



MEMORANDUM

To: Summit County Council
From: Planning Staff
Date of Meeting: July 8, 2020
Type of Item: Eastern Summit County Development Code Chapter 3; Front Setback Amendments and Appendix A Setback, Front Amendment Public Hearing, Possible Recommendation
Process: Legislative

Recommendation: Staff recommends that the Summit County Council (SCC) review the attached amendments to the Eastern Summit County Development Code Chapter 3; Front Setbacks, Front setback if property lines extend to the center of a public road and Front setback if property lines extend to the center of a private access road. These amendments would be effective for zones R-2.5, AG-5, AG-10, AG-20, AG-40, AG-80 and CA zone districts. Also, staff consideration an amendment to Appendix A definition of “Setback, Front” to be consistent with the proposed new front setback language. Staff further recommends that the SCC conduct a public hearing and approve the proposed Front Setback changes by adoption of Ordinance 908.

Background/Analysis

As currently written in Chapter 3 of the Eastern Summit County Development Code, in all zone districts, it describes the front setback from the front property line, or the centerline of a public or private road. However, in recent months we have had several instances when a property line extends beyond the centerline or in some cases when a road bisects the parcel. This has created some conflicting interpretations of where the front setback would be applied in these instances. The proposed modifications to the front setback language is intended to simplify and make clear where the front setback should be taken from and ensuring that a structure is adequately distanced from the road or right of way.

Staff recommends that additional setback language be considered that would only require a front setback from any lot frontage with a driveway leading to a garage or parking space, in cases of a parcel with a corner lot or has a road or right of way on multiple sides. The current definition requires that a front setback is met from all sides bordering a public road, private road or other right-of-way. This severely limits many parcels buildable area and increases the request for relief from these setback standards.

On May 10, 2020, this item was discussed with the ESCPC during a work session. Commission was supportive of the language but asked staff to make some further clarifications to make it as

clear as possible where the setbacks would be measured from. Staff included the revised language taking into consideration the comments received at that work session. The ESCPC also asked that staff consider changes to the side setback on larger lots in different zone districts. Because of the time it would take to make those modifications and the current need to the revised front setback language, Staff committed to looking into the side setback separately.

On June 4, 2020, the Eastern Summit County Planning Commission conducted a public hearing regarding the proposed front setback amendments. No public comment was received in writing or at the public hearing. The Eastern Summit County Planning Commission unanimously recommended that the Summit County Council approve the proposed amended language.

RECOMMENDATION

Staff recommends that the Summit County Council conduct a public hearing and approve the proposed amendments to the Eastern Summit County Development Code Chapter 3; Front Setbacks, Front setback if property lines extend to the center of a public road and Front setback if property lines extend to the center of a private access road. These amendments would be effective for zones R-2.5, AG-5, AG-10, AG-20, AG-40, AG-80 and CA zone districts. Staff further recommend that the Summit County Council approve the amendment to Appendix A definition of “Setback, Front” to be consistent with the revised front setback requirements. These amendments shall be approved through the adoption of ordinance 908.

Public Notice, Meetings and Comments:

This item was noticed as a public hearing and possible action, through the adoption of an ordinance for the proposed Chapter 3 Front Setback and Appendix A Amendments in the June 27, 2020 issue of *The Summit County News*. No public comment has been received at the time of this report.

Exhibits

- A. Draft Amended Front Setback Language, Chapter 3
- B. Draft Amended Appendix A “Setback, Front” Definition
- C. Ordinance 908

Location	Minimum Setback
Front setback	25 feet from property line; -or 25 feet from the edge of the improved drivable surface of a public or private road; or the 25 feet from the edge of the designated right of way, whichever creates a greater setback from the road or right of way. This measurement will be taken from the closest edge of the public or private road or right of way closest to the structure to be built.
Front setback if property lines extend to the center of a public road	55 feet from the centerline of the road
Front setback if property lines extend to the center of a private access road	55 feet from the centerline of the road
Front setback, Corner Lot or when multiple roads or right of ways are adjacent to the parcel - one minimum Front Setback and one minimum Side Setback shall be met from the property line; or edge of the improved drivable surface of a public or private road; or edge of the designated right of way, whichever creates the greater setback from the road or right of way. This measurement will be taken from the closest edge of the public or private road or right of way closest to structure to be built. The following provisions must be met:	a. Any frontage with a driveway leading to a garage or Parking Space shall have a Front Setback. b. On any Corner Lot, a clear view area must be maintained. This is a triangular area formed by the property lines abutting the road and a line connecting them at points twenty-five (25) feet from the intersection of the property lines. No obstruction to view in excess of three (3) feet in Height shall be placed in the clear view area, including walls, Fences, Structures, signs, trees, shrubs, or hedges. When topography prevents a clear view, the area shall be graded to provide visual clearance.
Side setback	12 feet from property line
Rear setback	12 feet from property line
Wetland	40 feet from delineation line as defined by the Army Corps of Engineers
River or perennial stream	100 feet from ordinary high water mark
Lake or natural pond	50 feet from ordinary high water mark
Union Pacific Rail Trail State Park	100 feet from property line

