

TOWN OF RIB MOUNTAIN, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 2021-03

AN ORDINANCE TO AMEND SECTION 8.01 *DRIVEWAYS*

WHEREAS, The Town of Rib Mountain is authorized to prepare, amend and adopt a zoning ordinance under Wis. Stats. §§60.62 and 61.35; and

WHEREAS, the Town of Rib Mountain adopted Chapter 8 on February 1, 1994, to serve as the Town's zoning ordinance; and

WHEREAS, the Public Works Committee reviewed requests by residents who wanted standards to allow flexibility in the use of non-listed materials in Section 8.01 *Driveways*; and

WHEREAS, the Town Board of Supervisors finds the proposed amendment contained herein is reasonable, consistent with the Town's Comprehensive Plan, and in the public interests.

NOW, THEREFORE, the Town Board of Supervisors of Rib Mountain, Marathon County, Wisconsin does ordain as follows:

SECTION 1: Section 8.01 *Driveways* is hereby amended to provide as follows:

(1) PERMIT. No person shall alter or construct any driveway over or across any Town right-of-way or any sidewalk or curbing in the Town without first securing approval from the Superintendent of Streets and Zoning Administrator.

(2) WIDTH AND DISTANCE. Driveways shall be no wider than 25 feet at property lines, except a duplex may have a driveway up to 40 feet wide serving multiple attached and adjoining garages, and the nearest boundary of any driveway shall be at least 30 feet from a corner crosswalk. Any person desiring 2 driveways into the same property shall have at least 15 feet between driveways. If driveways in excess of 2 into any one property are desired, permission from the Town Board is required. Property located on a corner may have driveways entering the property from each street. However, if 2 driveways are provided on one street, only one driveway will be allowed on the other street without special permission from the Town Board. Any driveway which presents a concern or threat to traffic flow or public safety shall be referred to the Town Board for further action.

(3) MATERIALS. (Am. #2014-03) Driveways on the property may be of any hard surface material but may only extend beyond the property line into the public right-of-way when constructed of asphalt. Concrete may only be used in the public right-of-way if the street is concrete with permanent curb and gutter installed. The Town will only replace driveway approaches in asphalt. Driveways on the property of all new commercial or residential construction shall be concrete or asphalt. Exceptions may be given to driveways located in recreational, agricultural, or rural residential zones, with the approval of the Superintendent of Streets and Zoning Administrator. Such exceptions shall be a well compacted granular material not subject to erosion, and so noted on the driveway permit approval.

(4) CULVERTS AND ENDWALLS. Culverts and endwalls are required where deemed necessary by the Town. The slope from the edge of any hard surface to the lowest elevation of a stormwater ditch shall not be greater than 3:1.

(5) SPECIAL EXCEPTION. The Superintendent of Streets and Zoning Administrator may authorize construction or alteration of driveways not conforming to this chapter, as long as the applicant meets the following conditions:

- a) All costs associated with the removal or replacement of materials not conforming to this section shall be the responsibility of the property owner including but not limited to, concrete pavement, landscaping, and decorative pavers.
- b) An additional fee shall be submitted prior to the approval of the special exception as indicated on the Town's Schedule of Fees.

c) The Town shall not be liable for any damages to materials or other alterations granted by said special exception regardless of the cause.

d) All work associated with the approved special exception shall be completed within 365 days of approval, otherwise the approval shall become invalid.

e) The approved special exception shall run in perpetuity with the land until altered or abandoned. All alterations made after the approved special exception shall be approved by the Superintendent of Streets and Zoning Administrator through this process. When the access is abandoned, then the special exception shall be terminated.

f) Requests that would result in an unacceptable alteration in stormwater flow, as determined by the Town, shall not be eligible for a special exception.

(6) NONCONFORMING DRIVEWAYS. Private driveways existing on Town streets may be continued in their present use but shall not be expanded in width nor use, and if their present use is discontinued for a period of 90 days or repairs or alterations exceed 50 percent of the original driveway area, such driveways shall conform to this section, unless a special exception is approved by the Town Board, Superintendent of Streets and Zoning Administrator as described in section (5).

SECTION 2: The amendment effectuated by this ordinance shall apply within the municipal limited of the Town.

SECTION 3: SERVABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgement. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

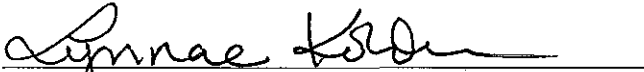
SECTION 4: EFFECTIVE DATE. This Ordinance shall take effect upon approval and publication.

Dated the 7th day of September 2021

TOWN OF RIB MOUNTAIN BOARD OF SUPERVISORS


Allen Opall, Chair

ATTEST:


Lynnae Kolden, Clerk

APPROVED:

Sept 7th, 2021

PUBLISHED:

Sept 29th, 2021