

CHAPTER 8

TOWN OF ELDORADO FOND DU LAC COUNTY, WISCONSIN

ROAD ACCESS CONTROL ORDINANCE

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, does ordain as follows:

SECTION 1. STATUTORY AUTHORITY. This Ordinance is adopted pursuant to sec. 60.20, Stats., sec 60.23, Stats., sec 86.07, Stats., and Chapter 236, Stats., as amended.

SECTION 2. PURPOSE. The purpose of this Ordinance is to regulate and control access onto Town roads in order to promote the public safety, convenience, general welfare, and economic viability, to protect the public investment of existing and proposed roads and to provide for safe and efficient use of the Town's road system. The design standards prescribed in this Ordinance are intended to promote the orderly and safe movement in and out of private properties so as to constitute a minimum degree of interference to through road traffic and to control the use of drainage structures and other objects within the road right-of-way.

SECTION 3. DEFINITIONS. The following definitions shall apply to this Ordinance:

ACCESS: The connection point for a private driveway to a public right of way.

DRIVEWAY: Any access for motorized vehicles from a public right of way onto one or two parcels.

FIELD ENTRANCE: An access point, the only use of which is as an entrance or exit to an agricultural parcel of land for field work purposes.

PARCEL: The area of land outside the public right-of-way, within the property lines of a given piece of property.

ROAD: Any highway, road, street, alley, avenue, lane, drive, boulevard, circle, or other pathway intended for the public use of motorized vehicles.

VISION CORNER: A clear triangle or right-of-way to control sight restrictions at access points.

SECTION 4. REGULATIONS.

- 4.1 Existing Access. Any use of access to a public right of way via driveway prior to the effective date of this ordinance will be permitted to the extent it was lawful at the time of its establishment, provided that any future improvements or alterations shall meet the terms of this ordinance.
- 4.2 Vacated Access. If the Town Board determines that the use of an access has been discontinued for a period of at least two years, the Town shall notify the owner by certified mail that the access is to be considered vacated. The Town Board will allow the owner 30 days to reply. If after 30 days the Town decides the access has been abandoned, the access shall be considered vacated and its use will not be permitted. Any further use of this access after it is declared vacated, will require a permit.
- 4.3 Access Prohibitions. No person shall construct an access within the meaning of this ordinance unless a valid permit has been obtained from the Town. Entrance to or exit from a Town road shall be prohibited except at designated access points. No person shall alter, in any manner, existing features within the Town road right-of-way, including but not limited to, ditches, drainage ways, culverts, bridges or pavement surfaces until or unless a permit has been obtained from the Town.
- 4.4 Subdivision of Land. Before any parcel of land is allowed to be subdivided it must be shown, to the Town's satisfaction, that access can be provided to each proposed parcel in such a way that it will not violate this Ordinance.
- 4.5 Village of Eldorado. The provisions of this Ordinance do not apply to the developed area within the Town's Traditional Neighborhood Design Overlay, as set forth in the Town of Eldorado Zoning Map.

SECTION 5. ACCESS SPACING AND FREQUENCY. Access spacing and frequency are subject to the following rules and regulations:

- 5.1 Only one access per parcel will be allowed for parcels zoned as Residential or Agricultural, unless otherwise expressly provided in this Ordinance.
- 5.2 Parcels zoned as Commercial or Industrial may be allowed two (2) points of access, provided each access meets the criteria of this Ordinance and provided that the development requires more than 50 parking spaces. This requirement may be modified by the Town Board if it determines that two (2) access points would provide for safer movement of traffic for a development that requires 50 or fewer parking spaces.
- 5.3 When a property owner owns multiple adjacent parcels with the same zoning classification, all of the frontage on the road shall be treated as a single parcel under this Ordinance.

- 5.4 Access permits shall not be issued where the horizontal distance between access points would be less than 200 feet, unless the applicant demonstrates to the Town Board's satisfaction that there is no other alternative to provide access to the existing parcel.
- 5.5 A driveway access shall not be permitted at a distance of less than 300 feet from the centerline of an intersecting town, county or state road to the proposed driveway.
- 5.6 If the applicant proposes a use not covered by this Ordinance, the Town Board reserves the right to grant an access permit provided the access does not conflict with safe driving standards or the preservation and maintenance of the road right-of-way.

