

ORDINANCE NO. 2024-022

AN ORDINANCE OF PLEASANT GROVE CITY, UTAH COUNTY, UTAH, AMENDING SECTION 10-15-14: FLAG LOTS. THE PROPOSED CHANGES ESTABLISH ADDITIONAL GUIDELINES THAT GIVE MORE ORDER TO THE DEVELOPMENT OF FLAG LOTS, THEREBY AVOIDING FUTURE PROBLEMS AND CHALLENGES FOR UTILITY AND SAFETY SERVICES TO THE RESIDENTS. INCLUDING AN EFFECTIVE DATE (PLEASANT GROVE CITY, APPLICANT).

WHEREAS, City Code intends the development of flag lots to be restricted to the interior of narrow, deep parcels or other properties not otherwise accessible using residential street standards; and

WHEREAS, it was never the intension of providing for a flag ordinance to encourage the creation of odd-shaped lots or the development of the land into flag lot subdivision with the mere purpose to maximize the number of lots or for the developer to avoid the installation of a private road; and

WHEREAS, the city has encountered multiple negative impacts to the current residents stemming from the application of the current flag lot ordinance such as complications with the residents' common access, access of emergency vehicles, installation and maintenance of road improvements, maintenance of the fire hydrants, difficulty in the providing and maintaining public utilities, etc.; and

WHEREAS, the applicant, City Staff, proposes to amend the definitions, guidelines, and requirements for the development of flag lot subdivisions, to propose an opportunity for the development of interior lots in a more orderly manner while protecting the health, safety and welfare of the current residents; and

WHEREAS, Staff proposes that in order to protect the health, safety and welfare of the current residents, the number of permitted interior lots shall be reduced, the requirements regarding common access shall be revised, and the requirement for setbacks shall be clarified; and

WHEREAS, on Aug 22, 2024, the Pleasant Grove City Planning Commission held a public hearing to consider the proposed amendment to the definitions, guidelines and requirements for flag lots; and

WHEREAS, at its public hearing, the Planning Commission decided that the requested amendments to the definitions, regulations and requirements for flag lots is in the best interest of the public and is consistent with the goals and policies of the General Plan; and

WHEREAS, the Pleasant Grove Planning Commission recommended to the Pleasant Grove City Council that the amendment to the Flag Lot Subdivision ordinance be approved; and

WHEREAS, on September 3, 2024, the Pleasant Grove City Council held a public hearing to consider the request; and

WHEREAS, at its meeting the Pleasant Grove City Council was satisfied that the amendment to the Pleasant Grove Municipal Code is in the best interest of the public and consistent with the goals and policies of the General Plan; and

WHEREAS, it is the legislative body's intent that the city code amendments shall be in the interest of the public.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Pleasant Grove City, Utah County, State of Utah as follows:

SECTION 1. Section 10-15-14, of the Pleasant Grove Municipal Code is hereby amended to read as follows:

10-15-14: FLAG LOTS:

- A. Purpose: ~~To facilitate the best use of interior areas of existing parcels which are no longer used for agriculture,~~ the city may ~~allow~~ **consider** the use of flag lots in all **single-family** residential zones **with the intent to allow reasonable utilization of property that has sufficient acreage for development, but lacks the required street frontage.** The use of flag lots is intended to be restricted to the interior of narrow, deep parcels or other properties not otherwise accessible using residential street standards, and/or where there exists unique topographical or geographical features on the property, such as waterways, steep slopes, etc., which are planned to be preserved by easement. It is not the intent or purpose of this section to encourage odd shaped lots or the inclusion of flag lots in proposed new residential subdivisions merely to maximize the number of lots within the subdivision. Flag lots may be ~~allowed~~ **considered** when it can be shown that **development using the adopted standard public streets outlined in the Vicinity Plan is not feasible and that** there will be no negative impacts to the health, safety and welfare of the community in regards to providing sufficient street connections and accessibility for emergency vehicles, and without creating landlocked situations for neighboring properties.

