

**Town of Florence**  
**Florence County, WI**  
**08-10-09**  
**DRIVEWAY ORDINANCE**

**1.01 PURPOSE**

The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification or reworking of a driveway to assure that the site, method of construction, and conservation practices used will promote the public health, safety, and general welfare of the community, and to enforce the goals and policies set forth in the Town of Florence land use plan or comprehensive plan.

**1.02 ABROGATION AND GREATER RESTRICTIONS**

It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern.

**1.03 INTERPRETATION**

The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**1.04 AMENDMENTS**

The Town Board may, upon recommendations of the Town Plan Commission, amend, supplement, or repeal any of these regulations after public notice and hearing.

**1.05 SEVERABILITY**

The provisions of this Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid. If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**1.06 REPEAL**

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

## **1.07 JURISDICTION AND APPLICABILITY**

Jurisdiction of these regulations shall include all driveways on land within the Town of Florence. New driveways and those existing driveways that undergo repairs involving changes in the existing slope and/or rerouting of the existing driveway are subject to the provisions of this Ordinance. Except as provided in section 1.14 of this Ordinance, the provisions of this Ordinance do not apply to field roads or to repairs to existing driveways where repair does not involve changes in the existing driveway slope and/or rerouting of the existing driveway.

## **1.08 AUTHORITY**

These regulations are adopted under the general police powers authority granted pursuant to sec. 60.10(2)(c), 60.22(3), and 61.34(1) of the Wisconsin Statutes, the controlled access highway power granted pursuant to sec. 83.027(10) and 84.25(10), and 86.02, 86.04, and 86.07(2) of the Wisconsin Statutes, and sec. 236.45(2) of the Wisconsin Statutes.

## **1.09 DEFINITIONS**

- (1) Agricultural Land. Any land within the Town of Florence that is currently being farmed, including cropland and pastureland, or land that is included in a government set-aside program.
- (2) Driveway. A private driveway, road, or other avenue of travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide service to a residence, business, recreational site, or other similarly appropriate uses.
- (3) Field Road. A road used only for agricultural or recreational purposes that does not connect with a public highway through an improved access point.
- (4) Town. The Town of Florence.

## 1.10 APPLICATION REQUIREMENTS AND PROCEDURES.

- (1) Who Must Apply. No person or entity shall establish, construct, reroute, or alter the existing slope of any driveway without first obtaining a Driveway Construction Permit from the Town Board. The person(s) or entity seeking a permit must own or have a legal interest in and current access to the land to which the permit will apply.
- (2) Application Forms. The Town Board shall approve a form for applications for the Driveway Construction Permits. These are available from the Town of Florence or County Zoning.
- (3) Application Procedure. The person or entity shall submit a completed Driveway Construction Permit Application with the appropriate fee and the following attachments, as required, to the Town of Florence or County Zoning. Additional procedural requirements are described in the Applications Guide.
  - (a) Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions. **NOTE TO APPLICANT:** The sketch map may be submitted to the Town Board prior to the preparation or submission of the other supporting documents in order for the Town Board to provide initial comments and review of the proposal. However, formal approval for a Driveway Construction Permit will not be granted without the submission of a complete supporting documents package.
  - (b) Plat Map. Indicating the location and dimensions of the desired driveway, as well as the parcels immediately adjacent to the applicant's property. **NOTE TO APPLICANT:** The applicant may first submit only a sketch plat. Once the Town Board has reviewed the sketch plat, the applicant may be asked to submit an additional preliminary and/or final plat.
  - (c) Aerial Photo/Site Analysis.
  - (d) Soil/Slope Analysis.
  - (e) Driveway Construction Plan (if required).
  - (f) Driveway Location Plan.
  - (g) Other Documents. The Town may require other documents to be attached to the Driveway Permit Application. Requirements for such documents may be determined by contacting the Town of Florence or County Zoning.
- (4) Application Review. Procedures for the evaluation of the Driveway Construction Permit Application, including site inspection of the proposed driveway, public hearing, and Town Board meetings, are described in the Applications Guide.