Modification to Appendix A

SETBACK, FRONT: The setback required for each side of a lot or parcel with a driveway leading to a garage or Parking Space ~~bordering a public road, private road or other right-of-way.~~

**SUMMIT COUNTY, UTAH
ORDINANCE NO. 908**

**AN ORDINANCE AMENDING THE EASTERN SUMMIT COUNTY DEVELOPMENT CODE,
TITLE 11, CHAPTER 3: FRONT SETBACKS AND APPENDIX A DEFINITION OF FRONT
SETBACK**

WHEREAS, the current Eastern Summit County Development Code was adopted on June 1, 2018; and

WHEREAS, since that time, it has become clear that further clarification of front setbacks was necessary to simplify and make clear where the measurement should be taken from while ensuring that a structure is adequately distanced from the road or right of way, as well as creating flexibility for lots with more than one road or right of way surrounding the parcel throughout the residential zones in Eastern Summit County; and

WHEREAS, the County is amending the Eastern Summit County Development Code, Chapter 3 that adds language clarifying “front setbacks” and also modifies Appendix A definition of “setback, front” ; and

WHEREAS, this amendment will apply to front setbacks in zones R-2.5, AG- 5, AG-10, AG-20, AG-40, AG-80 and CA; and

WHEREAS, the Eastern Summit County Planning Commission held a work session on May 7, 2020 and conducted a public hearing on June 4, 2020 and unanimously recommended the amended sections of the Eastern Summit County Development Code; and

WHEREAS, a public hearing was legally noticed and held before the Summit County Council on July 8, 2020; and

NOW, THEREFORE, pursuant to the authority granted to the Summit County Council (Council) as the County Legislative Body of the County of Summit, State of Utah, the Council hereby ordains as follows:

Section 1. Adoption. The Eastern Summit County Development Code is amended as depicted in Exhibit A.

Section 2. Effective Date. This Ordinance shall take effect 15 days after passage by the Summit County Council and subsequent publication in a newspaper of general circulation in Summit County, Utah.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this _____ day of _____, 2020.

ATTEST:

SUMMIT COUNTY COUNCIL

Kent Jones
Summit County Clerk

Douglas Clyde, Chair

APPROVED AS TO FORM

David L. Thomas
Chief Civil Deputy

VOTING OF COUNTY COUNCIL:

Councilmember Carson _____

Councilmember Robinson _____

Councilmember Clyde _____

Councilmember Armstrong _____

Councilmember Wright _____

EXHIBIT A

**EASTERN SUMMIT COUNTY DEVELOPMENT CODE AMENDED FRONT SETBACK LANGUAGE FOR
CHAPTER 3; APPLIES TO ZONES R-2.5, AG-5, AG-10, AG-20, AG-40, AG-80 and CA**

Location	Minimum Setback
Front setback	25 feet from property line; or 25 feet from the edge of the improved drivable surface of a public or private road; or the 25 feet from the edge of the designated right of way, whichever creates a greater setback from the road or right of way. This measurement will be taken from the closest edge of the public or private road or right of way closest to the structure to be built.
Front setback, Corner Lot or when multiple roads or right of ways are adjacent to the parcel - one minimum Front Setback and one minimum Side Setback shall be met from the property line; or edge of the improved drivable surface of a public or private road; or edge of the designated right of way, whichever creates the greater setback from the road or right of way. This measurement will be taken from the closest edge of the public or private road or right of way closest to structure to be built. The following provisions must be met:	<p>a. Any frontage with a driveway leading to a garage or Parking Space shall have a Front Setback.</p> <p>b. On any Corner Lot, a clear view area must be maintained. This is a triangular area formed by the property lines abutting the road and a line connecting them at points twenty-five (25) feet from the intersection of the property lines. No obstruction to view in excess of three (3) feet in Height shall be placed in the clear view area, including walls, Fences, Structures, signs, trees, shrubs, or hedges. When topography prevents a clear view, the area shall be graded to provide visual clearance.</p>
Side setback	12 feet from property line
Rear setback	12 feet from property line
Wetland	40 feet from delineation line as defined by the Army Corps of Engineers
River or perennial stream	100 feet from ordinary high water mark
Lake or natural pond	50 feet from ordinary high water mark
Union Pacific Rail Trail State Park	100 feet from property line

Modification to Appendix A

SETBACK, FRONT: The setback required for each side of a lot or parcel with a driveway leading to a garage or Parking Space.