

TOWN OF EDEN
IOWA COUNTY, WISCONSIN
DRIVEWAY ORDINANCE 2026-6

Adopted this 5th day of October, 2026

Town Chair: Rick Zambich

Attested by:

Town Clerk: Cheryl Kelly

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1.01 PURPOSE AND FINDINGS

(1) Purpose.

The purpose of this Ordinance is to regulate the establishment, construction, improvement, modification, or reworking of driveways and field roads in the Town of Eden in order to protect public health, safety, and general welfare; to ensure adequate emergency vehicle access; to prevent damage to public highways from improper drainage, erosion, or inadequate design; to promote consistency with the Town of Eden Comprehensive Plan; and to coordinate local regulation with the Iowa County Highway Access Control Ordinance and applicable state standards.

(2) Findings.

The Town Board of the Town of Eden finds and declares as follows:

- (a) Improperly designed, constructed, or maintained driveways and field roads can create significant public safety hazards, including inadequate emergency vehicle access, poor sight distance, and increased risk of accidents at the intersection with public highways.
- (b) Inadequate drainage and erosion control from private driveways and field roads can damage public roadways, increase maintenance costs for the Town and County, and contribute to flooding or sedimentation of ditches and waterways.
- (c) The increasing number and scale of commercial, industrial, and utility facilities (including utility-scale solar energy systems, wind energy systems, substations, and battery energy storage systems) generate higher volumes of construction and operational traffic, heavier vehicles, and greater demands on public highways than traditional residential or agricultural accesses.
- (d) Uniform minimum standards for driveway and field road design, including width, surface, grade, sight distance, and turnaround provisions, are necessary to protect the traveling public and to ensure that emergency services can reach properties in a timely manner.
- (e) Existing driveways that were lawfully established prior to the adoption of this Ordinance should be allowed to continue as legal non-conforming uses, subject to reasonable limitations on expansion, intensification, or reconstruction that would increase the degree of nonconformity or create new public safety hazards.
- (f) Regulation of the physical access point and the driveway on private property is a legitimate exercise of the Town's police powers under Wisconsin Statutes §§ 60.10, 60.22, 61.34, 86.02, 86.04, and 86.07, while design and construction within the public right-of-way remain subject to Iowa County and Wisconsin Department of Transportation authority.
- (g) Nothing in this Ordinance is intended to conflict with or supersede the authority of the Public Service Commission of Wisconsin to issue Certificates of Public Convenience and Necessity for large energy projects. Local regulation is limited to the safety, drainage, and emergency access characteristics of the driveway or access point itself.
- (h) Requiring applicants for higher-intensity accesses (Access Types C and D) to bear the cost of necessary auxiliary lanes or limited road improvements is a reasonable and proportional means of mitigating the traffic impacts created by those developments.
- (i) Temporary agricultural loading areas for semis during planting and harvest seasons are a legitimate agricultural practice, provided they are strictly limited in duration and use, kept clear of the traveled way, and do not create drainage or safety problems.
- (j) Many Town roads currently have a paved surface of approximately 18 feet and carry fewer than 100 vehicles per day. New commercial, industrial, utility, or higher-intensity agricultural accesses that significantly increase traffic or

introduce regular heavy-truck use on these narrow roads create safety and operational problems that justify requiring limited road widening at the applicant's expense.

1.02 ABROGATION AND GREATER RESTRICTIONS

It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern.

1.03 INTERPRETATION

The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.04 AMENDMENTS

The Town Board may amend, supplement, or repeal any of these regulations after public notice and hearing.

1.05 SEVERABILITY

The provisions of this Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid. If any section, 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.

1.06 REPEAL

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.07 JURISDICTION AND APPLICABILITY

Jurisdiction of these regulations shall include all driveways and field roads on land within the Town of Eden. New driveways, field roads, and those existing driveways or field roads that undergo repairs involving changes in the existing slope and/or rerouting are subject to the provisions of this Ordinance.

Except as provided in Section 1.14, the provisions of this Ordinance do not apply to repairs to existing driveways or field roads where the repair does not involve changes in the existing slope and/or rerouting.

The Town Inspector retains primary authority over driveway and field road permits and compliance within the Town of Eden. Standards applicable within the right-of-way of a County Trunk Highway are coordinated with the Iowa County Highway Access Control Ordinance. An "improved access point" for field roads shall include a defined entrance with adequate drainage and surface stabilization (gravel or similar material) as determined by the Town Inspector, unless waived in writing for low-impact agricultural or recreational use based on site-specific conditions.

1.08 AUTHORITY

The Town of Eden has adopted village powers pursuant to Wis. Stat. § 60.10(2)(c). These regulations are adopted under the general police powers authority granted pursuant to secs. 60.10(2)(c), 60.22(3), and 61.34(1) of the Wisconsin Statutes, the controlled-access highway powers granted pursuant to secs. 83.027(10), 84.25(10), 86.02, 86.04, and 86.07(2) of the Wisconsin Statutes, and sec. 236.45(2) of the Wisconsin Statutes.

