

CHAPTER 13 DRIVEWAYS & ROADWAYS

13.1 Driveways

1. **Purpose:** The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification, enlargement or the reconstruction (collectively “construction”) of driveways in the Town to assure that the location of the driveway and the method of construction will promote the public health, safety and general welfare of the community, preserve agricultural land and productivity, and enforce the goals and policies set forth in the Town of Lyndon Ordinances. For the safety of the general public, the Town shall determine the location, size, use, construction and number of access points to public highways within the Town. This ordinance does not apply to re-surfacing, or the repairs of up to 12 square yards of existing driveways.

2. **Definitions:**
 - a. Agricultural land: Unimproved land on parcels zoned Agricultural or Conservancy in the Town of Lyndon.
 - b. Driveway: A private driveway, road, or other avenue of travel that runs through a parcel of land or that connects or will connect with any public roadway, but shall not include any field road lying outside of the right-of-way of a public highway.
 - c. Field Road: A road principally used for agricultural purposes or to access agricultural land.
 - d. Improvement: Applying a layer of pavement over existing driveway.
 - e. Private Road: A road on private property which is accessed by one or more driveways and which provides access to a public highway.
 - f. Public Highway: All public ways and thoroughfares, including without limitation, town roads and county and state highways.
 - g. Resurfacing: Applying additional layer of material over existing impervious surface.
 - h. Town Board: The Town Board of Lyndon.
 - i. Town Clerk: Clerk of the Town of Lyndon.

3. **New Driveway permit required:**
 - a. Permit requirement: No person or public or private entity shall construct a new driveway, road or other access from a property line to a public highway or to a private road without first filing an application for and obtaining a Driveway Construction Permit from the Town of Lyndon.
 - b. Application: Application for a Driveway Construction Permit shall be made in writing to the Town Clerk or Zoning Administrator. The application shall contain

a sworn statement that the application is true and accurate. The application shall include the following information as may be needed:

- i. A map or diagram identifying the slopes on the property.
 - ii. A copy of any erosion control plan required by Sheboygan County.
 - iii. A Driveway Construction Plan consisting of a drawing or diagram showing the following information:
 1. The length and width of proposed driveway, and turning radius of all curves of the driveway.
 2. The relationship of the driveway to property lines, structures and existing private and public highways.
 3. The location and size of any culverts.
 4. Provisions for passing lanes, parking, and turnarounds.
 5. All slopes of the driveway.
 6. The location and structure of any retaining walls.
 7. A cross section of the driveway
 - iv. State and County permits where applicable
 - v. Any other information relevant to the application that is required by the Town of Lyndon.
- c. Application fee: The applicant shall pay a non-refundable fee as set in the fee schedule at the time of making the application for a Driveway Construction Permit
- d. Application fee: The applicant shall pay a non-refundable fee as set in the fee schedule at the time of making the application for a Driveway Construction Permit.
- e. Review: Upon filing of the complete application and application fee with the Town Clerk, the application shall be reviewed in a reasonable amount of time as follows:
- i. The Zoning Administrator may issue the Driveway Construction Permit or, if the Zoning Administrator in his/her discretion determines that the application presents issues that should be resolved by the Plan Commission and the Town Board, schedule a meeting on the application before the Town Plan Commission.
 - ii. If requested by the Zoning Administrator, the Town Plan Commission shall hold a meeting on the application.
 - iii. After the Plan Commission holds the meeting on the application, it shall recommend approval, conditional approval, denial or tabling of the application.
 - iv. Once the Plan Commission has made a recommendation on the application, the Town Board shall consider the application and at its sole discretion, approve, conditionally approve or deny the application. If the Town Board approves the application, the Zoning Administer shall issue a Driveway Construction Permit. If the Town Board conditionally

approves the application, the Zoning Administrator shall issue a Driveway Construction Permit once the conditions of the approval have been fulfilled.

