To:	Eastern Summit County Planning Commission (ESCPC)
Report Date:	Thursday, August 26, 2010
Meeting Date:	Wednesday, September 1, 2010
From:	Adryan Slaght, Principal Planner
RE:	Eastern Summit County Setbacks
Type of Item:	Work Session
Additional Meetings:	Any changes to the Development Code setback requirements will require public hearings before the ESCPC and the Summit County Council

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EXECUTIVE SUMMARY: On May 5, 2010, staff discussed building setbacks with the ESCPC. This is a continuation of that discussion. **Staff recommends that the ESCPC consider the information provided in the staff report and discussed during the meeting, and provide staff with direction.**

A. Project Description

Project Name: Eastern Summit County Setbacks

- **Applicant(s):** N/A
- **Property Owner(s):** N/A
- **Location:** N/A
- **Zone District & Setbacks:** N/A
- **Adjacent Land Uses:** N/A
- **Existing Uses:** N/A
- **Parcel Number and Size:** N/A
- **Lot of Record Status:** N/A

B. Community Review

This is a work session item. If/when this item goes to public hearing, it will be duly noticed to the public. Staff has received no comments as of the date of this report.

C. Background

The issue of building setbacks has been raised numerous times to staff, and to and by the ESCPC numerous times over the past several years. On May 5, 2010, staff brought forward proposed changes related to the required setbacks for buildings less than 120 sq ft, and discussion of overall setbacks within Eastern Summit County (*Exhibit E*).

Staff has provided graphics to help foster understanding of various scenarios that are typically encountered when reviewing setback requirements with applicants. Staff would like to discuss with the commission the types of language or clarifications to the Code that would achieve greater clarity and logic.

Staff has also provided Morgan and Wasatch County Code language with regard to zoning and setbacks for rural and rural residential areas (*Exhibits B & C*).

D. Identification and Analysis of Issues

Alterations to building setbacks could impact such issues as the ability to expand roads/travel corridors, ability to more easily provide utilities, perceptions of privacy among neighbors, and the look and feel of development patterns in general.

The graphics provided on page four of this report are intended to help the Commission understand situations typically encountered by staff when reviewing setback requirements. Situations A-C apply to properties platted to the centerline of the road. In these situations, the road centerline and property line should match (A), however variations of situations B & C are more typically encountered. The plain language of the existing Code (*Exhibit D)* typically requires a 120 ft or 55 ft front setback from the centerline in these situations, depending on the zone. Staff would like clear direction on whether the ESCPC would prefer the measurement to be made from the centerline of the road, the centerline of the road as platted (the property line), the edge of pavement, or some combination of the aforementioned.

Situations D-F apply to properties platted to a deeded Right of Way. While the variations are typically less severe than for instances where the property line is the center of the street, staff still encounters a number of occasions where the road is not sited correctly. Ideally, the road will be within the ROW (situation A), however variations of situations B & C are also encountered. The plain language of the existing Code (*Exhibit D*) typically requires a 100 ft or 30 ft front setback from the property line in these situations, depending on the zone. Staff would like clear direction on whether the ESCPC would prefer the measurement to be made from the centerline of the road, the property line, the edge of pavement, or some combination of the aforementioned.

E. Consistency with the General Plan

The proposed modification of any building setbacks will need to be in-step with the goals and objectives of the General Plan.

F. Findings/ Code Criteria and Discussion

Section 11-5-1 of the Eastern Summit County Development Code establishes the authority and process for amendments to the development code or zoning map. These are listed below.

> 11-5-1: AUTHORITY:
> The County Council may from time to time amend, supplement or repeal the provisions and regulations of this title and the Zone District Map of Eastern Summit County. No change to the text of this title which affects a portion or all of the real property regulated by this title and no rezoning of a specific parcel of real property by a change in zoning classification resulting in a change to the Zone District Map shall be valid unless approved by the County Council pursuant to the provisions set forth herein, except that an application for amending an approved specially planned area plan shall be processed pursuant to the provisions of Chapter 4 of this Title. (Ord. 278, 5-6-1996)
>
> 11-5-2: INITIATION OF AMENDMENTS:
> Any amendment to the text of this Title or the Zone District Map may be initiated in the following ways:
> A. By a motion of the County Council;
> B. Upon the request of the Planning Commission;
> C. By the CDD or designated planning staff member or County Manager; or
> D. Upon the request of the individual having deed title of real property within the area to be rezoned. (Ord. 470,11-19-2003)

11-5-3: AMENDMENT PROCEDURES:
A. Amendment to Text of Code: Whenever there is initiated an amendment to the text of this title, such amendment shall be accomplished in the following manner:
1. A copy of the proposed amendment shall be delivered to the Planning Commission for its review and recommendation. Prior to making a recommendation, the Planning Commission shall hold a public hearing regarding the proposed amendment.
2. The Planning Commission's recommendation shall be delivered to the County Council. The County Council shall hold a public hearing on the proposed amendment. Following the public hearing, the County Council shall either approve or deny the amendment. (Ord. 278, 5-6-1996)

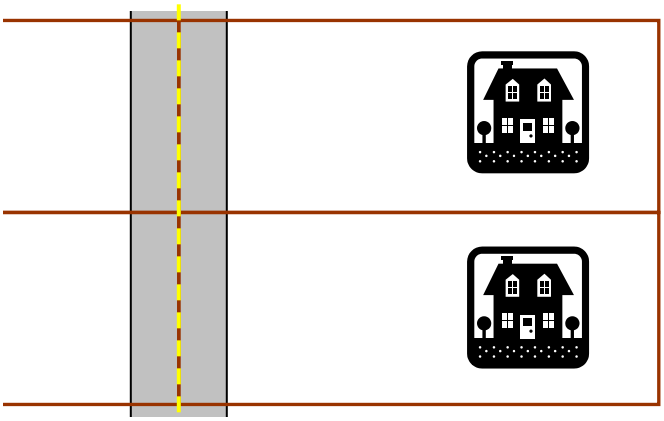
C. Amendments by Ordinance: All amendments to the text of this title and to the Zone District Map shall be authorized by ordinance, in the manner prescribed by state law. (Ord. 278, 56-1996)

G. Recommendation(s)/Alternatives

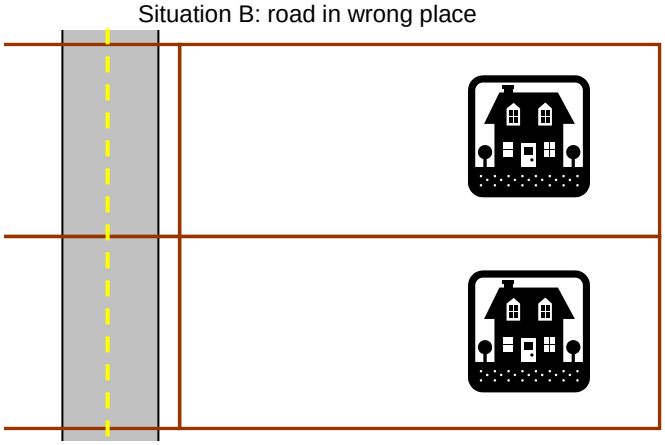
Staff recommends that the ESCPC consider the information provided in the staff report and discussed during the meeting, and provide staff with direction.

Attachment(s)
Exhibit A – Minutes of the May 5, 2010 ESCPC work session
Exhibit B – Morgan County Zoning & Setbacks
Exhibit C – Wasatch County Zoning & Setbacks
Exhibit D – Summit County Zoning & Setbacks (HC, AP40, AG100, AG160)
Exhibit E – Proposed amendments from May 5, 2010 ESCPC work session

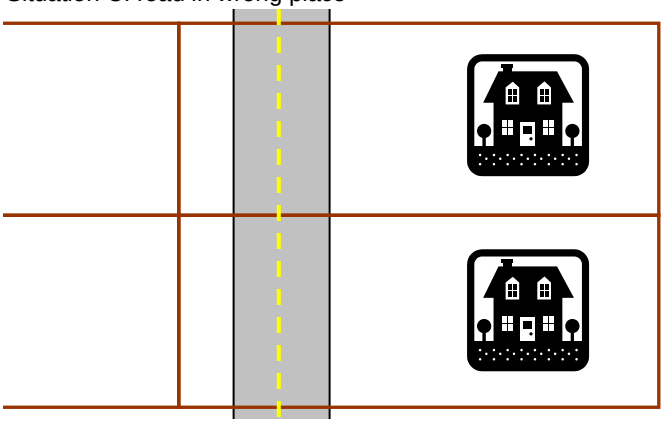
Situation A: property line matches center line



