

Village of Clayton

Chapter 12

Driveway Code

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CHAPTER 12

DRIVEWAYS

TABLE OF CONTENTS

Article A	General Purpose	1
Article B	Permit	1
Article C	Minimum Location, Design and Construction Specifications	5
Article D	Additional Requirements for New Driveways in Residential Zoning Districts	6
Article E	Additional Requirements for New Driveways in Commercial and Industrial Zoning Districts	6
Article F	Additional Requirements for Rural Driveways in Agricultural Zoning Districts	8
Article G	Prohibited Driveways	8
Article H	Requirement for Engineering Plan	9
Article I	Existing Driveways and Field Roads	9
Article J	Violations and Penalties	9
Article K	Authority for Variance From Standards	10
Last Page		10

CHAPTER 12

DRIVEWAYS

ARTICLE A

SEC. 12-1-1 General Purpose

For the safety of the general public, the Village shall determine the location, size, construction, and number of access points to public roadways within the Village limits. It is the Village's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.

SEC. 12-1-2 through SEC. 12-1-9 Reserved for Future Use

ARTICLE B

SEC. 12-1-10 Permit

- (a) **Required to construct, reconstruct, alter or enlarge.** No person shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the Village without first obtaining a permit therefore as provided by this article.
- (b) **Application.** Application for such permit shall be made to the Village Board designee on a form provided by the Village and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be used. The applicant shall pay a fee as established from time to time by the Village Board. Upon receipt of the application and the fee, the Village Board designee may approve such application if the proposed driveway complies with the terms and conditions of this Chapter and any other applicable ordinance.
- (c) **Contents of application.** All driveway permit applications shall contain the applicant's statement that:
 - (1) The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Village street, or for any other purpose.

- (2) The Village, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Village street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
- (3) The permittee, his successors or assigns, agrees to indemnify and hold harmless the Village, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
- (4) The Village does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the Village street.

(d) **General Permits Provisions.**

- (1) Driveway permits will be valid for one year from date of issue. Re-application for a permit will be required for any improvements not completed during the permit period. Re-application permits will not be denied without reasonable cause.
- (2) No building permit for new residential construction will be issued until the driveway is constructed according to the specifications of this ordinance.
- (3) All new driveways proposed to be installed or any driveway alleged to be existing and serving open land without improvements and proposed to be converted to a driveway to serve one or more structures shall be subject to an inspection fee as established by the Village Board to be paid prior to the start of any construction on a new driveway and prior to the issuance of a building permit. An approved driveway shall be in place before a building permit can be issued. If the Village Board designee determines that any part of the driveway may not comply with the standards of the driveway ordinance, the property owner must provide a certificate from a registered land surveyor or a professional engineering stating that the driveway meets the necessary requirements.
- (4) A driveway access permit may be issued for the purpose of permitting vehicular access or other means of travel from a public highway to a private driveway, road, and field road for all persons seeking a building permit. All driveway specifications for construction in this ordinance will apply. The applicant shall submit a location construction plan showing specifications including grade, slope, width, and length of the driveway and erosion control procedures. Said construction plan will specify completion dates for culvert placement, aggregate placement, erosion control procedures, and final application of 2 inch layer of gravel. If the aforementioned completion dates are not met, then a penalty as determined in Article J will be assessed.

- (5) Any costs incurred by the Village in the approval or denial of a request for a proposed variance shall be reimbursed to the Village by the applicant(s) seeking the variance. This shall include, but not be limited to, additional engineering studies, attorney fees, or any other costs incurred by the Village.
 - (6) Driveways entering state or county highways require all necessary state and/or county driveway permits in addition to a Village driveway permit.
- (e) **Appeal from permit refusal.** Any person feeling himself aggrieved by the refusal of the Village Board designee to issue a permit for a private driveway may appeal such refusal to the Village Board within 20 days after such refusal to issue such permit is made.

SEC. 12-1-11 through SEC. 11-1-19 Reserved for Future Use

ARTICLE C

Sec. 12-1-20 Minimum Location, Design and Construction Specifications

The location, design and construction of driveways shall be in accordance with the following:

- (a) **General design.** Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least ten (10) feet apart except by special permission from the Village Board, and driveways shall in all cases be places wherever possible as not to interfere with utilities in place. No residential driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk unless special permission is obtained from the Village Board.
- (b) **Number.** The number of driveways to serve an individual property fronting on a street shall be one, except where deemed necessary and feasible by the Village Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street.
- (c) **Island area.** The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in subsection (g) of this Article. Where the public sidewalk is adjacent to the curb, an island of a minimum length of six feet measured along the curbline shall be placed between each entrance to a Village street. The curb shall be left intact for the length of this island. Where the public

sidewalk is remote from the curb, an island of a minimum length of ten (10) feet measured along the right-of-way line shall be maintained along each entrance to the Village street. All flares shall be tangent to the curblines. A curb length of not less than three (3) feet shall be left undisturbed adjacent to each property line to serve as an island area in the event an adjoining property owner applies for a driveway permit to serve his property.

- (d) **Drainage.** The surface of the driveway connecting with street cross sections shall slope downward and away from the street shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed. No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches, roadside areas or with any existing structure on the right-of-way.
- (e) **Culverts.** Driveways shall not obstruct or impair drainage in street ditches or roadside areas. Driveway culverts, where required by the Village Board designee, shall be adequate for surface water drainage along the street and shall not be less than the equivalent of twelve (12) inch diameter pipe. When required by the Village Board designee to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense. The distance between culverts under successive driveways shall not be less than ten (10) feet except as such restricted area is permitted to be filled in pursuant to the provisions of subsection (g) of this Article.
- (f) **Reconstruction of sidewalks and curb and gutter.** When the construction of a driveway requires the removal of a curb or gutter, the new connections shall be of equivalent acceptable material, and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the street pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction as may be required by the Village, including thickness requirements. Standard thickness of residential driveway approaches will be six (6) inches thick.
- (g) **Restricted areas.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
 - (1) The filling or grading shall be to grades approved by the Village Board designee and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
 - (2) Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway.

Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.

(3) Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Village Board.

- (h) **Relocation of utilities.** Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Village Board necessary before any utility may be relocated and the driveway installed.
- (i) **Construction across sidewalks.** All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk thickness requirements.
- (j) **Variances.** Any of the requirements of this Article may be varied by the Village Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical. See Article K below.

SEC. 12-1-21 through SEC. 12-1-29 Reserved for Future Use

ARTICLE D

Sec. 12-1-30 Additional Requirements for New Driveways in Residential Zoning Districts

The following regulations are applicable to driveways serving residential property:

- (a) **Width.** Unless special permission is first received from the Village Board, a residential single-type driveway shall be no greater than twenty-four (24) feet wide at the curblines and eighteen (18) feet wide at the outer or street edge of the sidewalk; residential double-type driveways shall be no greater than twenty-four (24) feet wide at the curblines and eighteen (18) feet wide at the outer or street edge of the sidewalk.
- (b) **Angular placement.** The centerline of the drive may be parallel to the property line of the lot where access is required or at right angles to the curblines.
- (c) **Access Spacing.**
 - (1) Driveway permits shall not be issued where the lineal distance between accesses on the same side of the road would be less than fifty (50) feet.
 - (2) Driveway permits shall not be issued where the lineal distance between the driveway and the extended street line at an intersection would be less than one hundred (100) feet.
 - (3) For the purposes for determining access spacing and frequency, driveways used to gain access to minor utility features will not be counted. Minor utility features include such items as fire hydrants on a potable water

supply main, telephone or electrical switch boxes, and similar items that require infrequent maintenance using motorized vehicles.

SEC. 12-1-31 through SEC. 12-1-39 Reserved for Future Use

ARTICLE E

Sec. 12-1-40 Additional Requirements for New Driveways in Commercial and Industrial Zoning Districts

The following regulations are applicable to driveways serving commercial or industrial establishments:

- (a) **Width of drive.** No part of a private driveway located within the dedicated area of a public street shall, except as provided in this Chapter, have a width greater than twenty-four (24) feet measured at right angles to the centerline of such driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than specified in this division, the Village Board in its discretion may permit a driveway of additional width.
- (b) **Angular placement of driveway.** The angle between the centerline of the driveway and the curblin shall not be less than 45 degrees.
- (c) **Access Spacing.**
 - (1) Driveway permits shall not be issued where the lineal distance between accesses on the same side of the road would be less than one hundred (100) feet.
 - (2) Driveway permits shall not be issued where the lineal distance between the driveway and the extended street line at an intersection would be less than two hundred (200) feet.
 - (3) For the purposes for determining access spacing and frequency, driveways used to gain access to minor utility features will not be counted. Minor utility features include such items as fire hydrants on a potable water supply main, telephone or electrical switch boxes, and similar items that require infrequent maintenance using motorized vehicles.

SEC. 12-1-41 through SEC. 12-1-49 Reserved for Future Use

ARTICLE F

Sec. 12-1-50 Additional Requirements for Rural Driveways in Agricultural Zoning Districts

- (a) All driveways two hundred fifty (250) feet or less in length shall be at least fourteen (14) feet in width. All driveways in excess of two hundred fifty (250) feet shall be at least sixteen (16) feet in width. Driveways in excess of

five hundred (500) linear feet shall have one (1) pull-off lane erected for each additional five hundred (500) linear feet. Each pull-off lane shall be eight (8) feet wide and fifty (50) feet long and comply with all the standards for driveways. Pull-off lanes shall be strategically placed (e.g. for a 900 foot driveway, one pull-off lane would be located at approximately 450 feet). A driveway can be any solid surface. However, it must satisfy the minimum requirement of six (6) inches of aggregate and four (4) inches of road gravel for not less than fifty (50) feet from the edge of the access road. This driveway should be crowned so as to provide adequate drainage of water from the road surface.

- (b) Each driveway shall have a culvert at the ditch line where the driveway meets the public road. The culvert shall be at least twelve (12) inches in diameter or of sufficient size so as to permit adequate drainage of the affected area. The length shall be determined by the Village Board designee, however, the minimum width of the driveway approach shall be twenty-four (24) feet. Apron end walls will be required on all culverts.
- (c) All driveways shall have a maximum five (5) percent grade at the point where the driveway enters onto a public road. A slight dip across the driveway shall be placed just before the culvert at the entrance to the public road to prevent debris from washing onto the public road.
- (d) Ditches, roadway crowning, and culverts which provide acceptable drainage are required.
- (e) The driveway's side banks shall be graded to a slope of no more than one (1) foot of vertical rise in each three (3) feet of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in a required engineer's plan approved by the Village Board.
- (f) The maximum grade of the entire driveway or any given segment of the driveway shall not exceed thirteen (13) percent.
- (g) The side banks shall be seeded promptly to control erosion.
- (h) Once the construction of the driveway has begun, all specified erosion control measure, including retaining wall, ditching, culverts, crowning, and mulching and matting shall be completed within ninety (90) days.
- (i) The driveway must have at least six (6) inches of aggregate rock on the roadbed, and covered with four (4) inches of road gravel.
- (j) All costs of the construction of the driveway, including the cost of the culverts and engineer's plan, if required, shall be paid by the property owner requesting the driveway permit.
- (k) An area of eighteen (18) feet in width and fourteen (14) feet 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 a clearing would be environmentally damaging, the Village Board will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard.
- (l) The driveway must have an approach at the place where it intersects with the public road of at least twenty-four (24) feet in width and an unobstructed view of at least 150 feet in each direction.

- (m) Joint driveways will not be permitted without a joint driveway agreement establishing the proposed joint driveway and the manner of its construction, maintenance, and use.
- (n) Access Spacing.
 - a. Driveway permits shall not be issued where the lineal distance between accesses on the same side of the road would be less than two hundred (200) feet.
 - b. Driveway permits shall not be issued where the lineal distance between the driveway and the extended street line at an intersection would be less than two hundred (200) feet.
 - c. For the purposes for determining access spacing and frequency, driveways used to gain access to minor utility features will not be counted. Minor utility features include such items as fire hydrants on a potable water supply main, telephone or electrical switch boxes, and similar items that require infrequent maintenance using motorized vehicles.

SEC. 12-1-51 through SEC. 12-1-59 Reserved for Future Use

ARTICLE G

Sec. 12-1-60 Prohibited Driveways

- (a) No person shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the Village except as permitted by this Chapter. As used in this section, the term “structure” includes private driveways, a portion of which extends into any public road, highway or street, and which is in nonconformance with this Chapter.
- (b) At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village for effective traffic control or for highway signs or signals.
- (c) The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.

SEC. 12-1-61 through SEC. 12-1-69 Reserved for Future Use

ARTICLE H

Sec. 12-1-70 Requirement for an Engineer’s Plan

- (a) The Village Board or designee may require the applicant to obtain a plan prepared by a professional engineer licensed by the State of Wisconsin prior

to the construction or modification of any proposed driveway. An engineer's plan is required:

- (1) For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of 20% percent or greater.
 - (2) For a driveway or segment of a driveway whose construction requires a retaining wall or other special erosion control measures as determined by the Village Board or its authorized representative; or
 - (3) When the Village Board requests a plan for reasonable cause.
- (b) The engineer's plan will include the following
- (1) The precise location of the driveway or segment(s) of the driveway which requires an engineer's plan.
 - (2) Grade of the driveway showing no segments exceeding thirteen (13) percent.
 - (3) Location and structure of any retaining walls.
 - (4) Location and size of any culverts.
 - (5) Cross section of the driveway.
 - (6) Mulching, matting or other erosion control measures.
- (c) When an engineer's plan is required, no construction of a driveway may commence until the engineer's plan is approved by the Village Board and a Driveway Permit issued.
- (d) The preparation of an engineer's plan does not guarantee the approval of a driveway permit application.

SEC. 12-1-71 through SEC. 12-1-79 Reserved for Future Use

ARTICLE I

Sec. 12-1-80 Existing Driveways and Field Roads

When washing or other conditions created by existing driveways or field roads become a potential hazard to a public road, the Village Board shall notify the owner(s) of the land through which the driveway passes of such condition(s). Any property owner failing to correct a hazardous situation immediately (within 24 hours or less) upon notification shall be subject to the penalty provisions of this ordinance and shall be liable for any costs incurred by the Village to eliminate such hazard. Problems of a non-emergency nature shall be corrected in fourteen (14) days.

SEC. 12-1-81 through SEC. 12-1-89 Reserved for Future Use

ARTICLE J

Sec. 12-1-90 Violations and Penalty Provisions

- (a) An owner, agent, or contractor who fails to correct a violation of this ordinance within fourteen (14) days (or within one (1) day in the case of an emergency described at Sec. 12-1-80 above) of the date the notice of violation

is delivered, shall forfeit \$25.00 a day for each day a violation exists or continues, plus the court costs and costs of prosecution.

- (b) The owner, agent or contractor of affected property shall be responsible for the repair of all damage to a Village street or road as a result of and during driveway construction and shall reimburse the Village accordingly for immediate or future repair of the road. As an alternative, the Village may undertake and complete the repair work and treat the cost thereof as a special charge pursuant to Sec. 66.0627 Wis. Stats., including placing the special charge on the owner's property tax bill.
- (c) The Village maintains the right to require an owner, agent or contractor to remove and reconstruct any driveway construction that does not comply with this ordinance.

SEC. 12-1-91 through SEC. 12-1-99 Reserved for Future Use

ARTICLE K

Sec. 12-1-100 Authority for Variance from Standards

- (a) The Village Board may grant variances from the minimum standards provided in this Chapter in situations where strict application of the minimum standards will result in practical difficulty or unnecessary hardship; provided that such a variance shall not be contrary to the public interest, health or safety.
- (b) Application for such variance shall be in writing by the land owner(s) stating fully all facts and shall be supplemented with maps, plans or other additional data which may aid the Village Board in the analysis of the proposed variance. The conditions upon which the request for a variance is based shall be unique to the property and not applicable generally to other property. The conditions shall not be mere inconvenience, financial hardship or self-imposed hardship.
- (c) Any costs incurred by the Village in the approval or denial of a proposed variance shall be reimbursed to the Village by the applicant(s) seeking the variance. This shall include, but not be limited to, additional engineering studies, attorney fees, or other costs incurred by the Village.
- (d) The approval or denial of a variance shall be by motion or resolution adopted by majority vote of the Village Board. The reasons for approval or denial of a variance shall be entered in the minutes of the Village Board and the Village Clerk shall notify the applicant of the decision.
- (e) Variances shall be granted only if they do not impair the intent and purpose of this Ordinance, the desirable general development of the Village in accordance with any Village Plan, or other Zoning Ordinances of the Village.

SEC. 12-1-101 through SEC. 12-1-109 Reserved for Future Use

ARTICLE L

Sec. 12-1-110 Effective Date

This ordinance shall take effect and be in force upon adoption by the Village Board, publication and posting as required by law.