1.09 DEFINITIONS

- (1) Agricultural Land. Any land within the Town of Eden that is currently being farmed, including cropland and pastureland, or land that is included in a government set-aside program.
- (2) Driveway. A private driveway, road, or other avenue of travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide service to a residence, business, recreational site, or other similarly appropriate uses.
- (3) Easement. A legal use of property, commonly for ingress and egress. An easement is not synonymous with a driveway.
- (4) Field Road. A road used primarily for agricultural or recreational purposes that connects with a public highway through an improved access point.
- (5) Shared Driveway. A driveway used by more than one user.
- (6) Town. The Town of Eden.
- (7) Town Inspector. The individual(s) or agent(s) hired or appointed by the Town Board to act in this capacity. (7m) Business Day. A day other than Saturday, Sunday, or a federal holiday.
- (8) Access Type A. Access serving one or two agricultural-residential or residential parcels.
- (9) Access Type B. Access whose primary purpose is agricultural equipment or field access.
- (10) Access Type C. Access serving residential parcels with 3–20 units or commercial or industrial uses with 25,000 square feet or less of improvements.
- (11) Access Type D. Access serving residential parcels with more than 20 units or commercial or industrial parcels with 25,000 square feet or more of improvements.
- (12) Access Type E – Temporary Agricultural Loading Area. A temporary pull-off or apron located primarily within or adjacent to the public right-of-way (or on immediately adjacent private land) intended solely for the short-term parking of a semi-tractor and trailer while loading or unloading grain or other agricultural products from the adjoining property.
- (13) Commercial. The use of land, buildings, or structures primarily for the retail sale of goods, the provision of services, offices, professional or personal services, restaurants, lodging, or similar non-residential activities that generate customer, client, or employee vehicle trips.
- (14) Industrial. The use of land, buildings, or structures primarily for manufacturing, processing, assembly, fabrication, warehousing, distribution, storage of materials or goods, or similar activities involving the production, handling, or storage of products, materials, or equipment.
- (15) Pull-off. A designated area adjacent to a driveway or field road designed to allow vehicles to safely exit the traveled way for temporary parking, loading, or unloading.
- (16) Legal Non-Conforming (Grandfathered) Driveway. An existing driveway or field road that was lawfully established and in use prior to the effective date of this Ordinance (or any amendment thereto) but that does not fully conform to the current standards of this Ordinance.

(17) Utility Facilities. Utility substations, utility-scale solar energy systems, utility-scale wind energy systems, battery energy storage systems (BESS), and similar energy generation, transmission, or storage facilities shall be classified as follows:

- (a) Access Type D when the total fenced-in area of the facility exceeds 25,000 square feet.
- (b) Access Type C when the total fenced-in area is 25,000 square feet or less.

For purposes of this definition, “fenced-in area” means the total area enclosed by the perimeter security fencing of the facility, including all equipment, solar arrays, wind turbine pads, substations, buildings, internal access roads, and related improvements located inside the fence line.

The Town Inspector shall make the final classification determination based on the approved project site plan.

Nothing in this Ordinance is intended to conflict with, supersede, or prohibit a project that has received a Certificate of Public Convenience and Necessity (CPCN) or other approval from the Public Service Commission of Wisconsin under Wis. Stat. § 196.491 or related statutes. This Ordinance regulates only the location, design, construction, and maintenance of the physical driveway or access point connecting the facility to a public highway for purposes of public safety, drainage, emergency vehicle access, and protection of the public roadway. The Town shall administer this Ordinance in a manner that does not unreasonably interfere with a PSC-approved project.

1.10 APPLICATION REQUIREMENTS AND PROCEDURES

(1) Who Must Apply. No person or entity shall establish, construct, reroute, alter the existing slope of, or change the access type of any driveway or field road without first obtaining a Driveway Construction Permit from the Town Inspector. The applicant must own or have a legal interest in and current access to the land to which the permit will apply.

(2) Application Forms. The Town Inspector shall approve a form for Driveway Construction Permit applications. Forms are available from the Eden Town Clerk (see Addendum B).

(3) Application Procedure. The applicant shall submit a completed application with the required fee and the following attachments, as applicable, to the Eden Town Clerk. A conceptual layout may be submitted for preliminary review prior to formal application. Required information includes:

- (a) Sketch Map – detailed sketch showing location and dimensions on an aerial photograph.
- (b) Soil/Slope Analysis – proposed driveway/field road drawn on a topographic map to determine approximate slope.
- (c) Driveway Construction Plan (if required – see Section 1.11).
- (d) County Review – review by the Iowa County Office of Planning & Development for floodplain, shoreland, wetland, and related issues.
- (e) County/State Access Approval – any access to a County Trunk Highway or state/federal highway must have prior approval from the appropriate highway authority; a copy of that approval must accompany the Town application.
- (f) Other documents as requested by the Town Inspector.

(4) Application Review. The Town Inspector shall review each application and approve, deny, or request additional information within 10 Business Days of receipt.

(5) Permit Denial. Reasons for denial may include nonconformance with this Ordinance, the Town Comprehensive Plan, or applicable County, State, or federal requirements. The Town Inspector shall state the particular facts supporting the denial in writing and afford the applicant an opportunity to present evidence in response. The Town Board may affirm or modify the decision.

- (6) Re-application. If two consecutive applications for the same parcel are denied, no subsequent application for that parcel will be considered within three months of the second denial.
- (7) Permit Period. A Driveway Construction Permit is effective for 12 months from the date of issuance and expires thereafter unless renewed.
- (8) Renewal. The permit may be renewed once for an additional six months. If construction is not completed by the end of the renewal period, a new application is required.
- (9) Inspection. The applicant shall notify the Town Clerk within 30 Business Days of completion. The Town shall inspect within 30 Business Days of notification to verify compliance.
- (10) Building Permits. No Town building permit for new construction will be issued until the driveway or field road is permitted under this Ordinance.
- (11) Application Fee. An application fee of \$250.00 is required with the application. Of this amount, \$150.00 is refundable upon successful completion of the final inspection by the Town Inspector and confirmation that the driveway or field road has been constructed in accordance with the approved permit and this Ordinance. The remaining \$100.00 is non-refundable and covers administrative costs.

