

**BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH
ORDINANCE NO. 03-22-2010 O1
FLAG LOTS**

**AN ORDINANCE AMENDING TITLE 17, "ZONING" CHAPTER 17.116
"MISCELLANEOUS LAND USE REGULATIONS" IN THE UTAH COUNTY
CODE;**

Section 1. Purpose of Ordinance. The purpose of this ordinance is to amend Title 17 "Zoning" Chapter 17.116 "Miscellaneous Land Use Regulations".

Section 2. Authority for Ordinance. Section 17-27a-102 and 501 of the Utah Code Annotated (1953, as amended) which expressly mandates that the legislative body of each Utah County may enact land use ordinances.

Section 3. Modification. The Uintah County Code, Title 17, Chapter 17.116 "Miscellaneous Land Use Regulations" Section 17.116.240 "Flag Lots as a Conditional Use" is hereby amended as follows, to wit:

17.116.240 - Flag lots as a conditional use.

The use of flag lots or panhandle shaped lots shall be a conditional use in all zoning districts provided the following stipulations are met:

- A. It has been demonstrated to the planning commission that because of topographical features or unique situations associated with the parcel purposed to be subdivided, that the property cannot be divided using the current subdivision ordinance or substantial use of the subject parcel cannot occur unless a panhandle shape lot is allowed to be created.
- B. ~~For access onto a dedicated public street the easement shall be thirty-three (33) feet wide with the driving surface being twenty-six (26) feet wide.~~ **For access onto a dedicated public street the easement shall be a minimum thirty-three (33) feet wide with the driving surface being twenty-six (26) feet wide when a fire hydrant is located along the access, and twenty (20) feet when there is no fire hydrant along the access, as required in Appendix D of the 2006 International Fire Code.** Required side yard setbacks shall not be counted as part of the access strip for the new or existing residence. The access strip shall be an all weather driving surface with adequate drainage and properly maintained. "All weather surface" means asphalt, concrete, gravel, or road base. Shared access for up to two lots may be allowed with a recorded easement for all property owners.
- C. The body of the interior lot meets the lot area and width requirements for the zone in which it is located. The access strip shall not count as part of the width requirement or as part of the land area needed to meet the lot area requirements.
- D. All buildings shall be set back fifty-six (56) feet from the center of the access (front set back). If the access does not extend through the property the set back shall be the same as if the access extended through the property. All other set

backs for all buildings shall meet the requirements for the zone in which they are located.

E. The panhandle portion of the flag lot shall not be longer than two hundred fifty (250) feet.

F. A fire hydrant shall be located within two hundred fifty (250) feet of where any dwelling is located, or is proposed to be located on the property, unless it is demonstrated to the Uintah County Fire Marshal that a fire hydrant cannot be installed.

G. The address of all dwellings located on a flag lot shall be clearly visible from the public street that the flag lot accesses.

H. The flag lot plat shall show that the access from the dedicated public street to the property is not a Uintah County roadway and will not be maintained by Uintah County, or, the owner of such property shall sign and record an affidavit stating the same.

I. The flag lot does not interfere with the Uintah County's Future Transportation Plan.

Section 4. Effective Date. This ordinance shall take effect, fifteen (15) days after enactment, and after depositing of a copy in the Clerk-Auditor's Office and publication in a newspaper having general circulation in the County, as required by Utah Code Annotated section 17-53-208.

ENACTED this twenty-second (22nd) day of March, 2010.

IN WITNESS THEREOF:

DARLENE BURNS, Chair

Darlene Burns	_____ Aye	_____ Nay	_____ Abstain	_____ Absent
Michael McKee	_____ Aye	_____ Nay	_____ Abstain	_____ Absent
Mark Raymond	_____ Aye	_____ Nay	_____ Abstain	_____ Absent

ATTEST:

REVIEWED:

MICHAEL W. WILKINS
Clerk Auditor

JOHN H. GOTHARD
Deputy County Attorney