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**Town of Springdale
Dane County, Wisconsin**

Chapter 3. PRIVATE DRIVEWAYS

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

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.

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

3.07 DEFINITIONS.

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

(2) **Concept Plan.** An aerial photograph approved or provided by the town of the entire parcel 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. 63

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 or highway right-of-way.

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.

64

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 (7) **Driveway Permit Part 2.** An authorization granted by the Town Board allowing the placement
77 and construction of a driveway from the access point, as permitted under Driveway Permit Part
78 1, to the building site.

79

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

82

83 (9) **Shared Driveway Agreement.** An agreement between the parties sharing any portion of a
84 driveway that shall at a minimum address the rights of the parties concerning access and
85 contain language addressing how any disputes or conflicts between the parties, or their heirs,
86 successors or assigns will be resolved and furthermore shall contain language that absolves
87 the Town from responsibility for or involvement in any dispute resolution.

88

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

91

- 92 (11) **Farm to Market Road.** A town road, built most often with the intent to serve one or more
93 farmsteads for the purpose of facilitating farm-to-market activity, which may or may not meet
94 current town road standards. The Farm to Market Roads include, but are not limited to, those
95 roads inventoried on the Town of Springdale Unimproved Farm to Market Roads List. A
96 current list of Unimproved Farm to Market Roads is available from the Town Clerk.
97
- 98 (12) **Field Road.** A road used exclusively for agricultural uses, and not any other commercial or
99 residential use. A field road without a direct access point to a street, road or highway does not
100 require a Driveway Permit Part 1 and Part 2. A new field road with direct access to a street,
101 road or highway does require a Driveway Permit Part 1 for the protection of safe and efficient
102 travel between private lands and a street, road or highway.
103
- 104 (13) **Plat.** A map of a subdivision.
105
- 106 (14) **Town Road.** Any town street, road, highway or thoroughfare that is dedicated to and
107 accepted by the Town or is established under Chapters 66, 80, or 81, or 82, Wis. Stats. Town
108 streets, roads, and highways shall be governed by the provisions of the Town Road Ordinance,
109 Town of Springdale, Dane County, Wisconsin.
110
- 111 (15) **Subdivision.** A division of a parcel of land where the act of division creates either:
112 (a) Five or more lots, parcels or building sites of 35 acres each or less on an area; or
113 (b) Five or more lots, parcels or building sites of 35 acres each or less in an area by
114 successive divisions within a period of five years, whether by the original or a subsequent
115 owner.
116 (c) All area calculations are to be exclusive of any dedications, right-of-way, easements or
117 reservations.
118
- 119 (16) **Topography.** The surface features of an area of land.
120

121 3.8 GENERAL PROVISIONS

122

- 123 (1) **Driveway Permit Application Fee.** A non-refundable fee of an amount to be determined by
124 the Town Board shall be paid with the submission of each Driveway Permit Application. The
125 current amount of the fee may be obtained from the Town Clerk.
126
- 127 (2) **Other Fees and Costs.** All costs of driveway design, including an engineered plan if required,
128 construction, modification and maintenance, including the costs of culverts, erosion control and
129 storm water management measures, and relocation of any existing utilities shall be paid by the
130 property owners. The property owner shall be responsible for costs of required review(s) of
131 engineered plans and/or additional inspection(s) beyond the one performed by the Town as part
132 of the footings and foundation inspection.
133
- 134 (3) **Driveway Inspection.** The Town or its designee shall inspect a driveway following the rough
135 grade and application of the substrate to determine whether or not the driveway conforms to the
136 requirements of this chapter, the requirements of the Driveway Permit, and the requirements of
137 the Driveway Construction Guide. A driveway inspection shall be completed at the time of the

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138 footings and foundation inspection. If /when a driveway is being constructed and is not
139 associated with a new building, a preliminary inspection shall occur immediately following the
140 rough grade and application of the substrate, but no later than 45 days from the start of rough
141 grading.
142

