

Provo City Planning Commission

Report of Action

December 11, 2024

ITEM 8* Development Services requests an Ordinance Text Amendment to Section 14.34.140 (Flag Lots) in order to clarify and update standards. Citywide application. Dustin Wright (801) 852-6414
dwright@provo.org PLOTA20240332

The following action was taken by the Planning Commission on the above described item at its regular meeting of December 11, 2024:

RECOMMENDED APPROVAL

On a vote of 7:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Conditions of Approval: None

Motion By: Andrew South

Second By: Melissa Kendall

Votes in Favor of Motion: Andrew South, Melissa Kendall, Adam Shin, Barbara DeSoto, Daniel Gonzales, Jeff Whitlock, Anne Allen

Jeff Whitlock was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit A.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

- Citywide application; all Neighborhood District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was not present or did not address the Planning Commission during the hearing.
- This item was City-wide or affected multiple neighborhoods.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

There were no comments made by the public.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- There is already a definition in the definitions chapter of the City Code, so it would not need to be added to this flag lot section.
- Our housing needs have changed since when this was written decades ago. This section of code has been too restrictive and so this is an attempt to allow land to be used more efficiently.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- It makes sense to have 12 feet of width to access that flag lot, but it is not clear why there needs to be 18 feet. Staff explained that there are utilities like water and sewer that must maintain certain distances apart and there also needs to be enough space to be able to work on the utilities in the future when the need arises. Fire apparatus also needs to be able access these safely.
- The definition of a flag lot is helpful to have in the code.
- This is a good step towards improving infill development opportunities.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Development Services Department, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

Exhibit A

14.34.140 Flag Lots.

~~The policy of Provo City is to discourage flag lots. Flag lots shall be prohibited unless the following requirements are met:~~ In order to encourage the efficient use of land and to increase the housing stock in Provo, flag lots are permitted subject to the following requirements:

- (1) The flag lot is located in an A1, RA, or R1 zone.
- (2) The applicant provides written and illustratory evidence showing property development with and without the proposed flag lot which demonstrates:
 - (a) the flag lot will result in more efficient use of land;
 - (b) the design of the flag lot is appropriate to and compatible with the configuration of the overall subdivision and adjacent property;
 - (c) no other viable subdivision design alternatives exist that will allow for a conventional lot, including consideration of:
 - (i) the current, proposed, or alternative zoning;
 - (ii) the possibility of incorporating the subject property with adjacent property to achieve a more unified development of the area and eliminate the need for a flag lot;
 - (iii) alternative street designs and improvements; and
 - (iv) any other reasonable means that would render a flag lot unnecessary;
 - (d) the flag lot is infill to the development of the general area; and
 - (e) access to the flag lot is provided through the pole portion of the lot, which portion of the lot is not located in a primary conservation area as defined in Section 15.03.010, Provo City Code
- (3) ~~Each~~ Flag lots ~~must~~ meets the following minimum design standards:

- (a) the flag lot ~~has~~ must have at least ~~twenty (20)~~ eighteen (18) feet of frontage on a dedicated public street which frontage serves as access ~~only~~ to the subject lot;
- (i) a single flag lot may have fifteen (15) feet of frontage if an adjacent five (5) foot perpetual private utility easement is on the adjacent lot;
 - (ii) when two (2) flag lots are adjacent, the frontage requirement, for both lots combined, can be twenty five (25) feet;
- (b) the flag pole portion of the lot ~~is least twenty (20) feet wide and~~ must not be more than ~~two hundred (200)~~ one hundred and forty nine (149) feet long unless;
- (i) there is frontage on a public street of at least twenty (20) feet wide;
 - (ii) there is a turnaround for fire apparatus;
- (c) in no case shall home be greater than two hundred (200) feet from the street without a fire suppression system;
- ~~(c)~~ (d) the flag portion or body of the lot meets the lot area, width, and depth requirements of the applicable zone;
- ~~(d)~~ (e) the minimum square footage of the flag portion or body of the lot is the same as required in the applicable zone;
- ~~(e)~~ (f) front, rear, and side yard setback requirements of the flag portion or body of the lot is the same as required in the applicable zone;
- ~~(f)~~ (g) no accessory building is located on the flag pole portion of the lot except aesthetic entry features such as archways, decorative mail boxes, raised landscape beds or similar structures; and
- ~~(g)~~ (h) ~~each flag lot has~~ a hard surfaced driveway, at least twelve (12) feet wide, ~~must extend~~ from the street to the required parking area(s). ~~This driveway may be shared between two (2) flag lots. When the flag pole portions of two (2) flag lots are side by side, a common curb cut and a driveway at least twenty (20) feet wide shall be required from the street to the required parking area.~~ Unpaved areas of the flag pole portion of a flag lot ~~must shall~~ be landscaped.
- (4) Staff, prior to ~~conditionally~~ approving a flag lot as part of a preliminary or final subdivision plat, finds that the applicant has provided sufficient evidence allowing for the creation of the flag lot and that such lot meets the minimum design standards set forth in this Section.

- (5) In addition to the above minimum requirements, staff may, as part of a preliminary or final subdivision plat approval, impose additional conditions on flag lots including, but not limited to, the following:
- (a) fencing and screening requirements;
 - (b) location and height of the dwelling;
 - (c) installation of one (1) or more fire hydrants; and
 - (d) additional off-street parking and/or backup space designed in accordance with standards set forth in Chapter 14.37, Provo City Code.
- (6) Required improvements and applicable conditions of approval for a flag lot ~~shall~~ **must** be bonded for pursuant to Section 15.03.2080, Provo City Code, when a building permit is issued for construction on the lot.