



From: Harrison Johnson  
 To: Hildale City Planning & Zoning Commission; Hildale City Mayor  
 Date: February 9, 2023  
 Subject: Zone Change request

**Applicant Name:** Buckhorn Cholla LLC  
**Agent:** Rachael Cawley  
**Application Type:** Zone Change request  
**Project Address:** R1-10  
**Requested Zoning:** RM-1 & R1-8  
**Date:** February 9, 2023  
**Prepared by:** Harrison Johnson

**Summary of Application**

The Applicant is requesting approval of a Zone Change.

Amend the zoning map to re-zone Parcel HD-SHCR-9-26, commonly addressed as 450 E Utah Ave. Hildale, Utah from the current Residential Single-Family 10 (R1-10) to both Residential Multi-Family-1 and Residential Single-Family 8 (R1-8).

**Background**

The applicant submitted the application on January 24<sup>th</sup>, 2023 to the Hildale City offices and paid the fee of \$100.

The applicant submitted all required documents identified in the application.

The applicant provided addressed, stamped envelopes for all property owners within the required boundary of the subject property.

City staff prepared a Rezone Letter for Neighboring Properties and mailed the letters within the required notice time.

The Public Hearing for this zone change request was noticed, as required.

**General Plan and Zoning**

The property is bounded on the North by residential property; On the East by Canyon Street and agricultural property. On the South by Utah Avenue and on the West by residential property. Surrounding properties are zoned RM-1, RA-1 and A-5.

**Analysis**

The zone change request complies with required standards for approval, as identified in Hildale Planning and Zoning ordinance, section 152-13-3 Uses allowed; and Sec 152-13-4 Development Standards In Residential Zones, as follows:

**Sec 152-13-3 Uses Allowed**

1. Permitted And Conditional Uses:

Permitted and conditional uses allowed within residential zones shall be as set forth in table 152-13-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 152-13-1 of this section shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 152-7-18E4 of this chapter.

TABLE 152-13-1 PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES

PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES							
	Zones						
	R1-15	R1-10	R1-8	RM-1	RM-2	RM-3	MH/RV
Agricultural uses:							
Accessory building	P	P	P	P	P	P	P
Agricultural business	N	N	N	N	N	N	N
Agricultural industry	N	N	N	N	N	N	N
Agriculture	N	N	N	N	N	N	N
Agriculture residential	P	P	P	P	P	P	P
Animal specialties	P	P	N	N	N	N	N
Animals and fowl for recreation and family food production	P <sup>3</sup> /C	P <sup>3</sup> /C	P <sup>3</sup>	N	N	N	N

Stable, private	N	N	N	N	N	N	N
Residential uses:							
Assisted living facility	C	C	C	N	N	N	N
Boarding house	N	N	N	N	N	N	N
Building, accessory	P	P	P	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P	P	N
Dwelling, multiple-family	N	N	N	P	P	P	N
Dwelling, single-family	P	P	P	P	P	P	P
Dwelling, single-family with accessory dwelling unit	P	P	P	N	N	N	N
Dwelling, temporary	P	P	P	P	P	P	P
Dwelling, two-family	N	N	N	P	P	P	N
Guesthouse or casita with direct access to main dwelling unit	P	P	P	N	N	N	N
Guesthouse or casita without direct access to main dwelling unit	C	C	C	N	N	N	N
Manufactured home	P	P	P	N	N	N	P
Manufactured/mobile home park	N	N	N	N	N	N	P
Manufactured/mobile home subdivision	N	N	N	N	N	N	P
Protective housing facility	N	N	N	N	N	N	N
Rehabilitation/treatment facility	N	N	N	N	N	N	N
Residential facility for elderly persons <sup>1</sup>	P	P	P	P	P	P	P
Residential facility for persons with a disability <sup>1</sup>	P	P	P	P	P	P	P
Residential facility for troubled youth	N	N	N	N	N	N	N
Short term rental <sup>4</sup>	P	P	P	N	N	N	N
Transitional housing facility	N	N	N	N	N	N	N
Public and civic uses:							
Airport	N	N	N	N	N	N	N
Auditorium or stadium	N	N	N	N	N	N	N
Bus terminal	N	N	N	N	N	N	N
Cemetery	P	P	P	P	P	P	P
Church or place of worship	P	P	P	P	P	P	P
Club or service organization	N	N	N	N	N	N	N
College or university	N	N	N	N	N	N	N
Convalescent care facility	N	N	N	N	N	N	N
Correctional facility	N	N	N	N	N	N	N
Cultural service	N	N	N	N	N	N	N
Golf course	P	P	P	P	P	P	P
Government service	N	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	N
Operations center	N	N	N	N	N	N	N
Park	P	P	P	P	P	P	P