- (5) Permit Application Denial. The reason or reasons for permit denial may include nonconformance with this Ordinance, with the comprehensive plan/master plan/land use plan, with Town laws, ordinances, rules, regulations, or plans, with applicable County State, or federal laws, ordinances, rules, regulations or plans.

In the event of a denial of the proposed driveway permit, the Town Board shall recite in writing the particular facts upon which it bases its denial of the permit. The Town Board shall also afford the applicant an opportunity to review the Town Board's decision and present evidence refuting the determination, if so desired. Thereafter, the Town Board may affirm or modify its decision. The Town Board shall recite in writing findings for any decision to modify or override its initial determination.

- (6) Re-application. If the Town Board denies two consecutive applications for a Driveway Construction Permit on the same parcel, no subsequent re-application for a Driveway permit for that parcel will be considered within 3 months of the second denial.
- (7) Permit Period. The Driveway Construction Permit is effective for 12 months from the date of issuance. The permit shall expire after 12 months unless renewed.
- (8) Renewal. The permit may be renewed for an additional period of 6 months. If the driveway has not been constructed by the end of this period, a new application must be submitted and approved.
- (9) Driveway Inspection. The applicant shall notify the Town of Florence within 30 days of completion of the construction or modification. Within 30 days of notification, the Town will conduct an inspection of the driveway to ensure full compliance with all of the provisions of this Ordinance.
- (10) Building Permits. No Building Permit for new construction will be issued until the driveway is permitted according to the specifications of this Ordinance.
- (11) Application Fee. An application fee of an amount determined by a resolution of the Town Board will be charged. This fee is specified in the "Application Fee Schedule" in the Applications Guide.

#### **1.11 WHEN A DRIVEWAY CONSTRUCTION PLAN OR LOCATION PLAN IS REQUIRED**

- (1) Driveway Construction Plan. The Town Board may require a driveway construction plan prior to any proposed driveway construction or modification. A driveway construction plan is required for any of the following, unless the requirement is waived by the town board, in writing:
  - (a) For construction of a driveway or segment of a driveway that requires the disturbance of land with a slope of more than 12%.

- (b) For a driveway or segment of a driveway that requires a retaining wall or other special erosion control measure as determined by the Town Board or Town Building Inspector.
  - (c) When a driveway crosses a waterway or has the potential to significantly alter existing drainage patterns and/or quantity of runoff.
  - (d) When construction or modification of a driveway necessitates construction or improvement of a bridge or culvert.
  - (e) When the Town Board requests a driveway construction plan.
- (2) Driveway Location Plan. A Location Plan is required for all segments of the proposed driveway not covered by a driveway construction plan. The Location Plan shall be drawn to scale and show the exact location of the driveway on the lot.

## **1.12 COMPONENTS AND APPROVAL OF DRIVEWAY CONSTRUCTION PLANS**

- (1) Components. If required, a Driveway Construction Plan will include a scale plan showing the following:
- (a) Location. The precise location of the driveway or the segment of driveway that requires a Driveway Construction Plan.
  - (b) Slope. A profile of the driveway route before and after construction showing a maximum finished driveway slope of 13%.
  - (c) Retaining Walls. The location and structure of any retaining walls.
  - (d) Bridges. The location, size, and design calculations of any bridges.
  - (e) Culverts. The location, size, and design calculations of any culverts.
  - (f) Cross-section. Typical cross sections of the driveway in cut and in fill.
  - (g) Erosion Control. The required mulching, matting, or other erosion control.
  - (h) Storm Water Management. Drainage methods engineered for the particular surface type, including location and dimensions of ditches, proper grading technique, projected water handling capability, and water loads at the point of access to the public highway.
- (2) Approval.
- (a) Conditions. No construction of a driveway may commence until:

- (i) The Driveway Construction Plan, if required, is approved by the Town Board, and
- (ii) Until a Driveway Construction Permit is issued by the Town, and
- (iii) When applicable, any necessary approvals are obtained from Florence County or the State of Wisconsin.

