

TOQUERVILLE CITY
ORDINANCE.2017.01



FLAG LOT DEFINITION AND ALLOWANCES

AN ORDINANCE OF THE CITY COUNCIL OF TOQUERVILLE, UTAH AMENDING TITLE 10, CHAPTER 19D-6-C FLAG LOTS; AND TITLE 10, CHAPTER 2 DEFINITION-FLAG LOT.

WHEREAS, the Toquerville City Council desires to clarify the definition of a flag lot; and

WHEREAS, the Toquerville Planning Commission has amended the criteria of allowable factors and development standards pertaining to the creation of a flag lot; and

WHEREAS, flag lot creation allowed in instances where parcels possess natural geographically challenged accessibility; and

WHEREAS, parcels may be developed in such a way to improve property maintenance; and

WHEREAS, the modification of a flag lot and flag lot allowances has been weighed and measured as it relates to the health, safety, and general welfare of the City; the development of land in the City; the effect upon the surrounding neighborhood; compliance with the Toquerville General Plan.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOQUERVILLE, UTAH as follows:

TOQUERVILLE CITY CODE: 10-2-1

A flag lot is a lot which:

1. **Is created from a larger lot;**
2. **May allow for the construction of a single-family dwelling on property that may otherwise be unable to accommodate such development;**
3. **Must meet all requirements of the zone in which the lot is located, except as noted herein;**
4. **Does not have the required street frontage of the zone;**
5. **Has either a staff that is owned in fee simple interest or an irrevocable easement from the lot to a dedicated street. This staff must be a minimum twenty-six (26) feet wide and complies with fire authority specifications, from the street to the flag portion of the lot.**

TOQUERVILLE CITY CODE: 10-19D-6C: Lots and Parcels:

C. Flag Lots:

A flag lot for one single-family dwelling may be allowed to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this title or other titles adopted by the City.

a. Factors: Flag lots may be allowed and approved after consideration of the following factors:

- 1. More than two (2) contiguous staffs are prohibited.**
- 2. The development of the property in question must be found by the Planning Commission to be reasonable and practical under normal City land use and subdivision regulations.**
- 3. The creation of the flag lot must not foreclose the possibility of future development of other large interior parcels that are not developable unless a street is extended to them across other adjacent properties.**

b. Development Standards: If any proposed flag lot meets the above requirements, the development shall be subject to the following standards and conditions:

- 1. The original parcel, after the flag lot split, shall conform to and meet all requirements, set-backs, height restrictions, etc. of the zone in which it is located.**
- 2. The flag portion of the lot shall meet all lot width, setback and yard requirements for the zoning district in which it is located. The staff portion of the lot may be included in the calculation of lot area.**
- 3. A flag lot shall be comprised of a staff (narrow) portion and a flag (wide) portion. The flag and staff must be contiguous.**
- 4. The staff portion of the lot shall front on a public street. The minimum width of the staff portion at any point shall be twenty-six (26) feet and complies with fire authority specification. However, a greater staff width for lots in sensitive lands overlay zones may be required. The maximum length of the staff shall be five hundred (500) feet and the maximum grade of the staff shall not exceed ten percent (12%).**
- 5. The lot access-turn-around and fire protection shall be approved by the Hurricane Valley Fire District.**

6. No building or structure will be located within the staff portion of the flag lot.
7. The front yard of a flag lot shall be on the side of the flag portion which connects to the staff. Yard setbacks shall conform to the setback requirements of the zone in which the flag lot is located.
8. The main building shall be located no more than two hundred fifty (250) feet from a fire hydrant, measured along a public or private right of way or along the staff portion of the lot. An easement for any fire hydrant located on private property shall be provided to the City for access to and maintenance of the hydrant and water line.
9. Upon review, the City may require installation of curb, gutter and other drainage control measures in the staff portion of the lot to prevent runoff from entering neighboring properties.
10. Clear address signage shall be installed and maintained at the street by the owner, including notice that the driveway is a private right of way.
11. All structures shall meet the height requirements of the zone in which a flag lot is located.
12. Before a flag lot is approved, a design and site plan must be approved and accepted by the City of Toquerville and all affected utilities for all facilities required to accommodate a single-family dwelling. Construction of the approved facilities must be complete before a building permit will be issued for the lot.
13. REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.
14. SAVINGS CLAUSE: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.
15. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approved by the City Council.

PASSED AND APPROVED THIS 12th DAY OF JANUARY 2017.
CITY OF TOQUERVILLE a Utah Municipal Corporation

Paul Heideman	Aye <u>X</u>	Nay <u> </u>
Keen Ellsworth	Aye <u>X</u>	Nay <u> </u>
Mark Fahrenkamp	Aye <u>X</u>	Nay <u> </u>
Brad Langston	Aye <u>X</u>	Nay <u> </u>
Ty Bringhurst	Aye <u>X</u>	Nay <u> </u>



M. Darrin LeFevre, Mayor

Date 1/17/2017



Attest: Dana McKim, City Recorder