Post office	N	N	N	N	N	N	N
Protective service	P	P	P	P	P	P	P
Reception center	N	N	N	N	N	N	N
School, elementary, middle, high or private	P	P	P	P	P	P	P
School, vocational	N	N	N	N	N	N	N
Stable, public	N	N	N	N	N	N	N
Utility, major	N	N	N	N	N	N	N
Utility, minor	P	P	P	P	P	P	P
Commercial uses:							
Agricultural sales and service	N	N	N	N	N	N	N
Animal hospital	N	N	N	N	N	N	N
Bail bond service	N	N	N	N	N	N	N
Bank or financial institution	N	N	N	N	N	N	N
Bed and breakfast, home (Less than or Equal to 2; Owner Occupied)	C	C	C	N	N	N	C
Bed and breakfast inn (Between 3 and 10)	C	C	C	N	N	N	C
Business equipment rental, services, and supplies	N	N	N	N	N	N	N
Camping Hosting Facility	N	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	N
Club, private	N	N	N	N	N	N	N
Construction sales and service	N	N	N	N	N	N	N
Convenience store	N	N	N	N	N	N	N
Family child daycare facility <sup>2</sup>	P	P	P	P	P	P	P
Licensed family child care <sup>2</sup>	C	C	C	C	C	C	C
Residential certificate child care <sup>2</sup>	P	P	P	P	P	P	P
Child care center	N	N	N	N	N	N	N
Funeral home	N	N	N	N	N	N	N
Garden center	N	N	N	N	N	N	N
Gas and fuel, storage and sales	N	N	N	N	N	N	N
Gasoline service station	N	N	N	N	N	N	N
Hostel	N	N	N	N	N	N	N
Hotel	N	N	N	N	N	N	N
Kennel, commercial	N	N	N	N	N	N	N
Kennel, residential	P	P	P	P	P	P	P
Laundry or dry cleaning, limited	N	N	N	N	N	N	N
Liquor store	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N
Medical service	N	N	N	N	N	N	N

Motel	N	N	N	N	N	N	N
Office, general	N	N	N	N	N	N	N
Off Road Recreational Vehicle Rental	C	C	C	N	N	N	N
Parking garage, public	N	N	N	N	N	N	N
Parking lot, public	N	N	N	N	N	N	N
Pawnshop	N	N	N	N	N	N	N
Personal care service, home based <sup>2</sup>	P	P	P	P	P	P	P
Personal instruction service, home based <sup>2</sup>	P	P	P	P	P	P	P
Printing and copying, limited	N	N	N	N	N	N	N
Printing, general	N	N	N	N	N	N	N
Produce stand	N	N	N	N	N	N	N
Recreation and entertainment, indoor	N	N	N	N	N	N	N
Recreation and entertainment, outdoor	N	N	N	N	N	N	N
Recreational vehicle park	N	N	N	N	N	N	P
Repair service	N	N	N	N	N	N	N
Research service	N	N	N	N	N	N	N
Residential hosting facility	P	P	P	N	N	N	N
Restaurant, fast food	N	N	N	N	N	N	N
Restaurant, general	N	N	N	N	N	N	N
Retail, general	N	N	N	N	N	N	N
Secondhand store	N	N	N	N	N	N	N
Shopping center	N	N	N	N	N	N	N
Tattoo establishment	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N
Temporary trailer	P	P	P	P	P	P	P
Transportation service	N	N	N	N	N	N	N
Vehicle and equipment rental or sale	N	N	N	N	N	N	N
Vehicle and equipment repair, general	N	N	N	N	N	N	N
Vehicle repair, limited	N	N	N	N	N	N	N
Veterinary service	N	N	N	N	N	N	N
Warehouse, self-service storage	N	N	N	N	N	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title						
Industrial uses:							
Automobile wrecking yard	N	N	N	N	N	N	N
Freight terminal	N	N	N	N	N	N	N
Heavy industry	N	N	N	N	N	N	N
Junk or salvage yard	N	N	N	N	N	N	N
Laundry services	N	N	N	N	N	N	N
Manufacturing, general	N	N	N	N	N	N	N

Manufacturing, limited	N	N	N	N	N	N	N
Mineral extraction	N	N	N	N	N	N	N
Wholesale and warehousing, general	N	N	N	N	N	N	N
Wholesale and warehousing, limited	N	N	N	N	N	N	N

2. Notes:

1. See chapter 46 of this chapter.
2. See chapter 42 of this chapter.
3. See section 152-37-15 of this chapter for permitted animals and fowl.
4. See licensing and operations requirements in title 11 of this code.

