

## **TOWN OF LANARK**

ORDINANCE NO. 9-98  
(Revised 09-10)

### **DRIVEWAY ZONING ORDINANCE**

#### Section 1: Title/Purpose

This ordinance is entitled the Town of Lanark Driveway Zoning Ordinance. The purpose of this ordinance is to establish standards for driveways that will provide for better and safer provisions for adequate access from private development to a public right of way and to preserve Town road quality.

#### Section 2: Authority

The Town Board of the Town of Lanark has the specific authority, powers and duties pursuant to Sec. 60.61, 60.62, 61.35 and 62.23 (1995-96 Wis. Stats.), and by the Town of Lanark's general authority pursuant to its adoption of Village powers pursuant to Sec. 60.10 Wis. Stats.

#### Section 3: Adoption of Ordinance

The Town Board of the Town of Lanark has, by adoption of this ordinance, confirmed the specific authority, powers and duties noted in this ordinance and has established by this ordinance the means to regulate and control the placement and construction of driveways with the Town of Lanark to accomplish the purpose set forth above.

#### Section 4: Definitions

Driveway/access: any area where travel occurs from a public road over land (whether by easement or ownership) not considered to be a part of the public road for the purpose of gaining access to land or improvements.

Road right-of-way: 33' from the centerline of the road.

#### Section 5: Minimum Requirements

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 by the Town Board. Driveways accessing County roads or State or US highways are subject to review and requirements of the Portage County Highway Department.

The applicant who may be the owner, agent or contractor shall submit a location construction plan showing specifications including grade, slope, width, and length of the driveway and erosion control procedures. The site shall also be flagged for on-site inspection.

Authorization for a driveway is subject to the approval of the Town Board and if along a County road, State highway or US highway the approval of the Portage County Highway Department. When so approved the Town Board shall notify the Portage County Planning & Zoning Department. A driveway shall be approved in conjunction with a building permit issuance by Portage County Planning & Zoning or a fire number issued by the Town of Lanark.

The following specifications shall apply:

- a. The driveway shall remain level for 10' from the edge of the road.
- b. The driveway within the area of the public right of way if sloping upwards away from the public road shall be at a maximum of 5% to prevent erosion onto the public road.
- c. Concrete driveways shall not enter the road right-of-way.

- d. Any requirements for culverts shall be based upon slope, ditch depth, water flow and other such criteria upon the discretion of the Board. If culverts are required the recommended minimum diameter shall be 15 inches, minimum length of 24' or alternate length determined by the town, and of metal construction.
- e. The driveway must be at least 100 feet from any existing driveway on the same side of the road and from the intersection of a public road. Distances from curves, hills or other safety concerns will be determined on a case-by-case basis. This requirement does not apply where subdivisions have been platted and specifications for subdivisions are to be followed.
- f. No obstructions, i.e. decorative rock wall, garbage cans, fence..., shall be placed within twelve (12) feet of the pavement edge in the public right of way near the driveway to allow for adequate mowing and snowplowing. Trash/recycling containers placed in the road right-of-way shall not exceed twenty-four (24) hours before or after pickup times.

When any existing access to land or improvements along a Town road is shown to warrant the placement of a culvert, or to be moved for safety factors, then the Town Board may so request the owner to comply.

Any driveway installed or modified after adoption of this ordinance that fails to meet the requirements outlined by this ordinance shall be modified to conform to this ordinance.

#### Section 6: Effective Date

This ordinance shall take effect upon passage and publication as provided by law.