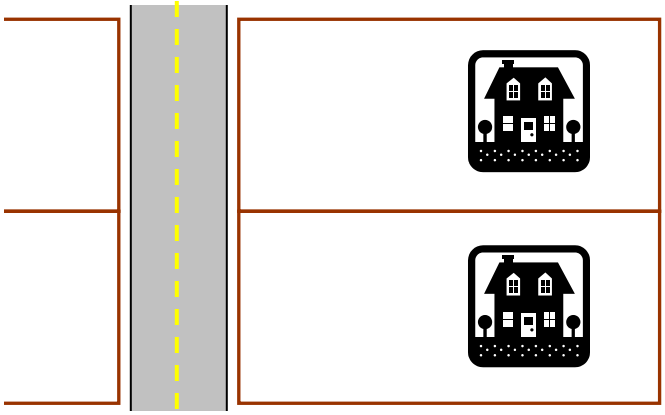
Situation B: road in wrong place



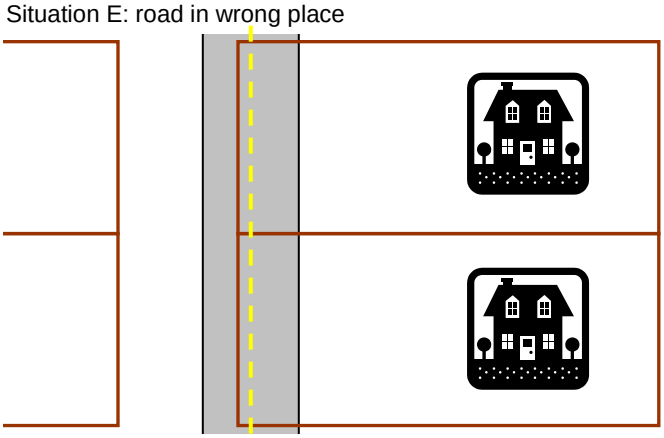
Situation C: road in wrong place



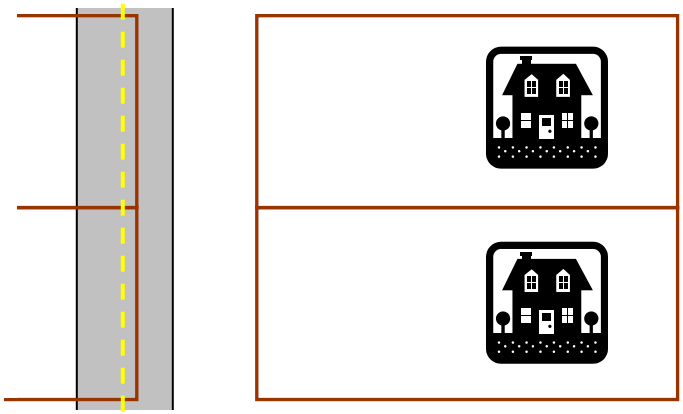
Situation D: road located within ROW



Situation E: road in wrong place



Situation F: road in wrong place



2. **<u>Public Hearing and Possible Approval</u> of a Plat Amendment to Lot 4 of the Wright Place Subdivision Plat, 4005 N. Woodenshoe Lane, Oakley; Dirk Rockhill, applicant – *Sean Lewis, County Planner***

Mr. Lewis displayed an area map to show the location of the Wright Place Subdivision. He said the subdivision was recorded in 2004. As part of the recordation, lots were included that contained a wetland delineation.

Mr. Lewis stated the applicant and his clients have been working with the Army Corps of Engineers in order to complete a more detailed study of the wetlands. Mr. Lewis displayed a graphic demonstrating the revised wetlands delineation, including a 40-foot setback, which allows a larger building area.

Mr. Lewis noted that this area is not located within the Oakley annexation declaration area; however, this is a Class A flood plain and special requirements will be issued when the building permit is sought. Mr. Lewis displayed site photos, pointing out the wetlands areas. He stated that Staff recommends approval of the plat amendment.

The applicant, Dirk Rockhill, said they are asking that the plat is amended to reflect the accurate wetland delineation. He added the amendment is merely a technicality.

Chair Houston opened the Public Hearing. There were no comments and the Public Hearing was closed. The Planning Commissioners had no comments or questions.

Commissioner Brown made the motion, which was seconded by Commissioner Clyde, to approve an amendment to the Wright Place Subdivision Lot 4, amending the delineated wetland area based upon the following:

Findings:

1. ***No person will be materially injured by the proposed amendment.***
2. ***There is cause for the amendment.***
3. ***There will be no increase in density as part of this amendment.***

Condition:

1. ***All Service Provider requirements shall be met prior to recordation.***

Chair Houston called for a vote and it was unanimous in favor of the motion.

- **MOTION CARRIED (7 – 0)**

WORK SESSION

1. **<u>Work Session/Discussion</u> proposed amendments to the Eastern Summit County Development Code regarding setbacks, plat amendments, agricultural exemptions,**

Exhibit A.1

development permits, and Board of Adjustment responsibilities. – *Jennifer Strader, County Planner*

Planner Jennifer Strader said she hopes to receive feedback and suggestions from the Commissioners on the proposed amendments. She announced there will be two Public Hearings held for this item: one in Kamas, one in Coalville. She said the suggested amendments are items that need clarification in the Code; they do not affect density or uses.

SIDE AND FRONT SETBACKS

Ms. Strader said the Development Department has long desired to amend the setback requirements for the agricultural zones. The current setbacks are large enough that a landowner can be forced to place his home in a location that may be better suited for agricultural use. Additionally, the current setbacks do not promote clustering. The proposed setbacks were listed in the Staff Report.

Chair Houston asked if this amendment will also affect the Highway Corridor Zone. Ms. Strader said the proposed setback for the Highway Corridor Zone will be from the property line. Chair Houston remarked that lots within the Highway Corridor Zone are smaller, and would then be required to have greater front setbacks. Commissioner Brown asked what the current setbacks are for the Highway Corridor Zone. Ms. Strader answered that it is 50 feet from the front property line and 80 feet from the centerline of the highway.

Commissioner Clyde stated there will be inherent problems with the many non-conforming lots in the AG 100 Zone and with roads that don't have a dedicated right-of-way. He added that a 12-foot side setback may be fine for a three-acre parcel, but it would not be enough for a 160-acre parcel. Those landowners would find it annoying to have a neighbor 12 feet from the fence line. Ms. Strader said that the current Code doesn't allow any options should a landowner desire to build a home closer to the fence line. Commissioner Clyde stated that a side setback of 100 feet may be too much; 12 feet may be too little. Chair Houston stated that some farmers feel that the land is better used if the home is located as close to the fence line as possible.

Commissioner Brown suggested that a minimum setback could be established, but a landowner should essentially be allowed to build where they want. If a second landowner crowds the fence line, he did so, knowingly. Chair Houston said that it would be good to have setback requirements consistent throughout the code, to avoid confusion.

STRUCTURES LESS THAN 120 SQUARE FEET

Ms. Strader said that also being proposed is that structures of 120 square feet (the size of a Tuff Shed) can be located three feet from the property line. She said that this is very typical in other jurisdictions. She noted that building permits are not required for a building of this size. Enforcement difficulties arise when a complaint is received that side setbacks are not being enforced.

Exhibit A.2

Commissioner Ure said that most of these structures are now larger than the allowed 10 x 12 feet. Ms. Strader responded the reason this size was chosen, is that a structure of this size is not required to obtain a building permit. Commissioner Clyde asked if there is a limit to the number of these structures. Ms. Strader answered that there is not.

CHAPTER FOUR

Ms. Strader stated this chapter discusses the types of development permits available. She stated the amendment gives the Community Development Director the authority to review applications to ascertain if they contain sufficient information to be processed.

Ms. Strader referred to page nine, paragraph three of the Staff Report, which is the section Mr. Sonntag was discussing during the Public Input Session. She said that Staff was directed by Attorney's Office to include this in the Code. She added that this is currently in the Snyderville Basin Development Code. She said she will check with the Attorney's Office to ascertain if an exception can be allowed for an entity in the tax appeal process.

Ms. Strader said that Section 11-4-12 discusses the differences between altering a public road and a private road. She stated the language has been changed to be consistent with State Code.

Ms. Strader reported that the County Council is currently reviewing the status of Boards and Commissions. They have requested that the language within the Code is consistent with the bylaws of these groups. The proposed language of 11-7-7 is taken from the Board of Adjustment bylaws. The Attorney's office has also requested to have this language placed into the Code. This concluded Ms. Strader's presentation. She invited comments from the Planning Commission.

COMMISSION DISCUSSION

Commissioner Brown asked what the reasoning is for requiring setbacks for private driveways. He believes that a property owner should be able to place his private drive where it is most convenient for him. Ms. Strader said that problems can be created when several homes are using the private driveway. Chair Houston noted that some private roads are in subdivisions. Commissioner Brown responded that in that case, the Homeowner's Associations could address those issues in their CC&R's.

Commissioner Clyde said that a private driveway can serve from one to five houses, making it more of a road, than a driveway. Commissioner Brown said that even with five houses, it is still a private road and it doesn't belong to the County. Commissioner Clyde said that even on private roads there is a need to accommodate the utilities.

Commissioner Ure stated that he doesn't believe it is the role of government to become involved in private property rights. He said there should be no required setbacks on private

Exhibit A.3

roads and driveways. Commissioner Clyde responded that it is not just that landowner that is affected. The neighbor down the road can be affected, in things such as snow removal.

Commissioner Henrie commented that he believes there should be setbacks. A small setback isn't objectionable to property owners. What might be objectionable is someone who wants to put his house right against the road. Commissioner Brown asked what is the present setback for a private road. Ms. Strader responded the current setback for a private driveway or a private road is 12-feet from the side property lines. Commissioner Hanson said there is a safety issue for setbacks; a road shouldn't be constructed right against a fence line.

Commissioner Brown asked what the other Commissioners felt about the setback increasing from 30 feet to 50 feet in the Highway Corridor Zone. He said that he has observed that some homes in this zone appear to be anywhere from 30 to 80 feet from the road. He wondered if 80 feet is too great a setback for smaller properties. He asked if 30 feet is enough.

Commissioner Clyde observed that sometimes there are greater setbacks required for homes on a lesser traveled road, where the need is not as great. He suggested that a minimum setback is established. A formula could be created and the landowner can use whichever is less. He provided examples of problems that are created when a road meanders.

Commissioner Henrie commented that he stepped off the distance from the center of the road to the Kamas City Hall flag pole. He said that it is approximately 50 feet. He doesn't believe that is enough distance from the road for a home. The setbacks should be much greater than 50 feet from the centerline of the road. He stated he doesn't think that there should be development along the Highway Corridor Zone; it should be used for transportation. He noted that if SR 32 is ever expanded, there will need to be abandonment.

Commissioner Clyde agreed. He said there is a driveway about every hundred feet. This is supposed to be for highways, and instead it has become a suburban street. Commissioner Henrie enumerated several problems with the Highway Corridor Zone. Chair Houston said that a Work Session seems warranted.

Commissioner Foster suggested that Staff produce a map demonstrating where the 30 and 50 feet distance would fall on the properties along the Highway Corridor Zone. Commissioner Clyde suggested that perhaps there should be different categories, or a hierarchy, of public roads. For example, SR 32 and Democrat Alley should be treated differently.

Commissioner Foster added that she would like the Planning Commission to consider the impact on the platted subdivisions, which have extremes in lot sizes. She likes the idea of consistent setbacks. Ms. Strader explained the difficulty of enforcement, with the Code as it is presently written. Sometimes the public will question why their neighbor has a different setback than is being required of them.