3. Accessory Uses:

Permitted and conditional uses set forth in table 152-13-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this chapter.
2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
3. Accessory uses in residential zones shall include, but not be limited to, the following: Garage sales, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter. Garages and off street parking areas, subject to applicable standards of chapter 34, "Off Street Parking And Loading", of this chapter. Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other city ordinance. Home based businesses, subject to applicable standards of chapter 42, "Home Based Businesses", of this chapter. Household pets. Nurseries and greenhouses, when used for family food production. Playhouses, patios, porches, gazebos, and incidental storage buildings. Swimming pools and hot tubs for use by residents and their guests.

4.

[Sec 152-13-4 Development Standards In Residential Zones](#)

Development standards within residential zones shall be as set forth in table 152-13-2 of this section.

TABLE 152-13-2

DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES							
	Zones						
Development Standard	R1-25	R1-15	R1-10	R1-8	RM-1	RM-2	RM-3
Lot standards:							
Average lot area <sup>2</sup>	15,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	n/a	n/a	n/a
Minimum lot area or acreage	12,000 sq. ft.	12,000 sq. ft.	8,000 sq. ft.	6,400 sq. ft.	10,000 sq. ft.	1 acre	1 acre
Minimum lot width and/or project frontage	89 ft.	90 ft.	80 ft.	70 ft.	80 ft. project	100 ft. project	200 ft. project
					30 ft. unit	30 ft. unit	30 ft. unit
/	n/a	n/a	n/a	n/a	6 units/lots	10 units/lots	15 units/lots
Building standards:							
Maximum height, main building <sup>3</sup>	34 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Maximum height, accessory building <sup>4</sup>	19 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Maximum size, accessory building	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.	500 sq. ft.	1,000 sq. ft.	1,000 sq. ft.	500 sq. ft.
Building coverage: See subsection 10-37-12I of this title	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot
Distance between buildings	No requirement	No requirement	No requirement	No requirement	20 ft.	20 ft.	20 ft.
Setback standards - front yard:							
Any building <sup>5</sup>	24 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Setback standards - rear yard:							
Main building	19 ft.	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.

Accessory building, including private garage <sup>6</sup>	19 ft.	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Setback standards - interior side yard:							
Main building	9 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6
Setback standards - street side yard:							
Main building <sup>7</sup>	19 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Accessory building	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6

Notes:

1. Duplex only permitted on first 10,000 square feet. Any additional units must meet density per acre standards.
2. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.
3. Except as otherwise permitted by subsection 152-13-7C of this chapter.
4. Except as otherwise permitted by subsection 152-13-7B of this chapter.
5. Except as modified by the provisions of subsection 152-37-12F, "Setback Measurement", of this chapter.
6. If located at least 10 feet from main building, 2 feet from the dripline of the roof. Otherwise, same as for main building.
7. When this side setback is required, rear setback may be reduced to 10 feet.

**Sec 152-13-5 Regulations Of General Applicability**

The use and development of real property in residential zones shall conform to regulations of general applicability as set forth in the following chapters of this chapter:

1. Design and compatibility standards:  
See chapter 33 of this title.
2. Landscaping and screening:  
See chapter 32 of this title.
3. Motor vehicle access:  
See chapter 35 of this title.
4. Natural resource inventory:  
See chapter 31 of this title.
5. Off street parking:  
See chapter 34 of this title.
6. Signs:  
See chapter 36 of this title.
7. Supplementary development standards:  
See chapter 37 of this title.

**Sec 152-13-6 Regulations For Specific Uses**

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in Article VI of this chapter, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

**Sec 152-13-7 Special Regulations**

1. Animals:  
Within R1, RM, and MH/RV zones, where permitted by the zone, the keeping of animals shall normally be simultaneous with occupied residential use.
2. Larger Accessory Buildings:  
Notwithstanding the maximum building size limitation shown on table 152-13-2 in section 152-13-4 of this chapter, the maximum size of an accessory building may be increased pursuant to a conditional use permit.
3. Increased Height:  
Notwithstanding the height limitations shown on table 152-13-2 in section 152-13-4 of this chapter a greater building height may be allowed in residential zones pursuant to a conditional use permit.
4. Visual Barriers:  
Fencing or other method of providing privacy and a visual barrier to adjacent property shall be constructed around the perimeter of a multiple-family development.
  1. The height of such barrier shall be at least six feet (6').
  2. The barrier material and location shall be identified on an approved site plan.
5. Open Space:  
In multiple-family residential zones, common open space should equal or exceed the ground floor area of all buildings on site. Projects greater than one story should provide common open space equivalent to the ground floor area plus fifty percent (50%) of all additional floor area.



