

WAUPACA COUNTY ORDINANCE NO. 33  
(Effective 08/23/90, Amended 08/17/99)

33.00     ACCESS DRIVEWAYS

- 33.00     (1.00)     Definitions. For the purpose of this ordinance, the following words and/or phrases are defined as follows:
- (1.01)     Access. A driveway or point of ingress/egress for any motorized vehicle except for State of Wisconsin funded snowmobile trails.
- (1.02)     Agency. For Class A highways the Agency is the Wisconsin Department of Transportation; for Class B highways the Waupaca County Highway Department; and for Class C highways the Town Board.
- (1.03)     Agricultural uses. Active use of land for farming.
- (1.03)     Change in use of access point. Change in use of an access point from one type of use to another (i.e., access change in use from farm access use to residential use) shall be defined as the opening of a new access point which must meet the conditions of these regulations.
- (1.04)     Highway(s). Any road, street, alley, expressway, avenue, parkway, lane, drive, boulevard, circle, bypass or other pathways intended for the use of motorized vehicles to obtain access to one or more parcels.
- (1.05)     Parcel. A piece of land that has been assigned a tax key number by which taxes are assessed and collected.
- (1.07)     Permit(s). Written authorization issued by the Agency responsible for administering the ordinance.
- (1.08)     WCHD. Waupaca County Highway Department.
- (1.09)     WCHD. Waupaca County Highway Committee.
- (1.10)     WDOT. Wisconsin Department of Transportation and its representative.
- 33.00     (2.00)     Purpose and Intent.
- (2.01)     The purpose of this ordinance is to restrict and regulate access onto county highways in order to promote public safety, convenience, general welfare, economic viability and to protect the public investment of existing and proposed highways by preventing costly road improvements, premature obsolescence and to provide for safe and efficient ingress and egress to Waupaca County highways.
- 33.00     (3.00)     Access Driveways.
- (3.01)     Access Permits. Permits shall be required for all new access points created after the effective date of this ordinance (August 23, 1990), as well as for any changes made to an existing access (ie., paving, widening, change in use, etc.)
- (a) Permit applications for access to Class A highways shall be made with the WDOT. Permit applications to Class B highways shall be made with the WCHD. Permit applications to Class C highways shall be made with the Town Board.
- (b) The Agency shall conduct inspections of the proposed access location to determine compliance with the ordinance and shall maintain permanent records of data submitted, staff recommendations and permits issued.

- (c) The authority to approve, conditionally approve or reject an application is delegated to the Agency. Requests for nonconforming accesses on county trunk highways shall be subject to initial review by the Highway Commissioner for approval or denial. Access denials may be appealed to the WCHC; however, those accesses denied by the Highway Commissioner for safety reasons are NOT reviewable.

The Highway Commissioner may reduce or increase the spacing requirements where the circumstances of a particular case would justify doing so and at the same time not create any additional safety hazards or problems. The presence of a safety risk will be determined from current AASHTO (American Association of State Highway and Transportation Officials) guidelines.

- (d) If an access application is denied, the applicant will be notified in writing. If the access was denied for other than safety reasons, the applicant will be given 30 days to appeal the decision to the WCHC. After a public hearing and further review, the WCHC has the authority to reduce or increase the required spacing based upon the particular facts of each case presented.
- (e) Should the WCHC rule against the applicant, the applicant may appeal the decision to the Waupaca County Circuit Court.
- (f) A copy of applications for conditional use permits, variances and zone changes related to access provisions shall be forwarded to the WCHD or the WDOT 10 days prior to hearings on access to highways within their jurisdictions. Copies of decisions on these matters shall be submitted to these departments within 10 days after they are granted or denied.

(3.02) Spacing standards for access driveways. Access driveways to highways from abutting properties shall comply with the following requirements:

<u>Class of Highway*</u>		<u>Minimum distance of highway frontage between access driveways</u>	<u>Minimum distance access driveways may be located to centerline of an intersecting highway</u>
Class A	Principal arterials	1,000 feet	1,000 feet
	Minor arterials	600 feet	600 feet
	Collectors	600 feet	600 feet
Class B	Principal arterials	1,000 feet	1,000 feet
	Minor arterials	600 feet	600 feet
	Major collectors	600 feet	600 feet
	Minor collectors	300 feet	300 feet
	Local	100 feet	150 feet
Class C		100 feet	150 feet

\* Class A, B & C highways are defined according to Waupaca County Zoning Ordinance Section 2.05. The spacing requirements above are based on the WDOT's highway functional classification system. A current Waupaca County map depicting county highway functional classification shall be posted in the Zoning Office and the WCHD.

- (a) Where strict applications of spacing standards would deny access to lots in existence prior to the effective date of this ordinance (August 23, 1990), new access shall be spaced to provide safe access.

(3.02) (continued)

- (b) Where spacing standards permit, driveways shall be located opposite each other.
- (c) Where the option exists, access should be granted to a highway with a lower classification rather than one with a higher classification.

(3.03) Number and width of driveways per parcel. The maximum number and width of access driveways per parcel to highway shall be as follows:

<u>Type of access driveway</u>	<u>Maximum number of access driveways*</u>	<u>Maximum/minimum width</u>
Commercial and manufacturing uses	2	40/30 feet
Open space land uses/ recreational uses	1	35/20 feet
Residential uses	1	35/20 feet
Agricultural uses on Class A, B & C highways	** No maximum number	35/24 feet

\* Multiple accesses may be permitted by the Agency. In the case of a parcel supporting more than one use (e.g., residential and agricultural) any permitted multiple accesses must meet spacing requirements.

\*\* Agricultural use accesses shall require a permit, however spacing requirements will not be determinative in the allowance of a permit.

(3.04) Design standards. Driveways to Class A and Class B highways shall comply with the design provisions of the access permits issued respectively by the WDOT or the WCHD. Driveways to Class C highways shall comply with the following design standards:

- (a) Culverts, if needed, shall be a minimum of 15 inches in diameter, have at least one foot of cover, and be constructed of corrugated metal or concrete unless otherwise authorized by the town board.
- (b) Driveway height, at the point of the culvert, shall not exceed the level of the outside edge of the road shoulder.
- (c) The side slopes of the driveway shall equal or be flatter than the side slope of the main highway but shall not be steeper than four-to-one unless otherwise designated on an individual basis.
- (d) All existing near-vertical endwalls on driveways within the right-of-way of highways shall be removed within one year after notification. The Town Board shall be responsible for removal.

(3.05) Certified Survey Map (CSM) review. The Highway Commissioner or designee shall review CSM's adjacent to county trunk highways for conformance with this ordinance, rules, regulations and adopted regional and county highway plans which affect it. The Highway Commissioner shall, within 30 days from the date of filing of the CSM, approve, approve conditionally or reject the CSM unless continued by agreement with the subdivider. If the CSM is rejected, the reason shall be stated in a written statement forwarded to the Zoning Administrator. If the CSM is approved, the Highway Commissioner shall so certify on the face of the original CSM and return the CSM to the Zoning Administrator.