Exhibit A.4

The Planning Commissioners requested more discussion, more information with graphics, and examples. They recommended leaving the language as it is written for now.

The next item considered was the setback requirement for a structure of 120 square feet. Commissioner Ure said he doesn't believe that square footage should be specified; instead the requirement should be no attached foundation. Commissioner Henrie agreed, but added that there should be a three-foot setback to eliminate overhang onto a neighbor's property.

Commissioner Hanson pointed out there is a large riding arena in Kamas without a foundation; however Ms. Strader stated that a Building Permit would be required for structures greater than 120 feet, if it is agriculture than no building permit is required.

Commissioner Ure had a question concerning Section 11-3-2.3. He asked who determines the high water mark. He said the State has been arguing with fishermen over the past 1 ½ years on what the high water mark is. Ms. Strader answered there is a definition in the Snyderville Basin Code that the Planning Department uses. A discussion ensued concerning the definition of an irrigation ditch and a year-round stream.

Commissioner Clyde said he would like to have it be made clear within the Code that there are no rights vested until there is a completed application. His next comment was offered as an alternative to Promontory Ranch's tax predicament. He suggested that the property taxes can be paid under protest, and then a petition for a refund, with interest, can be filed. This way a crisis is not created for the school districts from a budget shortfall.

Rich Sonntag requested to respond. He said that the County failed to properly assess their property. Because the County is on a five year tax assessment cycle, Promontory Ranch was accessed on 2006 values (not 2010 values, which have decreased.) He stated they filed a timely tax appeal in September. The County didn't grant a hearing until December. The outcome of that hearing wasn't known until March.

Mr. Sonntag said they are being treated differently. The County granted to them, a 15% reduction in taxes, while others in the area had a 47% reduction. If they pay the taxes and wait for a refund, the County would be holding an extra million dollars, while the sometimes lengthy process goes forward.

Mr. Sonntag said that Promontory Ranch has been assessed a penalty by the County because they are appealing their taxes. Additionally, ongoing interest is being charged for as long as the process takes. He believes the County shouldn't be able to change the Land Use Ordinance during the appeal period. This change would put them out of business during the appeal process. He said that this is not due process and it is not fair.

Commissioner Brown said he believes this ordinance should be in the Code because of the individual who blatantly refuses to pay their taxes. He said the taxpayer's time, money and resources should not be used. He suggested the Attorney's Office should investigate that if a

Exhibit A.5

legitimate appeal is moving forward, can a temporary exemption exist. He said he is not comfortable in giving final approval on a project if the taxes haven't been paid.

The tax situation at Promontory Ranch was further discussed. Commissioner Clyde said that he believes the proper procedure is to pay under protest and then petition for a refund.

Moving onto another subject, Commissioner Brown said that he would like to see a disclaimer in each of these sections that will notify people that they have the right to appeal the decisions reached by the Planning Commission, the Board of Adjustment, or the Community Development Director. Ms. Strader responded that it is already included in Chapter Nine of the Development Code, but a reference can be added to Chapter Four so that people are aware there is an appeal process.

Commissioner Brown said he would like clarification on how many acres are required in order to receive an Agricultural Exemption designation. Chair Houston concluded the discussion by reviewing instructions for Staff from the Planning Commission.

Commission Items

Commissioner Henrie and Commissioner Brown reported on the meeting they had attended in Ogden on April 22th. It was sponsored by the Utah League of Cities and Towns. They suggested that the instructor of this seminar be invited to attend an upcoming Work Session to be held in conjunction with the Snyderville Basin Planning Commission and the County Council.

Staff Items

The upcoming meeting was discussed. Future absences were announced by Chair Houston and Commissioner Foster.

Planner Slaght stated that a joint meeting with the North Summit Fire District will be scheduled as soon as possible in the future.

Adjourn

At 8:45 p.m. Commissioner Hanson made the motion to adjourn. Commissioner Foster seconded the motion. All voted in approval.

- **MOTION CARRIED (7 – 0)**

Approval Signature

Exhibit A.6

Morgan County Zoning & Setbacks

Multiple Use Zone:
Multiple Use Districts: The purpose of providing a multiple use district is to establish areas in mountain, hillside, canyon, mountain valley, desert and other open and generally undeveloped lands where human habitation should be limited in order to protect land and other open space resources; to reduce unreasonable requirements for public utility and service expenditures through uneconomic and unwise dispersal and scattering of population; to encourage use of the land, where appropriate, for forestry, grazing, agriculture, mining, wildlife habitat and recreation; to avoid excessive damage to watersheds, water pollution, soil erosion, danger from brushland fires, damage to grazing and livestock raising, and to wildlife values; to avoid the premature development of lands by discouraging intensive development until the ultimate best use of the land can be recommended by the planning commission to the governing body; and to promote the health, safety, convenience, order, prosperity and general welfare of the inhabitants of the community

Forestry District:
1. The purposes of providing a forestry district are to encourage the appropriate use of certain mountainous, hillside and canyon area of the county for watershed, forestry, grazing, agriculture, wildlife habitat, and limited recreational uses, as well as the reduction of requirements for unreasonable public utility and service expenditures which would be caused by concentrated urban uses in the district; to protect watersheds and water supplies from pollution; and to promote the health, morals, convenience, order, prosperity and general welfare of the inhabitants of the county.
2. The intent of providing a forestry district is to separate those areas of the county which should best remain relatively undeveloped from those areas which can support greater development, as provided for and encouraged in other districts.

Agriculture Districts: The purposes of providing an agriculture district are to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt spaces. These districts are intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.

D. Rural Residential Districts:
1. The purposes of providing a rural residential district are:
a. To promote and preserve in appropriate areas conditions favorable to large lot family life;
b. Maintaining a rural atmosphere;
c. The keeping of limited numbers of animals and fowl; and
d. Reduced requirements for public utilities, services and infrastructure.
2. These districts are intended to be primarily residential in character and protected from encroachment by commercial and industrial uses. (2010 Code)

8-5A-4: AREA REGULATIONS:

	Districts					
	MU-160	F-1	A-20	RR-10	RR-5	RR-1
The minimum lot area in acres for any main use in the districts regulated by this article shall be:	160	$^{1}/_{4}$ section	20	10	5	1 or 60 acres

8-5A-5: WIDTH AND FRONTAGE REGULATIONS:

	Districts					
	MU-160	F-1	A-20	RR-10	RR-5	RR-1
The minimum width in feet for any lot in the districts regulated by this article, except as modified by planned unit developments, shall be:	1,320	1,320	330	330	250	200

8-5A-6: YARD REGULATIONS:

A. Front Yard Regulations:

	Districts					
	MU-160	F-1	A-20	RR-10	RR-5	RR-1
The minimum depth in feet for the front yard for main buildings and accessory buildings in districts regulated by this article shall be:	30	30	30	30	30	30
Where the existing minimum right of way on which the lot fronts is less than 66 feet, the setback shall be measured from the centerline and in feet shall not be less than:	63	63	63	63	63	63
Where the proposed minimum right of way is more than 66 feet, the setback in feet shall be $^1/_2$ proposed right of way, plus 30 feet	A	A	A	A	A	A
Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings; otherwise they shall be set the following distance in feet from the rear of the main building	8	8	8	8	8	8

B. Rear Yard Regulations:

	Districts					
	MU-160	F-1	A-20	RR-10	RR-5	RR-1
The minimum depth in feet for the rear yard in the districts regulated by this article shall be:						

Main buildings	60	200	60	60	50	30
Accessory buildings	10	10	10	10	10	10

C. Side Yard Regulations:

	Districts					
	MU-160	F-1	A-20	RR-10	RR-5	RR-1
The minimum side yard in feet for districts regulated by this article shall be:						
Main buildings	60	60	60	60	20	15
Accessory buildings	60	60	10	10	10	10

8-5A-9: RECREATION DWELLINGS:

Notwithstanding any provision in this title to the contrary, the following additional provisions shall apply to recreation dwellings located in MU-160 and F-1 zones:

A. Width and frontage regulations may be waived, provided the dwelling and any accessory buildings are accessible by a legal right of way held by the property owner;

B. The dwelling and all accessory buildings shall be set back no less than two hundred feet (200') from all property boundary lines;

C. For legal conforming lots existing on or before March 1, 2001, the minimum acreage for a recreation dwelling shall be one hundred sixty (160) acres, or a one-quarter ($^1/_4$) section. For legal conforming lots created after March 1, 2001, the minimum acreage for a recreation dwelling in the F-1 zone shall be three hundred twenty (320) acres or a one-half ($^1/_2$) section; and

D. Prior to receipt of a building permit, the property owner must execute and record as an addendum to their property deed, and show proof thereof to the building inspector, an owner's acknowledgment of responsibility and indemnification in substantially the following form:

Owner's Acknowledgment Of Responsibility And Indemnification

State of Utah)
) ss.
Morgan County)

We (I), the undersigned owners of the property located at [describe property boundaries] acknowledge and agree to maintain and repair the private right of way, driveway or road accessing the property described herein and any dwelling or accessory buildings located

thereon, and to remove snow and otherwise maintain reasonable access to our (my) dwelling and accessory building(s). We (I) agree that failure to maintain the road under all conditions may relieve Morgan County of emergency service obligations. We (I) agree to indemnify and hold Morgan County harmless from any claim, damage, or liability that may arise against the county or its employees, agents, or representatives related to our (my) failure to maintain the road under all conditions. We further acknowledge that failure of the local jurisdiction or planning commission to observe or recognize hazardous, unknown or unsightly conditions, or to recommend denial of this conditional use because of said unrecognized hazardous, unknown or unsightly conditions shall not relieve the developer or owner from responsibility for the condition or damages resulting therefrom, and shall not result in the local jurisdiction or planning commission, its officers or agents, being responsible for the conditions and damages resulting therefrom.

