

Buffalo County Ordinan

Drafted By:
Buffalo County Zoning Committee



County Department:
Zoning & Highway

Presented Month/Year:
March 2005

Fiscal Impact: NO

Involved Committees:
Zoning & Highway

CA Approved: YES / NO

ORDINANCE # 05-03-01

**A ZONING ORDINANCE AMENDMENT ENTITLED
“DRIVEWAY ACCESS TO COUNTY TRUNK HIGHWAYS”**

The County Board of Supervisors of the County of Buffalo does ordain as follows:

Article XXI Section 215 is amended to read:

County Trunk Access Permit	\$75.00
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Article XVII is amended to read:

ARTICLE XVII OFF STREET PARKING, LOADING AND ACCESS TO COUNTY TRUNK
HIGHWAYS

Section 172 of the Buffalo County Zoning Ordinance is created to read;

Section 172

Driveway Access to County Trunk Highways

(1) Applicability

In accordance with ss. 86.07 (2), Wis. Stats., this section applies to all design, layout, and construction of private driveways within unincorporated areas of Buffalo County, which access a County Trunk Highway, or access a Town Roadway within 150 feet of an intersection with a County Trunk Highway.

(2) Interpretation and Purpose

- (a) The County Board has determined that improper design, layout and or construction of driveway access onto County Trunk Highways impairs the ability of said highway system to efficiently and safely serve as a part of an integrated intermodal transportation system. This section specifies the County's minimum standards for the design, layout and construction of private driveways accessing a County Trunk Highway or on a Town Highway within 150 feet of an intersection with a County Trunk Highway. These

minimum design standards have been adopted in order to provide for the safety of entrance upon and departure from those highways, to preserve the public interest and investment in those highways, to help maintain speed limits, and to provide for the development and implementation of an intermodal transportation system to serve the mobility needs of people and freight and foster economic growth and development, while minimizing transportation related fuel-consumption, air pollution, and adverse effects on the environment and on landowners and users.

- (b) It is not intended by this section to repeal, abrogate, annul, impair or interfere with any regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this section imposes a greater restriction upon the design and construction of driveways the provisions of this section shall govern.

(3) Definitions

As used in this ordinance section,

- (a) "County" means Buffalo County, including any agency, department or committee thereof.
- (b) "County Highway Commissioner" means the Buffalo County Highway Commissioner or their designee.
- (c) "Department" means the Buffalo County Zoning Department.
- (d) "Driveway" means a private road within the highway right of way giving access from a public roadway to a building or other land use on abutting grounds.
- (e) "Grade" means the slope of a road, street, alley, footpath, lot or block, specified in percent.
- (f) "Pavement" means a material installed to formulate a semi-permanent surface onto the roadway width.
- (g) "Permit" means the written authority granted by the Department to conduct activities regulated by this section.
- (h) "Reconstruct" means to remove a driveway, or any of the structural portions of a driveway and construct again or replace the driveway with new or additional structural portions excluding the pavement surface.
- (i) "Registered Professional" means an Engineer, Surveyor, or Landscape Architect registered and certified to practice within the State of Wisconsin.
- (j) "Roadway" means any public road, street, highway, alley (in towns), or portion thereof.
- (k) "Shoulder Point" the edge of the paved or gravel shoulder generally 2 feet to 6 feet outside the driving lane.

- (l) "Sight Distance" means the distance from the entry point onto the highway to the point at which safe visual contact with oncoming traffic ceases to exist.
- (m) "Zoning Administrator" means the position described in Section 190

(4) Permits

- (a) No owner of real estate, owner of an easement of ingress and egress or tenant of real estate in the unincorporated areas of Buffalo County which abuts a County Trunk Highway or within 150 feet of an intersection to County Trunk Highways on a Town Highway, shall open, construct, reconstruct or change the principle use of a driveway or roadway onto that County Trunk Highway or roadway, without obtaining a permit under this section.
- (b) All permits applied for under this section shall be filed with the Department and shall include an application fee that shall be listed in Section 215 of this ordinance. Upon receipt of the application by the Department, the application shall be referred to the County Highway Commissioner for inspection and consideration of approval. Applicants shall be notified in writing of the County's decision on their application within 30 days of receipt of completed application. The Department shall issue a permit under this section for driveways that meet the following standards listed in Subsections (5) through (7):

(5) Location

All driveway access shall:

- (a) Whenever possible, be obtained off a local road and not off a County Trunk Highway.
- (b) Be constructed to ensure that the sight distance is of adequate length to meet the design requirements set forth in the State of Wisconsin Department of Transportation Facilities Development Manual. In all cases a sight distance of 500 feet in both directions is recommended. The applicant may be required to submit, at the applicant's expense, a sight/distance study performed by a registered professional.
- (c) Be constructed to ensure that adequate spacing is established between other access points and intersecting highways. Where no curb and gutter is present the minimum spacing distance of highway frontage measured between the centerlines of driveways shall be 75 feet with a distance of 300 feet desirable. The minimum spacing distance of highway frontage from the centerline of a highway intersection shall be 150 feet with 300 feet desirable. Where curb and gutter is present, refer to Section (7), (g) of this ordinance.
- (d) Be located outside the vision clearance triangle as described in Section 161.

