughfare that is dedicated to and
114 accepted by the Town or is established under Chapters 66, 80, or 81, or 82, Wis. Stats. Town
115 streets, roads, and highways shall be governed by the provisions of the Town Road Ordinance,
116 Town of Springdale, Dane County, Wisconsin.

117
118 (15) **Subdivision.** A division of a parcel of land where the act of division creates either:
119 (a) Five or more lots, parcels or building sites of 35 acres each or less on an area; or
120 (b) Five or more lots, parcels or building sites of 35 acres each or less in an area by
121 successive divisions within a period of five years, whether by the original or a subsequent
122 owner.
123 (c) All area calculations are to be exclusive of any dedications, right-of-way, easements or
124 reservations.

125
126 (16) **Topography.** The surface features of an area of land.

127 128 **3.8 GENERAL PROVISIONS**

129
130 (1) **Driveway Permit Application Fee.** A non-refundable fee of an amount to be determined by
131 the Town Board shall be paid with the submission of each Driveway Permit Application. The
132 current amount of the fee may be obtained from the Town Clerk.

133
134 (2) **Other Fees and Costs.** All costs of driveway design, including an engineered plan if required,
135 construction, modification and maintenance, including the costs of culverts, erosion control and
136 storm water management measures, and relocation of any existing utilities shall be paid by the
137 property owners. The property owner shall be responsible for costs of required review(s) of

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138 engineered plans and/or additional inspection(s) beyond the one performed by the Town as part
139 of the footings and foundation inspection.

140
141 (3) **Driveway Inspection.** The Town or its designee shall inspect a driveway following the rough
142 grade and application of the substrate to determine whether or not the driveway conforms to the
143 requirements of this chapter, the requirements of the Driveway Permit, and the requirements of
144 the Driveway Construction Guide. A driveway inspection shall be completed at the time of the
145 footings and foundation inspection. If /when a driveway is being constructed and is not
146 associated with a new building, a preliminary inspection shall occur immediately following the
147 rough grade and application of the substrate, but no later than 45 days from the start of rough
148 grading.

149
150 (4) **Driveway Permit Application.** Applications for Driveway Permits are available from the
151 Town Clerk. All applications shall contain the name, address and phone number of the
152 applicant and physical location data. All applications shall be filed with the Town Clerk
153 together with the permit fee at least two (2) weeks prior to the next regularly scheduled Town
154 Board meeting at which it is to be considered.

155
156 (5) **Building Permits.** No Building Permit for new construction shall be issued without proof of a
157 valid Town of Springdale Driveway Permit. No new construction beyond the footings and
158 foundation may be initiated until the driveway is inspected by the Town and is found to be
159 constructed in accordance with the technical specifications of this chapter, the Town of
160 Springdale Driveway Construction Guide and the goals of the Town of Springdale Land Use
161 Plan. The only exception to the required completion of the driveway will be the final
162 application of gravel, seal coating or paving, which may be delayed until heavy equipment
163 needed for building activities will no longer be using the driveway. A final inspection shall be
164 required before an occupancy permit is granted.

165
166 (6) **Driveway Access.** One driveway access point to a street, road or highway may be permitted for
167 each parcel of land or lot, except where a shared access is available and would better promote
168 public safety, better serve the public interest, and would better conform to the goals and
169 policies set forth in the Town of Springdale Land Use Plan, and the purpose and intent of this
170 ordinance. More than one driveway access point for a parcel of land may be considered when
171 the additional access point meets the purpose and intent of this chapter and special
172 circumstances so warrant.

173
174 (7) **Driveway and Access Locations.** Access to rights-of-way and driveways shall be located to:
175 promote the safe and efficient access and travel between a right-of-way and parcels of land and
176 lots; ensure that the location, method of construction, and conservation practices related to the
177 driveway will promote public health safety and welfare; minimize the impact on adjacent
178 property owners, agricultural activities, and environmentally sensitive areas; and ensure safe
179 and adequate access of public safety vehicles and equipment to structures served by the
180 driveway. To the extent that the location of a driveway is not detrimental to public safety or the
181 environment or will not impede access for public safety vehicles and equipment to structures
182 served by the driveway, it shall be located in such a manner as to minimize the impact on
183 agricultural land use.