Subscribed and sworn to before me this day of , 20

Signature(s)

RESIDENTIAL AND MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

A. Residential District R1-20: To provide areas for very low density, single-family residential neighborhoods of spacious and uncrowded character.
B. Residential District R1-12: To provide areas for low density, single-family residential neighborhoods of spacious and uncrowded character.
C. Residential District R1-8: To provide areas for medium low density, single-family residential neighborhoods where low and medium costs of development may occur.
D. Multiple Residential District RM-7: To provide areas for medium residential density with the opportunity for varied housing styles and character.
E. Multiple Residential District RM-15: To provide areas for medium high residential density with the opportunity for varied housing styles and character. (2010 Code)

8-5B-4: AREA REGULATIONS:

	Districts (In Square Feet)				
	R1-20	R1-12	R1-8	RM-7	RM-15
The minimum lot area in square feet for any single-family dwelling structure in the districts regulated by this article shall be:	20,000	12,000	8,000	7,000	8,000
The additional lot area in square feet for each additional dwelling unit in a dwelling structure shall be:	-	-	-	6,000	35,000
For group dwellings, the additional lot area for each separate dwelling structure after the first dwelling structure in square feet shall be (in addition to that required above):	-	-	-	5,000	35,000
Minimum lot area in square feet for all main uses or buildings other than dwellings shall be:	20,000	12,000	10,000	10,000	10,000

8-5B-5: WIDTH REGULATIONS:

	Districts				
	R1-20	R1-12	R1-8	RM-7	RM-15
The minimum width in feet for any lot in the districts regulated by this article, except as modified by planned unit developments, shall be:	100	90	70	70	70

8-5B-6: FRONTAGE REGULATIONS:

	Districts				
	R1-20	R1-12	R1-8	RM-7	RM-15
The minimum width of any lot at the street right of way line in feet in the districts regulated by this article, except as modified by conditional use permit, shall be:	50	45	40	45	45

8-5B-7: YARD REGULATIONS:

A. Front Yard Regulations:

	Districts				
	R1-20	R1-12	R1-8	RM-7	RM-15
The minimum depth in feet for the front yard for main buildings and accessory buildings in districts regulated by this article shall be:	30	30	30	30	30
Or the average of the existing buildings on the block where 50 percent or more of the frontage is developed					
However, in no case shall it be less than:	25	25	25	20	20
Or be required to be more than:	30	30	30	30	30
Accessory buildings may have the same minimum front yard depth as main buildings if they have the same side yard required for main buildings; otherwise they shall be set back the following number of feet from the rear of the main building	10	10	8	6	8
On corner lots, main buildings shall have 2 front yards and one rear yard, and one side yard	A	A	A	A	A

B. Rear Yard Regulations:

	Districts				
	R1-20	R1-12	R1-8	RM-7	RM-15
The minimum depth in feet for the rear yard in the districts regulated by this article shall be:	30	25	25	25	25
Accessory buildings	10	10	-	-	-
Provided that on corner lots which rear on a side yard of another lot accessory buildings in all such districts shall be located not closer than 10 feet to such side yard	A	A	A	A	A

C. Side Yard Regulations:

	Districts				
	R1-20	R1-12	R1-8	RM-7	RM-15
The minimum side yard in feet for any dwelling in districts regulated by this article shall be:	10	10	8	6	6
The total width of the 2 required side yards in feet shall be:	24	24	18	18	18
Except that in no case shall the total width of the 2 side yards be less than the height of the building	A	A	A	A	A
Other main buildings shall have a minimum side yard in feet of:	20	20	15	15	15
And a total width of the 2 required side yards in feet of not less than:	40	40	25	45	45
The minimum side yard in feet for a private garage or accessory building shall be:	10	10	6	6	6
Provided that no private garage or other accessory buildings shall be located in feet closer to a dwelling on an adjacent lot than 10 feet	A	A	A	A	A
On corner lots, main buildings shall have 2 front yards and one rear yard, and one side yard	A	A	A	A	A
The side yard in feet shall not be less than:	10	10	8	6	8

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Wasatch County Zoning & Setbacks

Section 16.05.01 Purpose.
The purpose of the (P-160) Preservation Zone is to establish areas in Wasatch County where development may be limited due to the remoteness of services, topography, and other sensitive environmental issues. Furthermore, the specific intent in establishing the (P-160) Preservation Zone is for the following purposes:
(1) Protect the present and future water supply of the County and surrounding counties;
(2) Protect natural features and sensitive environmental areas;
(3) Protect the County's grazing and forestry land;
(4) Avoid excessive costs for public services which result from excessive scattering of residential dwellings in remote areas;
(5) Prevent excessive soil erosion and water pollution;
(6) Promote the raising and keeping of domestic and wild animals and fowl in keeping with optimum intensity of use, consistent with recognized range management practices;
(7) Prevent the necessity of having to pay excessive taxes on grazing lands;
(8) Preserve and protect recreational opportunities;
(9) Allow residential development on a limited basis when services are not readily available but are appropriately addressed by the developer to the satisfaction of the County; and
(10) Residents of the proposed development would have essential services provided at a level that would not impact their health, safety, and welfare and to provide these services would not be fiscally irresponsible for the County.

Section 16.05.10 Distance Between Buildings.
The distance between any accessory building and the main building that does not house animals, shall be not less than twenty (20) feet.

Section 16.05.04 Lot Area.
The minimum lot area or parcel size in the (P-160) Preservation Zone shall be one hundred sixty (160) acres per single-family dwelling. Grouping of residential development lots may be allowed provided that services are available and density is not increased more than base density, i.e., one (1) unit per one hundred and sixty (160) acres. The approval process for grouping of residential lots is outlined in Chapter 16.27, Development Standards. No density bonuses will be granted for development in the (P- 160) Preservation Zone. (2003-22, Amended, 11/24/2003)

Section 16.05.05 Lot Width.
Each lot or parcel of land in the (P-160) Preservation Zone shall have a lot width of at least three hundred and twenty (320) feet measured at the front setback. This requirement is also applicable to projects that group residential lots unless a sewer system is provided in which case lot widths may be two hundred (200) feet.

Section 16.05.06 Lot Frontage.
Each lot or parcel of land in the (P-160) Preservation Zone shall abut a public road or a road built to County standards for a minimum distance of three hundred (300) feet on a line parallel to the centerline of the road. The lot frontage shall be measured along the street right-of-way.
(2005-18, Amended, 03/09/2006; 2005-23, Amended, 03/09/2006; 2005-23, Amended, 03/07/2006)

Section 16.05.07 Lot Area Per Dwelling.
Not more than one (1) single-family dwelling may be placed upon a lot or parcel of land in the (P-160) Preservation Zone.

Section 16.05.08 Setback Requirements.
The setback requirements for this zone shall be as follows:
(1) Front Setback. Residential Structures or Accessory Buildings That Will Not House Animals.
The front setback shall be a minimum of sixty (60) feet from the center of the road, or thirty (30) feet from the edge of the right-of-way, whichever is greater. If the property is located on a State or Federal Highway, the setbacks shall be a minimum of one hundred fifty (150) feet from the edge of the right-of-way. Corner lots shall have two front setbacks on the street sides.
(2) Barns, Coops or Other Structures That Will House Animals. The front setback for such structures shall be a minimum of one hundred (100) feet from the edge of the right-of-way, providing however, all such structures must also be set back from any existing residential structure, at least one hundred (100) feet, or a minimum of fifty (50) feet side setback, from any adjoining undeveloped property line. If located on a state or federal highway, accessory structures shall be behind the main structure.
(3) Side Setbacks. All permitted structures shall be set back from the side property line a minimum of twelve (12) feet. Buildings that will house animals shall have a side setback of not less than fifty (50) feet and be at least one hundred (100) feet from any dwelling on or off-site.
(4) Rear Setbacks. All permitted structures shall be set back from the rear property line a minimum of thirty (30) feet. Buildings that will house animals shall have a setback of at least fifty (50) feet and be at least one hundred (100) feet from any dwelling on or off-site.
(5) Railroad Setbacks. The setback of all residential dwellings shall be a minimum of seventy-five (75) feet from the railroad right-of-way.

Section 16.05.09 Building Height.
Height of all dwellings, accessory buildings, and/or structures shall not exceed thirty five (35) feet above natural grade.

Section 16.05.10 Distance Between Buildings.
The distance between any accessory building and the main building that does not house animals, shall be not less than twenty (20) feet.

Section 16.06.01 Purpose.
The (A-20) Agricultural Zone is established to provide areas in which agricultural pursuits can be encouraged and supported within Wasatch County. This chapter sets forth guidelines and restrictions to protect agricultural uses from encroachment of urban sprawl. Uses permitted in the (A-20) Agricultural Zone, in addition to agricultural uses, must be incidental thereto and should not detract from the basic agricultural character of the zone. Furthermore, the specific intent in establishing this zone is for the following purposes:
(1) Avoid excessive costs for public services in areas with high physical constraints;
(2) Provide a location where the cultivation of crops and the raising and keeping of livestock and related uses can be protected and encouraged;
(3) Prevent the necessity of having to pay excessive taxes on grazing lands;
(4) Preserve the beauty of the entry corridors of Wasatch County;
(5) Protect the underground water supply from pollution; and

(6) Maintain an open rural buffer between Heber and Midway City.

Section 16.06.04 Lot Area.
The minimum area of any lot or parcel of land in the (A-20) Agricultural Zone shall be twenty (20) acres, not including any land contained within a dedicated public road right-of-way.

Section 16.06.05 Lot Width.
Each lot or parcel of land in the (A-20) Agricultural Zone shall have a lot width of at least three hundred twenty (320) feet measured at the required building setback.

Section 16.06.06 Lot Frontage.
Each lot or parcel of land in the (A-20) Agricultural Zone shall abut a public road or road built to county standards for a minimum distance of three hundred (300) feet on a line parallel to the centerline of the road. Corner lots shall have a minimum frontage of three hundred (300) feet on both roads.

Section 16.06.07 Lot Area Per Dwelling.
Not more than one (1) single-family dwelling may be placed upon a lot or parcel of land in the (A-20) Agricultural Zone, unless a conditional use has been obtained for a ranch or farm employee dwelling or structures are permitted accessory uses.