(6) Design

All driveways shall:

- (a) Be constructed at a 90° angle (perpendicular) to the roadway that it abuts, for 20 feet from the shoulder point or to the edge of the right of way (whichever is less).
- (b) Be constructed so the surface of the driveway is relatively level with a maximum slope of 5% for 20 feet from the shoulder point or to the edge of the right of way (whichever is less).
- (c) Be constructed within the County Trunk Highway right of way so as to support typical vehicle traffic during all weather conditions. The traveled portion of the driveway shall consist of at least six inches of compacted gravel. Any top surface shall be in addition to the required six inches of compacted gravel.
- (d) Be constructed so that the width of the driveway **within the right** of way complies with the following table:

TABLE – DRIVEWAY WIDTH			
Use of Property to be Served by Driveway	Minimum Width Of Driveway		Maximum Width Of Driveway
Residential	16 feet		26 feet
Shared Driveway	20 feet		26 feet
Agricultural	20 feet		40 feet
Commercial	20 feet		40 feet
Industrial	24 feet		40 feet

- (e) Have the County Highway Commissioner determine if a culvert is required. Any required culvert shall be installed entirely at the applicant's expense. The County Highway Commissioner may require that a registered professional, at the applicant's expense, submit a culvert design.
- (f) Be constructed with a minimum diameter culvert pipe of 15 inches. The culvert pipe shall be corrugated metal pipe meeting the Wisconsin Department of Transportation specifications for class III culvert pipe. Any culvert type proposed by the applicant that is not corrugated metal pipe is subject to approval by the County Highway Commissioner and shall be certified by a registered professional as appropriate for the construction of said driveway.

(7) Construction

- (a) All construction shall be completed within 1 year of the County's issuance of the driveway permit. If the driveway is not completed within this deadline, the permit shall be null and void and construction must stop on the driveway until the County has issued a new permit.
- (b) All costs of installing the new driveway shall be the responsibility of the applicant.

- (c) All necessary erosion control measures shall be installed and maintained so as to eliminate sediment discharge to the roadway or the highway right of way.
- (d) There shall be no sediment, brush or other debris in the highway right-of-way as a result of the construction of the driveway.
- (e) All work shall be performed in such a manner as to preclude any danger to, or interference with traffic flow.
- (f) Concrete approaches or aprons shall not extend into highway right-of-way unless curb and gutter standards apply.
- (g) Where driveways are to be installed in a curb and gutter section the following construction standards apply:
 - (i) When curb and gutter is removed, the new connections shall be of equivalent acceptable material and curb returns provided or restored in a manner equivalent to the curb returns of the surrounding area. The driveway construction shall include the replacement of affected sidewalk areas, which are inadequate or become damaged.
 - (ii) All curb flares shall be tangent to the curb line, and within the right-of way.
 - (iii) A curb length of not less than 3 feet shall be left undisturbed adjacent to each property line to serve as an island area should the adjoining owner request a permit for an entrance.
- (h) All driveways existing as of the effective date of this section shall be deemed to be permitted driveways and no permit shall be required. Reconstruction or replacement of a driveway lawfully in existence at the effective date of this section is allowed provided that, no expansion, enlargement or change of use is implemented. If the driveway is located in the Shoreland or Floodplain District, the construction, repair or reconstruction conforms to the Shoreland/Wetland and Floodplain Zoning Ordinance standards.

(8) Appeals, Enforcement and Penalties

Variance to the terms of section 172 and appeals of administrative decisions shall be heard by the Buffalo County Board of Adjustment as required in Article XXII, Section 220. Enforcement and penalties for violation of this section are listed in Article XXIV.

(9) Validity

Should any, clause or provision of this section, be declared invalid, the same shall not affect the validity of the section or any part thereof, other than the part so declared invalid.

This Ordinance shall take effect the day after passage and publication.

Dated this 15 day of March, 2005.

BUFFALO COUNTY

By: _____
Del D. Twidt, County Board Chair

By: Roxann Halverson
Roxann Halverson, County Clerk

PASSED:

PUBLISHED:

REPEAL OF CONFLICTING ORDINANCES. All other ordinances or parts of ordinances in conflict with this ordinance heretofore enacted by the Buffalo County Board of Supervisors are hereby repealed.

SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Common Council would have passed the other provision, sections, subsections, paragraphs, clauses or phrases of this ordinance irrespective of whether or not one or more of such parts may be declared invalid. If any provision or part of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE. This ordinance shall take effect and be in force after passage and publication as provided by law.

Duly adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on the 15 day of March, 2005.

ATTEST:

Del D. Twidt
County Board Chairperson

Roxann Halverson
County Clerk

Respectfully Submitted:
Buffalo County Zoning Committee

LeMoine Parkhurst
Jerome K. Synge
Samuel Ball
Thos. T. L.

Jim Scholmeier
(excused)