- f. Permit Period: The Driveway Construction Permit is effective for 12 months from the date of issuance. Driveways not completed by this time must have a new permit to continue construction.
- g. Driveway Inspection: The holder of the Driveway Construction Permit shall notify the Town Zoning Administrator within 30 days of completion of the construction. Within 30 days of notification, the Town Zoning Administrator shall conduct an inspection of the driveway to ensure full compliance with all of the provisions of this Ordinance.
- h. Building Permits: No Building Permits for new residential construction shall be issued until a Driveway Construction Permit has been approved.

4. Specifications for construction of driveways:

- a. Slope: No land with a slope of more than 25% measured over a minimum distance of 20 feet slope be disturbed for the construction of the driveway.
- b. Width: Driveways less than 300 feet long shall be constructed with a minimum of 12 feet in width, those 300 feet or greater shall have a minimum of 18 feet of road surface and none shall exceed 24 feet in width. Instances where the nature of a commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Town Board in its discretion may permit a driveway of additional width.
- c. Culverts: Each driveway shall have a steel or concrete culvert at least 15 inches in diameter at the ditch line where the driveway meets the public or private road, unless modified by the Zoning Administrator. The culvert length and type will be determined by the Zoning Administrator.
- d. Juncture with Public Road: A length of driveway a minimum of 24 feet shall have a maximum of 5% slope at the point where the driveway enters onto a highway or private road. A slight dip (6 inches lower than the road surface) across the drive shall be placed just before the culvert at the entrance to a public highway or private road to prevent water and debris from washing onto the public highway or private road.
- e. Drainage: Ditches along the right-of-way, roadway crowning, and culverts shall be provided by the property owner for acceptable drainage. The driveway shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto the public road and the lands of other persons.
- f. The sidebanks shall be graded to a slope of no more than 1 foot of vertical rise in each 2 feet of horizontal distance. Excluded from this grading requirement are driveways for which retaining walls and/or other erosion control measures

are installed as specified in the Driveway Plan approved by the Town Board. The sidebanks shall be constructed using earthen materials.

- g. Radius of Curves: Curves in the driveway shall have an inside radius of no less than 48 feet.
- h. Erosion Control: Once the construction of the driveway has begun, all specified erosion controls, including retaining walls, ditching, culverts, crowning, mulching, matting, and bank seeding, shall immediately. For winter construction, erosion alternatives must be implemented immediately until specified controls are available.
- i. Substrata: The driveway shall have at least 4 inches of 3-to-4-inch rock on the roadbed, covered with 2 inches of 3/4-inch gravel. If it can be shown there is a suitable base, the provision requiring 4 inches of 3-to-4-inch rock may be modified or waived by the Zoning Administrator. A Field road is exempted from this provision.
- j. Clearance for Emergency Vehicles: An area 12 feet from the center line of the driveway and a minimum of 14 feet in height shall be maintained free of obstructions to permit safe passage of emergency vehicles. In cases where such clearing would be environmentally damaging the Zoning Administrator may waive the restrictions only with written approval of the local fire department.
- k. All premises, public or private, which the fire department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads and fire lanes so that all buildings on the premises are accessible to fire and emergency vehicles.
- l. Adequate turnaround at residences for ambulance or fire equipment to be able to drive out instead of backing out. Dead-end roads: Any dead-end road more than 300 feet long shall provide a turn-around at the closed end of the roadway. Turnaround can be T-type or hammerhead, 100 foot diameter cul-de-sac or curved driveway.
- m. Costs: All costs of construction of said driveway, including the cost of culverts and Driveway Plan, if required, shall be paid by the owner requesting the permit.
- n. Joint Driveways: Joint driveways will not be permitted without prior review and specific approval by the Town Board of the legally recorded Joint Driveway Agreement establishing the proposed joint driveway and the manner of its construction, maintenance and use.
- o. General Design: A driveway shall be such width and so located that all such driveway is within the limits of the public highway or private road fronting on 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 public highway 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 public

highway or private road as determined by the zoning Administrator. Driveway approaches shall be at least twenty (20) feet apart and there shall be at least ten (10) feet from the edge of the driveway to the property line except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.

- p. More than one driveway: There shall be no more than one driveway to serve individual residential or commercial property fronting on a street, except where deemed necessary and feasible in the sole discretion of the Town Board or designee for reasonable and adequate service to the property, considering the safety, convenience and utility of the street.
- q. Driveways intended to serve two or more lots for residences; commercial establishments or any other purposes shall meet the specifications set forth under REQUIRED ROAD RIGHT-OF-WAYS AND ROAD SURFACES of the Town of Lyndon Ordinance.
- r. Waiver of Specifications: Any specifications in this ordinance may be waived or modified by the Town Board if it determines the specification would impose an unnecessary hardship. Any request by an applicant for a waiver or modification of any provision in this Ordinance must accompany the initial application and must state the reason for the request. The Board may require written approval from the local fire department.
- s. Town Approval: The Town's approval of a Driveway Construction Permit application does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for the public. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose.

5. Existing driveways:

- a. Permit requirement: No person or public or private entity shall improve a driveway, road or other access from a property line to a public highway or to a private road without first filing an application for and obtaining a Driveway Improvement Permit from the Town of Lyndon.
- b. Hazardous Conditions: When washing or other conditions created by existing driveways or field roads obstruct or become a potential hazard to a public highway or private road, the Town Board shall notify the property owner of the conditions. Any property owner failing to correct such condition within 30 days after notice by the town Board shall be subject to the penalties described in the penalty section of this ordinance.
- c. Conform to Ordinance: In the event that a residential dwelling located on property served by an existing driveway is reconstructed or razed and a new dwelling is constructed, the existing driveway shall be made to conform to the requirements of this Ordinance. If a structure is added or repaired in excess of \$50,000.00 in value, any existing driveway shall be made to conform to the requirements of this Ordinance.

6. **Field roads:** Field Roads shall access public highways only at locations approved by the Zoning Administrator or Town Board.
7. **Penalties/Forfeitures:** Should a driveway be constructed or modified in violation of the provisions of this Ordinance, or create a hazard that is not corrected within 30 days of notification, the owner(s) of the land through which the driveway passes shall pay a forfeiture of up to \$100.00 per violation. Each day the violation continues to exist shall constitute a separate offense. A driveway that is constructed in violation of this Ordinance constitutes a public nuisance and may be enjoined.
8. **Agricultural productivity:** No driveway shall be approved in the Town of Lyndon if the Town Board finds that the driveway will adversely affect productive agricultural land, unless the Town Board finds that the driveway is necessary to enhance the agricultural productivity of an adjacent parcel. Under any circumstance, the Town Board shall approve a driveway with the least impact on agricultural land.

13.2 Roads

1. **Purpose:** The purpose of this Ordinance is to regulate the required road rights-of-way and road surfaces of minimum width on private roads and private drives in the Town of Lyndon for access to public highways and to provide for liability for failure to properly maintain private roads and private drives.
2. **Required road rights-of-way and road surfaces:**
 - a. Anyone who subdivides real estate in the Town of Lyndon so as to create two (2) or more lots for residences, commercial establishments or any other purpose on a private drive or private road shall provide for a minimum 66 foot wide, road right of way and a minimum 20 foot wide, cleared, road surface for access to a public highway.
 - b. Anyone who creates or extends the use of a private road or private drive in the Town of Lyndon for use by one (1) or more residences, commercial establishments or any other purposes, either by sole ownership, joint ownership, easement, or in any other manner, shall provide a minimum 66 foot wide, road right of way and a minimum 12 foot wide, cleared, road surface in the case of one (1) residence, commercial establishment or other purpose and a minimum 20 foot wide, cleared, road surface in the case of two (2) or more residences, commercial establishments or other purposes, for access to a public highway.