Section 16.06.08 Setback Requirements.
(1) Front Setback. Each structure in the (A-20) Agricultural Zone shall have a front yard of not less than thirty (30) feet from the edge of the road right-of-way or sixty (60) feet from the center of the road, whichever is greater. If the property is located along a State or Federal Highway, the setbacks shall be one hundred fifty (150) feet from the edge of the right-of-way.
(a) Accessory buildings or other structures that will house animals shall have front setbacks of one hundred (100) feet from the road right-of-way, providing however, all such structures shall also be set back from any existing residential structure, at least one hundred (100) feet. Along a federal or state highway accessory structures must be located behind the main structure.
(b) Major County Collector Roads. For buildings abutting a county street that is designated as a major collector road in the Wasatch County Master Transportation Plan, the setback shall be eighty-five (85) feet from the center line of any street, or fifty feet (50) from the right of way, whichever is greater.
(2) Side Setbacks. All structures not intended to house animals shall be set back from the side property line a minimum of ten (10) feet. The sum of the two side setbacks shall be at least twenty four (24) feet. Buildings that will house animals shall have a side setback of not less than fifty (50) feet and at least one hundred (100) feet from any dwelling on or off-site.
(3) Side Setbacks for Corner Lots. Side setbacks for corner lots shall be the same as the front setback.
(4) Rear Setbacks. All structures not intended to house animals shall be set back from the rear property line a minimum of thirty (30) feet. Buildings that will house animals shall have a rear setback of not less than fifty (50) feet and at least one hundred (100) feet from any dwelling on or off-site.
(5) Railroad Setbacks. The setback of all residential dwellings shall be a minimum of seventy-five (75) feet from the railroad right-of-way.

Section 16.06.09 Building Height.
Height of all dwellings, accessory buildings, and/or structures shall not exceed thirty five (35) feet above natural grade.

Section 16.06.10 Distance Between Buildings
The distance between any accessory building that does not house animals and the main building shall be not less than twenty (20) feet. The maximum distance between the main building and the ranch or farm employee dwelling shall not exceed three hundred (300) feet.

Section 16.06.11 Site Plan Provisions.
To obtain a building permit for a dwelling or any other permitted or conditional use, a site plan must be submitted to the Planning Department showing any existing conditions, structures, topography or any sensitive lands located on the lot.

Section 16.06.12 Permissible Lot Coverage.
In the (A-20) Agricultural Zone, all buildings shall cover not more than ten (10) percent of the area of the lot or parcel of land.

Section 16.07.01 Purpose.
The Residential Agricultural Zone (RA-5) is established to maintain the rural atmosphere and high quality of life desired by the citizens of Wasatch County by establishing a residential area that is mixed with agricultural uses.
The specific intent in establishing this (RA-5) Residential Agricultural Zone is for the following purposes:
(1) Provide a place in the County where residential dwellings may be constructed in harmony with agricultural uses.
(2) Provide for the protection of the ground water resources by requiring larger lots when septic tank drainfields are used.
(3) Facilitate providing services to residential development for street maintenance, fire and police protection, and health and sanitation services, and other available services.
(4) Provide a zone where residents can have farm animals in reasonable numbers and conduct agricultural activities.

Section 16.07.04 Lot Area.
Lots must be a minimum of five (5) acres.

Section 16.07.05 Lot Width.
Each lot or parcel of land in the Residential Agricultural Zone (RA-5) shall have a lot width of at least three hundred twenty (320) feet at the required building setback.

Section 16.07.06 Lot Frontage.
Each lot or parcel of land in the (RA-5) Residential Agricultural Zone shall abut a public road or road built to County standards for a minimum distance of three hundred (300) feet on a line parallel to the centerline of the road. Corner lots shall have a minimum frontage of three hundred (300) feet on both roads.

Section 16.07.07 Lot Area Per Dwelling.
Not more than one (1) single-family dwelling may be placed upon a lot or parcel of land in the (RA-5) Residential-Agricultural Zone. If a conditional use is obtained, an accessory residential unit may be built within the main structure.

Section 16.07.08 Setback Requirements.
The setback requirements for this zone shall be as follows:
(1) Front Setback. Each lot or parcel in the (RA-5) Residential Agricultural Zone shall have a front yard setback of not less than sixty (60) feet from the center of the road, or thirty (30) feet from the edge of the right-of-way, whichever is greater. If the property is located along a State or Federal Highway, the setbacks shall be one hundred fifty (150) feet from the edge of the right-of way.
(a) Accessory Buildings that will Not House Animals. The front setback shall be a minimum of sixty (60) feet from the center of the road, or thirty (30) feet from the edge of the right-of-way, whichever is greater. If the property is located on a State or Federal Highway, the setback must be a minimum of one hundred fifty (150) feet from the right-of-way.
(b) Structures that will House Animals. Shall be a minimum of one hundred (100) feet from the road right-of-way, providing however, all such structures must also be set back from any existing residential structure on the same lot or an adjacent lot at least one hundred (100) feet.
(c) Major County Collector Roads. For buildings abutting upon a county street that is designated as a major collector road in the Wasatch County Master Transportation Plan, the setback shall be eighty-five (85) feet from the center line of any street, or fifty feet (50) from the right of way, whichever is greater.
(2) Side Setbacks. All structures not intended to house animals shall be set back from the side property line a minimum of ten (10) feet. The sum of the two side setbacks shall be at least twenty-four (24) feet. Side setbacks on buildings that will house animals must be a minimum of fifty (50) feet and one hundred (100) from any dwelling on or off-site.
(3) Corner Lots. For corner lots the side setback for the main structure on the street side shall be the same setback as that required for the front.
(4) Rear Setbacks. Structures not intended to house animals shall be set back from the rear property line a minimum of thirty (30) feet. Buildings that will house animals must have a rear setback of not less than fifty (50) feet and at least one hundred (100) feet from any dwelling on or off-site.
(5) Railroad Setbacks. The setback of all residential dwellings shall be a minimum of seventy-five (75) feet from the railroad right-of-way.

Section 16.07.09 Building Height.
Height of all dwellings, accessory buildings, and/or structures shall not exceed thirty five (35) feet above natural grade.

Section 16.07.10 Distance Between Buildings.
The distance between any accessory building that does not house animals and the main building shall be not less than twenty (20) feet.

Section 16.07.12 Permissible Lot Coverage.
In the (RA-5) Residential Agricultural Zone, all buildings, including accessory buildings and structures, shall cover not more than twenty (20) percent of the area of the lot or parcel of land.

Section 16.08.01 Purpose.
The (RA-1) Residential Agricultural Zone is established to preserve the high quality of life for the citizens of Wasatch County by allowing residential development near the incorporated areas, while maintaining the rural atmosphere of Wasatch County.

The specific intent in establishing this (RA-1) Residential Agricultural Zone is for the following purposes:
(1) Provide a place in the County where residential dwellings may be constructed in harmony with agricultural uses.
(2) Provide a place in the County where dwellings are served by an approved sewer system.
(3) Facilitate the provision of essential services needed by the residents within urbanizing areas of the County, particularly sewage and culinary water service, through the instrumentality of a special service district.
(4) Provide services to residential development for street maintenance, fire and police protection, and health and sanitation services, and other available services.
(5) Provide a zone where residents can have farm animals in reasonable numbers and conduct agricultural activities.

Section 16.08.04 Lot Area and Maximum Density
(1) Small Scale Subdivisions. For small scale subdivisions, each lot or parcel must be a minimum of one (1) acre.
(2) Large Scale Subdivisions. Any large scale subdivision or development in the RA-1 zone shall comply with all applicable County ordinances including Section 16.27.10 of this title. The density allowed in this zone for large scale subdivisions is one unit for every 1.3 developable acres. Additional density may be achieved only after receiving additional density bonuses. Maximum density is one (1) unit per developable acre. Minimum lot area is 14,520 square feet. See section 16.27.10.
(3) Further Development. Any subdivision or development, which uses clustering, variable lot sizes or other development procedures, that creates common area parcels, open space parcels or which creates building lots greater than one (1) acre, must include notes on the plat, conservation easements and any other appropriate land use controls deemed necessary by the Planning Commission and County Council to prohibit further development of any lot or parcel within the subdivision.
(4) Open Space Areas. Open Space Areas shall be protected by a recorded conservation easement enforceable by the County. Further protection may be offered by an actual land dedication to the County or other entity upon the approval by the County. This may be accomplished by the following means:

(a) Open space owned by Homeowners Association with a conservation easement recorded in favor of Wasatch County or other appropriate entity as determined by the land use authority.

(b) Open space deeded to Wasatch County with a conservation easement recorded in favor of the Homeowners Association or other appropriate entity as determined by the land use authority.
(c) Open space owned by appropriate entity as determined by the land use authority with conservation easement to Wasatch County.
(5) Ownership of Open Space. Permanently protected open space created through the development process shall remain undivided and may be owned and managed by a homeowners' association, Wasatch County, or a recognized land trust or conservancy. Any ownership other than the Homeowner's Association or Wasatch County is subject to approval by the land use authority. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common space and public improvements, utilities, and open spaces. Common area or amenity open

space within a development shall owned, administered, and maintained by the Homeowners Association.

Section 16.08.05 Lot Width.
Small scale subdivisions of five (5) lots or less shall have a lot width of at least two hundred (200) feet at the required building setback. Corner lots in small scale subdivisions shall have a minimum lot width of 200' at the required setback on both streets. Lot widths are minimums unless more specifically approved as per 16.27.10. Large scale subdivision parcels must have a minimum lot width of 100' if less than one (1) acre and 150' if more than one (1) acre at the building setback. Corner lots, regardless of lot size, shall have 150' at the required setback on both streets.

Section 16.08.06 Lot Frontage.
Small scale subdivisions five (5) lots or less: shall abut a public road or road built to County standards for a minimum distance of one hundred fifty (150) feet on a line parallel to the centerline of the road unless more specifically approved as per 16.27.10. Corner lots shall have a minimum frontage of one hundred and fifty (150) feet on both roads unless more specifically approved as per 16.27.10. Parcels that are part of a large scale subdivision and under one (1) acre shall have a minimum frontage of 100'. Parcels that are over one (1) acre shall have a minimum frontage of 150'. Corner lots shall have a minimum frontage of 150' on both streets. All measurements shall be taken at the road right-of-way.

