



**ADMINISTRATIVE DETERMINATION 2021-01
Setbacks Established by Plats or Short Plats**

PURPOSE:

The purpose of this Administrative Determination is to provide clarification related to the enforcement of setbacks established by plats or short plats following the adoption of BLMC 18.14.060(I) and 18.16.050(I). This determination supersedes the portion of Administrative Determination 2007-02 labeled Problem #3.

CONTEXT:

In instances where a plat or short plat established setbacks, but did not specifically discuss how setbacks should be applied to lots with two street frontages (i.e. corner lots) should the City apply the definitions in Chapter 18.04 BLMC to determine how to apply the setbacks established by the plat or short plat?

AUTHORITY:

The authority to interpret the Development Code is provided for in BLMC 14.10.140. For consistent interpretations of the Development Code, the Director as defined in BLMC 14.10.030.M shall render code interpretations in writing. Such interpretations shall include at a minimum the BLMC citation, the context, the interpretation, and the reasoning for the interpretation.

CITATIONS:

18.04.005 Generally.

For the purpose of this zoning code, certain words and terms used in this title are defined as set out in this chapter.

BLMC 18.14.060 Setback and bulk regulations

- I. In cases where setbacks were established in the recorded subdivision or short subdivision that are different than those established in this section, the setbacks established by the recorded subdivision or short subdivision shall be used in lieu of the setbacks established in this section; provided, that:

1. Garages are still required to be set back 20 feet from the front property line; and
2. In instances where the plat or short plat establishes setbacks for some of the lot lines, but not all lot lines, the lot line for which a setback was not established in the plat or short plat shall comply with the setback for that lot line established in this section.

BLMC 18.16.050 Setback and bulk regulations

- I. In cases where setbacks were established in the recorded subdivision or short subdivision that are different than those established in this section, the setbacks established by the recorded subdivision or short subdivision shall be used in lieu of the setbacks established in this section; provided, that:
 1. Garages are still required to be set back 20 feet from the front property line; and
 2. In instances where the plat or short plat establishes setbacks for some of the lot lines, but not all lot lines, the lot line for which a setback was not established in the plat or short plat shall comply with the setback for that lot line established in this section.

INTERPRETATION:

The City’s definition of setbacks adopted in Chapter 18.04 BLMC shall not be used to determine how the setbacks on a plat or short plat should be applied as the definitions in Chapter 18.04 BLMC only apply to how the words or terms are used in the limited context of Title 18 BLMC and not to other documents that exist outside of Title 18 BLMC. In cases where a plat or short plat does not specifically address how to apply setbacks to corner lots, the City will apply the setbacks established by the plat or short plat in the following manner, subject to the current and future limitations codified in 18.14.060(I) and 18.16.050(I):

- Front Property Line – The front setback or yard will only be measured from the shortest property line adjacent to a public street, private street, or access easement.
- Rear Property Line – The rear setback or yard will only be measured from the property line opposite and parallel to the front property line.
- Side Property Line – The side setback will be measured from the property lines perpendicular to the front setback and from all property lines not considered a front or rear property line

The above interpretation does not apply to setbacks established by the City zoning code.

REASONING:

The intent of BLMC 18.14.060(I) and 18.14.050(I) was to remove the setbacks established by the City zoning code (Title 18 BLMC) and in cases where setbacks are established by the plat and short plat. Therefore, the setbacks on the plat or short plat exist outside of the zoning code and the definitions established in Chapter 18.04 BLMC cannot be used to interpret the terms in the plat or short plat documents given the limitation established in BLMC 18.04.005.

Additionally, a number of the plats that establish front setbacks use slightly different language than is used in the City’s zoning code. One example is the Church Lake Waterfront Tract – Division No. 1, which provides that at a minimum lots or tracts will have a “... width of 65 feet at the building line said building line to be a minimum of twenty-five (25) feet from the street property line and a minimum of eight (8) feet from the side property lines.” In the case of the reference plat, if the building line was applied to both property street property lines, in the case of the corner lots, the buildable width of the corner lots would be significant reduce as compared to non-corner lots. Therefore, the City does not believe that the developer of the plat would establish a condition that would significantly reduce the buildable area of the lot. Additionally, the example language references the “width of the lot”, which is typically measured between parallel side property lines, when discussing the building setback line. Therefore, in the example it appears that developers only intend to have one building setback line from a street property line.

Therefore, the City will not apply the definition established in Chapter 18.04 BLMC when determining how to apply the setbacks established in plats. In absence of any other specific direction as how to interpret the language of the plats and short plat, the City will rely on the process established in the interpretation when determining how to apply setbacks established by a plat or short plat on corner lots.

PREPARED BY: Jason Sullivan, Planning and Building Supervisor

APPROVED:

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Ryan Johnstone
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Ryan Johnstone, P.E., Director

Date

APPEAL:

All final actions of the Director, including code interpretations shall be final and conclusive unless the applicant, a department of the city or county, or other party of record or agency with jurisdiction files a written appeal with the Public Services Department within 15 days following the decision ([BLMC](#)

[14.120.020\(A\)](#)). Appeals shall contain all grounds on which error is assigned to the decision and shall be accompanied by the \$750 fee ([BLMC 14.120.020\(A\)\(5\)](#)) and [BLMC 3.68.050](#)).

Following the timely filing of an appeal, notice of the date, time and place for the Hearing Examiner's consideration shall be mailed to the applicant and to all other parties of record ([BLMC 14.120.020\(C\)](#)).