143 (4) **Driveway Permit Application.** Applications for Driveway Permits are available from the
144 Town Clerk. All applications shall contain the name, address and phone number of the
145 applicant and physical location data. All applications shall be filed with the Town Clerk
146 together with the permit fee at least two (2) weeks prior to the next regularly scheduled Town
147 Board meeting at which it is to be considered.
148

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

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

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

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

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184
185 (9) **Permits Required.** An approved Driveway Permit Part 1 is required prior to the approval of
186 the Driveway Permit Part 2. When a driveway accesses a state or county highway, the required
187 access permit granted by that governing body controlling the right- of-way shall be obtained by
188 the applicant and a copy provided to the Town before issuance of the Driveway Permit Part 1.
189 An approved Driveway Permit Part 2 is required for the construction of a new driveway from
190 the access point to the building site and shall be obtained from the Town Board prior to
191 construction, pursuant to this chapter. Driveway Permit Part 1 and Part 2 may be issued
192 simultaneously.

193
194 To the extent that the Town Board would vacate a town road, no Town Driveway Permit Part 1
195 and Part 2 application shall be required for the vacated town road. The vacated town road shall
196 continue as the private driveway and the Town shall approve and issue a Town Driveway
197 Permit Part 1 and Part 2 for the vacated town road address. When a discontinued town road
198 accesses a state or county highway, the required access permit granted by that governing body
199 controlling the right-of-way shall be facilitated by the Town.

200
201 In the event that the property served by the vacated town road contains lots for development
202 under the Town of Springdale Land Use Plan, the Town Board will consider the adoption of a
203 new town road per the town policy for new town roads.

204
205 (10) **Shared Access.**

- 206 (a) Access for more than one parcel of land or lot to a street, road or highway via a shared
207 private driveway may be approved when the Town Board determines that a shared
208 private driveway is desirable for public safety, to minimize agricultural or
209 environmental impact, conforms to the goals and policies set forth in the Town of
210 Springdale Land Use Plan, and conforms to the purpose and intent of this chapter.
211 (b) Each property served by a shared driveway must have road access guaranteed by a
212 shared driveway agreement recorded with Dane County Register of Deeds. A shared
213 driveway agreement legally binding on the property owners who will have shared
214 access shall be executed by the property owners and recorded with the Dane County
215 Register of Deeds as part of a Driveway Permit Part 1 and Part 2 approval process. The
216 shared driveway agreement shall be in a form and contain terms reasonably acceptable
217 to the Town Board.
218 (c) Up to three (3) single family detached dwelling units may share one (1) driveway, or
219 one (1) single family detached dwelling unit and one (1) duplex dwelling unit may share
220 one (1) driveway.
221 (d) Exception: If an otherwise allowed dwelling unit would better meet the goals and
222 policies of the Town of Springdale Land Use Plan with an exception to the shared
223 driveway limit, the Town Board may consider an additional dwelling unit to a shared
224 driveway, i.e., four (4) dwelling units on a shared drive. This exception is not to allow
225 development that could not occur if required access and frontage were not available
226 elsewhere.

227 *“(d)” approved by TB on 12.15.2020*

228
229 (11) **Spacing.** The Town shall not approve Driveway Permit Part 1 for a new driveway when the

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

230 horizontal distance from the centerline of the access point is less than 250 feet from the
231 centerline of an intersecting street, road or highway.