Section 16.08.07 Lot Area Per Dwelling.
Not more than one (1) single-family dwelling may be placed upon a lot or parcel of land in the (RA-1) Residential-Agricultural Zone. If a conditional use is obtained, an accessory residential unit may be built within the main structure.

Section 16.08.08 Setback Requirements.
The setback requirements for this zone shall be as follows:
(1) Front Setback. Each lot or parcel in the Residential Agricultural (RA-1) Zone shall have a front yard setback of not less than sixty (60) feet from the center of the road, or thirty (30) feet from the edge of the right-of-way, whichever is greater. If the property is located along a State or Federal Highway, the setbacks shall be one hundred fifty (150) feet from the edge of the right-of way. See 16.21.07 (2) for setbacks on major collectors.
(a) Accessory Buildings that will Not House Animals. The front setback shall be a minimum of sixty(60) feet from the center of the road, or thirty (30) feet from the edge of the right-of-way, whichever is greater. If the property is located on a State or Federal Highway, the setback must be a minimum of one hundred fifty (150) feet from the right-of way.
(b) Structures that will House Animals. Shall be a minimum of one hundred (100) feet from the road right-of-way, providing however, all such structures must also be set back from any existing residential structure on the same lot or an adjacent lot at least one hundred (100) feet.
(c) Major County Collector Roads. For buildings abutting upon a county street that is designated as a major collector road in the Wasatch County Master Transportation Plan, the setback shall be eighty-five (85) feet from the center line of any street, or fifty feet (50) from the right of way, whichever is greater.
(2) Side Setbacks. All structures not intended to house animals shall be set back from the side property line a minimum of ten (10) feet. The sum of the two side setbacks shall be at least twenty-four (24) feet. Side setbacks on buildings that will house animals must be a minimum of fifty (50) feet and one hundred (100) from any dwelling on or off-site.

(3) Corner Lots. For corner lots the side setback on the street side shall be the same setback as that required for the front.
(4) Rear Setbacks. Structures not intended to house animals shall be set back from the rear property line a minimum of thirty (30) feet. Buildings that will house animals must have a rear setback of not less than fifty (50) feet and at least one hundred (100) feet from any dwelling on or off-site.
(5) Railroad Setbacks. The setback of all residential dwellings shall be a minimum of seventy-five (75) feet from the railroad right-of-way.

Section 16.08.09 Building Height.
Height of all dwellings, accessory buildings, and/or structures shall not exceed thirty five (35) feet above natural grade.

Section 16.08.10 Distance Between Buildings.
The distance between any accessory building and the main building that does not house animals, shall be not less than twenty (20) feet.

Section 16.08.11 Site Plan Provisions.
To obtain a building permit for a dwelling or any other permitted or conditional use, a site plan must be submitted to the Planning Department any existing conditions, structures, topography or any sensitive lands located on the lot.

Section 16.08.12 Permissible Lot Coverage.
In the (RA-1) Residential-Agricultural Zone, all buildings, including accessory buildings and structures, shall cover not more than forty (40) percent of the area of the lot or parcel of land.

Section 16.09.01 Purpose
The (M) Mountain Zone is established for development in mountainous areas of the County that may or may not have services readily available. Development should be in harmony with mountain settings and adverse impacts shall be mitigated. The specific intent in establishing the Mountain Zone is for the following purposes:
(1) Provide an appropriate location within the unincorporated area for the development of resort and mountain residential dwellings in clusters.
(2) Prevent excessive scattering of mountain dwellings, accompanied by excessively long streets, and infrastructure.
(3) Facilitate payment for services rendered by the County for streets, fire, police, health, sanitation and other services.
(4) Prevent soil erosion generated from excessive streets and soil displacement.
(5) Protect the vegetation and aesthetic characteristics of the County's canyons and mountains.
(6) Encourage the protection of wildlife, plant life and ground water.
(7) Protect the health, safety and welfare of the residents of the County by only allowing development that will have appropriate access to and from the development and provide appropriate fire and emergency access.
(8) Discourages developments in isolated areas of the County where essential services are not readily available and would be fiscally irresponsible and/or burdensome for the County to provide such services.

Section 16.09.04 Lot Area.
Unless approved as part of a Planned Performance Development, the minimum lot size shall be twenty (20) acres per dwelling unit. Planned performance developments shall have a minimum of 160-acres. If approved as part of a Planned Performance Development, lot sizes and density shall be in accordance with the approval.

Section 16.09.05 Lot Width.
Each lot or parcel of land in the (M) Mountain Zone shall have a lot width of at least three hundred and twenty (320) feet at the required setback unless approved as part of a Planned Performance Development.

Section 16.09.06 Lot Frontage.
Each lot or parcel of land in the (M) Mountain Zone shall abut a County road or road built to County standards for a minimum distance of three hundred (300) feet. Corner lots shall have a minimum frontage of three hundred (300) feet on both roads. Deviation of this standard may be allowed by the Legislative Body, after a recommendation for or against by the Planning Commission, during the approval process in Chapter 16.29 if the proposed development is a Planned Performance Development. **In no case shall frontage be less than 70' in a Planned performance development.**

Section 16.09.07 Prior Created Lots.
Lots or parcels of land which were legally created prior to the enactment of the requirements of the (M) Mountain Zone shall not be denied a building permit solely for reasons of nonconformance with the parcel requirements of this chapter.

Section 16.09.08 Lot Area Per Dwelling.
Not more than one (1) single-family dwelling may be placed upon a lot created under this section or parcel of land in the (M) Mountain Zone unless approved as a Planned Performance Development.
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Section 16.09.09 Setback Requirements.
The setback requirements for this zone shall be as follows:
(1) Front Setback. The front setbacks for dwellings shall be a minimum of sixty (60) feet from the center of the road, or thirty (30) feet from the edge of the right-of-way, whichever is greater. If the property is located on a State or Federal Highway, the setbacks shall be a minimum of one hundred fifty (150) feet from the right-of way. See 16.21.07(2) for setbacks on major collector roads.
(a) Commercial Structures. If any commercial structures are granted, the setbacks will be set as part of the Conditional Use approval.
(b) Structures that will house animals. These structures shall be a minimum of one hundred (100) feet from the road right-of-way, providing however, all such structures must also be set back from any existing residential structure, on the same lot or an adjacent lot at least one hundred (100) feet.
(c) Major County Collector Roads. For buildings abutting upon a county street that is designated as a major collector road in the Wasatch County Master Transportation Plan, the setback shall be eighty-five (85) feet from the center line of any street, or fifty (50) feet from the right-of-way, whichever is greater.
(2) Side Setbacks. All permitted structures shall be set back from the side property line a minimum of twelve (12) feet. Side setbacks for buildings that will house animals must be a minimum of fifty (50) feet and one hundred (100) feet from any dwelling on or off-site.
(3) Corner Lots. For corner lots, the side setback on the street side shall be the same setback as that required for the front.

(4) Rear Setbacks. All permitted structures shall be set back from the rear property line a minimum of thirty (30) feet. Rear setbacks for buildings that will house animals must be a minimum of fifty (50) feet and one hundred (100) feet from any dwelling on or off-site.
(5) Planned Performance Developments. Setbacks shall be approved by the Legislative Body, after a recommendation for or against from the Planning Commission on a case-by-case basis during the plan approval process contained in Chapter 16.29.

Section 16.09.10 Building Height.
Height of all dwellings, accessory buildings, and/or structures shall not exceed thirty five (35) feet above natural grade. Hotels or lodges approved as part of a Planned performance development will be reviewed on a case by case basis.

Section 16.09.11 Distance Between Buildings.
The distance between any accessory building and the main building shall be a minimum of twenty (20) feet.

Section 16.09.12 Site Plan Provisions.
To obtain a building permit for a dwelling or any other permitted or conditional use, a site plan must be submitted to the Planning Department showing existing conditions, structures, topography or any sensitive lands located on the lot.

Section 16.09.13 Permissible Lot Coverage.
See Section 16.28.07(13).

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11-3-2: AGRICULTURE PROTECTION (AP):

A. District Intent: The AP zone district is established for the purpose of allowing development in a manner that preserves, promotes, maintains, and enhances the use of land for commercial agricultural purposes; minimizes scattered and leap frog non-agricultural development; protects and preserves natural resource areas; and protects and promotes the open space values of Eastern Summit County. The AP zone district is intended for use or consideration only for lands that are adjacent to or within the primary county infrastructure and service areas.

B. Area: Minimum land area for each dwelling unit for density purposes is forty (40) acres, except as provided for in Section 11-4-2 or Section 11-4-3 of this Title. (Ord. 481, 3-1-2004)

C. Setbacks: Unless otherwise noted on a recorded plat, minimum setback shall be at least one hundred feet (100') from any public road right-of-way or, in the absence of a designated right-of-way, at least one hundred twenty feet (120') from the centerline of the public roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').

1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.

2. Non-Conforming Lots:

a. Non-Conforming Lots Less than Five (5) Acres: On non-conforming lots less than five acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as described below:

(1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public road or private driveway, the minimum setback shall be fifty-five feet (55') from the centerline of the road.

(2) Side and Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.

b. Non-Conforming Parcels Larger than Five (5) Acres: On non-conforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks. The CDD or designated planning staff member may determine that decreased setbacks are justified due to the configuration of a lot, to

maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the Board of Adjustment. (Ord. 470,11-19-2003; amd. Ord. 481, 3-1-2004; 2004 Code)

D. Height: Maximum building height shall be thirty-two feet (32').

11-3-3: AGRICULTURE-GRAZING 100 (AG-100):

A. District Intent: The AG-100 zone district is established for the purpose of allowing development in a manner that lessens the danger of fire and damage to property; protects lands for agriculture, raising of livestock, and production of timber where they exist; protects water supplies, wildlife, and other natural resources; and protects and promotes the values of Eastern Summit County. Additionally, residential density is directly related to distance from primary county infrastructure and service areas which result from the wide scattering of residential development.