1.11 WHEN A DRIVEWAY CONSTRUCTION PLAN OR LOCATION PLAN IS REQUIRED

- (1) Driveway Construction Plan. The Town Inspector may require a construction plan prior to any proposed construction or modification. A construction plan is required for any of the following, unless waived in writing by the Town Inspector:
 - (a) Disturbance of land with a slope greater than 10%.
 - (b) Retaining wall or other special erosion-control measure.
 - (c) Crossing of a waterway or potential significant alteration of drainage patterns or runoff quantity.
 - (d) Construction or improvement of a bridge or culvert.
 - (e) Any case in which the Town Inspector determines a plan is necessary.
 - (f) Any Access Type C or Type D proposal (including utility facilities classified under Section 1.09(17)).
- (2) Location Plan. A scale Location Plan on an aerial photograph is required for all segments not covered by a full construction plan.

1.12 COMPONENTS AND APPROVAL OF DRIVEWAY CONSTRUCTION PLANS

- (1) Components. When required, a Driveway Construction Plan shall include a scale drawing showing:
 - (a) Precise location of the driveway or field road (or the segment requiring the plan).
 - (b) Profile before and after construction showing finished grade (maximum 10% unless a higher grade is approved in writing by the controlling fire district for Type B agricultural access).
 - (c) Location and structure of any retaining walls.
 - (d) Location, size, and design calculations of any bridges.
 - (e) Location, size, and design calculations of any culverts.
 - (f) Typical cross-sections in cut and in fill.

(g) Erosion-control measures.

(h) Storm-water management details.

(i) For Access Type C and Type D (including utility facilities), traffic analysis, proposed bypass or auxiliary lanes, and any required road widening.

(2) Approval. No construction may commence until the Town Inspector has approved any required Construction Plan, a Driveway Construction Permit has been issued, and any necessary Iowa County or State approvals have been obtained. After completion, the Town Inspector shall inspect the work. The Town Board may require evaluation by a licensed engineer at the applicant's expense if deemed necessary.

As a condition of every permit, the driveway or field road shall be constructed and maintained to ensure access by emergency vehicles. Approval of a permit does not constitute a determination that the driveway is safe or suitable for public use, nor does it create any public road status.

1.13 SPECIFICATIONS FOR THE CONSTRUCTION OF DRIVEWAYS

(1) Minimum Width. 12 feet for a single-residence driveway; 18 feet for a shared driveway. Within the public right-of-way:

- Type A: minimum 12 feet at the right-of-way line with a 20-foot return radius.
- Type B: minimum 16 feet.
- Type C and Type D: minimum 22 feet (or greater as required by traffic volume).

(2) Minimum Surface. 6 inches of crushed aggregate base course. Finished surface shall be a minimum of 6 inches of gravel aggregate or 2 inches of blacktop. Additional stone may be required based on soil conditions. Within the public right-of-way, surface and base thickness shall meet Iowa County Type A/B/C/D standards. Accesses generating 101 or more daily trips shall be paved.

(3) Side slopes. No steeper than 1 vertical to 2 horizontal (50%). Within the public right-of-way, side slopes shall not be steeper than 4:1 (25%) or the existing highway embankment, whichever is less.

(4) Ditch Back Slopes. No steeper than 1 vertical to 2 horizontal (50%).

(5) Maximum Finished Grade. 10%, unless written permission is obtained from the controlling fire district.

(6) Clearance Envelope. A clear space 18 feet high and 20 feet wide (single residence) or 18 feet high and 26 feet wide (shared) shall be maintained at all times for emergency vehicle access.

(7) Turnaround. Each driveway shall provide a suitable turnaround so that vehicles are not required to back onto a public highway. The turnaround shall meet the following requirements according to Access Type:

- Access Type A: A circle or Y turnaround shall be located within 75 feet of the house.
- Access Type B: A turnaround shall be provided at the end of the driveway.
- Access Type C and Access Type D: A turnaround shall be provided at the fenced area or main building area of the site.

(8) Curves. Minimum radius of 50 feet.

(9) Pull-offs. Minimum 8-foot-wide by 30-foot-long pull-offs may be required at the discretion of the Town Inspector. A pull-off is required on every driveway or field road exceeding 300 feet in length. The first pull-off shall be provided within approximately 50 feet of the highway intersection. Additional pull-offs shall be provided at intervals of not more than 1,000 feet along the driveway or field road. The Town Inspector may waive a pull-off in writing only for low-traffic agricultural use where emergency access is not impaired.

(10) Entrance Slope. The entrance slope within the public right-of-way shall slope away from the public road between 1% and 5% to prevent runoff from entering the highway.

(11) Shared Driveways. Shared driveways require Town Board approval.

(12) Culverts (within right-of-way). When required, culverts shall be a minimum of 30 feet in length plus apron end walls, placed with at least 1 foot of cover, minimum 15-inch diameter (or larger as determined necessary for drainage), constructed of corrugated metal or concrete. Plastic pipe is not permitted within the public right-of-way.

(13) Angle of Access. As close to 90 degrees with the centerline of the public highway as practicable, and not less than 75 degrees.

(14) Vision / Sight Distance. Access points shall maintain adequate stopping sight distance consistent with the posted speed limit and Iowa County vision-corner standards.

(15) Access Type C and Type D – Additional Standards and Thresholds for Auxiliary Lanes or Road Widening.

Design, construction, and traffic-control devices for Access Type C and Type D (including utility facilities classified under Section 1.09(17)) shall conform to the applicable provisions of the Wisconsin Department of Transportation Facilities Development Manual (FDM), particularly Chapter 11 (Design), and the Manual on Uniform Traffic Control Devices (MUTCD).

