

Kenosha County
Administrative Proposal Form

1. Proposal Overview

Division: Highway

Department: Public Works and Development
Services

Proposal Summary (attach explanation and required documents):
An Ordinance to Create Chapter 23 of the Municipal Code of Kenosha County Pertaining
to County Trunk Highway Access Management

Dept./Division Head Signature: _____ Date: _____

2. Department Head Review

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Department Head Signature: R. H. W. Date: 2-28-22

3. Finance Division Review

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Finance Signature: Jan Kpt Date: 2/28/22

4. County Executive Review

Comments:

Action: Approval ☐ Non-Approval ☐

Executive Signature: Jim Kause Date: 3/1/22

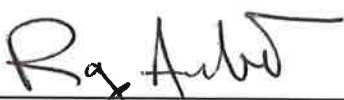
Kenosha



County

BOARD OF SUPERVISORS

ORDINANCE NO. _____

Subject: An Ordinance to create Chapter 23 of the Municipal Code of Kenosha County Pertaining to County Trunk Highway Access Management.	
Original <input type="checkbox"/> Corrected <input type="checkbox"/> 2nd Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted:	Date Resubmitted:
Submitted by:	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared by: Ray Arbet, Director – Department of Public Works & Development Services	Signature: 

AN ORDINANCE TO CREATE CHAPTER 23

WHEREAS, Kenosha County continues to experience unprecedented economic development and in support of this development - Kenosha County has and continues investment in our local transportation infrastructure to ensure traffic safety and efficiency, and

WHEREAS, in the absence of strategic, defined criteria to evaluate requests for new access along County Trunk Highways (CTH), many of the safety and efficiency benefits provided by our infrastructure investments will likely be jeopardized, and

WHEREAS, the Highways and Planning & Development Services Divisions began work in March of 2021 to research and develop a comprehensive CTH Access Management Plan with a corresponding County Ordinance that proactively addresses this issue, and

WHEREAS, as the Plan was being developed, it was shared with all our community's Towns, Villages and the City for review and input to secure their support,

NOW THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors does hereby ordain and create Chapter 23 of the Municipal Code of Kenosha County as attached.

Respectfully Submitted:

PUBLIC WORKS/FACILITIES COMMITTEE



Bill Grady, Chairperson

Aye	Nay	Abstain	Excused
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



John Franco, Vice Chairperson

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Laura Belsky

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Andy Berg

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Gabe Nudo

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Dennis Pierce

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Zach Rodriguez

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Kenosha County
Chapter 23

Highway Access Management Ordinance

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I. INTRODUCTION

A. AUTHORITY OF ORDINANCE

II. ACCESS CONTROL

A. TITLE, PURPOSE, AND JURISDICTION

23.02-1 TITLE

This ordinance shall be known as, cited, and referred to as: THE KENOSHA COUNTY HIGHWAY ACCESS CONTROL ORDINANCE.

23.02-2 STATUTORY AUTHORIZATION

This ordinance is established by the provisions set forth in Sections 59.02, 59.07, 86.07(2), and 236 of the State of Wisconsin Statutes, and Chapter Trans 231 of the Wisconsin Administrative Code.

23.02-3 PURPOSE

The purpose of this ordinance is to regulate and control access onto County highways in order to promote the public safety, convenience, general welfare, economic viability, and to protect the public investment in existing and proposed highways and to provide for safe and efficient use of the Kenosha County highway system.

B. GENERAL

23.03-1 The present tense includes the future tense and the singular tense includes the plural.

23.03-2 The word “shall” indicates the action or item is required or mandatory.

23.03-3 The word “should” indicates the action or item is recommended but is not mandatory.

23.03-4 The word “may” indicates the action or item is a permissive condition and carries not requirement or recommendation.

23.03-5 The word “person” shall include any individual firm, association, joint stock association, organization, partnership, limited trust, body politic, governmental agency, company, or corporation and includes any trustee, receiver, assignee, or other representative thereof.

23.03-6 All distances, unless otherwise stated, shall be measured in feet in the horizontal direction.

23.03-7 The word “County” refers to Kenosha County.

23.03-8 The word “Highway Division” or “Division” refers to the Kenosha County Highway Division.

- 23.03-9 The word “Committee” refers to the Kenosha County Public Works & Facilities Committee or any committee acting as the County Highway Committee as defined in Wisconsin Statutes, Chapter 83.
- 23.03-10 The word “Highway Commissioner” or “Commissioner” refers to the Kenosha County Highway Commissioner or their designee.

C. DEFINITIONS

- 23.04-1 ACCESS or ACCESS DRIVEWAY: The connection of a field entrance, driveway, private road, or public road to a CTH for motorized vehicles to one or multiple parcels.
- 23.04-2 ACCESS PERMIT: A permit issued by the Commissioner granting permission to enter onto the CTH right of way for the purpose of constructing a field entrance, access driveway, private road, or public road onto a CTH or to modify an existing entrance, access driveway, or road.
- 23.04-3 AVERAGE DAILY TRAFFIC (ADT): The average number of vehicles passing over a given point along a roadway in a 24-hour time period. The number may be determined by actual counts or by estimates based on available data.
- 23.04-4 COUNTY TRUNK HIGHWAY (CTH) or HIGHWAY: Any segment of a highway that is under jurisdiction of the Kenosha County Highway Division.
- 23.04-5 FIELD ENTRANCE: An access driveway that does not serve a residential, commercial, or industrial parcel and that is infrequently used. Examples may include driveways that serve agricultural, utility, or recreational parcels.
- 23.04-6 INTERSECTION FUNCTIONAL AREA: The area of an intersection or interchange where motorists make decisions regarding turning, stopping, accelerating, exiting, merging, and weaving. This area includes the physical intersection area, but also extends upstream and downstream along all intersection approaches.
- 23.04-7 PARCEL: The area of land outside the public highway right of way and within the property lines of a given piece of property.
- 23.04-8 ROADWAY: Any road, street, alley, expressway, highway, avenue, parkway, lane, drive, boulevard, circle, bypass, or other pathways not controlled by Kenosha County that are intended for the public use of motorized vehicles to obtain access to more than two parcels.
- 23.04-9 RURAL CTH: Any CTH with a speed limit of 55 mph in a largely rural or undeveloped area.

- 23.04-10 SEMI-URBAN CTH: Any CTH with a speed limit equal or more than 35 mph but less than 55 mph.
- 23.04-11 URBAN CTH: Any CTH with a speed limit of less than 35 mph.
- 23.04-12 STOPPING SIGHT DISTANCE: A measurement calculated to determine the safe stopping distance of a vehicle at a certain speed.
- 23.04-13 TRAFFIC STATEMENT or TRAFFIC IMPACT ANALYSIS (TIA) report: A document that evaluates and identifies potential impacts to the safety and mobility of motorists at a proposed or modified access driveway or roadway.
- 23.04-14 VISION TRIANGLE, APPROACH: A triangular shaped area, at all public roadways, in which obstructions to the line of sight of vehicle operators should be controlled. See Exhibit C for details.
- 23.04-15 VISION TRIANGLE, DEPARTURE: A triangular shaped area, at all field entrances, industrial, commercial and multi-family residential accesses as well as all public roadways, in which obstructions to the line of sight of vehicle operators are controlled. No structure or improvement of any kind shall be permitted within the vision triangle. No vegetation within the vision triangle may exceed 30 inches in height. See Exhibit B for details.

D. REGULATIONS

23.05-1 AUTHORITY

The Commissioner shall review, implement, and enforce this ordinance pursuant to authority granted by, but not limited to, Wisconsin Statutes 83.

23.05-2 EXISTING ACCESS

Any use of access to a CTH (via driveway or road) prior to the effective date of the ordinance shall be permitted and continued in its current use and design in perpetuity. Any modification to an existing access driveway or public roadway after the effective date of the ordinance shall require an approved access permit before construction (refer to Section 23.08-3 for details).

23.05-3 TEMPORARY ACCESS

The Commissioner may approve a temporary access permit if it is determined that the requested access driveway will not pose a safety hazard to the motoring public. The applicant shall be responsible to remove the temporary access driveway within 180 calendar days from the date of approval and restore the highway right of way to its former condition and to the Commissioner's satisfaction.

23.05-4 VACATED ACCESS

If the Division determines that the use of an access driveway has been discontinued for a period of at least two years, the Division shall notify the owner by certified mail that the access is to be considered vacated. The Division shall allow the owner thirty (30) calendar days to reply. If after thirty (30) days the Division determines the access driveway has been abandoned, it shall be considered vacated and its use shall not be permitted. Any further use of this access driveway after deemed vacated shall require a permit and be considered a new access driveway under the ordinance.

23.05-5 APPLICATIONS FOR PERMIT

No person shall construct or modify an access driveway along a CTH unless an approved permit has been obtained from the Division. Entrance to or exit from a CTH shall be prohibited except at designated access driveways. No person shall alter, in any way, existing appurtenances or features within the highway right of way including but not limited to ditches, drainage ways, culverts, bridges, or pavement surfaces (including existing access driveways) until or unless a permit has been obtained from the Division.

23.05-6 ACCESS RESPONSIBILITIES

The person or persons that are serviced by an access driveway or public roadway shall be responsible for its operations and maintenance. The extent of these limits begin/end at the edge of shoulder of the CTH. This includes the segment of the access driveway that is located within the CTH right of way.

23.05-7 SUBDIVISION OF LAND

Before any parcel of land is subdivided, it shall be proven that access can be provided to each proposed parcel in such a way that the proposed access driveways shall be in conformance with this ordinance.

23.05-8 CHANGE OF USE

Any future improvement or alteration of an existing access driveway shall require an approved permit. A change of use application shall be conducted in the same manner as if it were an application for a new access driveway. A change of use may include, but not limited to the following:

- Changing from a residential to commercial or industrial use
- Changing from an agricultural to a residential, commercial, or industrial use

- Changing from a single to multiple residential use
- Subdividing a parcel to accommodate additional residences or businesses
- Changing the land use of commercial or industrial business
- Relocating the access driveway to accommodate existing or changing land use

The Commissioner shall determine if there has been a change in use to an access driveway which will affect safe and efficient ingress and egress to and use of a CTH. The determination shall be based primarily on a significant change in the volume of traffic or type of vehicle using the access driveway. Upon such determination, the Commissioner may grant an access permit for the change of use, require modifications to the existing access driveway to meet standards of the ordinance, or deny the request for the change of use.

General maintenance and repairs to an existing access driveway shall not require a permit application. Modifications to an existing access driveway that shall not require a change of use application include paving, replacing or repairing a culvert, and/or other maintenance activities.

23.05-9

SHARED ACCESS

Shared, or joint, access driveways are encouraged whenever possible to minimize the number of access points and interruption of traffic flow. The Division shall be consulted when a shared access driveway is proposed so the Division can provide guidance for its location and design elements. The location of the shared access driveway shall meet location and spacing requirements described herein and should be placed so that the centerline of the access driveway resides along the centerline between the adjacent parcels. If a shared access driveway cannot be located on the centerline of the adjacent parcel, the landowners shall develop legal documentation outlining the rights and responsibilities for the ownership, operations, and maintenance of the shared access driveway. Multiple access driveways should be discouraged when shared access or interior roadways are present and/or a viable alternative.

Operations and maintenance of shared access driveways shall be the responsibility of the landowners whom the shared access driveway accommodates. Disagreements and matters regarding the operations and maintenance of the shared access driveway shall be considered a civil matter and resolved as such.

23.05-10 MULTI-JURISDICTIONAL ACCESS

For County-designated highways that straddle or repeatedly meander across the Kenosha County boundary line, access management should be discussed between Kenosha County and the adjacent County agency to determine which agency has access permitting jurisdiction on the subject highway (or what highway segments each County has permitting jurisdiction) and develop consistent access management policies that shall be implemented and enforced by both agencies.

23.05-11 LOCAL PLAN DEVELOPMENT AND SITE REVIEW

Local municipalities shall discuss access management with the County as part of local planning efforts such as comprehensive plans, neighborhood plans, and economic district plans (e.g., tax incremental funding districts) when CTH are involved. Local municipalities should discuss proposed plans for new or redeveloped parcels with the County when access driveways along CTHs are involved. This communication shall occur before the proposed development is approved.

23.05-12 DEVELOPMENT CORRIDOR ACCESS MANAGEMENT

The Commissioner may authorize a study to determine if a CTH section requires a development corridor access management plan (DCAMP). A DCAMP is a detailed plan for a section of CTH that defines individual parcel access points in order to preserve efficient traffic flow and safety as development occurs. If the study supports the development of a DCAMP, the Commissioner shall coordinate creation of a DCAMP and recommend it to the Committee for consideration and approval. An approved DCAMP shall govern permitted access with a specified CTH corridor and may supersede guidance provided in the ordinance. Refer to Exhibit D for a list of corridors with a DCAMP.

E. ACCESS SPACING AND FREQUENCY

23.06-1 One access driveway per parcel shall be allowed unless otherwise provided in this ordinance.

23.06-2 Where a property owner owns more than one adjacent parcel with frontage on the same side of the CTH, all of which are zoned or used for agriculture, no more than four (4) field entrances shall be allowed per mile.

23.06-3 Non single-family residential and non-agricultural parcels may be allowed up to two (2) access driveways, provided each access driveway meets the criteria of this ordinance or were determined to

safely accommodate all traffic movements at each access driveway in the opinion of the Commissioner.

23.06-4 For parcels that front more than one highway, access driveways shall be granted only on the lower classified highway. If two or more highways of the same classification are for consideration, the highway with the lower ADT shall provide access to the parcel. At their discretion, the Commissioner may grant access to a different highway should the Commissioner find that granting access elsewhere to be in the best interest of public safety. The classification of highways are as follows:

- Interstate highways (highest classification)
- US or state trunk highways
- County trunk highways
- Local roadways and streets (lowest classification)

23.06-5 Access permits shall not be issued where the horizontal distance between the proposed access driveway and an adjacent access driveway shall become less than the following distances, measured from the centerline of the proposed access driveway to the centerline of another access driveway, unless there is no alternate to providing access to a parcel:

- a. 600 feet for rural CTH, 300 feet for semi-urban CTH, 200 feet for urban CTH
- b. Agricultural parcels may have a field entrance at a distance not less than 300 feet from the centerline of the proposed field entrance to the centerline of an existing access driveway.

Where possible, access driveways connecting to a CTH should not be staggered or offset (e.g., creating T-intersections) but should connect with the CTH directly across from a road or access driveway on the other side of the CTH.

23.06-6 ROAD or STREET: Access permits shall not be issued where the horizontal distance between the proposed access driveway and an intersecting public roadway shall become less than the greater value of the following conditions, measured from the centerline of the proposed access driveway to the centerline of the intersecting highway, unless there is no alternate to providing access to a parcel:

- a. 600 feet for rural CTH, 300 feet for semi-urban CTH, and 200 feet for urban CTH.

- b. Within the intersection's functional area (to be determined by the Commissioner).

23.06-7 INTERSECTING ROAD ACCESS: A new road, in addition to the spacing requirements to adjacent access driveways outlined in Section 23.06-6, shall be at least the following distance, as measured from the centerline of the proposed road to the centerline of the intersecting highway measured along the CTH.

- a. 1,000 feet for rural CTH, 600 feet for semi-urban CTH, and 500 feet for urban CTH from the nearest public highway intersection

Where possible, driveways connecting to a CTH should not be staggered or offset (e.g., creating T-intersections) but should connect with the CTH directly across from a road or access driveway on the other side of the CTH.

23.06-8 For access driveways located on a non-CTH roadway approach of an intersection with a CTH and within the functional area of said intersection, the Division shall be consulted to review and determine the access driveway location and design elements. The Division should provide written authorization approving the access driveway location and design elements before the access driveway is approved by the local municipality.

23.06-9 Agricultural parcels may be allowed to provide a wider field entrance to accommodate large agricultural equipment, upon approval by the Commissioner. A second field entrance may be considered if the side of the property contiguous with the CTH is more than 600 feet. The new field entrance shall adhere to standards stated in Section 23.06-5 and Section 23.06-6 regarding field entrance location, density, and spacing.

F. ACCESS DRIVEWAY DESIGN STANDARDS

23.07-1 APPLICABILITY LIMITS

Access driveways and roads with access onto CTHs shall comply with the following design standards:

- a. The design standards described in this section shall be applied regardless of the presence of a culvert.

23.07-2 CULVERTS

- a. Not all access driveways require a culvert. The Division shall determine the need for a culvert for a proposed access driveway or public roadway.
- b. Culverts, when used, shall extend 3 feet beyond each edge of the access driveway as shown on Exhibit A.

- c. Corrugated steel pipe culverts are allowed; however, double wall plastic or concrete pipe culverts are preferred.
- d. Apron endwalls shall be provided.
- e. The size (diameter) of a culvert, if needed, will be determined by the Division to allow for proper drainage.
- f. All culverts shall be placed under at least 1 foot of cover, be at least 10 feet from the nearest culvert, and be at least 10 feet from the nearest lot line.
 - 1. When a shared access is established, the 10-foot offset from the nearest lot line may not be required at the discretion of the Division.

23.07-3 SIDE SLOPES

Slopes forming the sides of the access driveway shall not be steeper than detailed hereinafter or that of the slopes forming the sides of the highway, whichever is less:

- a. 4:1 for urban CTH
- b. 6:1 for semi-urban CTH
- c. 10:1 for rural CTH

23.07-4 PITCH

A pitch of 2% minimum away from the roadway to the center of the ditch flow line or to the edge of the shoulder if no ditch is present shall be maintained for all access driveways and public or private road accesses as shown on Exhibit A.

23.07-5 CLEAR ZONE

Retaining walls, landscape timbers, boulders, riprap, etc. shall be prohibited on in-slopes and in the highway right of way, unless otherwise approved by the Division.

23.07-6 SURFACE

Pavement of access driveways shall consist of asphalt or compacted crushed aggregate. Concrete may be allowed within the highway right-of-way if the CTH roadway surface to which the access driveway abuts is also made of concrete.

23.07-7 RELATIVE ALIGNMENT

Access driveways located on opposite sides of a highway shall be located directly opposite each other whenever possible.

23.07-8 ANGLE RELATIVE TO HIGHWAY

The centerline of that part of the access driveway lying on the highway right-of-way shall always be at right angles to the pavement. ($90^{\circ} \pm 10^{\circ}$)

23.07-9 **BACKING ONTO HIGHWAY**

Interior turnarounds shall be provided as necessary such that vehicles do not need to back out onto the highway.

23.07-10 **DEPARTURE VISION TRIANGLES**

Departure vision triangles shall be provided and maintained at all field entrances, industrial, commercial and multi-family residential accesses as well as all public roadways. They shall be free of all obstructions in accordance with Exhibit B. Departure vision triangles shall be measured from a point 3.5 feet above the center of the proposed access driveway or public roadway and 14.5 feet away from the edge of traveled way to two points 3.5 feet above the center of each oncoming direction of travel from the CTH. The Commissioner may approve an access driveway permit that cannot meet the departure vision triangle requirements should the Commissioner find there is no alternate to providing departure vision triangles to a parcel.

23.07-11 **APPROACH VISION TRIANGLES**

Public roadway intersections should also meet approach vision triangle requirements as shown in Exhibit C. Approach vision triangles shall be measured from a point 3.5 feet above the center of the proposed public roadway to two points 3.5 feet above the center of the nearest oncoming lane of the highway at a distance of "A" or "B" (as shown on Exhibit C) from the point where the CTH meets the proposed public roadway.

23.07-12 **SIGHT DISTANCE**

Sight distance requirements for all access driveways are required as shown on Exhibit C.

23.07-13 **WIDTH – FIELD ACCESS**

Any access driveway serving a farm or field (field entrance) shall have a width greater than 20 feet, but less than 35 feet measured at right angles to the centerline of the driveway except as increased by permissible radii.

23.07-14 **WIDTH – SINGLE FAMILY RESIDENTIAL**

Any access driveway serving a single-family residential property shall have a width that ranges from 20 to 30 feet measured at right angles to the centerline of the driveway except as increased by permissible radii.

23.07-15 WIDTH - INDUSTRIAL/COMMERCIAL/MULTI-FAMILY RESIDENTIAL

Any access driveway serving an industrial/commercial/multi-family residential property shall have a width that ranges from 20 to 35 feet measured at right angles to the centerline of the driveway except as increased by permissible radii.

23.07-16 ASSOCIATED ROADWAY IMPROVEMENTS

Improvements to the CTH roadway at access driveway locations such as turn lanes or bypass lanes may be required at the discretion of the Highway Commissioner based upon the results of the traffic analysis within the TIA.

G. ADMINISTRATION, PERMITS AND VARIANCES

23.08-1 ADMINISTRATION OF ORDINANCE

- a. Pursuant to Chapters 83 and 86 of the Wisconsin State Statutes, the Commissioner has the authority to administer the ordinance on behalf of the County. Applications for access permits shall be made to the Commissioner prior to beginning construction of an access driveway. The Commissioner shall review the proposed development or construction and shall either grant or deny the proposed access permit based upon the provision, standards, and requirements of the ordinance within thirty (30) calendar days.
- b. No person as defined by Section 23.03-5 shall resist, obstruct, or interfere in any way with the Commissioner in the enforcement of the ordinance or fail to obey the Commissioner's order.

23.08-2 LIMITS OF APPLICATION OF ORDINANCE

The ordinance shall apply to all land within the rights of way of Kenosha County highways. Whenever it is questionable as to whether an object or part of an object is within the jurisdiction of the ordinance, the entire object shall be considered to be entirely within that jurisdiction.

23.08-3 PERMIT APPLICATION REQUIRED

No person shall construct an access driveway to a County Trunk Highway or change the use of an existing access driveway or make modifications to an existing access driveway without a permit granted pursuant to the ordinance.

23.08-4 UNIQUE ACCESS APPLICATION

If the applicant proposes a use not covered by these guidelines, the Commissioner shall make the determination of the applicable criteria based on the need to preserve highway capacity and safety. Access proposals which conflict with safe driving standards may not be allowed.

23.08-5 SUPPLEMENTAL APPLICATION MATERIAL

The Highway Commissioner may require scale drawings, plat of survey, or sketches showing the location of proposed and any existing access driveways, drainage calculations, contour map, and a traffic study to be included with the permit request form.

- a. Access driveways and public roadways with less than 100 peak hour trips will require a sketch showing the location of the proposed as well as any existing access driveways and a traffic statement, at a minimum.
- b. Access driveways and public roadways with 100 to 500 peak hour trips will require a scale drawing or plat of survey of the site showing the location of the proposed as well as any existing access driveways, drainage calculations, contour map for verification of drainage, and an abbreviated TIA, at a minimum.
- c. Access driveways and public roadways with more than 500 peak hour trips will require a scale drawing or plat of survey of the site showing the location of the proposed as well as any existing access driveways, drainage calculations, contour map for verification of drainage, and a full TIA, at a minimum.

23.08-6 CONDITIONAL APPROVAL

When a permit is approved, the Commissioner may include conditions on the approved access permit such that if the specific conditions are not met, the access driveway permit approval is rescinded.

23.08-7 WORK PRIOR TO APPROVAL

Applicants commencing work prior to issuance of an approved permit shall be subject to denial of permit; an order for removal and restoration as provided above; and prosecution, fines and court costs as provided by Section 86.07 (2) of the Wisconsin State Statutes.

23.08-8 VARIANCES

The Commissioner may authorize, in specific cases, such variance from the terms of the ordinance where the literal enforcement of the ordinance would, given the unique conditions of the property of the applicant, result in an unnecessary hardship, or result in an access driveway location that would have a greater impact on mobility and safety. The Commissioner shall maintain a record of all variances granted including any conditions on the approval.

23.08-9 NEED FOR VARIANCE

If an access permit is requested for a parcel that cannot reasonably meet the requirements listed in Section 23.06-5 through 23.06-8, such as minimal frontage to the CTH or the location would pose a safety hazard to the traveling public, the Commissioner shall make the determination of the applicable criteria based on the need to preserve highway capacity and safety. Access driveway proposals which conflict with safe driving standards may not be allowed.

23.08-10 VARIANCE MINIMUM REQUIREMENTS

A variance shall:

- a. Be consistent with the spirit and purpose of the ordinance.
- b. Not be granted unless it is shown that the variance will not be contrary to the public interest and will not be damaging to the right of other persons or property values in the area.
- c. Not be granted solely based on economic gain or loss.
- d. Not be granted for self-created hardship.

23.08-11 PERMIT EXPIRATION

All access permits shall include a completion date for the construction of the access. If permitted work is not finished by this date, the permittee shall not complete the work unless authorized by a subsequent permit or an approved time extension.

23.08-12 ACCESS CONSTRUCTION COST APPROPRIATION

The applicant shall be liable for the cost of all materials including culverts, labor, equipment, and other incidentals connected with the construction of the access driveway. The entire cost of installing and maintaining the access driveway and culvert, including restoration, shall be the financial responsibility of the applicant unless otherwise specified on the approved permit.

23.08-13 HOLD HARMLESS

The applicant agrees to hold harmless and indemnify Kenosha County, its officers, agents, and employees against any loss or damage for any personal injury or property damage sustained by reason of the exercise of this permit.

23.08-14 DIGGERS HOTLINE

The applicant shall call Diggers Hotline (800-242-8511) and any other underground utilities not listed with Diggers Hotline prior to the commencement of excavation.

23.08-15 HIGHWAY CONSIDERATIONS DURING ACCESS CONSTRUCTION

- a. All work within the right of way shall be done in such a manner so as not to interfere with traffic on the adjoining highway unless authorized by the Highway Commissioner.
- b. During construction of the access driveway, the applicant shall keep the highway free of mud and debris. The highway will be swept clean at the direction of the Highway Commissioner.
- c. The applicant shall restore the highway right-of-way to the satisfaction of the Commissioner within seven (7) days after completion of the access driveway construction, weather permitting.

H. APPEALS AND VIOLATIONS

23.09-1 REVIEWABLE DETERMINATIONS

The following determinations are reviewable under this section:

- a. The granting or denial in whole or in part of an access driveway permit, (including a temporary access driveway).
- b. The revocation of an existing permit.

23.09-2 REQUEST FOR APPEAL

- a. Any aggrieved person may appeal a reviewable determination as outlined:
 - 1. Forwarding a written request by mail or hand delivery to the Commissioner within 30 days after having been advised and notified of such determination.
 - 2. Including in said request for review the ground or grounds upon which the person aggrieved contends that the decision should be modified or reversed.
- b. Failure to make a request as noted above to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the municipal authority.

23.09-3 ADMINISTRATIVE APPEAL HEARING

- a. Time of hearing. Within 45 days of the receipt of the notice of appeal filed pursuant to Section 23.09-2, an administrative appeal hearing shall be held. The Kenosha County Highway Commissioner shall serve the appellant with notice of such hearing before the Committee by mail or personal service at least 10 days before such hearing.
- b. Conduct of hearing. At the hearing, the appellant and the Commissioner may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing before the Committee which

shall make the decision on the administrative appeal. The decision maker may issue subpoenas.

- c. Record of hearing. The person conducting the hearing, or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Kenosha County Division of Public Works.

23.09-4 FINAL DETERMINATION

Within 20 days of completion of the hearing conducted pursuant to Section 23.09-3 and the filing of briefs, if any, the Committee shall mail or deliver to the appellant its written determination stating the reasons therefore. Such determination shall be a final determination.

23.09-5 ACCESS REMOVAL

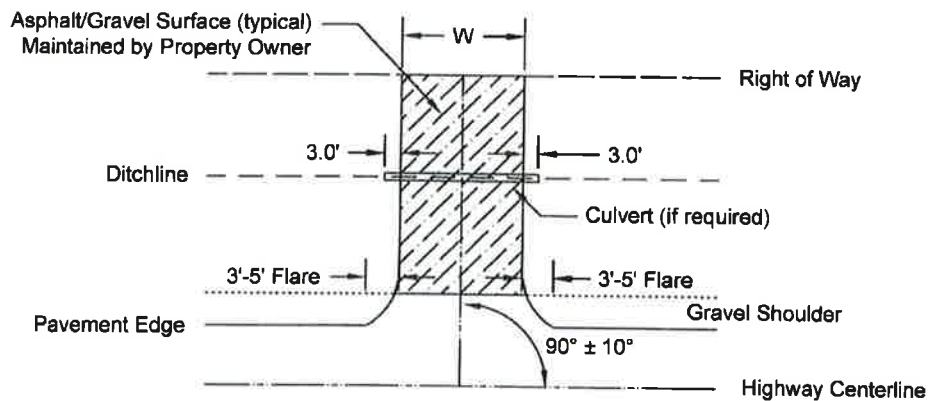
Pursuant to Section 86.07(2) of the Wisconsin State Statute, if any construction, modification, or alteration has been made in violation of the ordinance the Commissioner or Committee may order the restoration of any highway to its former condition. The person who caused such construction, modification, or alteration in violation of the ordinance shall be liable for and reimburse the Division for the actual costs of restoration.

KENOSHA COUNTY PUBLIC WORKS DEPARTMENT

Access Driveway Permit Plan and Profile Typical Standards

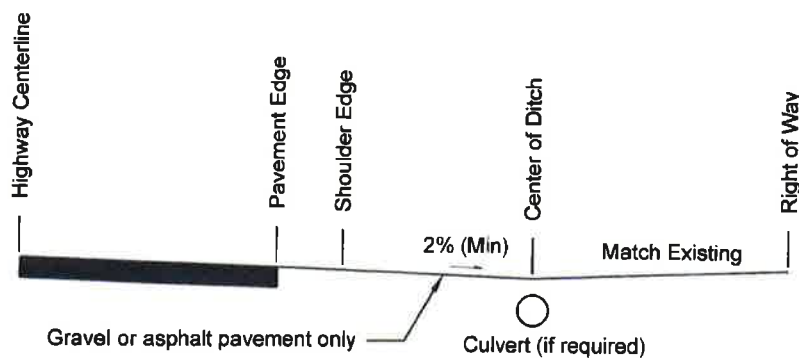
Revised 1/2022

 Property Owner Maintenance Responsibility (within Right of Way)



PLAN VIEW
NOT TO SCALE

Access Driveway Type	"W"
Field Entrance	20' - 35'
Single Family Residential	20' - 30'
Industrial/Commercial/Multi-Family Residential	20' - 35'



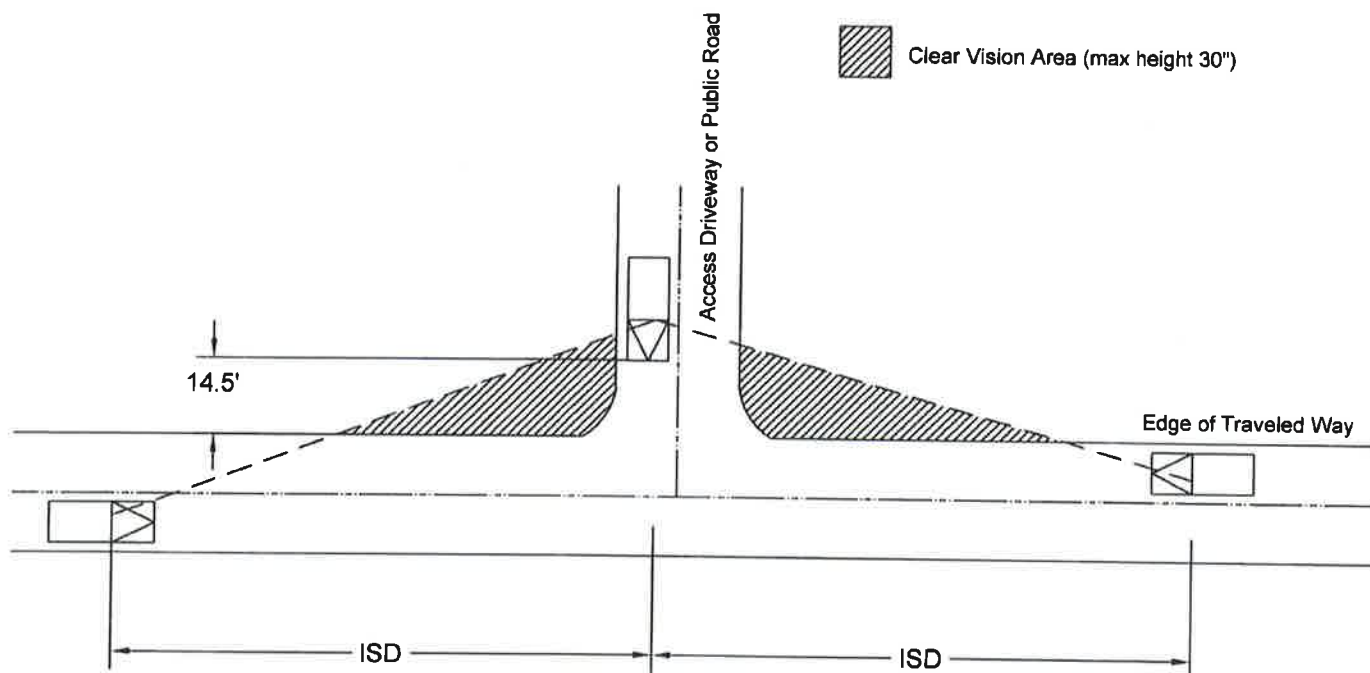
PROFILE VIEW
NOT TO SCALE

Additional Design Details such as max slopes can be found in the Kenosha County Access Ordinance