B. Area: Minimum land area for each dwelling unit for density purposes is one hundred (100) acres. (Ord. 48, 3-1-2004)

C. Setbacks: Unless otherwise noted on a recorded plat, minimum setback shall be at least one hundred feet (100') from any public road right of way or, in the absence of a designated right of way, at least one hundred twenty feet (120') from the centerline of the public roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').

1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.

2. Non-Conforming Lots:

a. Non-Conforming Lots Less than Five (5) Acres: On non-conforming lots less than five acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as described below:

(1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public road or private driveway, the minimum setback shall be fifty-five feet (55') from the centerline of the road.

(2) Side and Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.

b. Non-Conforming Parcels Larger than Five (5) Acres: On non-conforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks. The CDD or designated planning staff member may determine that decreased setbacks are justified due to the configuration of a lot, to maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the Board of Adjustment. (Ord. 470,11-19-2003; amd. Ord. 481, 3-1-2004; 2004 Code)

D. Height: Maximum building height shall be thirty-two feet (32').

E. Special Regulation: No subdivision plat shall be approved by county without a plat note containing the language stated below. No building permit shall be issued for any previously platted lot without the signing of a "Memorandum of Understanding" by the owner containing the language stated below. The memorandum of understanding shall be filed in the records of the County Recorder to notify any future owner of the property of infrastructure and service level expectations associated with the property.

The property owner acknowledges that he/she is building in a location that is far removed from the primary Summit County service areas. As such, the property owner is on notice that there is limited access, *infrastructure, and public services in the area.* Some *services, which include, but are not limited to, garbage pick up and school bus service, will not be provided. Emergency response time will be longer than it is in more accessible areas, and* access *by emergency vehicles may be impossible at times due to snow and road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted county infrastructure standards. It is the intent* of *Summit County to attempt to continue to provide the existing variety, scale, and frequency* of *public services and infrastructure for all existing and new development in these remote areas* of *Eastern Summit County. It is not the intent* of *Summit County to increase the variety, scale, and frequency* of *public services and infrastructure or to provide urban levels* of *service and infrastructure in these areas.* By *this notice, the property owner assumes the risks* of *occupancy* as *outlined above, and is hereby put on notice that there are no anticipated changes in the levels* of *services or infrastructure by either Summit County or the appropriate special service district, nor does the property owner expect changes beyond those identified herein.* (Ord. 481, 3-1-2004)

11-3-4: AGRICULTURE-GRAZING 160 (AG-160):

A. District Intent: The AG-160 zone district is established for the purpose of allowing development in environmentally sensitive and remote areas of Eastern Summit County in a manner that protects agricultural values where possible and whenever they exist; minimizes disturbances to the natural environment; lessens the danger of fire and damage to property; protects water supplies, wildlife, and other natural resources; and protects and promotes the open space values of Eastern Summit County. Residential densities are directly related to the extreme distance from primary county infrastructure and service areas and avoiding the excessive costs for public services which result from the scattering of residential development.

B. Area: Minimum land area for each dwelling unit for density purposes is one hundred sixty (160) acres. (Ord. 481, 3-1-2004)

C. Setbacks: Unless otherwise noted on a recorded plat, minimum setback shall be at least one hundred feet (100') from any public roadway right of way or, in the absence of a designated right-of-way, at least one hundred twenty feet (120') from the centerline of the public roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').

1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.

2. Non-Conforming Lots:

a. Non-Conforming Lots Less than Five (5) Acres: On non-conforming lots less than five acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as described below:

(1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public road or private driveway, the minimum setback shall be fifty-five feet (55') from the centerline of the road.

(2) Side and Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.

b. Non-Conforming Parcels Larger than Five (5) Acres: On non-conforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks.

The CDD or designated planning staff member may determine that decreased setbacks are justified due to the configuration of a lot, to maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the Board of Adjustment. (Ord. 470,11-19-2003; amd. Ord. 481, 3-1-2004; 2004 Code)

D. Height: Maximum building height shall be thirty-two feet (32').

E. Special Regulation: No subdivision plat shall be approved by the county without a plat note containing the language stated below. No building permit shall be issued for any previously platted lot without the signing of a "Memorandum of Understanding" containing the language stated below. The Memorandum of Understanding shall be filed in the records of the County Recorder to notify any future owner of the property of infrastructure and service level expectations associated with the property.

The property owner acknowledges that he/she is building in a location that is far removed from the primary Summit County service areas. As such, the property owner is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include, but are not limited to, garbage pick up and school bus service, will not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted county infrastructure standards. It is the intent of Summit County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for existing and new development in these remote areas of Eastern Summit County. It is not the intent of Summit County to increase the variety, scale, and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risks of occupancy as outlined above, and is hereby put on notice that there are no anticipated changes in the levels of services or infrastructure by either Summit County or the appropriate special service district, nor does the property owner expect changes beyond those identified herein. (Ord. 481, 3-1-2004)

11-3-5: HIGHWAY CORRIDOR (HC):

A. District Intent:

1. The HC zone district is established for the purposes of allowing residential development in a rural setting that is readily served by existing county infrastructure and in a manner that is compatible with agricultural land uses. The location of the HC zone is based on evaluation of the following criteria:

   a. Ease of providing services.

   b. Possibility of connection to a water system.

   c. Existing land use patterns.

   d. Annexation boundaries of cities.

   e. Wetlands and water flow patterns.

2. The HC zone district shall extend two hundred fifty feet (250') on either side of the centerline of those county roadways designated as Highway Corridor on the Zone District Map.

B. Area: Minimum land area for each dwelling unit for density purposes is one acre.

C. Lot Width: Minimum lot width shall be one hundred (100) lineal feet at any point, unless specifically and adequately clustered in order to meet development approval criteria to protect agricultural lands and open space.

D. Setbacks: Minimum setback shall be at least fifty feet (50') from any county designated roadway right of way or, in the absence of a designated right-of-way, at least eighty feet (80') from the centerline of the county designated roadway. Front setbacks from a private driveway or access road shall be thirty feet (30') from the front property line. In cases where the property lines extend to the center of a private driveway or access road, the minimum setback shall be fifty-five feet (55') from the centerline of the driveway or road. The minimum side and rear setbacks for all structures shall be twelve feet (12').

   1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.

E. Height: Maximum building height shall be thirty-two feet (32').

F. Special Provision: For the purpose of locating development, density can be transferred between commonly owned property in the HC and abutting zone district to protect agriculture lands and open space based upon the findings of a site specific agricultural plan. (Ord. 481, 3-1-2004)

STAFF REPORT

To: Eastern Summit County Planning Commission
Report Date: April 28, 2010
Meeting Date: May 5, 2010
From: Jennifer Strader, County Planner
Project Name & Type: Proposed Development Code Amendments
Type of Item: Work Session / Discussion
Future Routing: Public Hearing

Executive Summary
Staff is requesting that the Eastern Summit County Planning Commission ("ESCPC") conduct a work session on proposed amendments to the Eastern Summit County Development Code ("Code"). The amendments will not result in changes to densities or uses.

A. **Community Review**
This item has been noticed as a work session only. A public hearing will be conducted at a later date.

B. **Proposed Code Amendments**

Code Section	Code Amendment	Objective
Section 11-3-2 thru Section 11-3-5: Zone Districts and Requirements **(EXHIBIT A)**	Staff is proposing to amend the setback requirements in the AP, AG-100, AG-160, and HC zone districts. Additionally, Staff is proposing that structures less than 120 square feet be allowed to be a minimum of 3' from the side and rear property lines.	The purpose of this amendment is to decrease the required setbacks. The AP and AG zone districts don't allow structures to be placed near the property lines, but rather require them to be located in what could potentially be the middle of a lot or in agricultural areas. Staff also feels that the current standards are too arbitrary. In regard to structures less than 120 square feet; Staff is proposing this amendment because a building permit is not required for this size of structure, therefore Staff doesn't review their location. Structure such as tuff sheds are typically placed closer to property lines.
Code Section	**Code Amendment**	**Objective**
Section 11-4-1	This amendment adds a "General Provision" section to Chapter 4 of the	Staff is proposing this amendment in order to provide

Exhibit E.1

(EXHIBIT B)	Code.	clarity to the application procedures.
Section 11-4-12: Amendment to Recorded Subdivision Plat **(EXHIBIT C)**	The primary amendment to the plat amendment section of the Code separates the process for a amending a private road from a public road.	Staff has amended the plat amendment language to be consistent with Utah State Code and to provide more clarity to the process.
Section 11-7-7: Lot Board of Adjustment **(EXHIBIT D)**	The proposed amendment adds language to the Board of Adjustment Section regarding term limits, removal of Board members, and how the official meetings are to be conducted.	The Summit County Council is currently reviewing the status of their Boards and Commissions and requested that the Code language referencing them be more consistent.

Recommendation(s)/Alternatives
Staff recommends that the ESPC conduct a work session on the proposed amendments and provide Staff with specific direction prior to a public hearing.

Attachment(s)
EXHIBIT A: Proposed Setback Amendments
EXHIBIT B:

11-3-2: AGRICULTURE PROTECTION (AP):

Exhibit E.2

A. District Intent: The AP zone district is established for the purpose of allowing development in a manner that preserves, promotes, maintains, and enhances the use of land for commercial agricultural purposes; minimizes scattered and leap frog non-agricultural development; protects and preserves natural resource areas; and protects and promotes the open space values of Eastern Summit County. The AP zone district is intended for use or consideration only for lands that are adjacent to or within the primary county infrastructure and service areas.

B. Area: Minimum land area for each dwelling unit for density purposes is forty (40) acres, except as provided for in Section 11-4-2 or Section 11-4-3 of this Title. (Ord. 481, 3-1-2004)

C. Setbacks:

~~1. Unless otherwise noted on a recorded plat, minimum front setback shall be at least one hundred feet (100') from any public road right-of-way or, in the absence of a designated right-of-way, at least one hundred twenty feet (120') from the centerline of the public roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').~~

~~2. Non-Conforming Lots: Non-Conforming Lots Less than Five (5) Acres: On non-conforming lots less than five acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as stated in Subsection 11-6-2D of this Title and as described below:~~

(1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public- or private road or private driveway, the minimum setback shall be fifty-five feet (55') from the centerline of the road or driveway.