When the access connects to a State Trunk Highway or U.S. Highway, WisDOT standards and review processes shall control.

The Town Inspector, in consultation with the Iowa County Highway Department (County Trunk Highways) or WisDOT (State/U.S. Highways), may require a bypass lane, left-turn lane, right-turn/deceleration lane, acceleration lane, or limited road widening when any of the following conditions are met:

(a) Traffic Volume Thresholds. Traffic volumes shall be evaluated using existing counts from the Wisconsin Information System for Local Roads (WisLR), a recent traffic survey, or other reliable data. The projected increase caused by the new or modified access shall be used.

- Projected increase of 50 or more peak-hour trips (any direction); or
- Projected increase of 25 or more left-turning vehicles in the peak hour; or
- Projected increase of 40 or more right-turning vehicles in the peak hour; or
- Projected increase of 300 or more vehicles per day using the access; or
- Side-road / access AADT is projected to exceed 400 vehicles per day and the through-road AADT exceeds 4,000 (consistent with FDM guidance for considering left-turn treatment).

Peak Hour Definition. “Peak hour” means the single hour of highest traffic volume on the public highway adjacent to the proposed access. In the absence of site-specific data, the morning peak is generally 7:00–9:00 a.m. and the afternoon peak is generally 4:00–6:00 p.m., or as established by a traffic study or WisLR/WisDOT data.

(b) Road Width and Traffic Increase Thresholds. Many Town roads currently have a paved surface of approximately 18 feet and carry fewer than 100 vehicles per day. When a new or modified Access Type C or Type D is projected to cause a significant increase in traffic or introduce regular truck traffic, the following applies:

- If the existing paved surface is less than 22 feet wide and the access is projected to increase total daily traffic by 100 or more vehicles per day, or will regularly be used by semi-tractors, grain trucks, or other heavy vehicles, the Town Inspector may require the applicant to widen the public road to a minimum of 22 feet of paved surface for a distance sufficient to safely accommodate turning movements and approaching traffic. That distance shall be no less than 495 feet on each side of the access, which is the advance-placement distance associated with a Stop Ahead (W3-

1) warning sign under the Manual on Uniform Traffic Control Devices (MUTCD), unless the Town Inspector determines that a greater distance is necessary for safe operation.

- The widening shall include appropriate gravel or paved shoulders as directed by the Town Inspector or Iowa County Highway Department.
- The applicant shall pay all costs of the widening and related work within the public right-of-way.

(c) Design Vehicle and Operational Thresholds.

- The access will regularly be used by semi-tractors and trailers (WB-50 / WB-62 or larger), grain trucks, or other slow-accelerating vehicles; or
- Vehicles entering or exiting the access regularly impede through traffic for more than 10–15 seconds; or
- The existing public road has a paved surface less than 22 feet wide and the new access will introduce regular truck traffic.

(d) Safety and Geometric Thresholds.

- Available stopping sight distance is less than the minimum required for the posted speed (per FDM / AASHTO); or
- The access is located on a curve, near a hill crest, or within 300 feet of an existing intersection and turning movements create elevated crash risk; or
- There is a documented history of crashes or near-misses related to turning movements at or near the location.

(e) Consistency with FDM Rural High-Speed Criteria. On roads with posted speeds of 50 mph or higher, the Town Inspector may also consider the volume-based selection criteria in FDM 11-25 Attachment 1.1 (Selection Criteria for Rural High-Speed Intersections) when determining the appropriate level of turn-lane or bypass treatment.

Cost Responsibility. The applicant shall pay all costs of design, construction, right-of-way acquisition (if any), and related improvements within the public right-of-way. The requirement must be roughly proportional to the impact of the proposed access.

Documentation. The Town Inspector shall document in writing the specific threshold(s) met, the source of existing traffic data (WisLR, survey, or other), and the improvement required. The applicant may submit a traffic study prepared by a qualified professional to contest or refine the projected volumes.

(16) Utility Facility Access – Special Provisions.

(a) Driveways and access points serving Utility Facilities shall meet the standards applicable to the assigned Access Type (C or D), including any requirements for width, surface, sight distance, culverts, and turnarounds necessary for emergency vehicle access.

(b) Where the Town Inspector or Iowa County Highway Department determines that a bypass lane, acceleration/deceleration lane, or limited road widening is necessary to safely accommodate the traffic generated by the facility, the applicant shall be responsible for the cost of such improvements within the public right-of-way, provided the requirement is roughly proportional to the impact of the project.

(c) The Town Inspector may approve reasonable modifications to dimensional standards when necessary to accommodate the unique operational or safety needs of a utility facility, so long as public safety, drainage, and emergency access are maintained.

(17) Access Type E – Temporary Agricultural Loading Area Standards.

(a) Length. Minimum 70 feet, sufficient to accommodate a typical semi-tractor and trailer combination completely clear of the traveled way.

(b) Width. Minimum 12 feet of usable stabilized surface outside the edge of the traveled way (or greater as needed so the vehicle is fully clear of travel lanes).

(c) Location. Preferred locations are near the top of a hill or on relatively flat ground where drainage is not impeded as well as located at least 200 feet from any intersection or curve where sight lines are impeded. Locations in ditches or low areas may be approved only if adequately sized culverts are installed to maintain continuous ditch flow.

(d) Surface. Stabilized gravel or equivalent (minimum 6–8 inches of aggregate base).

(e) Use Restrictions.

