

POLICY

Cancels: N/A
See Also:


Approved by: Mitchell Brells

DE POL – 4004 Establishing Building Setbacks From Future County Right-of-Way

This policy applies to all residential building permit applications for new structures or additions located on property that has frontage on county owned right-of-way.

Development Engineering Technical Support Staff Shall Establish the Future Right-of-way Location for the Purpose of Measuring Building Setbacks in Accordance With the Following Guidance.

1.) For all lots of record, SFR construction site/abbreviated plans adjacent to a County roadway shall be reviewed by Deng Technical Support to evaluate:

- a. Existing right-of-way
- b. Roadway classification
- c. Any County Road Project (CRP) adjacent to the site

If the existing right-of-way is less than the right-of-way width as defined by the current P.C. Road Classification, the building setback shall be measured from the right-of-way dimension as defined by the roadway classification.

If the existing right-of-way is less than the future right-of-way width as defined by a CRP approved right-of-way (ROW) plan, the building setback shall be measured from the future ROW dimension as defined by the approved ROW plan.

2.) Deng Technical Support shall use the following resources to determine the width of the right-of-way that the building setback shall be measured from:

- County View Web: Select Roads/Rails; select the Arterials Co. Ord. 2008-19 layer to determine the County roadway classification. Identify (ID) the roadway segment (look for LFCDesc:)
- County View Web: Select Roads/Rails; select Transportation Improvement Program (TIP) (arc) layer to determine if there is a CRP associated with the County roadway. Identify (ID) the roadway segment (look for CRP:)

- Established CRP List of approved ROW plans from PW&U
- PW&U Website: Review approved ROW plans for CRP
- CountyView Web: Select layer Survey; select Right-of-Way Maps to look at recorded ROW along County roadways
- If questions arise regarding the Right-of-Way Maps in CountyView Web, contact Greg Dussault, P.L.S. for PW&U Technical Support or Dan Whitcomb, P.L.S. of PW&U Traffic Department

Example 1:

If the existing right-of-way width is 40 feet, but the roadway is classified as a collector arterial in accordance with the P.C. Road Classification, the right-of-way width dimension should be 60 feet. In this case, the building setback shall be measured from the 60 foot width dimension, rather than the existing 40' right-of-way dimension. If the existing 40 foot right-of-way is equally distributed between the lots on either side of the existing right-of-way, the calculated difference of 20 feet shall be equally distributed on either side of the existing right-of-way which would result in an additional 10 foot building setback.

Example 2:

If the existing right-of-way width is 40 feet, but the roadway is classified as a collector arterial in accordance with the P.C. Road Classification, the right-of-way width dimension should be 60 feet. If the existing 40' right-of-way is not equally distributed, then the Development Engineering Support Staff shall determine the building setback measurement based on the Right-of-Way Maps in CountyView Web. If questions arise regarding the Right-of-Way Maps, Greg Dussault, P.L.S. of PW&U Technical Support or Dan Whitcomb, P.L.S. of the PW&U Traffic Department shall be contacted for additional support.

Example 3:

If there is a CRP (with approved ROW plans) adjacent to the SFR construction site and the future right-of-way width is greater than the existing right-of-way, the building setback shall be measured from future right-of-way.

Example 4:

If there is a CRP adjacent to the SFR construction site but there are no approved ROW plans, the Development Engineering Support Staff shall contact Traffic (by phone and/or by email) for additional information before the building setback measurement can be determined at the Development Center. The Applicant shall be informed that their Application cannot be submitted until the Traffic Department provides updated information regarding the future right-of-way from which the building setback shall be measured.