(2) Side and Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.

a. Detached Accessory Structure Exception: The minimum side and rear setbacks for a detached accessory structure, not greater than sixteen feet (16') in height and containing 120 square feet or less shall be three feet (3').

~~b. Non-Conforming Parcels Larger than Five (5) Acres: On non-conforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks. The Community Development Director may determine that decreased setbacks are justified due to the configuration of a lot, to maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default setbacks unless a variance is granted by the Board of Adjustment. (Ord. 470,11-19-2003; amd. Ord. 481, 3-1-2004; 2004 Code)~~

~~1~~(3). Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred

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Exhibit E.3

feet (100') from the ordinary high water mark.

D. ~~11-3-3~~

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Height: Maximum building height shall be thirty-two feet (32').

11-3-3: AGRICULTURE-GRAZING 100 (AG-100):

A. District Intent: The AG-100 zone district is established for the purpose of allowing development in a manner that lessens the danger of fire and damage to property; protects lands for agriculture, raising of livestock, and production of timber where they exist; protects water supplies, wildlife, and other natural resources; and protects and promotes the values of Eastern Summit County. Additionally, residential density is directly related to distance from primary county infrastructure and service areas which result from the wide scattering of residential development.

B. Area: Minimum land area for each dwelling unit for density purposes is one hundred (100) acres. (Ord. 481,3-1-2004)

~~1.~~ Setbacks: ~~Unless otherwise noted on a recorded plat, minimum setback shall be at least one hundred feet (100') from any public road right of way or, in the absence of a designated right of way, at least one hundred twenty feet (120') from the centerline of the public roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').~~

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~~C. 1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.~~

~~C. 2. Non-Conforming Lots:~~

~~C. a. Non-Conforming Lots Less than Five (5) Acres: On non-conforming lots less than five acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as stated in Subsection 11-6-2D of this Title and as described below:~~

C.

(1) Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public or private road or private driveway, the minimum setback shall be fifty-five feet (55') from the centerline of the road or driveway.

(2) Side and Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.

Exhibit E.4

a. Detached Accessory Structure Exception: The minimum side and rear setbacks for a detached accessory structure, not greater than sixteen feet (16') in height and containing 120 square feet or less shall be three feet (3').

(3) Wetlands and Streams: the minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.

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~~b. Non-Conforming Parcels Larger than Five (5) Acres: On non-conforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks. The Community Development Director may determine that decreased setbacks are justified due to the configuration of a lot, to maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default~~

~~11-3-4~~

~~setbacks unless a variance is granted by the Board of Adjustment. (Ord. 470,11-19-2003; amd. Ord. 481, 3-1-2004; 2004 Code)~~

D. Height: Maximum building height shall be thirty-two feet (32').

E. Special Regulation: No subdivision plat shall be approved by county without a plat note containing the language stated below. No building permit shall be issued for any previously platted lot without the signing of a "Memorandum of Understanding" by the owner containing the language stated below. The memorandum of understanding shall be filed in the records of the County Recorder to notify any future owner of the property of infrastructure and service level expectations associated with the property.

The property owner acknowledges that he/she is building in a location that is far removed from the primary Summit County service areas. As such, the property owner is on notice that there is limited access, *infrastructure, and public services in the area.* Some *services, which include, but are not limited to, garbage pick up and school bus service, will not be provided. Emergency response time will be longer than it is in more accessible areas, and* access *by emergency vehicles may be impossible at times due to snow and road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted county infrastructure standards. It is the intent* of *Summit County to attempt to continue to provide the existing variety, scale, and frequency* of *public services and infrastructure for all existing and new development in these remote areas* of *Eastern Summit County. It is not the intent* of *Summit County to increase the variety, scale, and frequency* of *public services and infrastructure or to provide urban levels* of *service and infrastructure in these areas.* By *this notice, the property owner assumes the risks* of *occupancy* as *outlined above, and is hereby put on notice that there are no anticipated changes in the levels* of *services or infrastructure by either Summit County or the appropriate special*

Exhibit E.5

service district, nor does the property owner expect changes beyond those identified herein. (Ord. 481, 3-1-2004)

11-3-4: AGRICULTURE-GRAZING 160 (AG-160):

A. District Intent: The AG-160 zone district is established for the purpose of allowing development in environmentally sensitive and remote areas of Eastern Summit County in a manner that protects agricultural values where possible and whenever they exist; minimizes disturbances to the natural environment; lessens the danger of fire and damage to property; protects water supplies, wildlife, and other natural resources; and protects and promotes the open space values of Eastern Summit County. Residential densities are directly related to the extreme distance from primary county infrastructure and service areas and avoiding the excessive costs for public services which result from the scattering of residential development.

B. Area: Minimum land area for each dwelling unit for density purposes is one hundred sixty (160) acres. (Ord. 481, 3-1-2004)

Exhibit E.6

Community Development Department
P.O. Box 128
Coalville, Utah 84017
Phone: 435-615-3124
Fax: 435-615-3046
www.summitcounty.org

C. Setbacks:

~~Unless otherwise noted on a recorded plat, minimum setback shall be at least one hundred feet (100') from any public roadway right of way or, in the absence of a designated right-of-way, at least one hundred twenty feet (120') from the centerline of the public roadway. Variations in front setbacks are allowed to meet development approval criteria. On all conforming parcels/lots, the minimum side and rear setbacks shall be fifty feet (50').~~

~~1. Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.~~

~~2. Non-Conforming Lots:~~

~~a. Non-Conforming Lots Less than Five (5) Acres: On non-conforming lots less than five acres in size, and of a configuration that does not allow the zone required setbacks, default setbacks shall be applied as stated in Subsection 11-6-2D of this Title and as described below:~~

(1) Front Setback: -The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public or private road or private driveway, the minimum setback shall be fifty-five feet (55') from the centerline of the road or driveway.

(2) Side and Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.

a. Detached Accessory Structure Exception: The minimum side and rear setbacks for a detached accessory structure, not greater than sixteen feet (16') in height and containing 120 square feet or less shall be three feet (3').

(3) Wetlands and Streams: The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring year-round stream, lake, pond or reservoir shall be one hundred feet (100') from the ordinary high water mark.

~~b. Non-Conforming Parcels Larger than Five (5) Acres: On non-conforming parcels more than five (5) acres in size, every reasonable effort will be made to meet the zone required setbacks. The Community Development Director may determine that decreased setbacks are justified due to the configuration of a lot, to maximize the agricultural potential of the lot, or to avoid important natural or unusual features. These decreased setbacks shall not be less than the default~~

Height: Maximum building height shall be thirty-two feet (32').

E. Special Regulation: No subdivision plat shall be approved by the county without a

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Exhibit E.7

plat note containing the language stated below. No building permit shall be issued for any previously platted lot without the signing of a "Memorandum of Understanding" containing the language stated below. The Memorandum of Understanding shall be filed in the records of the County Recorder to notify any future owner of the property of infrastructure and service level expectations associated with the property.

The property owner acknowledges that he/she is building in a location that is far removed from the primary Summit County service areas. As such, the property owner is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include, but are not limited to, garbage pick up and school bus service, will not be provided. Emergency response time will be longer than it is in more accessible areas, and access by emergency vehicles may be impossible at times due to snow and road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted county infrastructure standards. It is the intent of Summit County to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for existing and new development in these remote areas of Eastern Summit County. It is not the intent of Summit County to increase the variety, scale, and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risks of occupancy as outlined above, and is hereby put on notice that there are no anticipated changes in the levels of services or infrastructure by either Summit County or the appropriate special service district, nor does the property owner expect changes beyond those identified herein. (Ord. 481, 3-1-2004)

11-3-5: HIGHWAY CORRIDOR (HC):

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A. District Intent:

~~1.~~ The HC zone district is established for the purposes of allowing residential development in a rural setting that is readily served by existing county infrastructure and in a manner that is compatible with agricultural land uses. The location of the HC zone is based on evaluation of the following criteria:

a. Ease of providing services.

b. Possibility of connection to a water system.

c. Existing land use patterns.

d. Annexation boundaries of cities.

e. Wetlands and water flow patterns.

2. The HC zone district shall extend two hundred fifty feet (250') on either side of the centerline of those county roadways designated as Highway Corridor on the Zone District Map.

B. Area: Minimum land area for each dwelling unit for density purposes is one acre.

Exhibit E.8

C. Lot Width: Minimum lot width shall be one hundred (100) lineal feet at any point, unless specifically and adequately clustered in order to meet development approval criteria to protect agricultural lands and open space.

D. Setbacks:

(1) ~~Minimum setback shall be at least fifty feet (50') from any county designated roadway right of way or, in the absence of a designated right-of-way, at least eighty feet (80') from the centerline of the county designated roadway. Front setbacks from a private driveway or access road shall be thirty feet (30') from the front property line. In cases where the property lines extend to the center of a private driveway or access road, the minimum setback shall be fifty-five feet (55') from the centerline of the driveway or road. The minimum side and rear setbacks for all structures shall be twelve feet (12').~~ Front Setback: The minimum front setback shall be at least thirty feet (30') from the front property line. In cases where the property lines extend to the center of a public or private road, or private driveway, the minimum setback shall be fifty-five feet (55') from the centerline of the road or driveway.

(2) Side and Rear Setbacks: The minimum side and rear setbacks shall be twelve feet (12') from the property line.

a. Detached Accessory Structure Exception: The minimum side and rear setbacks for a detached accessory structure, not greater than sixteen feet (16') in height and containing 120 square feet or less shall be three feet (3').

~~1~~(3)~~.~~ Wetlands and Streams: ~~-~~The minimum setback from wetlands shall be forty feet (40'). The minimum setback from any other naturally occurring

Exhibit E.9