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

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

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

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

(10) **Shared Access.**

- (a) Access for more than one parcel of land or lot to a street, road or highway via a shared private driveway may be approved when the Town Board determines that a shared private driveway is desirable for public safety, to minimize agricultural or environmental impact, conforms to the goals and policies set forth in the Town of Springdale Land Use Plan, and conforms to the purpose and intent of this chapter.
- (b) Each property served by a shared driveway must have road access guaranteed by a shared driveway agreement recorded with Dane County Register of Deeds. A shared driveway agreement legally binding on the property owners who will have shared access shall be executed by the property owners and recorded with the Dane County Register of Deeds as part of a Driveway Permit Part 1 and Part 2 approval process. The shared driveway agreement shall be in a form and contain terms reasonably acceptable to the Town Board.
- (c) Up to three (3) single family detached dwelling units may share one (1) driveway, or one (1) single family detached dwelling unit and one (1) duplex dwelling unit may share one (1) driveway.
- (d) Exception: If an otherwise allowed dwelling unit would better meet the goals and policies of the Town of Springdale Land Use Plan with an exception to the shared

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230 driveway limit, the Town Board may consider an additional dwelling unit to a shared
231 driveway, i.e., four (4) dwelling units on a shared drive. This exception is not to allow
232 development that could not occur if required access and frontage were not available
233 elsewhere.
234

235 (e) The Town Board may approve, upon recommendation of the Town Plan Commission,
236 exceptions to the 66-foot frontage requirements of County Ordinance section
237 75.19(6)(b), where the Board and Plan Commission find that the exception preserves
238 agricultural land, is consistent with the goals of the land use plan, and protects the
239 public's health, safety, and welfare, provided the approved exceptions meet the
240 requirements of Dane Co. Ordinance 75.19(8).
241
242

243 (11) **Spacing.** The Town shall not approve Driveway Permit Part 1 for a new driveway when the
244 horizontal distance from the centerline of the access point is less than 250 feet from the
245 centerline of an intersecting street, road or highway.
246

247 **3.9 APPLICATION REQUIREMENTS AND PROCEDURES.**

248

249 (1) No person shall establish or construct a driveway or field road that accesses, connects to, or
250 intersects a street, road, or highway right-of-way within the Town of Springdale without
251 approval from the Town Board in the form of the issuance of a Driveway Permit Part 1.
252

253 (2) The owner of any existing parcel of land or lot shall file for a Driveway Permit Part 1 and
254 Part 2 on an application form obtained from the Town Clerk. When a driveway accesses a
255 state or county highway any state or county access permit shall be obtained by the applicant
256 and a copy provided to the Town with the Driveway Permit Application.
257

258 (3) The Driveway Permit Application will be reviewed by the Town Board, who shall arrange to
259 conduct a site visit of the proposed driveway to determine compliance with the provisions of
260 this chapter and the Town of Springdale Land Use Plan.
261

262 (4) In determining whether to approve, conditionally approve, or deny the Driveway Permit
263 Application, the Town Board, at a regularly scheduled meeting, will consider the following:
264 whether or not the proposed driveway conforms to all of the requirements of this chapter
265 (including the purpose and intent of the chapter) and any applicable state or county
266 regulations; whether or not the proposed driveway conforms to the requirements of the
267 Town's land use plan; public comment regarding the potential impact of the proposed
268 driveway on adjacent property owners; and the impact of the proposed driveway on public
269 safety, agricultural activities and the environment. As a condition of permit approval, the
270 Town Board may require modification of the location or design specifications of the
271 proposed driveway. The submission of an engineered plan does not guarantee approval of a
272 Driveway Permit by the Town Board.
273

274 (5) An applicant may request a variance from the strict application of specific provisions of this
275 chapter. Variance requests may be added to the agenda of the next regularly scheduled Town

276 Board meeting, at which time public comment will be considered regarding the advisability
277 of any variance requested by the applicant. The decision to grant or deny a variance shall be
278 based on criteria set forth in this chapter.

280 **3.10 PLAN REQUIREMENTS.**

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

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

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

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

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

296 (b.1) Location. The precise location on the property of the proposed driveway or
297 segment of the driveway that requires an engineered plan.

298 (b.2) Slope. The slope of the proposed driveway showing no segment exceeding 10%
299 slope.

300 (b.3) Culverts. The location and dimensions of any culverts and how the size was
301 determined.

302 (b.4) Cross-section. A cross-section diagram of the proposed driveway.

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

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

309
310 (3) **Erosion Control and Storm Water Management Plan.** The driveway layout plan or
311 engineered plan shall be accompanied by evidence of compliance with applicable county and
312 state erosion control and storm water management regulations.

313
314 (4) **Waterways and Wetlands.** The driveway layout plan or engineered plan shall be
315 accompanied by evidence of compliance with applicable county, state and federal
316 regulations when located in or near wetlands, streams, lakes, ponds, or other perennial
317 surface water resources.

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320 **3.11 DRIVEWAY SPECIFICATIONS.** A complete listing of driveway specifications is
321 published in the Town of Springdale Driveway Construction Guide, which is available from the

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322 Town Clerk. The construction of a driveway shall comply with the Town of Springdale
323 Driveway Construction Guide.