1. Use is limited to the owner of the adjacent property (or their authorized agents/employees).

2. Use is permitted only during planting and harvest seasons.

3. Parking, standing, or stopping is limited to a maximum of six (6) hours.

4. No overnight parking and no permanent storage of vehicles, trailers, or materials is allowed.

5. No loading or unloading shall occur on the traveled surface of any public highway.

6. Hazard lights suggested to be used when the access is in use.

(f) Cost Responsibility. The adjacent property owner shall pay all costs of construction, maintenance, and any required culverts or drainage improvements. Type E accesses are exempt from the Town's culvert cost-share program.

(g) Permit Required. A Driveway Construction Permit is required. The Town Inspector may attach site-specific conditions.

(h) Removal / Restoration. The Town may require removal or restoration of the area if it is abandoned, creates a safety or drainage hazard, or is used in violation of these restrictions.

1.14 EXISTING DRIVEWAYS, INVENTORY, LEGAL NON-CONFORMING (GRANDFATHERED) ACCESSES, AND CHANGE OF ACCESS TYPE

(1) Existing Driveways and Field Roads. An existing driveway or field road that was lawfully established and in continuous use prior to the effective date of this Ordinance (or any subsequent amendment) may continue to be used even if it does not fully conform to the current standards of this Ordinance. Such accesses are considered legal non-conforming (grandfathered) driveways.

(2) Rights of Legal Non-Conforming (Grandfathered) Driveways.

(a) Routine maintenance, repair, and resurfacing that does not alter the location, width, slope, or nature of the use is permitted without a new permit.

(b) A legal non-conforming driveway may not be expanded, extended, relocated, or intensified in a manner that increases the degree of nonconformity without a new Driveway Construction Permit and full compliance with current standards.

(c) Required reconstruction or replacement under this subsection is limited to: (i) culverts located within the public right-of-way; and (ii) culverts outside the public right-of-way that the Town Inspector determines are necessary after review by emergency services. This subsection does not require reconstruction of an entire legal non-conforming driveway solely because it does not meet current dimensional standards. If a driveway or field road is abandoned or discontinued for a continuous period of twelve (12) months or more, any re-establishment shall require a new permit and shall comply with current standards.

(d) A change in the nature of the use of a legal non-conforming driveway (including a change of Access Type) requires a new permit and compliance with the standards applicable to the new type.

(3) Inventory and Mapping. Within twelve (12) months after the effective date of this Ordinance, the Town Inspector or an individual assigned by the Town Board shall complete an inventory and mapping of existing connections in the public right-of-way, including driveways and field roads that access public highways in the Town of Eden. The purpose of the inventory is to identify existing connections in the right-of-way. The inventory shall not, by itself, require any property owner to upgrade, reconstruct, or bring an existing connection into current-standard compliance. Property owners shall be notified in writing and given a reasonable opportunity to verify the location, approximate dimensions, current use, and ownership of each access point serving their property. The inventory may note which accesses appear to be legal non-conforming (grandfathered).

(4) Hazardous Conditions. When erosion, blockage of water flow, or other conditions created by an existing driveway or field road (whether conforming or legal non-conforming) obstruct or become a potential hazard to a public highway, or unreasonably hinder emergency access, the Town Inspector shall notify the property owner. Failure to correct the condition within 30 Business Days after notice subjects the owner to the penalties in Section 1.15.

(5) Field Roads. No field road may be used as a driveway to serve a residence or commercial structure unless it has been approved as a driveway under this Ordinance. A field road proposed to serve any structure that may require emergency services may be required to meet the full standards of this Ordinance.

(6) Culvert Replacement and Cost Share. The Town may identify and order the replacement of failed or deficient culverts that are located in the public right-of-way, or that the Town Inspector determines are necessary after review by emergency services, where those culverts pose risks to highway safety, drainage, emergency access, or infrastructure. The Town will offer a cost-sharing program under which the Town's contribution shall not exceed 50% of the average cost of highway culvert replacements performed by the Town over the preceding five years (calculated annually by the Town Board based on documented records). Type E Temporary Agricultural Loading Areas are exempt from this cost-share program; the adjacent property owner pays 100% of all costs.

(7) Change of Access Type. A change in the nature of the use of an existing driveway or field road constitutes a change of access type and requires a new Driveway Construction Permit and full compliance with the standards applicable to the new type. Examples of changes that trigger this requirement include, but are not limited to:

- Conversion of a Type B (agricultural/field) access to a Type A (residential), Type C, or Type D use;
- Conversion of a residential driveway to commercial or industrial use;
- Increase in building size or intensity that moves the use from Type C into Type D;
- Conversion or expansion of a utility facility that changes its classification under Section 1.09(17);
- Significant increase in traffic volume, vehicle size, or intensity of use;
- Addition of a second access or conversion of a shared driveway to individual use (or vice versa) in a manner that alters the permitted classification.

The Town Inspector shall determine whether the existing physical configuration meets the design standards required for the new access type. If it does not, the applicant must bring the access into compliance or obtain approval of a modified design that achieves equivalent safety and drainage performance. Approval of a change of access type does not waive any applicable Iowa County Highway Department requirements for the portion within the public right-of-way. For changes into Type C or Type D, the applicant shall also comply with the FDM, MUTCD, and cost responsibility provisions of Section 1.13(15) and (16).

1.15 PENALTIES

(1) Any person who constructs, modifies, or maintains a driveway or field road in violation of this Ordinance, or who fails to correct a hazardous condition within thirty (30) Business Days after written notice from the Town Inspector,

shall forfeit not less than \$150.00 nor more than \$500.00, together with the costs of prosecution. Each Business Day that a violation continues after the expiration of the thirty-Business-Day notice period shall constitute a separate offense. An unlawful driveway or field road constitutes a public nuisance and may be abated by injunction or other appropriate legal action.