The preparation of a Driveway Construction Plan does not guarantee the Town's approval of the Driveway Construction Permit Application.

- (b) Inspection. After the driveway has been completed, the Town Building Inspector shall inspect the driveway to determine whether it was constructed according to the plan(s) and is consistent with the requirements of this Ordinance.
- (c) Emergency Access. As a condition of the driveway construction permit, the driveway shall be *constructed* and *maintained* by the owner or occupant to ensure access by emergency vehicles.
- (d) Disclaimer. The Town's approval of a driveway permit application does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for the public, or that public access is authorized. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose. Approval of the driveway permit application does not establish future approval of the driveway as a public road.

### **1.13 SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS**

- (1) Minimum Driveway Width. The minimum driveway width shall be 12 feet for a single residence and 18 feet for a shared driveway.
- (2) Minimum Driveway Surface. The minimum driveway surface shall consist of 6" of crushed aggregate base course. Additional stone may be required based on actual soil conditions.
- (3) Side Slopes. Driveway side slopes shall be no steeper than 1' vertical in 2' horizontal (25%).
- (4) Ditch Back Slopes. Ditch back slopes shall be no steeper than 1' vertical in 2' horizontal (50%).
- (5) Maximum Finished Grade. The maximum finished driveway grade shall be 13%.
- (6) Clear Slope. A clear space 14 feet high and 20 feet wide for a single residence and 14 feet high and 26 feet wide for a shared driveway shall be maintained at all times for emergency vehicle access.

- (7) Turnaround. Each driveway shall have a turnaround within 75 feet of the house, as shown in the Town of Florence Applications Guide for Driveway Construction Permits.
- (8) Curves. Driveway curves shall have a minimum radius of 36 feet.
- (9) Emergency Service Access Signage. Appropriate signage shall be placed at the entrance to a driveway servicing a residence in order to provide accurate and expedient driveway location by emergency service personnel. The sign shall conform to current Town of Florence and Florence County regulations.
- (10) Other Guidelines. See Applications Guide for illustrated UDC guidelines.

#### **1.14 EXISTING DRIVEWAYS**

- (1) Hazardous Conditions. When washing, blockage of water flow, or other conditions created by any existing driveway that does not meet the specifications in this Ordinance obstruct or become a potential hazard to a public highway, or unreasonably hinder access to the property by emergency service personnel, the Town Board shall notify the property owner of the condition(s). Any property owner failing to correct such condition(s) within 30 days after notice by the Town Board shall be subject to the penalties described in the penalties section of this Ordinance.
- (2) Field Roads. No field road may be used as a driveway to acquire access to a residential or commercial property unless the field road has been approved as a driveway according to the provisions of this Ordinance.

#### **1.15 PENALTIES**

- (1) Forfeitures. Should a driveway be constructed or modified in violation of the provisions of this Ordinance, or create a hazard that is not corrected within 30 days of notification, the owner(s) of the land through which the driveway passes shall, upon conviction, pay a forfeiture of not less than \$25 nor more than \$50, plus applicable surcharges and court costs, for each violation. Each successive 30-day period in which the correction is not made will be considered a new violation and subject to another penalty. An unlawful driveway constitutes a public nuisance and may be enjoined.
- (2) Corrections. In addition, the landowner shall make the corrections ordered by the Town Board within 30 days or a period of time determined by the Town Board.

**1.16 TOWN BOARD APPROVAL**

The Town Board of the Town of Florence adopted this Driveway Ordinance at a meeting held on the 10th day of August, 2009.

APPROVED BY:

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Tim Bomberg, Chairperson

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John Holbrook, Supervisor

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Dennis Christian, Supervisor

ATTESTED BY:

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Judith Gehlhoff, Clerk/Treasurer

**1.17 EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.