



## Dane County Planning and Development Department

Room 116, City-County Building, Madison, Wisconsin 53703

Fax (608) 267-1540

*Community Development*  
(608)261-9781, Rm. 362

*Planning*  
(608)266-4251, Rm. 116

*Records & Support*  
(608)266-4251, Rm. 116

*Zoning*  
(608)266-4266, Rm. 116

### Chapter 75 Shared Driveway Easement

To promote the clustering of residential lots, preservation of farmland, and efficient use of land, the committee may approve exceptions to the frontage requirement of section 75.19(6)(b) where the committee finds that the exception protects the public health, safety, and welfare; but only in towns where the town board has previously voted to adopt policies to allow such exceptions. The zoning and land regulation committee and town board may approve the creation of lots with access provided by a shared driveway easement, in lieu of fee-title frontage onto a public right-of-way, provided all of the following criteria are met, and carries out the purposes stated in s. 75.19(6)(b).

Please note that the committee shall not approve any exception to the frontage requirement of section 75.19(6)(b) without finding that the exception is consistent with applicable town comprehensive plans adopted by the county board, town land / subdivision ordinances, and the Dane County Comprehensive Plan and the committee may require that additional data be provided to ensure compliance with the provisions of this section.

**The shared driveway easement shall constitute a covenant running with the land, and must comply with the following:**

1. A shared driveway easement must be set forth in a shared driveway easement agreement. The shared driveway easement agreement must be approved by the town board and the zoning and land regulation committee, and recorded with the Dane County Register of Deeds in compliance with secs. 706.05 and 59.43(2m) of the Wisconsin Statutes.
2. A shared driveway easement agreement must name the affected town and Dane County as coholders of the easement, with full enforcement rights.
3. A shared driveway easement agreement must contain the following:
  - a. A provision stating that the shared driveway must be maintained to provide adequate access to emergency vehicles, school buses and other equipment, as determined by the town engineer, local fire department and EMS service.
  - b. A provision that addresses the year-round maintenance of the shared driveway, allocates the costs of maintenance among the property owners, their heirs, successors, and assigns, and determines which property owner or owners shall decide when maintenance or repair is necessary.
  - c. A provision authorizing either the town, at its sole discretion, or Dane County to inspect and conduct repair work on the shared driveway, at the expense of the property owners, if such owners fail to adequately maintain the driveway.
  - d. A provision consenting to the dedication of a future town road right-of-way within the shared driveway easement, at any time if the town, in its sole discretion, accepts it.
  - e. A provision requiring that buildings constructed on the parcel(s) be setback from the shared driveway easement as specified in section 10.17(3)(b).
  - f. A provision granting permanent, unimpeded access to the lots served by the shared driveway easement for emergency service responders, utility services, and other access which could be had by a public road.
  - g. A provision prohibiting any modifications to the shared driveway easement agreement without the written preapproval of the town and the Dane County zoning and land regulation committee.

More information can be found here: <http://pdf.countyofdane.com/ordinances/amendments/OA121314.pdf>



**Dane County Zoning & Land Regulation Committee  
Land Division Shared Access Easement Application**

**Date:** \_\_\_\_\_

**Landowner information:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Daytime phone: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Applicant information (if different from landowner):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Daytime phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Relationship to landowner: \_\_\_\_\_

Are you submitting this application as an authorized agent for the landowner? Yes \_\_\_ No \_\_\_

**Property information:**

Property address: \_\_\_\_\_

Tax Parcel ID #: \_\_\_\_\_

Certified Survey Map application #: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Rezone or CUP petition #(if any): \_\_\_\_\_ Rezone / CUP public hearing date: \_\_\_\_\_

**The fee for a Shared Driveway Easement application is \$200. Checks should be made payable to: Dane County Treasurer. Applications should be submitted in person at the Dane County Zoning office, Room 116, City-County Building, or sent to:**

**Dane County Planning and Development  
c/o, Daniel Everson  
210 Martin Luther King Jr., Blvd – Room 116  
Madison, WI 53703-3342**

**Applicants will be informed as to time and date of the meeting when their appeal will be heard by the Zoning & Land Regulation Committee.**

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