(2) In addition to any forfeiture, the landowner shall make the corrections ordered by the Town Board within thirty (30) Business Days, or within such longer period as the Town Board may allow.

1.16 TOWN BOARD APPROVAL

All driveways and field roads permitted under this Ordinance are subject to final approval by the Town Board where required by this Ordinance or by Town policy.

1.17 EFFECTIVE DATE

This Ordinance shall take effect the day after its publication or posting as required by law.

ADDENDUM A

STANDARD DETAIL DIAGRAMS

The following standard detail diagrams illustrate the dimensional and design requirements of this Ordinance. They are provided for reference and are not sealed construction documents. All work shall conform to the text of this Ordinance, Iowa County Highway Access Control standards, and applicable WisDOT requirements.

Figure A-1. Typical Access Width and Return Radius – Type A (Residential)

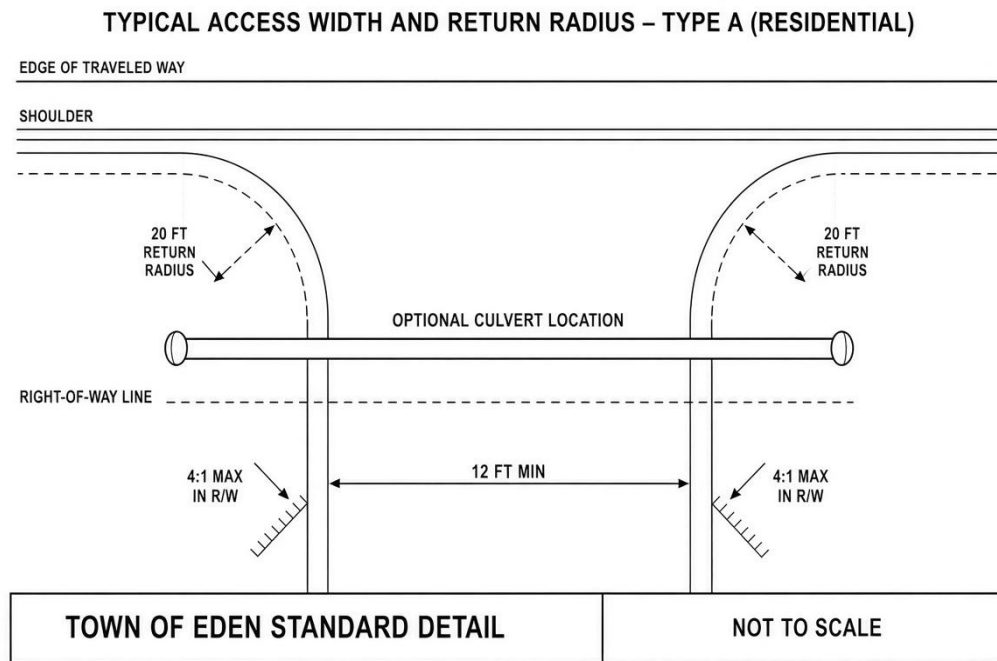


Figure A-2. Typical Access Width and Return Radius – Type B (Agricultural / Field)

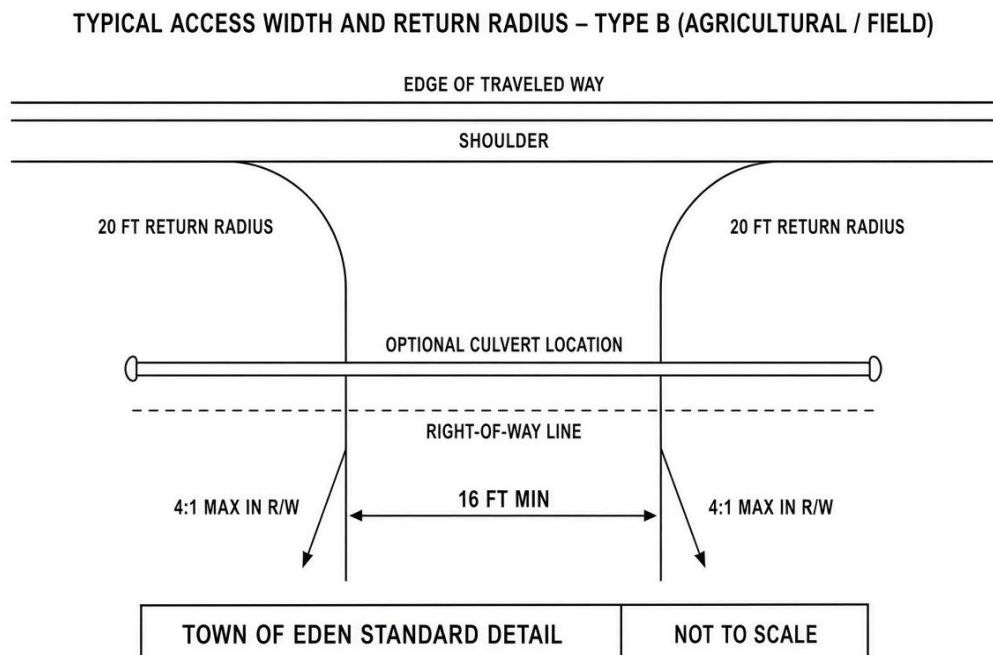


Figure A-3. Typical Access Width and Return Radius – Type C / D (Commercial / Industrial / Utility)

