

BOARD OF COUNTY COMMISSIONERS OF UINTAH COUNTY, UTAH

ORDINANCE NO. 03-30-2015, O1  
FLAG LOTS

AN ORDINANCE AMENDING TITLE 17 “ZONING” SECTION 17.116.200 “FLAG LOTS AS A CONDITIONAL USE” IN THE UINTAH COUNTY CODE;

**Section 1. Purpose of Ordinance.** The purpose of this ordinance is to amend Title 17 “Zoning” Section 17.116.200 “Flag lots as a conditional use”.

**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, Section 17.116.200 “Flag lots as a conditional use” is hereby amended as follows, to wit:

**17.116.200. Flag Lots as a conditional use**

Flag lots, or panhandle shaped lots, ~~shall be a conditional use~~ shall be permitted in all zoning districts, ~~subject to the exceptions listed in subsection “K” below,~~ provided the following stipulations are met:

- A. It has been demonstrated 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. ~~When there is a question, by the Community Development Director, as to if the flag lot meets this requirement; the flag lot in question shall be a Conditional Use and the Conditional Use process must be followed.~~
- B. For access onto a dedicated public street the easement shall be a minimum of 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 currently adopted 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) or forty-six (46) feet (side set-back). If the access does not extend through the property the setback shall be the same as if the access extended through the property. ~~When an applicant desires a lesser setback or desires the setback to not be taken from the access as if it extended through the property, the applicant must apply for a Conditional Use Permit. In this instance, the Land Use Authority may approve a~~

Conditional Use Permit for Flag Lot with setbacks other than what is listed in this subsection 'D.'

E. All other setbacks for all buildings shall meet the requirements for the zone in which they are located.

D.F. The applicant must show the required setbacks and the remaining buildable area on the survey and site plan.

E.G. 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.

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

G.I. 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.

H.J. The flag lot and/or structures does not interfere with the county's future transportation plan.

I.K. Flag lots shall be a conditional use in all zoning districts ~~W~~when any part of the required access is a public right-of-way, or when there is a question, by the Community Development Director, as to if the flag lot meets the requirements of subsection "A" above, or when an applicant desires a lesser setback or desires the setback to not be taken from the access as if it extended through the property as required by subsection "D" above. the flag lot shall be a Conditional Use and the Conditional Use process must be followed.

The Community Development Director or designee shall be responsible for the review and approval of all flag lots. Any appeal of the decision by the Community Development Director must be submitted to the Community Development Office within 10 days of the decision and the appeal will be heard by the Planning Commission.

**Section 4. Effective Date.** This ordinance shall take effect, fifteen (15) days after enactment, and after depositing 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** on this, the Thirtieth (30<sup>th</sup>) day of March, 2015.

**IN WITNESS THEREOF:**

\_\_\_\_\_  
MICHAEL MCKEE, Chair

William Stringer      \_\_\_\_\_ Aye      \_\_\_\_\_ Nay      \_\_\_\_\_ Abstain      \_\_\_\_\_ Absent

Michael McKee      \_\_\_\_\_ Aye      \_\_\_\_\_ Nay      \_\_\_\_\_ Abstain      \_\_\_\_\_ Absent

Mark Raymond      \_\_\_\_\_ Aye      \_\_\_\_\_ Nay      \_\_\_\_\_ Abstain      \_\_\_\_\_ Absent

**ATTEST:**

**REVIEWED:**

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MICHAEL W. WILKINS  
Clerk-Auditor

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JONATHAN STEARMER  
Deputy County Attorney