

## **Town of Abrams**

### **Ordinance # 26**

#### **Driveway Zoning Ordinance**

##### **Section 1. Title/Purpose**

This ordinance is entitled the Town of Abrams Driveway Ordinance. In This Ordinance the term “driveway” is defined to mean private driveway, road, field road or other means of access where travel occurs from a public roadway. The following regulations apply to the construction or modification of private driveways on lands in the Town of Abrams.

The Primary reasons for the Ordinance include but are not limited to the following:

- ..Provide safe vehicle access to public roadways (ingress/egress).
- ..Provide adequate access for emergency vehicles to service improved property and life.
- ..Protect public investment of town roads by preventing costly road maintenance.
- ..Prevent water drainage and siltation from private driveways onto public roadways.
- ..Protect graded ditches and roadsides, and prevent erosion into the Town=s water ways.

##### **Section 2. Authority**

The Town Board of the Town of Abrams has the specific authority, powers, and duties pursuant to Section 60.61, 60.62, and 62.23 (1995-96) Wis. Stats. Pursuant to the specific statutory sections noted in the ordinance and /or by its adoption of village powers under Section 60.10 to zone certain areas in the Town of Abrams and to regulate, prohibit, and restrict construction, alteration, erection, and enlargement of certain structures and buildings in the Town of Abrams and to regulate and control certain uses, activities, and businesses and operations in the Town of Abrams.

The Town Board of the Town of Abrams has been granted village powers pursuant to Section 60.10 Wis. Stats, and the Town Meeting dated February 09, 2012, approved the authority of the Town Board of the Town of Abrams to zone pursuant to Section 60.62 (1995-96) / Wis. Stats.

##### **Section 3. Variances and Appeals**

An Applicant may apply for a variance from the provisions set forth in this Ordinance. Where the Town Board finds that it would be inappropriate to apply literally or that exceptional and unnecessary hardships may result from strict, literal application of these regulations, it may waive or modify the regulations so that the public interest may be served, provided that such variation will not have the effect of nullifying the intent and purpose of this Ordinance or be in conflict with state statutes and administrative codes. A simple majority vote of the Town Board shall be required to grant and modification or variance and such actions shall be entered into the minutes of the Town Board meeting setting forth the reasons for the request and the reasons, in judgment of the Board, which justify the variance.

## **Section 4. Adoption of Ordinance**

The Town Board of the Town of Abrams has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific Sections of this Ordinance and has established by these Sections and this Ordinance the ability to regulate and control certain uses, activities, businesses and operations in the Town of Abrams.

## **Section 5. Applicability**

**5.1 Driveway Permit.** A Town driveway permit is required for:

..Construction of a new driveway. Application forms (Attachment A) and information can be obtained from the Town Clerk or Inspector/Engineer.

..Improvements, modifications, and reworking of an existing driveway which changes the drive way grade or location. Existing driveway surface maintenance does not require a driveway permit ..Construction of a new residential, commercial, industrial or animal confinement structure to be served by an existing driveway.

### **5.2 General Conditions**

- A. Any new public or private driveway or any driveway alleged to be existing, road, field road or other means of travel through any part of a private parcel of land which connects or will connect with any public roadway is subject to the terms of this Ordinance.
- B. No person shall improve, modify or rework a driveway, with the exception of routine maintenance, which changes the existing topography of the land without consulting the Town of Abrams Inspector/Engineer to determine the applicability of obtaining a Driveway permit from the Town Inspector/Engineer. Application forms and information can be obtained from the Town Clerk or Inspector/Engineer if a permit is required.
- C. Any proposed driveway construction, improvement or modification requiring a driveway permit shall be accompanied by a erosion control plan presented to the Town Inspector/Engineer prior to the issuance of a driveway permit. An erosion control plan shall include the driveway owner's intentions and timing to re-seed, mulch, ditch, place culvert & apron end walls, and carry out other erosion control practices which will be accomplished within 90 days after beginning driveway construction or modification. If an engineer's plan (detailed site plan) of the driveway is prepared, an erosion control plan shall describe practices which are not mentioned or required in the engineer's plan.

### **5.3 Existing Driveways and field Roads.**

When washing or other conditions created by existing driveway or field roads become a potential hazard to a public and emergency vehicle access to property, the Town Board or the Inspector/Engineer will notify the property owner of the conditions. Any property, owner failing to correct such condition within thirty (30) days after notice by the Town Board shall be subject to the penalties of this ordinance and shall also be liable for any costs incurred by the Town to eliminate the hazard as provided in Wis. Stats. 66.60(16)

Existing Driveways determined to have a hazard as defined in this Section shall be brought into compliance with the terms of this Ordinance to the extent determined practical by the Town's Inspector Engineer.

- A. Hazards as determined by the Town Inspector/Engineer, to include but not limited to the following Mandatory review criteria:
  - ..Driveway width, height and width clearance, & ingress/egress angle.