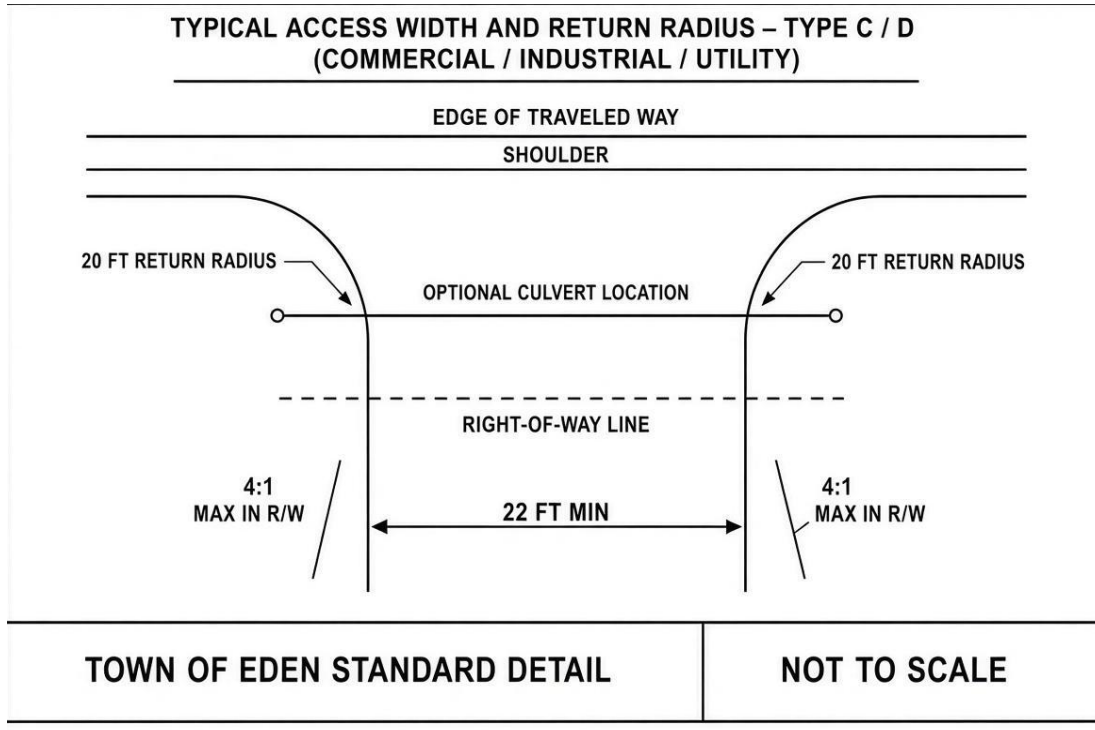


Figure A-4. Typical Driveway Pull-Off Detail

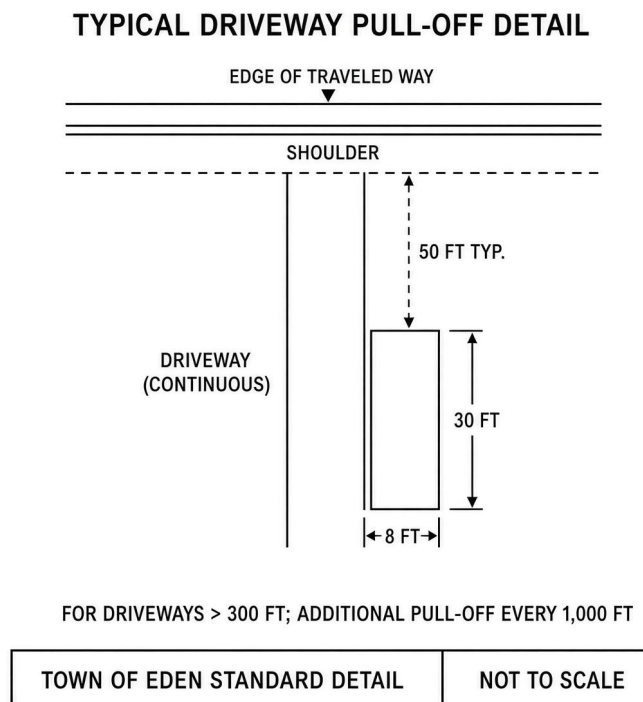


Figure A-5. Typical Access Type E – Temporary Agricultural Loading Area

TYPICAL ACCESS TYPE E – TEMPORARY AGRICULTURAL LOADING AREA

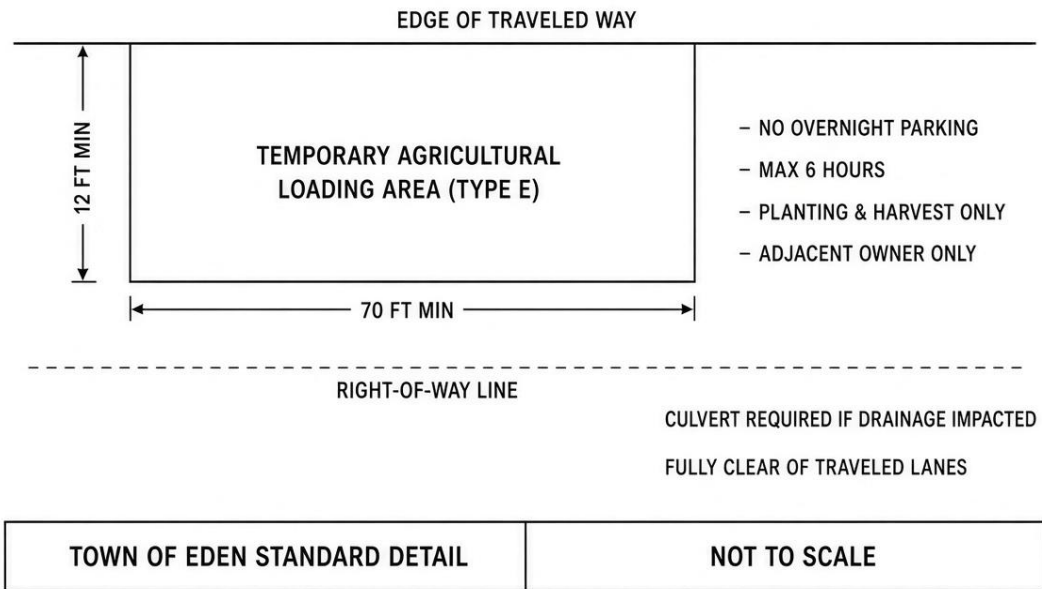
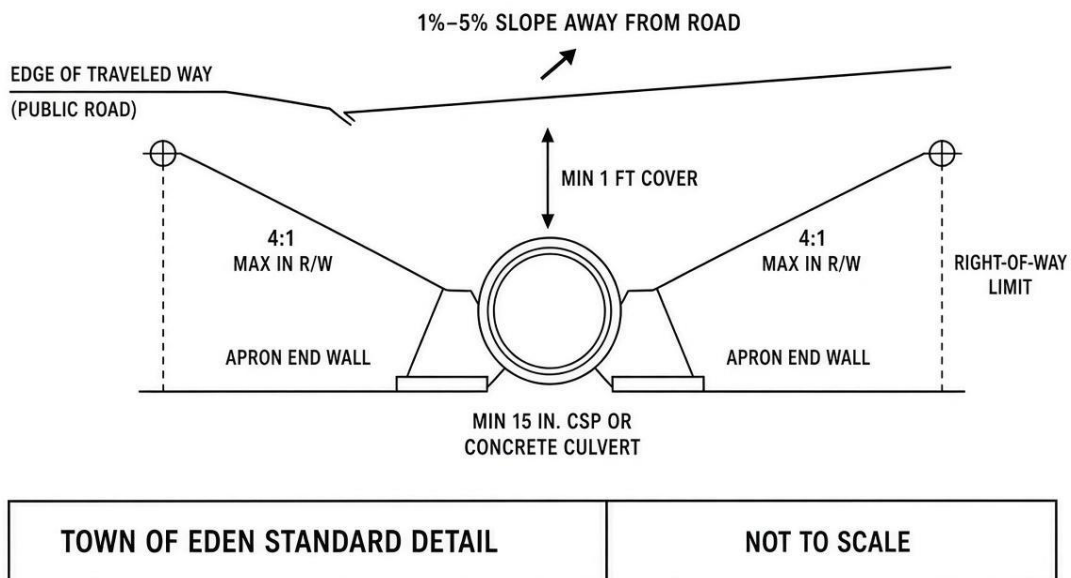


Figure A-6. Typical Driveway Entrance and Culvert Cross-Section

TYPICAL DRIVEWAY ENTRANCE AND CULVERT CROSS-SECTION



ADDENDUM B

DRIVEWAY CONSTRUCTION PERMIT APPLICATION

Town of Eden, Iowa County, Wisconsin

Application Fee: \$250.00 (\$150.00 refundable after successful final inspection)

Submit completed form and fee to: Eden Town Clerk

1. APPLICANT INFORMATION

Applicant Name: _____

Mailing Address: _____

City/State/Zip: _____

Phone: _____ Email: _____

Property Owner (if different): _____

2. PROPERTY INFORMATION

Parcel Tax Key / PIN: _____

Section: _____ Town: _____ Range: _____ ¼ ¼: _____

Site Address (if assigned): _____

Town Road / CTH / STH accessed: _____

3. PROPOSED ACCESS

☐ New Driveway ☐ Modification / Reroute ☐ Change of Access Type

☐ Field Road ☐ Shared Driveway ☐ Type E Temporary Agricultural Loading Area

Proposed Access Type: ☐ A (Residential) ☐ B (Ag/Field) ☐ C ☐ D ☐ E (Temp. Loading) ☐ Utility Facility

Length of driveway (approx.): _____ feet