SECTION 6. DESIGN STANDARDS. The following design standards shall apply to all driveways with access onto Town roads:

- 6.1 Culverts shall be at least 24 feet long and shall be placed under at least 1 foot of cover, be a minimum of 15 inches in diameter, be at least 10 feet from the nearest culvert and be constructed of corrugated metal or concrete with endwalls. Plastic pipe is prohibited. Culvert size will be determined by the Town Board, so as to allow for proper drainage.
- 6.2 Slopes to the side of the access shall not be steeper than 4 to 1 (25 percent) or that of the embankment of the Town road, whichever is less.
- 6.3 Retaining walls are prohibited.
- 6.4 Pavement of driveway access shall consist of blacktop or compacted gravel. Concrete is prohibited. For purposes of this subsection, "driveway access" refers to the portion of the driveway within 10 feet of the road's edge. Further, regardless of location, no driveway culvert may be covered by concrete.
- 6.5 Driveways shall be constructed so that drainage within road rights of way is not impeded.
- 6.6 The angle of driveway access shall be as close to 90 degrees with the centerline of the Town road as possible, but in no event less than 75 degrees.
- 6.7 Interior turnarounds shall be provided by the owner so that vehicles do not need to back onto the Town road.
- 6.8 Existing roads, including road surfaces, curbs, shoulders, slopes, ditches and vegetation shall be restored to their original condition by the applicant upon construction of a driveway.
- 6.9 Vision corners shall be free of all obstructions at each access point in accordance with the vision corner diagram included at the end of this Ordinance.

- 6.10 Access points on opposite sides of a road shall be located directly opposite each other whenever possible.
- 6.11 Shared or joint accesses, with Board approval, may be allowed whenever possible to minimize the number of access points and the interruption of traffic flow. Multiple access points shall not be permitted when shared access or interior roadways are available as an alternative.
- 6.12 Private driveways with access to one or two agricultural or residential parcels must have a driveway width of at least 20 feet and a return radius of 20 feet, all in accordance with the Type "A" access diagram included at the end of this Ordinance, except that for driveways in excess of 200 feet in length, the minimum driveway width shall be set by the Town Board based on factors including, but not limited to, lot characteristics, accessibility to emergency vehicles, and parking.
- 6.13 Type "B" access standards must be used for residential driveways with 3-20 dwelling units and for commercial or industrial parcels, all in accordance with the Type "B" access diagram included at the end of this Ordinance.


SECTION 7. ADMINISTRATION AND ENFORCEMENT.

- 7.1 Administration. The Town Board or its designee is hereby authorized to administer this Ordinance. Applications for permits and variances shall be made to the Town Board prior to beginning construction. Applications commencing work prior to issuance of an approved permit are subject to denial of permit, removal of access, as well as forfeitures, together with reasonable attorneys' fees.
- 7.2 Permits. No structure, object or item shall be constructed, reconstructed, altered, placed, installed, or planted within the jurisdiction of this Ordinance until a permit has been issued by the Town Board. An access permit shall expire one year from the date of issuance. The Town Board may require scale drawings or other information deemed necessary prior to granting a permit. The applicant shall be liable for all materials, labor and other costs connected with the construction of the access. The Town will not be liable for any damage or injury resulting from the construction of the access. The Town will not be responsible for any maintenance including, without limitation, snow and ice control. The applicant shall pay to the Town Clerk a fee for each permit application in accordance with the Town's current fee schedule.
- 7.3 Maintenance of Road During Construction. During construction of the access, the applicant shall be required to keep the road free of debris. Furthermore, the road will be swept clean at the direction of the Town Board.
- 7.4 Violations / Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$500.00 for each offense, together with costs of prosecution and reasonable attorneys' fees. Each day that a violation continues shall be considered a separate offense.

Adopted this 25th day of July, 2017.
Published this 7th day of August, 2017.


Attest: Lori Linger, Town Clerk

TOWN OF ELDORADO


By: Gary Miller, Town Chairman