B. Definitions (Applicable To This Section):

COMMON STEM: A stem which provides access for two (2) ~~or more~~ adjoining flag lots, ~~that do not have standard minimum frontage on a public street. A common stem is not to be included in the calculation of the area of a flag lot.~~

COMMON STEM FLAG LOT: ~~A standard shaped lot that is separate, but adjacent to the common stem drive, and still meets the requirements for lot area and width for the zone.~~

CUL-DE-SAC LOT: A residential lot which: 1) meets or exceeds the minimum area and street frontage requirements of the zone; and 2) achieves the minimum lot width requirement of the zone at a point fifty feet (50') back from the public right-of-way.

FLAG: The generally wide portion of a flag lot comprising the buildable area of the lot.

GROSS AREA: The entire land area of a flag lot, including the area of the stem or common stem.

NET AREA: The gross area of a "flag lot" minus the area of the "stem" or "common stem".

PRIVATE STEM FLAG LOT: Also known as interior lot, is a A panhandle shaped lot which is comprised of a "flag" and a "stem" where the lot does not have standard minimum frontage on a public street, and where access to the public street is limited to a narrow, private right-of-way (stem).

STANDARD LOT: Also known as a base lot, is a A residential lot which: 1) meets or exceeds the minimum lot area and lot width requirements of the zone; 2) provides street frontage equal to eighty percent (80%) or more of the minimum lot width requirement of the zone; and 3) 2) achieves the minimum lot width requirement of the zone at the minimum required distance of fifty feet (50') from the public right-of-way.

STEM: The narrow, private right-of-way portion of a "private stem flag lot" providing access to the "flag". A stem provides access to a single flag lot that does not have standard minimum frontage to a public street. In the case of a new proposed subdivision fronting a collector road, the stem shall be used as access for the flag lot as well as for the standard lot.

- C. Approval Required: Flag lot developments may be permitted only after review and approval of the final plat, and vicinity plan by the City Council, along with the submission of the bond, and recording of the mylar.
- D. Vicinity Plan Required: A vicinity plan is required showing the location of all existing buildings, property lines, utility lines, watercourses, and existing and proposed public roads in the area. The vicinity plan must be complete, drawn to scale, and submitted with the preliminary plat application in advance of the Planning Commission meeting where the preliminary plat application is to be considered.
 - 1. Any changes to the approved City streets vicinity plan for the area of the proposed flag lot must show a reasonable level of street connectivity in the area, as determined and approved by the Planning Commission.
 - 2. The applicant shall provide written evidence of the effort to develop their property according to City street standards.
- E. Nonconforming Remnant Parcels Not Allowed: The creation of a flag lot may not result in a remnant parcel which does not satisfy the lot standards of the zone. Nonconforming remnant parcels (remaining after a flag lot is subdivided) must be added to the adjacent lots by means of a plat amendment which must be processed with the flag lot application. (Ord. 2016-9, 5-3-2016)
- F. Minimum lot size requirements:
 - 1. The minimum required gross area for the interior lot in a flag lot subdivision, including the area of the stem or common stem, shall be one and one-half (1.5) times the minimum lot size requirement for the R1-7, R1-8, R1-9, R1-10 and R1-12 zones.
 - 2. The minimum required net area for the interior lot in a flag lot subdivision in the R1-15, R1-20, and RR zones shall have the same minimum area requirement as

the underlying zone. For the purposes of this requirement, net area shall mean the total area of the “flag lot” minus the area of the “stem”.

