

CHAPTER 4
SUBCHAPTER 1
PART 5

LAND USE MANAGEMENT AND ZONING, ENVIRONMENTAL
MANAGEMENT AND BOARD OF ADJUSTMENT
Subchapter 1 – Land Use Management

Part 5 – Access Control Regulation

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Part 5 - County Trunk Highway Access Control Regulations

Subpart 1: Introduction

4.501 Authority

These regulations are adopted under the authority granted by Section 83.027, Wisconsin Statutes, and pursuant to 83.07 and 83.08, Wisconsin Statutes.

4.502 Purpose and Intent

The purpose of these regulations is: to promote the safe and efficient ingress and egress to certain county trunk highways in the interest of public safety, convenience and general welfare; to protect the public investment in highways by preventing premature functional obsolescence; to reduce highway accidents caused by frequent and poorly designed points of access; to promote the balanced use of land for the mutual protection of land owners, motorists, and Rock County, to enhance the highway appearance for making highway travel more pleasant.

4.503 Severability

If a court of competent jurisdiction adjudges any section, provision or portion of these regulations invalid, the remainder of this ordinance shall not be affected thereby.

4.504 Title

This ordinance shall be numbered as Chapter 4, Rock County Ordinance, and shall be known as "COUNTY TRUNK HIGHWAY ACCESS CONTROL REGULATIONS, Rock County, Wisconsin"

4.505 Effective Date

This ordinance shall be effective after:

- (1) A public hearing has been held,
- (2) Adoption by the Rock County Board of Supervisors, and
- (3) Copies of the findings determination and declaration are recorded with the Register of Deeds, filed with the County Clerk, and published in the newspaper in which the notice of public hearing was published as provided by Section 83.027(1), Wisconsin Statutes.

Subpart 2: General Provisions

4.511 Jurisdiction

These regulations shall apply to the following County Trunk Highways in Rock County:

- County Trunk Highway “A” – Janesville city limits west to Highway “H”.
- County Trunk Highway “A” – Janesville city limits east to Highway “M”
- County Trunk Highway “D” – Janesville city limits to Beloit city limits.
- County Trunk Highway “G” – Janesville city limits to Beloit city limits.
- County Trunk Highway “J” – Highway 11 to 1/2 mile south of Avalon Road.
- County Trunk Highway “O” – Janesville city limits to Highway 11/14.
- County Trunk Highway “M” – Highway “H” to Milton city limits.
- County Trunk Highway “N” – All
- County Trunk Highway “P” – Beloit city limits to I-90
- County Trunk Highway “Y” – All
- County Trunk Highway “Q” – All

4.512 Compliance with Ordinances, Regulations and Plan

Any person, firm or corporation seeking access to lands abutting the Rock County Trunk Highways in Section 4.511 shall comply with the requirements of these regulations and:

- (1) Applicable County ordinances and regulations,
- (2) Comprehensive plans or comprehensive plan components adopted by the Rock County Planning and Development Committee, and
- (3) The comprehensive plan map of any municipality or governmental unit having jurisdiction.

4.513 Right of Access

- (1) Each existing parcel of land abutting a controlled access highway at the time of enactment of this ordinance shall be entitled to access when in compliance with the provisions of this ordinance.
- (2) After the designation of a controlled-access highway, no owners or occupants of the parcels of land created after enactment of the ordinance will have the right or easement of access, by reason of the fact that their property abuts the controlled access highway, unless otherwise provide for herein.

4.514 Approval of Necessary for Obtaining Access

- (1) No entrance upon or departure from the county trunk highways designated, as controlled-access highways shall be permitted except at places specially designated and provide for such purposes.

- (2) No public street or highway shall be opened into or connected with any controlled-access highway without written approval of the Rock County Public Works Committee and the Rock County Planning and Development Committee. Such approval shall be given only if the public interest shall be served thereby and shall specify the terms and conditions on which such approval is given.
- (3) Review and approval of the Rock County Public Works Committee and the Rock County Planning and Development Committee shall be required prior to any private entrance upon or departure from a designated controlled access highway being converted to public street or highway status.
- (4) The Rock County Public Works Committee may designate a private access point as “temporary” and subject to periodic review. In the interest of public health, safety and general welfare, the Rock County Public Works Committee may revoke a “temporary” access permit or it may require modifications to remedy a problem situation.

4.515 Vacation of Access Control

A controlled-access highway shall remain such until the access control is revoked by the order of the Rock County Board of Supervisors. The Rock County Board may revoke access control on a County Trunk Highway or part thereof, provided that after a traffic engineering survey investigation and access control study, and a public hearing, the Rock County Board of Supervisors finds that the revocation on such highway or part thereof is in the public interest. The Rock County Board of Supervisors shall record the formal notice of revocation of access control on the highway in accordance with 4.505.

4.516 Addition of Access Control

The Rock County Board of Supervisors may invoke access control on additional County Trunk Highways or parts thereof, pursuant to Section 83.027 of the State Statute's, the Rock County Board of Supervisors shall record the formal notice of access control on such highways in accordance with 4.505.

4.517 Existing Points of Access

All existing points of access may be continued after the adoption of these regulations. However, if the use of such driveways is discontinued for a period of one year the Rock County Public Works Committee may require alteration or improvements for compliance with the standards set forth in this ordinance. Modification of the driveways, which existed prior to adoption of this ordinance, shall be subject to the requirements set forth herein. Existing driveways are defined as those shown of the official Access Control Maps.

4.518 Change of Use

Any point of access permitted under this ordinance shall be subject to review and approval by the Rock County Public Work Committee and the Rock County Planning and Development Committee, where these committees determine that there has been a change in use which will affect safe and efficient ingress and egress to, and use of, a controlled access highway. This determination shall be based primarily on a significant change in the volume of traffic or the type of vehicle using that point of access.

Subpart 3: Standards and Specific Provisions

4.521 Spacing and Frequency

- (1) One access may be permitted for each parcel of land as defined under 4.545(6), except where an alternate means of access is available and would better serve the public interest.
- (2) Access permits shall not be issued where the horizontal distances between access points will be less than 600 feet, except as provided under 4.521(1).
- (3) A maximum of eight access points per side per mile of highway shall be permitted, except as provided under 4.521(1).

4.522 Design

The design of driveway or street intersections for appropriate sight distance, return radius, angle, profile, and width, shall be based on minimum standards of the American Association of State Highway and Transportation Officials and the National Cooperative Highway Research Program Report #93, "Guidelines for Medial and Marginal Access Control on Major Roadways" and shall comply with the provision of the access permit issued by the Rock County Public Works Committee. In locating access points along the controlled access highways, consideration shall be given to the alignment of the proposed intersecting streets directly across from each other in order to facilitate safe and efficient flow of traffic across the highway.

Subpart 4: Application and Review Procedures

4.531 Permits

- (1) Applications for permits shall be made to the Rock County Public Works Committee.
- (2) Permits shall be required for all new access points along a county trunk highway designated as a controlled access highway in 4.511.
- (3) The authority to approve, conditionally approve, or reject applications for access is delegated to the Rock County Public Works Committee by the Rock County Board of Supervisors.

- (4) Prior to Rock County Public Works committee action on an access application, the staff of the Rock County Planning Department shall be consulted regarding the proposed access.
- (5) The Rock County Public Works Department shall conduct periodic inspections to determine compliance with the ordinance provisions and shall maintain permanent records of data submitted, staff recommendations and permits issued.
- (6) An access permit shall expire one year from the date of issuance if evidence of use has not been established within that time.
- (7) Upon issuance of a permit, the point of access shall be inspected during and after construction.
- (8) When violations occur, the Rock County Public Works Committee shall revoke the access permit(s).

4.532 Data Requirement

The Rock County Public Works Committee may require submission of a scale drawing showing the property lines, the topography, streams, lakes and ponds, marshes and the location of the existing and proposed buildings and structures, together with engineering data as deemed necessary for the design of the intersection.

Subpart 5: Administration and Enforcement

4.541 Variances

- (1) Any person or any office or department aggrieved by an order, requirement or interpretation made by the Committee may appeal such decision to the Rock County Board of Adjustment according to the Rules of Procedures for the Rock Board of Adjustment. Where the Board finds that practical difficulty and unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done provided that the public interest is secured and that such variance will not have the effect of nullifying the intent and purpose of these regulations.
- (2) In granting variances, the Rock County Board of Adjustment shall request the evidence of practical difficulty hardship and record the reasons in the minutes why the variance was granted.

4.542 Fees

The applicant shall pay to the Rock County Planning and Development Department a fee for each permit to be determined by the County Board of Supervisors as part of the annual budget.

4.543 Access Control Maps

The location of all points of access are hereby established as shown on the maps entitled “Access Control Maps” on file in the office of the Rock County Planning Department. The Department shall periodically update the “Access Control Maps” to show any changes on the map resulting from the action of the Rock County Public Works Committee or the Rock County Board of Supervisors. The “Access Control Maps” together with all information shown thereon and all amendments thereto, shall be a part of these regulations.

4.544 Violations and Penalties

Any person who enters or leaves a limited access highway except at a lawful access shall be subject to Section 83.027(12), Wisconsin Statutes, which provides for fines not more than \$100 or imprisonment not more than thirty days for each violation.

4.545 Definitions

For the purpose of these regulations, certain words or phrases used herein are defined as follows:

- (1) Access: A recognized point of vehicular entry onto a highway where evidence of use has been clearly established.
- (2) Controlled Access Highway: A highway on which the traffic is such that the Rock County Board has found, determined, and declared it to be necessary, in the interest of the public safety, convenience and the general welfare to regulate entrance upon and departure from the highway or street except at places specially designated and provide for such purposes, and to exercise special controls over traffic on such highway or street.
- (3) Effective Date: The date that a specified county trunk highway became subject of the provisions of this ordinance.
- (4) Evidence of Use: The maintenance of access or any species of proof through the medium of witness, records, or documents that establish periodic ingress or egress to the highway.
- (5) Mile: A mile shall be measured to include ½ mile in either direction from each particular point of access under consideration.
- (6) Parcel: Contiguous lands under the control of a developer(s), not separated by streets, highways, or railroad rights-of-way, established prior to the adoption date of this ordinance or any amendments hereto.

Subpart 6: Addenda

4.547 Rules Covering Installation of Driveways

Please see the following pdf titled 4.5 maps