

# Title 13 ► Chapter 12

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## Highway Setback Lines

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In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway setback lines be and they are hereby established in the Town of Friendship, Fond du Lac County, Wisconsin, outside the limits of incorporated cities and villages; along all public highway; at the intersections of highways with highways and highways with railways as hereafter provided. Where a highway is located on a village boundary, this section is not intended to be effective on the side within the village, nor on the side within another town where the highway is located on a town boundary.

### **Sec. 13-12-1 Classes of Highways and Center Lines**

Highways are classified and the position of the center line shall be determined as follows:

#### 1. CLASS 1 HIGHWAYS

- (a) Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the county or town board. The center line is the midway point between the edges of the road surface.
- (b) Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the county or town board. The center line is at the center of the surfacing or pavement, or, if there be none, the center of graded roadbed.
- (c) Roads and streets in platted subdivisions not otherwise classified. The center line is at the midpoint between the edges of the road surface.
- (d) Private roads. The center line is at the midpoint between the edges of the road surface.

#### 2. CLASS 2 HIGHWAYS

- (a) County trunk highways that have not been improved in accordance with engineering surveys or plans accepted by the County Board or their agent, the County Highway Committee. The center line is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.
- (b) County trunk highways that have been improved according to engineering surveys and plans accepted by the County Board or their agent, the County Highway Committee. The center line is the center of the surfacing or pavement, or if there be none, the center of the graded roadbed.

#### 3. CLASS 3 HIGHWAYS

- (a) State Trunk Highways, except as hereinafter provided, that have been approved according to surveys and plans of the State Highway Commission or plans accepted by the County Board, and United States highways. The center line is the center of the roadbed, or the center of the surfacing or pavement of the adjacent lane if the highway is to be paved as a double-divided road.

## **Sec. 13-12-2 Structures Prohibited Within Setback Lines**

No new building, manufactured home, new sign or other structure or part thereof shall be placed between the setback lines established by this ordinance and the highway, except as provided by this ordinance, and no building, manufactured home, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 50% or more of its current value as determined by the local assessor.

## **Sec. 13-12-3 Structures Permitted Within Setback Lines**

The following kinds of structures may be placed between the setback line and the highway:

- 1 . Open fences.
2. Telephone, telegraph and power transmission poles and lines and micro-wave radio relay structures may be constructed within the setback lines, and additions to and replacements of existing structure may be made, provided the owner file with the Town Board and agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this ordinance at his expense, when necessary for the improvement of the highway.
3. Underground structures not capable of being used as foundations for future prohibited overground structures.
4. Access or service highways constructed according to plans as approved by the Board of Appeals. In giving such approval, the Board of Appeals shall give due consideration to highway safety and maximum site distances.
5. This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery, shall be so located, maintained or permitted to grow so that the view across the sectors at the intersections shall be obstructed.

## **Sec.13-12-4 Setback Distances**

Except as otherwise provided, the distances from the center line to the setback line applicable to the various classifications of highways shall be as follows:

1. Whenever a highway is improved to a classification requiring a greater setback distance than that required by this ordinance prior to such improvement, the setback distance shall be that applicable to the latter classification.
2. In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
3. ALONG HIGHWAY GENERALLY: The setback distances from the center line, at any point for the respective classes of highways', shall be as follows:
  - (a) Class 1 highway, 110 feet, except in platted subdivision where the setback distance shall be 40 feet from the right-of-way lines as shown on the recorded plat; also expecting lots abutting on private roads where the setback distance shall be 50 feet from right-of-way line but not less than 75 feet from the center line of said road as shown on the instrument creating said road or road easement.
  - (b) Townline Road, Subway Road, Cemetery Road, Lincoln Road, and Lone Elm Road, 100 feet; provided, however, that in no case shall the distance of setback line outside of and from the nearest point in the boundary line of the highway, be less than 60 feet.
  - (c) Class 2 and 3 highways other than those named in sub.3.(b) above, 100 ft; provided, however, that in no case shall the distance of setback line outside of and from the nearest point in the boundary line of the highway, be less than 60 feet for Class 2 and Class 3 highways.
  - (d) Exceptions: Where buildings, structures or uses are to be erected or established

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between buildings existing at the time of the adoption of this ordinance, and where such buildings are located not more than 150 feet apart and have setback lines less than are established by this section, the setback line for each such proposed building, structure or use shall be the average of Highway Setback Lines 13-12-2 the setback lines of the nearest existing buildings on both sides of the proposed building, structure or use, provided that a setback line of more than 100 feet from the center line of the highway, or 65 feet from the right-of-way line, shall not be required in any case. The Board of Appeals may further vary this regulation in appropriate cases, provided that the Board of Appeals shall establish such conditions as will save the town harmless from additional improvement damages which might accrue when and if the highway is improved, and provided further that no such variation shall permit a setback less than the average setback of the adjacent buildings.

4. **AT ORDINARY HIGHWAY INTERSECTIONS:** At grade intersections of highways with highways, except those roads and streets in platted subdivision which do not intersect Class 2 Highways or Class 3 Highways, there shall be vision clearance triangles in each in each sector of such intersections. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight line connecting points on the setback lines along the intersecting highways and 100 feet back from the intersection of such setback lines.
5. **AT HIGHWAY INTERSECTIONS WITH TRANSITIONAL WIDENING:** At intersection provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback line on the side which is widened shall be increased by an amount equal to the width of the additional pavement.
6. **AT HIGHWAY INTERSECTIONS WITH CURVE CONNECTIONS:** At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the setback distance along the curve shall be measured from the center of the curved section.
7. **AT RAILROAD GRADE CROSSINGS:** At railroad grade crossings there shall be vision clearance triangle shall be established by a supplementary setback line which shall be a straight line connecting points on the railway right-of-way line and the highway setback line and 100 feet back from the intersection of such highway setback lines and such railway right-of-way line.