

**VILLAGE OF LITTLE CHUTE**

**ORDINANCE NO. 4, SERIES 2017**

**AN ORDINANCE AMENDING SECTION 40-STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE V DRIVEWAYS, SECTION 40-123 OF THE MUNICIPAL CODE OF THE VILLAGE OF LITTLE CHUTE**

**BE IT ORDAINED** by the Village Board of Trustees, Village of Little Chute, Outagamie County, Wisconsin as follows:

**ARTICLE V. - DRIVEWAYS**

**Sec. 40-123. - Permit required.**

(a) *Purpose.* For the safety of the general public, the village shall approve the location, size, construction and number of access points to public roadways or public property 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.

(b) *Permit required to construct, reconstruct, alter or enlarge.* No person, firm or corporation 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 for accessing public right-of-way as provided by this article. An additional sidewalk permit is not required when a new sidewalk is to be constructed in conjunction with the construction of a new driveway; the sidewalk is not included in the driveway permit process in such cases.

(c) *Application.* Application for such permit shall be made to the director of public works on a form provided by the village and shall be accompanied by a scale 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 right-of-way, the dimensions thereof and a statement of the materials proposed to be used. The applicant shall pay a fee for this permit. The amount of this permit fee shall be established by the village board, from time to time, and appears in the fee schedule attached as appendix C to this Code of Ordinance. Upon receipt of the application and the fee if required, the director of public works may approve such application if the proposed driveway complies with the terms and conditions of this and any other applicable village ordinances.

(d) *Application provisions.* All driveway permit applications shall contain the applicant's statement that:

- (1) The applicant represent 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 , or for any other unlawful 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 right-of-way 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 driveway.

- (3) The permittee, their 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 injury or 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 windrow of such material upon such portion of such driveway within the dedicated portion of the Village right-of-way.
- (5) The driveway area between the curb and gutter and the right-of-way line shall be constructed of concrete installed to Village specifications unless determined to be impractical by the Director of Public Works.

(Code 2006, § 6-3-1; Ord. No. 19(Ser. of 2010), § 1, 10-27-2010)

**Sec. 40-124. - Location, design and construction requirements.**

(a) *General requirements.* The location, design and construction of driveways shall be in accordance with the following:

- (1) *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 six feet apart except by special permission from the director of public works, and driveways shall in all cases be placed whenever possible as not to interfere with utilities in place.
- (2) *Number.* The number of driveways to serve an individual property fronting on a street shall be one per 200 feet of frontage on Village right-of-way, except as listed in [section 40-124\(c\)\(3\)](#) or where deemed necessary and feasible by the Director of Public Works for reasonable and adequate service to the property, considering the safety, convenience, topography and utility of the street.
- (3) *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 (a)(7) of this section.
- (4) *Drainage.* The surface of the driveway connecting with rural type street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.
- (5) *Culverts; permit required to construct, reconstruct, alter or enlarge.* Driveways shall not obstruct or impair drainage in street ditches or roadside areas. Driveway culverts, where required, shall be adequate for surface water drainage along the street and shall not be less than the equivalent of a 12-inch diameter pipe. The distance between culverts under successive driveways shall not be less than ten feet except as such restricted area is permitted to be filled in pursuant to the provisions of subsection (a)(7) of this section.