Distance to nearest existing driveway: _____ feet

Will the driveway cross a waterway or require a culvert/bridge? ☐ Yes ☐ No

Estimated daily traffic (trips): _____

4. REQUIRED ATTACHMENTS (check all submitted)

☐ Sketch map on aerial photograph showing location and dimensions

☐ Topographic / soil-slope analysis

☐ Driveway Construction Plan (if required under Sec. 1.11)

☐ Iowa County Planning review / floodplain-shoreland determination

☐ County or State highway access approval (if accessing CTH or STH)

☐ Other: _____

5. CERTIFICATION

I certify that the information provided is true and correct to the best of my knowledge. I agree to construct the driveway in accordance with the Town of Eden Driveway Ordinance and any conditions of the permit. I understand that the \$150.00 portion of the fee is refundable only after successful final inspection by the Town Inspector.

Applicant Signature: _____ Date: _____

Property Owner Signature (if different): _____ Date: _____

FOR TOWN USE ONLY

Date Received: _____ Fee Paid: \$ _____ Receipt #: _____

Town Inspector Review Date: _____

☐ Approved ☐ Denied ☐ Additional Information Requested

Permit Number: _____ Issued Date: _____

Expiration Date: _____

Final Inspection Date: _____ ☐ Passed ☐ Failed

Refund of \$150.00 processed: ☐ Yes Date: _____

Town Inspector Signature: _____

Notes / Conditions:
