

2. Average Setbacks.

a. This subsection applies to buildings that are proposed to be erected or moved between existing buildings that have setback lines less than those established by this section and were lawfully constructed.

b. The land use manager may issue a permit for the proposed building if its setback is at least the average of the setbacks of the nearest adjoining existing buildings within 150 feet on either side of the locations of the proposed building. If no building exists on the adjoining lot, the setback line shall be used.

3. Structures & Vegetation Allowed Within Setback.

a. Structures, signs, and vegetation may be placed between the setback line and the right-of-way on all highways and roads if:

i. The land use manager, in conjunction with the Eau Claire County Highway Department, determines that the road's line of sight is not impaired, and

ii. The structure or vegetation is:

(a). An open fence;

(b). A petroleum or gas transmission line; telephone, telegraph, cable television, power transmission, or other utility pole and line; and associated equipment both above and below ground that is readily removable in its entirety;

(c). An underground structure, including a well or septic tank, that is not capable of being used as a foundation for a future prohibited aboveground structure;

(d). A sign, but only as allowed by Chapter 18.78;

(e). An access or frontage road constructed by the public to plans approved by the county infrastructure committee;

(f). A tree, shrubbery, or field crop, unless otherwise prohibited by Section 18.71.050.

b. Use of public highway right-of-way by plowing, cultivating, and growing of field crops is governed by Wis. Stat. § 86.021.

c. Planting of trees and shrubs on highway right-of-way is governed by Wis. Stat. § 86.03 (3). (Ord. 167-3, Sec. 1, 2023)

18.71.040 Access driveways.

A. Purpose. This section regulates the proper placement and spacing of driveways. The purpose of these regulations is to:

1. eliminate or limit potential traffic conflicts,
2. increase traffic safety, and
3. improve traffic flow by reducing potential conflict points.

B. Applicability.

1. This section applies to all driveways that provide access from private property onto a County highway, including all proposed new driveways and any existing driveway on which the landowner proposes improvements or changes in use.

2. This section does not apply to driveways that provide access to Class A highways, which are subject to applicable state or federal requirements and permitting processes. Driveway access to all roads under state and federal jurisdiction requires Wisconsin Department of Transportation (WisDOT) approval.

C. Permit Required. Prior to issuance of a land use permit, an applicant shall obtain a driveway permit from the jurisdiction that has control over the road to which driveway access is proposed.

1. The WisDOT and the Eau Claire County Highway Department require a permit, pursuant to Wis. Stat. § 86.07, for construction or modifications on or across any highway right-of-way under their jurisdiction.

2. Individual municipalities may also require a permit for roads under their jurisdiction.

D. Maximum Surfaced Width of Driveways. The maximum surfaced width of driveways is specified in Table 8.71.040-1.

Table 18.71.040-1 Maximum Surfaced Width of Driveways.	
Zoning District	Maximum Width
Agricultural & Forestry (A-P, A-1, A-2, A-3, F-1, F-2)	36 feet
Residential (A-CR, RH, R-L, R-1, R-2, R-3)	24 feet
Commercial (C-1, C-2, C-3)	36 feet
Industrial (I-L, I-H)	36 feet

E. Driveway Slope. A driveway shall slope down and away from the road at a minimum 2% grade and a maximum 5% grade for the first 10 feet from the edge of the shoulder to minimize water flowing onto the public road.

F. Maintenance Responsibility. The property owner or occupant is responsible for the construction, maintenance, and replacement of a driveway and any associated drainage culvert. (Ord. 168-53, Sec. 8, 2025; Ord. 167-3, Sec. 1, 2023)

18.71.050 Intersection visibility (Vision Clearance Triangle).

A. Purpose. The purpose of this section is to improve traffic safety by providing sufficient visibility for motorists approaching and navigating road intersections, road-driveway intersections and road-railroad intersections.

B. Applicability. This section applies to:

1. every intersection of two public roads, and
2. every intersection of a public road and a private driveway, and
3. every intersection of a public road and a railroad right-of-way.