



## MEMORANDUM

**To:** Eastern Summit County Planning Commission  
**From:** Planning Staff  
**Date of Meeting:** June 4, 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 Eastern Summit County Planning Commission 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 affective for zones AG-2.5, AG-5, AG-10, AG-20, AG-40, AG-80 and CA zone districts. Also, consider an amendment to Appendix A definition of Setback, Front to be consistent with the proposed new front setback language. Staff further recommends that the ESCPC conduct a public hearing and make a positive recommendation for the proposed Front Setback changes to the Summit County Council.

### Background/Analysis

As currently written in Chapter 3 of the Eastern Summit County Development Code, in most 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 modifications 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 7, 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 has 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. Staff will look into side setbacks separately and will bring proposed language back at a later date.

## **RECOMMENDATION**

Staff recommends that the Eastern Summit County Planning Commission conduct a public hearing and make a positive recommendation to the Summit County Council for 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 AG-2.5, AG-5, AG-10, AG-20, AG-40, AG-80 and CA zone districts. Also, recommend an amendment to Appendix A definition of Setback, Front to be consistent with the revised front setback requirements.

### **Public Notice, Meetings and Comments:**

This item was noticed as a public hearing and possible recommendation for the proposed Chapter 3 Front Setback and Appendix A Amendments in the May 22, 2020 issue of *The Summit County News*.

### **Exhibits**

- A. Proposed Setback Language, Chapter 3
- B. Proposed Amendment to Appendix A Front Setback Definition

| Location   | Minimum Setback  |
|--|--|
| Front setback  | 25 feet from property line; or 25 feet from the edge of the <u>improved drivable surface of a</u> 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. <u>This measurement will be taken from the edge of the public or private road or right of way closest to the structure to be built.</u>  |
| 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 <u>from the property line; 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:</u> | <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 <u>road</u> 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 ~~bordering a public road, private road or other right-of-way.~~