- G. Minimum lot width requirements: The narrowest dimension across an interior flag lot shall meet the same width requirements as the underlying zone.
- H. Minimum required setbacks: The required setbacks for interior flag lots shall be a minimum of thirty feet (30') from the front property line, a minimum of twenty-five feet (25') from the rear property line, and a minimum of twenty feet (20') from both side property lines. The front yard setback shall be parallel with the orientation of the required lot width. The building envelope for an interior flag lot shall not encroach into the entire turnaround area required by the Fire Department. It is prohibited to use the required turnaround area for emergency vehicles as a driveway for the garage or carport.
- I. Stem And Common Stem Development Standards:
 - 1. Minimum Width: Twenty five feet (25').
 - 2. Minimum Length: The minimum lot width ~~depth~~ for the Standard Lot zone.
 - 3. Maximum Length: Three hundred feet (300'). ~~An extension to four hundred feet (400') may be approved only for landlocked properties where there is no access available through planned roads as shown on the Pleasant Grove Streets Vicinity Plan, only within the R-R, Rural Residential and the A-1, Agriculture Zoning Districts. Also, the extended length and turn around must be approved by the City Fire Marshal.~~
 - 4. Minimum Curve Radius: One hundred feet (100').
 - 5. Maximum Flag Lots Served By A Stem: One (1).
 - 6. Maximum Flag Lots Served By A Common Stem:
 - i. ~~Three (3) for common stems that abut a local road;~~
 - ii. ~~Four (4) for common stems that abut a local road where the stem road has been approved for an extended length (see subsection F3 of this section); and~~
 - iii. ~~Five (5) for common stems that abut a collector or arterial street.~~
 - iv. Two (2) for common stems that abut a collector or arterial road. See Section 10-15-14-J: Stem and Common Stem Access Requirements and Details.
 - 7. Minimum Frontage On A Public Street: Twenty five feet (25').
 - 8. Minimum Pavement Width: Twenty feet (20').
 - 9. Surfacing Standard: Entire driveway shall be surfaced with either asphalt or concrete adequate to support the weight of a fire apparatus (H-20 standard). (Ord. 2017-18, 4-18-2017)
- J. Stem And Common Stem **Access** Requirements And Details:
 - 1. A common stem and a common driveway shall be used to serve adjoining flag lots. ~~Up to five (5) flags may be served from a common stem, only in the event that a common stem abuts a City collector or arterial street, the first two (2) lots on either side of the stem, that also face the collector or arterial, must be designed to access the common stem.~~ In the case where a new flag lot subdivision fronts a collector or an arterial road, the access to both lots, the standard lot and the

interior lot, shall be combined and provided for by the stem of the interior flag lot. Access to the standard lots may be granted from a common stem when they front a local road if approved by the Engineering Department.

2. Separate access to a standard lot may be provided from a collector or arterial street if all following conditions are met:
 - a. There is an existing curb cut that provides access to an existing garage or carport;
 - b. There is a minimum distance of sixty feet (60') between the existing curb cut and the edge of the proposed flag lot stem; and
 - c. If approval by the Engineering Department is given
3. The entire stem and common stem shall be dedicated as a public utility, sewer and right-of-way easement, and shall slope towards the public right-of-way.
4. A paved or all weather, hard surfaced area must be provided as determined by the Fire Chief on each flag for the turnaround accommodation of emergency vehicles. The stem or common stem may be included as part of the necessary turnaround area.
5. A flag lot stem may not extend from a cul-de-sac bulb or from a temporary turnaround at the end of a temporary dead end street.
6. No accessory building is allowed on any portion of a stem or common stem.
7. The portion of a stem or common stem not hard surfaced shall be landscaped. Landscaping shall not hinder safe vehicular line of sight.
8. If a turnaround is required, the turnaround area shall be considered as part of the stem.
- K. Off Street Parking Required: Each dwelling lot shall provide at least four (4) hard surfaced parking spaces, two (2) of which shall be covered with a garage or carport. No parking is permitted in the stem or common stem.
- L. Fire Protection Required: Every flag lot residence must be within two hundred twenty five feet (225') of a fire hydrant (measured along the stem/common stem and public street). All fire hydrants and supply lines must satisfy the International Fire Code.
- M. Utility Service Connections: Each flag lot requires individual utility lines and meters. The maintenance and service of utility lines outside of the public street is the responsibility of the flag lot owner.
- N. Garbage Collection: Garbage collection will be provided only at the street curb.
- O. Covenants, Conditions And Restrictions (CC&Rs) Required: Common stem flag lots require CC&Rs to be recorded with the Utah County Recorder prior to any building permit being issued. The document must establish CC&Rs for maintaining driveways and utility lines, and any other CC&Rs that will run with the land.
- ~~P. Setbacks: The required setbacks shall match the setback requirement for the zone, as is required for all standard subdivisions.~~
- P. Half Cul-De-Sac: In cases where the right-of-way needed for the full street width (right-of-way to right-of-way) of a cul-de-sac street cannot be obtained after a reasonable, good faith effort on the part of an applicant, the City Council may approve a half cul-de-sac that serves temporarily as a flag lot, subject to the following criteria:

1. The applicant shall provide evidence of the effort to obtain the right-of-way for a full cul-de-sac.
2. The subject property is identified on the Pleasant Grove City vicinity plans as a location for a future cul-de-sac that has development potential as a half cul-de-sac.
3. The half cul-de-sac shall be built to the street standards in section 11-3-4 of this Code, with the exception of partial street width. The maximum width possible shall be provided, however in no case shall the portion of roadway acting as a flag lot stem provide less than twenty eight feet (28') of street improvements.
4. The half cul-de-sac shall be built to provide sufficient turnaround for emergency vehicles.
5. Additional requirements may be made by the City Engineer and Public Works Director with regard to the pavement, parking, or other issues on any half cul-de-sac street related to safety issues and other City street standards.
6. A homeowners' association shall be established having covenants and restrictions that are recorded and filed with the City regarding the shared responsibility of property owners to maintain the half cul-de-sac street to City standards until such time that the full cul-de-sac is completed and dedicated to the City.

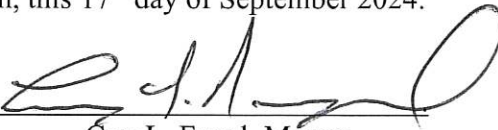
Q. All improvements, including paving for the flag lot stem and any required turnarounds, must be completed prior to any building permits being issued for the flag lot.

As a condition of approval, all property owners having access to the half cul-de-sac will be required to dedicate the right-of- way when the full cul-de-sac is completed. (Ord. 2016-9, 5-3-2016)

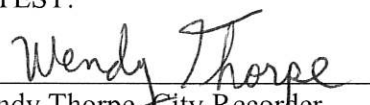
SECTION 2. SEVERABILITY. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phases of this Ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and posting as provided by law.

SECTION 4. APPROVED AND ADOPTED AND MADE EFFECTIVE by the City Council of Pleasant Grove City, Utah County, Utah, this 17th day of September 2024.


Guy L. Fugal, Mayor

ATTEST:


Wendy Thorpe, City Recorder



Motion: Council Member JENSEN

Second: Council Member ANDERSEN

<u>ROLL CALL</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Guy L. Fugal	_____	_____	_____	_____
Dianna Andersen	<u>X</u>	_____	_____	_____
Steve Rogers	<u>X</u>	_____	_____	_____
Eric Jensen	<u>X</u>	_____	_____	_____
Cyd LeMone	_____	_____	_____	<u>X</u>
Todd Williams	<u>X</u>	_____	_____	_____

CERTIFICATE OF POSTING ORDINANCE
Pleasant Grove City Corporation

I, the duly appointed recorder for the City of Pleasant Grove, hereby certify that a summary of the foregoing Ordinance No. 2024 022 was posted on the State (<http://pmn.utah.gov>) website on this 18 day of September, 2024.

Dated this 18 day of September, 2024.

Wendy Thorpe
Wendy Thorpe, CMC, City Recorder