**Section 6. Application Procedures**

- A. The Applicant must submit to the Town Clerk a completed driveway permit application.
- B. The applicant who may be the owner, agent, contractor, or designee shall submit a location construction plan showing scale, north arrow, lot dimensions, existing and/or proposed buildings, driveway location, driveway specifications, including grade, slope, width, length of the driveway, culvert location/size, surface and base materials and erosion control procedures. The plan must be legible and submitted on an 8.5" by 11", 8.5" by 14", or 11" by 17" sheet of paper.
- C. The supplication and location plan shall be reviewed by the Town Inspector/Engineer for conformance with this Ordinance and all ordinances, rules, regulations, and plans which affect it. The Town Inspector/Engineer shall, within 15 days from the date of submission of the of the application and location construction plan, approve or deny the issuance of a driveway permit.
- D. With the approval of the Town Inspector/Engineer, the driveway permit may allow for the excavation of the site to provide for site preparation and to provide fill for the proposed driveway.
- E. The applicant shall notify the Town Inspector/ Engineer with 7 days of completion of the driveway to allow inspection of the driveway per the terms of the approved permit.

**Section 7. Minimum Requirements**

Authorization for a driveway is subject to the approval of the Abrams Town Inspector/Engineer and when so approved, the Town Inspector/Engineer shall notify the Oconto County Zoning office.

For property with existing structures, if there is no clear evidence, as determined by the Town Inspector/Engineer and the Oconto County Zoning Administrator, that the driveway has been used during the last 12 months, the town Inspector/Engineer review process is required. If there is a dispute on the adequacy of an alleged existing driveway, the decision of the Town Board will be the deciding factor.

- A. The following specifications shall apply for town road:

Maximum number of units served by a driveway	2
Maximum driveway length	1000 feet
Minimum driveway surface width	12 feet
Minimum width clearance	24 feet
Minimum height clearance free of trees, wires, etc.	18 feet
Maximum grade	30 %
(grades > 20% will require an engineer's plan)	
Minimum side yard setback	10 feet
Angle of entry	90 degrees
Culvert diameter minimum	15 inches or equivalent if required
Apron End Walls	Required
Culvert Length	26 feet
Site Distance	Consistent with Oconto County Standards
Others	See attached driveway details

Access to County or State Highways shall conform to County or State Standards.

For a new driveway, at least on 25 in length and 18' in width segment of road surface shall be provided for each 300' of driveway length to provide for the safe passage of meeting and emergency vehicles. At the dead end of all new driveways, a turnaround radius (minimum) of 25' or some other suitable method to allow vehicles to turn around shall be provided as determined by the Town Inspector/Engineer.

- C. The driveway within the area of the public right-of-way shall slope away for a minimum of 10' from the public road at a minimum of 1% and maximum of 5%, or a slight dip across the drive shall be placed just before the culvert at the entrance to a public road, or crowning of the driveway surface shall be completed to prevent debris from washing onto the public road.
- D. **A new concrete driveway surface shall not extend within the area of public right-of-way.**
- E. Construction of a new driveway in accordance to Section 5.1 of this ordinance shall have at least four inches (4") of two-inch (2") rock on the roadbed, covered with two inches (2") of three-quarter inch (3/4") gravel. Substitution for suitable material can be agreed upon by the Town Inspector/Engineer. A field road, which is a road used only for agricultural purposes and not leading to a structure, is exempt from this provision.
- F. If culverts are required for a new driveway, all applicants at a minimum shall install and cover with gravel a Corrugated Metal Pipe (CMP) culvert, minimum 15" diameter or the equivalent, 26' in length, with apron end walls, at the ditch line unless determined unnecessary by the Town Inspector/Engineer. Examples could be driveway location on the crest or shallow ditch depth. This condition may be waived or modified on showing of hardship or difficulty by the Town Board and, in the case of County or State highways, approved by the Oconto County Highway Department of district engineer of the Wisconsin Department of Transportation. Illegal culverts will be removed at landowners' expense.
- G. Construction access to building sites shall be through a single access to minimize ditch line disturbance and control erosion. Pursuant to Section 7 (F), a culvert and apron end walls must be in place prior to final inspection.
- H. No land with a grade of more than 30% shall be disturbed for the construction of a new Driveway.
- I. An engineer's plan (detailed site plan) showing adequate erosion control and stabilization measures is required for any segment of the proposed new driveway which disturbs land with a grade of more than 20% and less than 30%.
- J. For a new driveway, the side banks shall be graded to a slope of no more than one foot (1') of vertical rise in each three feet (3') of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in a detailed site plan approved by the Town Inspector/Engineer.
- K. Curves in a new driveway shall have an inside radius of no less than thirty-six feet (36')
- L. Pursuant to section 7(G), banks, slopes, and ditch lines for a new driveway shall be seeded promptly to control erosion.
- M. Once the construction of the new driveway has begun, all specified erosion controls, including retaining walls, ditching, culverts and apron end walls, crowning, mulching and matting shall be completed within ninety (90) days.
- N. All costs of construction of said driveway, including the cost of the culverts, apron end walls, and detailed site plan, if necessary, shall be paid by the property owner requesting the permit.
- O. An area 26' in width and 18' in height shall be cleared along the driveway right-of-way in order to permit the safe passage of emergency vehicles. In cases where such clearing would be environmentally damaging, the Town Inspector/Engineer will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard. A field road not serving a structure is exempt from this requirement.