- c. Anyone who constructs a residence, commercial establishment or any other structure on an existing lot in the Town of Lyndon, on a private road or private drive, so as to require a building permit, shall provide a minimum 66 foot wide, road right of way and a minimum 12 foot wide, cleared, road surface for access to a public highway. An area 12 feet from the center line of the driveway and a minimum of 14 feet in height shall be maintained free of obstructions to permit safe passage of emergency vehicles. In cases where such clearing would be environmentally damaging the Zoning Administrator may waive the restrictions only with written approval of the local fire department.
 - d. Anyone who subdivides real estate in the Town of Lyndon so as to create one (1) lot for a residence, commercial establishment or any other purpose on a private drive or private road either by sole ownership, joint ownership, easement, or in any other manner, and anyone who constructs a residence, commercial establishment or any other structure in the Town of Lyndon on an existing lot, so as to require a building permit, shall provide a minimum 66 foot wide road right of way and a minimum 12 foot wide, cleared, road surface for access to a public highway.
 - e. In the event anyone creates, extends or extends the use of a private road or private drive in the Town of Lyndon for use by one (1) or more residences, commercial establishments or any other purposes, either by sole ownership, joint ownership, easement, or in any other manner, which is located on or near a previously existing private road or private drive, shall provide a minimum 66 foot wide road right of way on the extended part of the private drive or private road and a minimum 12 foot wide, cleared, road surface in the case of one (1) residence, commercial establishment or other purpose, and a minimum 20 foot wide, cleared, road surface in the case of two (2) or more residences, commercial establishments or other purposes, on the entire private road or private drive, for access to a public highway, but shall not be required to provide a minimum 66 foot wide right of way on the previously existing private road or private drive.
3. **Liability:** Anyone who owns real estate on a private road or private drive in the Town of Lyndon shall maintain that private road or private drive in such a fashion as to permit the entrance and exit of emergency vehicles and emergency persons. In the event any emergency vehicle is damaged or emergency person is injured as a result of the failure of the resident to properly maintain the private road or private drive shall be liable for any damage to emergency vehicles or injury to emergency persons caused by such failure.

13.3 Minimum Town Road Design Standards

1. **Definitions:**
 - a. Approach: that portion of road extending 100 feet on each side of a culvert or bridge.
 - b. Base Course: the supporting base material of the roadway, including shoulder.
 - c. Drainage: the gradual drying of highway by system of ditches, trenches, channels, etc.
 - d. Grade: the rate of ascent or descent of roadway.
 - e. Highway: the road or way over which the public generally has a right to pass, to include the complete right-of-way.
 - f. Road Bed: the whole material laid in place and ready for travel.
 - g. Roadway: the traveled portion of the highway.
 - h. Surface ½: the top of the roadway, or traveled surface.
2. **Applicability:** This ordinance shall be applicable to all highways laid out by the Town Board after adoption of this ordinance, including any highways dedicated in plats for proposed subdivisions submitted for review pursuant to 236 of Wisconsin Statutes, any private highways being donated to the town, and any other highways being accepted by the town as public highways in the town.
3. **Minimum road design standards:** The following minimum design standards shall apply under this ordinance:
 - a. All town highways shall be classified as local roads unless designated by the town as collector or arterial.
 - b. The classification of all roads under this ordinance shall be within the complete discretion of the town board considering such factors as traffic count, character of anticipated traffic, and relation of highway to traffic patterns within the town and other highway systems.
 - c. It is intended that local roads are those with the lowest traffic count, with access to private property as principal function.
 - d. Collector highways are intended to be highways acting as collectors from local roads to higher priority roads or developed areas.
 - e. Arterials are intended to serve as corridors through the town serving intra-regional and inter-area traffic movement.