KENOSHA COUNTY PUBLIC WORKS DEPARTMENT

Departure Vision Triangles for Access Driveways* and Public Roads

Revised 1/2022

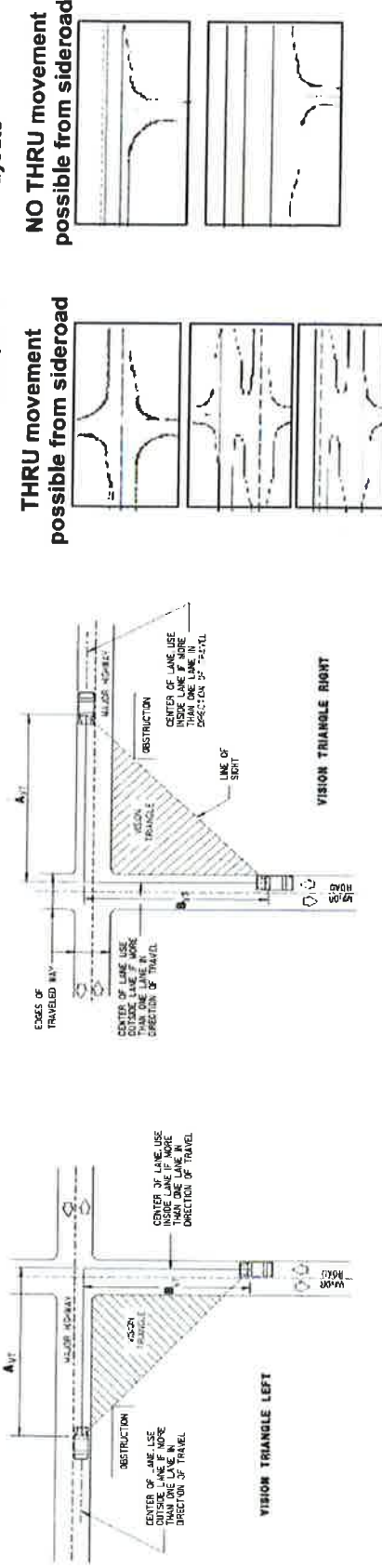


CTH Design Speed (mph)	ISD (ft) Desired (Min)	ISD (ft) Desired (Min)	ISD (ft) Desired (Min)
	P	SU	WB
25	370 (280)	445 (350)	480 (425)
30	445 (335)	530 (420)	575 (510)
35	515 (390)	620 (490)	670 (595)
40	590 (445)	710 (560)	765 (680)
45	665 (500)	795 (630)	860 (765)
50	735 (555)	885 (700)	960 (850)
55	810 (610)	975 (770)	1055 (930)
60	885 (665)	1060 (840)	1150 (1015)

* Shall be applied to all field entrances, commercial, industrial and multi-family residential access driveways

GUIDE DIMENSIONS FOR VISION TRIANGLES - STOP CONTROL ON MINOR ROAD, OR SIGNAL CONTROLLED INTERSECTION

Example Intersection Layouts



Example 1		4-LEG INTERSECTION (THRU MOVEMENT POSSIBLE ON SIDEROAD)
GIVEN		POSTED SPEED IS 55 MPH ON THE MAJOR ROAD POSTED SPEED IS 45 MPH ON THE SIDEROAD
SOLUTION		READING FROM THE TABLE: DISTANCE A_{VT} ON MAJOR ROAD = 180 FT DISTANCE B_{VT} ON SIDEROAD = 150 FT
Example 2		T INTERSECTION (NO THRU MOVEMENT POSSIBLE ON SIDEROAD)
GIVEN		POSTED SPEED IS 55 MPH ON THE MAJOR ROAD POSTED SPEED IS 45 MPH ON THE SIDEROAD
SOLUTION		READING FROM THE TABLE: DISTANCE A_{VT} ON MAJOR ROAD = 180 FT DISTANCE B_{VT} ON SIDEROAD = 75 FT

* Use the posted speed of the Major Highway to determine distance "A" se the posted speed of the sidewalk to determine distance "B".

** Based on distance traveled in 2 seconds at Posted speed + 5 mph.

*** Based on distance traveled in 2 seconds at 25 mph because vehicle approaching intersection on sidewalk has to slow down to make a turn.

NO THRU Movement means either existing or proposed.

NOTES:

Distances are approximate and may be adjusted to fit site conditions.

These guidelines are for the Vision Triangle only, and are not to be interpreted as Intersection Sight Distance (ISD) or Stopping Sight Distance (SSD) requirements.

The Vision Triangle must be free of all obstructions.

* Posted Speed (mph)	Distance "B _{VT} " (feet)		
	** Distance "A _{VT} " (feet)	**THRU movement possible from sidewalk	***NO THRU movement possible from sidewalk ("T" intersection)
25	90	90	75
30	105	105	75
35	120	120	75
40	135	135	75
45	150	150	75
50	165	165	75
55	180	180	75
65	210	210	75

Exhibit D – Development Corridor Access Management Plan (DCAMP) Highways

The following Kenosha County Trunk Highway corridors have a DCAMP developed for implementation by the Division (as of February 2022):

- CTH E from IH 94 to CTH H
- CTH H from STH 50 to CTH KR
- CTH S from IH 94 to STH 31