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326 **3.12 VARIANCE.** Where the Town Board finds that an undue hardship may result from strict
327 compliance with the provisions of this chapter, it may consider granting a variance to one or more
328 provisions so that substantial justice may be done and the public interest secured, provided that
329 any such variance shall not have the effect of nullifying the purpose and intent of this chapter and
330 provided that the Town Board shall making findings based upon information presented to it in
331 each specific request that all the following are applicable:

- 332
333 (1) **Safety.** The granting of the variance will not be detrimental to the public safety, health or
334 welfare;
- 335
336 (2) **Uniqueness.** The conditions upon which the variance request is based are unique to the
337 property for which the variance is sought and are not generally applicable to other properties;
338
- 339 (3) **Hardship.** Because of the particular physical surroundings or topographical conditions of
340 the specific property involved, an undue hardship to the property owner would result, as
341 distinguished from a mere inconvenience or financial considerations, if the strict letter of the
342 regulations were enforced.
343
- 344 (4) **Measures of Protection Provided.** The variance shall include measures to provide an
345 equivalent level of health, safety, and environmental protection as the chapter provision
346 being varied and shall under no circumstances prevent access of public safety vehicles and
347 equipment to structures served by the driveway.
348

349 **3.13 EXISTING DRIVEWAYS.**

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351 (1) **Hazardous Conditions.** When or if the Town Board determines an existing driveway poses
352 a potential hazard to the public the Town Board shall notify the property owner of the
353 potentially hazardous conditions and require the owner to take remedial action to correct the
354 problem. (Examples of potential hazard to the public versus hazard to the individual property
355 owner include but are not limited to the following: blockage of culverts, washouts, tree limbs
356 which hinder visibility, construction which deposits substantial debris or ice on the public
357 road, or conditions which prevent the access of public safety vehicles and equipment such as
358 fire engines and ambulances.) Remedial action to correct the problem shall be limited to only
359 that which is required to eliminate the public hazard and shall not require the driveway to be
360 upgraded to the standards for new driveway construction. (An example of remedial action is
361 unplugging the culvert.) The notice to the property owner shall state the deadline for
362 correcting the problem that is not less than 30 days and is sensitive to severity of the hazard
363 and seasonal conditions that may impact the corrective action. Any property owner failing to
364 correct such conditions within the time frame (at least thirty days except in cases posing an
365 immediate hazard and for which a quicker response is practical) as stated in the notice by the
366 Town Board may be subject to the following: a. as provided by Wis. Stats. Section
367 66.60(16), the landowner shall be liable for any costs incurred by the town to remedy the

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368 hazardous conditions. b. If the condition is one which prevents full-response of public safety
369 vehicles and equipment the town may provide written notice that the town may not be able to
370 insure full-response in the case of an emergency. c. The landowner may be subject to the
371 penalties described in section 3.15 of this chapter.
372

- 373 (2) **Field Road.** A field road shall not be used for non-agricultural purposes until the owner of
374 the property on which the field road is located has obtained a Driveway Permit Part 1 and
375 Part 2 under the provisions of this chapter.
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377 **3.14 PENALTIES**

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380 (1) **Forfeitures.** Should a driveway be constructed in violation of the provisions of this chapter,
381 or create a hazard that is not corrected within 30 days of notification of the property owner
382 of said hazard, the owner of the land through which the driveway passes shall, upon
383 conviction, pay a forfeiture of \$100.00 plus applicable surcharges and court costs per
384 violation. Each day that the violation continues to exist shall constitute a separate offense.
385 An unlawful driveway constitutes a public nuisance and may be enjoined.
386

- 387 (2) **Corrections.** A landowner shall make the corrections to violations of the provisions of this
388 chapter and the Driveway Construction Guide ordered by the Town Board within 30 days or
389 within a period of time determined by the Town Board.
390

391 **3.15 DISCLAIMER.** Approval by the Town Board of a Driveway Permit Part 1 and Part 2
392 does not constitute a determination that the driveway is in fact safe, suitable for use, or otherwise
393 passable for the public. No person shall rely on the issuance of a Driveway Permit by the Town
394 Board to determine that a driveway is fit for any purpose. Moreover, the permit applicant, his
395 heirs, successors or assigns, agrees that as a condition of the issuance of a Driveway Permit Part
396 1 and Part 2 to indemnify and hold harmless the Town of Springdale, its officials, officers,
397 agents, or employees, against any claim or cause of action for personal injury (including death) or
398 property damage in anyway related to or arising from the construction or use of a driveway that
399 was constructed pursuant to a Driveway Permit Part 1 and Part 2.sustained by reason of the
400 exercise of an approved Driveway Permit Application.
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402 **3.16 EFFECTIVE DATE.** This chapter shall take effect and be in force from and after the
403 day of passage and publication as required by law.
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