	Residential		Commercial/Industrial	
	With C/G*	Without C/G*	With C/G*	Without C/G*
Minimum R.O.W.	66'	66'	66'	66'
Minimum width of base course (including curb, gutter or shoulders)				
Local	30'	28'	32'	32'
Collector	32'	32'	40'	50'
Arterial	40'	34'	40'	50'
Minimum width - surfacing				
Local	30'	20'	32'	24'
Collector	32'	22'	40'	30'
Arterial	40'	24'	48'	48'
Maximum grade (percent)				
Local**	10	10	8	8
Collector**	8	8	6	6
Arterial**	6	6	6	6
Minimum radius of horizontal curve (in feet)				
Local	100	100	200	200
Collector	100	100	200	200
Arterial	300	300	400	400
Corner radius at intersections	15'	30'	15'	30'
Minimum length of vertical curve				
Local	100', but not less than 20' for each algebraic difference in grade			
Collector	200', but not less than 50' for each one percent			
Arterial	300', but not less than 50' for each algebraic difference in grade			
Minimum length of tangents between reverse curves (in feet)				
Local	100	100	200	200
Collector	100	100	200	200
Arterial	200	200	300	300
Minimum sight distance (in feet)				
Local	200	200	200	200
Collector	250	250	250	250
Arterial	300	300	300	300
Design speed (miles per hour)				
Local	30	30	30	30
Collector	35	35	35	35
Arterial	40	40	40	40
Cul-De-Sacs (permanent)				
Maximum Length:	Maximum desirable length of roads with cul-de-sacs is 1,000 feet. Through roads are most desirable.			
Minimum R.O.W. Radius at Cul-de-sac (in feet)				
Local	60	60	60	60
Minimum Base Course Radius (in feet)				
Local	40	42	40	42
Minimum Pavement Radius (in feet)				
Local	40	40	40	40
*C/G means curb and gutter **Minimum Grade .5				

Base Course. Base course must be of a quality, thickness, and composition suitable for the location and be a minimum of 9 inches.

Surface Course. Surface course must consist of either asphalt concrete or bituminous concrete composition suitable for anticipated traffic loads. The minimum amount of pavement necessary for acceptance must be at least 2 ½ inches in thickness.

Ditching and Culverts. The ditching of the roadway must be complete and have proper elevation to provide for adequate drainage. Any culverts necessary for proper drainage shall be installed after elevation and location is obtained from the Town of Lyndon. The minimum length of any culvert installed in a road bed shall be at least two feet greater than the base course width. Apron end walls shall be used. The diameter and length will be subject to the approval of the Town of Lyndon, after the amount of the flowage is determined. In no case shall the culver be less than 24 inches in diameter.

Bridges. All bridges shall meet the minimum requirements of state and federal law. In the even it is decided by the Town Board, that the construction of a bridge would be of a size and cost; that it would create a hardship to the owner of land, required to build said bridge, then the Town Board may proceed to accept the road, complete as required above, except that part extending 100 feet on each side of said bridge. This portion of the road shall be known as the approach. The approach will be accepted incomplete, with the reservation that the town will bill back to the owner a portion of the cost of construction of such bridge. The Town will proceed to build said bridge and approach with the help of bridge aid if available, and bill the balance not covered by the aid or portion back to the owner.

4. **Authority for higher standards.** The road design standards in Section 3 as state above are intended to be minimum design standards. The Town Board shall have the discretion to impose higher design standards where in the opinion of the Town Board local conditions require higher standards or anticipated traffic in quantity or quality will require higher standards.
5. **Application for determination of applicable standards.** Any person may apply to the Town Board to determine what design standards should apply in a particular location, giving the description of the proposed highway and proposed design standards being requested to be approved for any proposed highway being proposed to be built. No person shall commence construction of any highway anticipated to be turned over to the town without having written approval of the proposed highway design signed by the Town Board.
6. **Final inspection and acceptance by the Town Board.** Upon completion of the proposed highway, the Town Board will proceed to make the final inspection, accepting or rejecting the highway as the case may be in the discretion of the Town Board. If the highway is rejected, then corrections must be made as stated by the Town Board before final inspection will be made again. If the final acceptance is made by the Town Board, the owner or owners will turn over to the Town, a

warranty deed free and clear of any liens necessary to convey free and clear title to the Town for the highway.

7. **Penalty.** As listed in the ordinance book.
8. **Effective Date.** This ordinance shall be effective upon its passage, posting and publication according to law.

Adopted this 9th day of September, 2009

Amendments approved and adopted this 14th day of April, 2021