- (6) *Reconstruction of sidewalks and curb and gutter.* When the construction of a driveway requires the removal or alteration of a curb or gutter the permittee shall adhere to curb cut policies and procedures established by the Department and 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 highway 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.
- (7) *Restricted areas.* The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
- a. The filling or draining shall be to grades approved by the director of public works 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.
  - b. Culvert extensions with prior written approval by the Director of Public Works 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 greater than 200 feet.
  - c. 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 director of public works.
- (8) *Relocation of utilities.* Any costs of relocating utilities shall be the responsibility of the property owner with prior written approval of the Director of Public Works necessary before any utility may be relocated and the driveway installed.
- (9) *Construction across sidewalks.* All driveway entrances and approaches which are constructed across sidewalks shall be of concrete constructed in accordance with the requirements for sidewalk construction in [section 40-64](#) insofar as such requirements are applicable, including thickness requirements.
- (10) *Variations.* Any of the requirements in this subsection may be varied by the Director of Public Works in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the requirements of this subsection impossible or impractical.
- (b) *Special requirements for commercial and industrial driveways.* The following regulations are applicable to driveways serving commercial or industrial establishments:
- (1) *Width of drive.* No part of a private driveway located within the dedicated area of a public street, except as hereinafter provided, have a width greater than 35 feet measured at right angles to the centerline of said 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 herein specified, the Director of Public Works may permit a driveway of additional width upon recommendation of the Plan Commission.
  - (2) *Angular placement of driveway.* The angle between the centerline of the driveway and the curb line shall not be less than 45 degrees.
  - (3) *Island areas.* Where the public sidewalk is adjacent to the curb, an island of a minimum length of six feet measured along the curb line 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 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 curb line. A curb length of not less than three 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.

- (4) Number. The number of driveways to serve an individual commercial, industrial, or multi-family property fronting on a street shall be determined by the Plan Commission through site plan review.

(c) *Special requirements for residential driveways.* The following regulations are applicable to driveways serving residential property:

- (1) *Width of driveways.* Openings for vehicular ingress and egress shall be at least ten feet wide at the property line for residential properties, but shall not exceed the garage width or 40 feet (whichever is less) at the property line, with a maximum additional six feet at the curb opening to provide for driveway flares. It is also required that in no case shall the driveway opening at the right of way exceed 50 percent of the street frontage in order to accommodate for snow storage and on street parking. Driveways located on parcels with inside curves and cul-de-sacs and have limited street frontage shall be approved by the Public Works Director.

In instances where the nature of the neighborhood and the physical characteristics of the land would provide a compelling case for deviating from the ordinance, the Director of Public Works in his/her discretion may permit a driveway of additional width. Driveways accessing a two-family residence with four or more stalls of attached garage spaces shall be allowed a total not to exceed 50 feet of driveway width at the property line.

- (2) *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 curb line.
- (3) *Second driveway.* Residential properties with a street frontage exceeding 200 lineal feet may apply for a second driveway meeting the following requirements:
  - a. Width of driveway. Opening for vehicular ingress and egress shall be at least ten feet and not more than the structure width or 40 feet (whichever is less) at the property line, with a maximum additional six feet at the curb opening to provide for driveway flares.
  - b. The secondary driveway must access a paved driveway to a structure designed for the storage of motor vehicles with a minimum area of 200 square feet.
  - c. The driveway must meet all other requirements of the Village Code of Ordinances (d) *Appeal from permit refusal.* Any applicant aggrieved by the refusal of the Director of Public Works to issue a permit for a private driveway may appeal such refusal to the village board within 30 days after refusal to issue such permit is made.

(e) *Prohibited driveways.*

- (1) No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any right-of-way in the Village except as permitted by this section. As used in this subsection the term "structure" includes private driveways, a portion of which extends into any right-of-way and which is in nonconformance with this chapter.
- (2) No driveway shall be closer than 25 feet to the extended street line at an intersection. 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.

- (3) The grade of that portion of any private driveway or pedestrian path located within the right-of-way 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.
- (4) No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure in the right-of-way.
- (5) No portion of any curb, parapet or retaining wall, rising above the grade of the driveway, erected by the owner of the premises involved shall extend beyond the culvert spanning the watercourse located in such public way.

(Code 2006, § 6-3-2; Ord. No. 5(Ser. of 2010), § 1, 4-21-2010; Ord. No. 19(Ser. of 2010), § 1, 10-27-2010)

Date Introduced: August 16, 2017

Approved and Adopted: August 16, 2017

**VILLAGE OF LITTLE CHUTE**

By:   
Michael R. Vanden Berg, Village President

Attest:   
Laurie Decker, Village Clerk