232
233 **3.9 APPLICATION REQUIREMENTS AND PROCEDURES.**

- 234
235 (1) No person shall establish or construct a driveway or field road that accesses, connects to, or
236 intersects a street, road, or highway right-of-way within the Town of Springdale without
237 approval from the Town Board in the form of the issuance of a Driveway Permit Part 1.
238
239 (2) The owner of any existing parcel of land or lot shall file for a Driveway Permit Part 1 and
240 Part 2 on an application form obtained from the Town Clerk. When a driveway accesses a
241 state or county highway any state or county access permit shall be obtained by the applicant
242 and a copy provided to the Town with the Driveway Permit Application.
243
244 (3) The Driveway Permit Application will be reviewed by the Town Board, who shall arrange to
245 conduct a site visit of the proposed driveway to determine compliance with the provisions of
246 this chapter and the Town of Springdale Land Use Plan.
247
248 (4) In determining whether to approve, conditionally approve, or deny the Driveway Permit
249 Application, the Town Board, at a regularly scheduled meeting, will consider the following:
250 whether or not the proposed driveway conforms to all of the requirements of this chapter
251 (including the purpose and intent of the chapter) and any applicable state or county
252 regulations; whether or not the proposed driveway conforms to the requirements of the
253 Town's land use plan; public comment regarding the potential impact of the proposed
254 driveway on adjacent property owners; and the impact of the proposed driveway on public
255 safety, agricultural activities and the environment. As a condition of permit approval, the
256 Town Board may require modification of the location or design specifications of the
257 proposed driveway. The submission of an engineered plan does not guarantee approval of a
258 Driveway Permit by the Town Board.
259
260 (5) An applicant may request a variance from the strict application of specific provisions of this
261 chapter. Variance requests may be added to the agenda of the next regularly scheduled Town
262 Board meeting, at which time public comment will be considered regarding the advisability
263 of any variance requested by the applicant. The decision to grant or deny a variance shall be
264 based on criteria set forth in this chapter.
265

266 **3.10 PLAN REQUIREMENTS.**

- 267
268 (1) **Driveway Layout Plan.** A driveway layout plan is required for all segments of any
269 proposed driveway construction.
270
271 (2) **Engineered Plan.**
272 (a) An engineered plan prepared by a licensed professional engineer shall be required for
273 construction of a new driveway under the following circumstances:
274 (a.1) For any driveway or segment of a driveway found by the Town Board or its
275 designee to contain significantly unusual circumstances such as: site topography

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276 including slopes greater than 10%, soil type, a historically or archeologically
277 sensitive area, one that requires a retaining wall, bridges, dams, or other special
278 erosion control measures, or proximity to natural, recreational, or watershed areas; or
279 (a.2) For any driveway or segment of a driveway for which the Town Board requests
280 an engineered plan.

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

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

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

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

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

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

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

295
296 (3) **Erosion Control and Storm Water Management Plan.** The driveway layout plan or
297 engineered plan shall be accompanied by evidence of compliance with applicable county and
298 state erosion control and storm water management regulations.

299
300 (4) **Waterways and Wetlands.** The driveway layout plan or engineered plan shall be
301 accompanied by evidence of compliance with applicable county, state and federal
302 regulations when located in or near wetlands, streams, lakes, ponds, or other perennial
303 surface water resources.

304
305
306 **3.11 DRIVEWAY SPECIFICATIONS.** A complete listing of driveway specifications is
307 published in the Town of Springdale Driveway Construction Guide, which is available from the
308 Town Clerk. The construction of a driveway shall comply with the Town of Springdale
309 Driveway Construction Guide.

310
311
312 **3.12 VARIANCE.** Where the Town Board finds that an undue hardship may result from strict
313 compliance with the provisions of this chapter, it may consider granting a variance to one or more
314 provisions so that substantial justice may be done and the public interest secured, provided that
315 any such variance shall not have the effect of nullifying the purpose and intent of this chapter and
316 provided that the Town Board shall making findings based upon information presented to it in
317 each specific request that all the following are applicable:

318
319 (1) **Safety.** The granting of the variance will not be detrimental to the public safety, health or
320 welfare;

321
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- 322 (2) **Uniqueness.** The conditions upon which the variance request is based are unique to the
323 property for which the variance is sought and are not generally applicable to other properties;
324
- 325 (3) **Hardship.** Because of the particular physical surroundings or topographical conditions of
326 the specific property involved, an undue hardship to the property owner would result, as
327 distinguished from a mere inconvenience or financial considerations, if the strict letter of the
328 regulations were enforced.
329
- 330 (4) **Measures of Protection Provided.** The variance shall include measures to provide an
331 equivalent level of health, safety, and environmental protection as the chapter provision
332 being varied and shall under no circumstances prevent access of public safety vehicles and
333 equipment to structures served by the driveway.
334

335 3.13 EXISTING DRIVEWAYS.