- P. It will also be the responsibility of the owner, agent, or contractor to clean any mud or other debris deposited on public town roads, the same day it was deposited. If the applicant or agent fails to clean the roads in the required time period, the Town will have it cleaned and charge all costs to the applicant.

#### **Section 8. Requirements for an Engineering Plan (Detailed Site Plan)**

- A. The Town Board may require an engineering Plan (detailed site plan) prepared by a licensed engineer or person of relevant experience prior to any proposed driveway construction or modification. A detailed site plan is required:
1. For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of more than 20% and less than 30%.
  2. For a driveway or segment of a driveway which requires a retaining wall or other special erosion control measure as determined by the Town Inspector/ Engineer.
- B. The detailed site plan shall include the following:
1. The precise location of the driveway or segment of driveway which requires a detailed site plan relative to the parcel.
  2. Grade of the driveway showing no segment exceeding 30%
  3. Location and structure of any retaining walls.
  4. Location and size of any culverts
  5. Cross section of the driveway
  6. The required mulching, matting or other erosion control.
  7. Existing and proposed building.
- C. Construction of a driveway shall not commence until the detailed site plan, if required, is approved by the Town Inspector/Engineer and a town driveway permit is issued and, when applicable and necessary approvals are obtained from Oconto County or the State of Wisconsin (See Wis. Stats. 86.07).
- D. The preparation of a detailed site plan does not guarantee the approval of a driveway permit application.

#### **Section 9. Permit Fee**

A driveway permit application and inspection fee, as established by the Abrams Town Board, shall be paid to the Town prior to the start of any construction. The applicant must receive a driveway permit prior to receiving a Town Building Permit in accordance with Section 5.1 of this ordinance. No building permit will be issued until an approved driveway is place.

The cost of a driveway permit shall be \$70.00 or such other amount as is subsequently adopted by the Town Board.

**Section 10. Noncompliance**

Any landowner who installs a new driveway, or removes or alter any existing driveway in accordance with Section 5.1 without Town Inspector/Engineer approval, shall be charged an inspection fee of \$150.00 together with any and all costs of repairs, corrections, or restoration. An additional inspection fee of \$150.00 will be charged if a second inspection is required. Should the landowner fail to pay the inspection fee and /or repair/correction/restoration costs, said charges will be placed on the tax roll of said landowner.

**Section 11. Effective Date**

This ordinance shall take effect one day after its page and publication as provided by law.

The ordinance was passed by the vote of the Abrams Town Board of Supervisors, Oconto County, Wisconsin, Held at the Town Hall, on the 09<sup>th</sup> day of February, 2012.

# Town of Abrams, WI Driveway Permit Application

Building Inspector - eServices llc  
(920) 493-2294 - TofAbrams@eServicesllc.us

Application Date : \_\_\_\_\_ Permit # : \_\_\_\_\_

Tax Key/Parcel # : \_\_\_\_\_ Date : \_\_\_\_\_

Parcel Address :

Number : \_\_\_\_\_ Street Name : \_\_\_\_\_

If the Parcel does not have a Number, after receiving this completed permit, you will need to contact Oconto County's Land Use Department before the driveway can be installed to have a number assigned.

Property Owner : \_\_\_\_\_ Contractor : \_\_\_\_\_

Address : \_\_\_\_\_ Address : \_\_\_\_\_

City, ST Zip : \_\_\_\_\_ City, ST Zip : \_\_\_\_\_

Phone : \_\_\_\_\_ Phone : \_\_\_\_\_

eMail : \_\_\_\_\_ eMail : \_\_\_\_\_

\* eMail address helpful in resolving questions and returning completed applications.

Primary contact is the Property Owner or Contractor (circle one)

Subdivision : \_\_\_\_\_

Will a Culvert be installed : YES NO If NO, provide a detailed explanation.

Culvert Information -

Material : \_\_\_\_\_ Steel, Plastic or ???

Diameter : \_\_\_\_\_ Minimum 15 inch.

Length : \_\_\_\_\_ Minimum 26 feet plus Flares each end.

Does the proposed Driveway meet all applicable Subdivision, Town, County and/or State regulations : YES NO

If NO, provide a detailed explanation.

I, the undersigned owner/agent, do hereby certify that the above information and plans herewith filed are correct, that I have read and understand the driveway ordinance and do hereby agree to install the driveway and any related culvert pipe at the elevation grade and alignment established by the subdivision plans and/or the municipality plans.

Applicant Owner/Agent (circle one) : \_\_\_\_\_ Building Inspector : \_\_\_\_\_

Sign : \_\_\_\_\_ Sign : \_\_\_\_\_

Print : \_\_\_\_\_ Date : \_\_\_\_\_

Date : \_\_\_\_\_ PAYMENT : \_\_\_\_\_

Required Documents -

Site plan showing Driveway and Culvert location. County GIS or Google map works well.

Oconto County issues new address numbers -

Before requesting a new address number, this form must be completed and a Town permit issued.