

4.10 HIGHWAY SETBACK LINES

(1) **SETBACK LINES ESTABLISHED.** In order to promote and enhance the public safety, general welfare, and convenience, it is necessary that highway setback lines be established in the Town, outside the limits of incorporated cities and villages; along all public highways, at the intersections of highways with highways and highways with railroads as hereafter provided. If a highway in the future is located on a City, Village, or County boundary, this Section is not intended to be effective on the side within the City or Village nor on the side within another County. *(Rev. 11/12/2024)*

(2) **CLASSES OF HIGHWAYS AND CENTERLINES.** Highways are classified and the position of the centerline shall be determined as follows:

(a) Class A Highways

State trunk highways that have been improved according to surveys and plans of the Wisconsin Department of Transportation or plans accepted by Sheboygan County. Centerline (of the paved road) – The centerline of the traveled portion of the road. *(Rev. 11/12/2024)*

(b) Class B Highways

County trunk highways that have been improved according to engineering surveys and plans accepted by the County Board, or their agent, the County Transportation Committee. Centerline (of the right of way) - The center of the surveyed right of way. *(Rev. 11/12/2024)*

(c) Class C Highways

1. Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board. Centerline (of the right of way) - The center of the surveyed right of way. *(Rev. 11/12/2024)*
2. Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the County or Town Board. Centerline (of the right of way) - The center of the surveyed right of way. *(Rev. 11/12/2024)*
3. Roads and streets in platted subdivisions not otherwise classified. The centerline is at the midpoint between the right of way lines as shown on the recorded plat.

(3) STRUCTURES PERMITTED WITHIN SETBACK LINES.

- (a) Buildings and Structures to Comply. No new building or other new structure or part thereof shall be placed between the setback lines established by this Chapter and the highway except as provided by this Chapter, and no building, sign, or structure or part thereof existing within such setback lines on the effective date of this Chapter 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 fifty percent (50%) or more of its last assessed value. *(Rev. 12/06)*
- (b) Trees and Shrubbery Excepted. This Subsection 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 intersection shall be obstructed.
- (c) Permitted Structures. The following kinds of structures may be placed between the setback line and the highway:
1. Telephone, cable, and underground utilities, and power transmission poles and lines and microwave radio relay structures may be constructed within the setback lines and additions to and replacements of existing structures may be made provided the owner will file with the Town an agreement in writing to the effect that the owner will remove all new construction, additions, and replacements erected after the adoption of this Chapter at owner's expense when necessary for the improvement of the highway. Permits are required. *(Rev. 11/12/2024)*
 2. Underground structures not capable of being used as foundations for future prohibited over ground structures.
 3. Access or service highways constructed according to plans as approved by the County Transportation Committee shall give due consideration to highway safety and maximum sight distances.
 4. Signs are subject to the provisions of Chapter 18 of this Municipal Code. *(Rev. 04/07)*

(4) SETBACK DISTANCES. *(Rev. 10/04/16)*

Except as otherwise provided, the distance from the centerline to the setback line applicable to the various classifications of highways as defined by Subsection (2) of this Section, shall be provided by the following paragraphs of this Subsection, respectively. Whenever a highway is improved to a classification requiring a greater setback distance than that required by this Chapter prior to such improvement, the setback distance shall be that applicable to the later classification. In cases where the provisions of this Section may be interpreted to provide for different setback distances, the greater setback distance shall prevail. *(Rev. 11/12/2024)*

(a) **Along Highways Generally.** The minimum setback distances for the respective classes of highways shall be as follows: (Rev. 10/04/16)

1. General Setbacks

1. General Setbacks:	Minimum Setback from the centerline of the Right of Way (ROW)	Minimum Setback from the right-of-way boundary (property line)
Class A (State Hwy)	100.00' (one hundred feet)	67.00' (sixty-seven feet)
Class B (County Road)	75.00' (seventy-five feet)	42.00' (forty-two feet)
Class C (Town Road)	60.00' (sixty feet)	36.00' (thirty-six feet)
Class C (Town Road) -- platted subdivision	None	36.00' (thirty-six feet)

2. Highways with Reduced Speed Limits. For Class B and C Highways located in residential areas with a posted speed limit of not more than 25 MPH, structures must be set back a minimum of twenty-five feet (25') from the edge of the hardened road surface. (Rev 10/04/16)

- (b) Variance. Where structures are to be erected between buildings existing at the time of the adoption of this Chapter which are located not more than one hundred fifty feet (150') apart, and having setback lines less than are established by this Section, the Board of Appeals may vary this regulation, 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 that no such variation will permit a setback less than the average setback of the adjacent buildings.
- (c) At Ordinary Highway Intersections. At grade intersections of highways with highways, except those roads and streets in platted subdivisions which do not intersect Class B Highways or Class A Highways, there shall be setback lines which shall be straight lines across all sectors connecting points on the setback lines along the intersecting highways, which points are located fifty feet (50') from the intersections of the projections of the setback lines along the highway.
- (d) At Railroad Grade Crossings. The setback lines shall be straight lines across all sectors, connecting points located on the railroad right-of-way lines and the highway setback line, respectively, each; one hundred feet (100') from the intersection of the highway setback lines and the railway right-of-way line