336

- 337 (1) **Hazardous Conditions.** When or if the Town Board determines an existing driveway poses
338 a potential hazard to the public the Town Board shall notify the property owner of the
339 potentially hazardous conditions and require the owner to take remedial action to correct the
340 problem. (Examples of potential hazard to the public versus hazard to the individual property
341 owner include but are not limited to the following: blockage of culverts, washouts, tree limbs
342 which hinder visibility, construction which deposits substantial debris or ice on the public
343 road, or conditions which prevent the access of public safety vehicles and equipment such as
344 fire engines and ambulances.) Remedial action to correct the problem shall be limited to only
345 that which is required to eliminate the public hazard and shall not require the driveway to be
346 upgraded to the standards for new driveway construction. (An example of remedial action is
347 unplugging the culvert.) The notice to the property owner shall state the deadline for
348 correcting the problem that is not less than 30 days and is sensitive to severity of the hazard
349 and seasonal conditions that may impact the corrective action. Any property owner failing to
350 correct such conditions within the time frame (at least thirty days except in cases posing an
351 immediate hazard and for which a quicker response is practical) as stated in the notice by the
352 Town Board may be subject to the following: a. as provided by Wis. Stats. Section
353 66.60(16), the landowner shall be liable for any costs incurred by the town to remedy the
354 hazardous conditions. b. If the condition is one which prevents full-response of public safety
355 vehicles and equipment the town may provide written notice that the town may not be able to
356 insure full-response in the case of an emergency. c. The landowner may be subject to the
357 penalties described in section 3.15 of this chapter.
358
- 359 (2) **Field Road.** A field road shall not be used for non-agricultural purposes until the owner of
360 the property on which the field road is located has obtained a Driveway Permit Part 1 and
361 Part 2 under the provisions of this chapter.
362
363

364 3.14 PENALTIES

365

- 366 (1) **Forfeitures.** Should a driveway be constructed in violation of the provisions of this chapter,
367 or create a hazard that is not corrected within 30 days of notification of the property owner

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368 of said hazard, the owner of the land through which the driveway passes shall, upon
369 conviction, pay a forfeiture of \$100.00 plus applicable surcharges and court costs per
370 violation. Each day that the violation continues to exist shall constitute a separate offense.
371 An unlawful driveway constitutes a public nuisance and may be enjoined.
372

373 (2) **Corrections.** A landowner shall make the corrections to violations of the provisions of this
374 chapter and the Driveway Construction Guide ordered by the Town Board within 30 days or
375 within a period of time determined by the Town Board.
376

377 **3.15 DISCLAIMER.** Approval by the Town Board of a Driveway Permit Part 1 and Part 2
378 does not constitute a determination that the driveway is in fact safe, suitable for use, or otherwise
379 passable for the public. No person shall rely on the issuance of a Driveway Permit by the Town
380 Board to determine that a driveway is fit for any purpose. Moreover, the permit applicant, his
381 heirs, successors or assigns, agrees that as a condition of the issuance of a Driveway Permit Part
382 1 and Part 2 to indemnify and hold harmless the Town of Springdale, its officials, officers,
383 agents, or employees, against any claim or cause of action for personal injury (including death) or
384 property damage in anyway related to or arising from the construction or use of a driveway that
385 was constructed pursuant to a Driveway Permit Part 1 and Part 2, sustained by reason of the
386 exercise of an approved Driveway Permit Application.
387

388 **3.16 EFFECTIVE DATE.** This chapter shall take effect and be in force from and after the
389 day of passage and publication as required by law.
390
391
392