📞 435-874-2323

📠 435-874-2603

🌐 [www.hildalecity.com](http://www.hildalecity.com)

**Recommendation**

Staff recommends approval of the zone change request as it remains consistent with Hildale City' General Plan. Additionally, it may accommodate the city's goal of increased density.

An additional consideration staff reviewed was the applicant's plan to utilize the provisions for flag lots in order to develop single family housing. Staff considered the cost of development for the utilities and the need for infill housing on one of Hildale's most traveled streets when deciding on our recommendation. Higher density in these key corridors will help buoy maintenance budgets for streets and roads necessary to accommodate the majority of Hildale's tourism.

**Sample Motions – ZONING CHANGE**

1. I move to recommend approval of the zoning map amendment requested for Parcel HD-SHCR-9-26 commonly addressed as 450 E Utah Ave from the current Residential Single-Family 10 (R1-10) to both Residential Multi-Family-1 and Residential Single-Family 8 (R1-8) pending approval of subdivision.



JAN 24 2023

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# ZONE CHANGE APPLICATION

Fee: \$100

<i>For Office Use Only:</i>	
File No.	_____
Receipt No.	_____

Name: Buckhorn Cholla, LLC Telephone: 435-680-0923

Address: PO box 3414 Colorado City AZ 86021 Fax No. \_\_\_\_\_

Agent (If Applicable): Rachael Cawley Telephone: 435-680-0923

Email: racawley96@gmail.com

Address/Location of Subject Property: 450 E Utah Ave, Hildale UT 84784

Tax ID of Subject Property: HD-SHCR-9-26 Existing Zone District: R1-10

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary)

RM -1 & R1-8 The purpose is to be able to subdivide & create more single family lots.

**Submittal Requirements:** The zone change application shall provide the following:

- \_\_\_\_\_ a. The name and address of every person or company the applicant represents;
- \_\_\_\_\_ b. An accurate property map showing the existing and proposed zoning classifications;
- \_\_\_\_\_ c. All abutting properties showing present zoning classifications;
- \_\_\_\_\_ d. An accurate legal description of the property to be rezoned;
- \_\_\_\_\_ e. Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.
- \_\_\_\_\_ f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

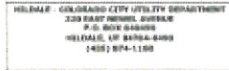
**Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the third Monday of each month at 6:30 p.m. The deadline date to submit the application is 10 business days prior to the scheduled meeting. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.**

\*\*\*\*\*

(Office Use Only)

Date Received: \_\_\_\_\_ Application Complete: YES  NO





Hildale City  
320 E.Newel Ave  
Hildale, UT 84784  
(435) 874-1160  
ar@hildalecity.com

XBP Confirmation Number: 136398874

▶ Transaction detail for payment to Hildale City.		Date: 01/24/2023 - 11:10:20 AM MT	
<b>Transaction Number: 191111572PT</b> <b>Visa — XXXX-XXXX-XXXX-3565</b> <b>Status: Successful</b>			
Account #	Item	Quantity	Item Amount
Zone Change App	Land Use	1	\$100.00

**TOTAL: \$100.00**

**Billing Information**

Buckhorn Cholla LLC Rachael  
Cawley  
450 E Utah Ave  
Hildale, UT 84784  
(435) 680-0923

Transaction taken by: Admin AChatwin

# APPLICATION FOR REZONE

450 E UTAH AVE, HILDALE UTAH 84784

1. HILDALE CITY APPLICATION FORM
2. THE NAME AND ADDRESS OF EVERY PERSON OR COMPANY THE APPLICANT REPRESENTS
- 3.-4. AN ACCURATE PROPERTY MAP SHOWING THE EXISTING AND PROPOSED ZONING CLASSIFICATIONS
5. ALL ABUTTING PROPERTIES SHOWING PRESENT ZONING CLASSIFICATIONS.
- 6.-7. AN ACCURATE LEGAL DESCRIPTION OF THE PROPERTY TO BE REZONED.
8. WARRANTY DEED TO DEMONSTRATE OWNERSHIP OF THE PROPERTY.
9. OTHER CONSIDERATIONS

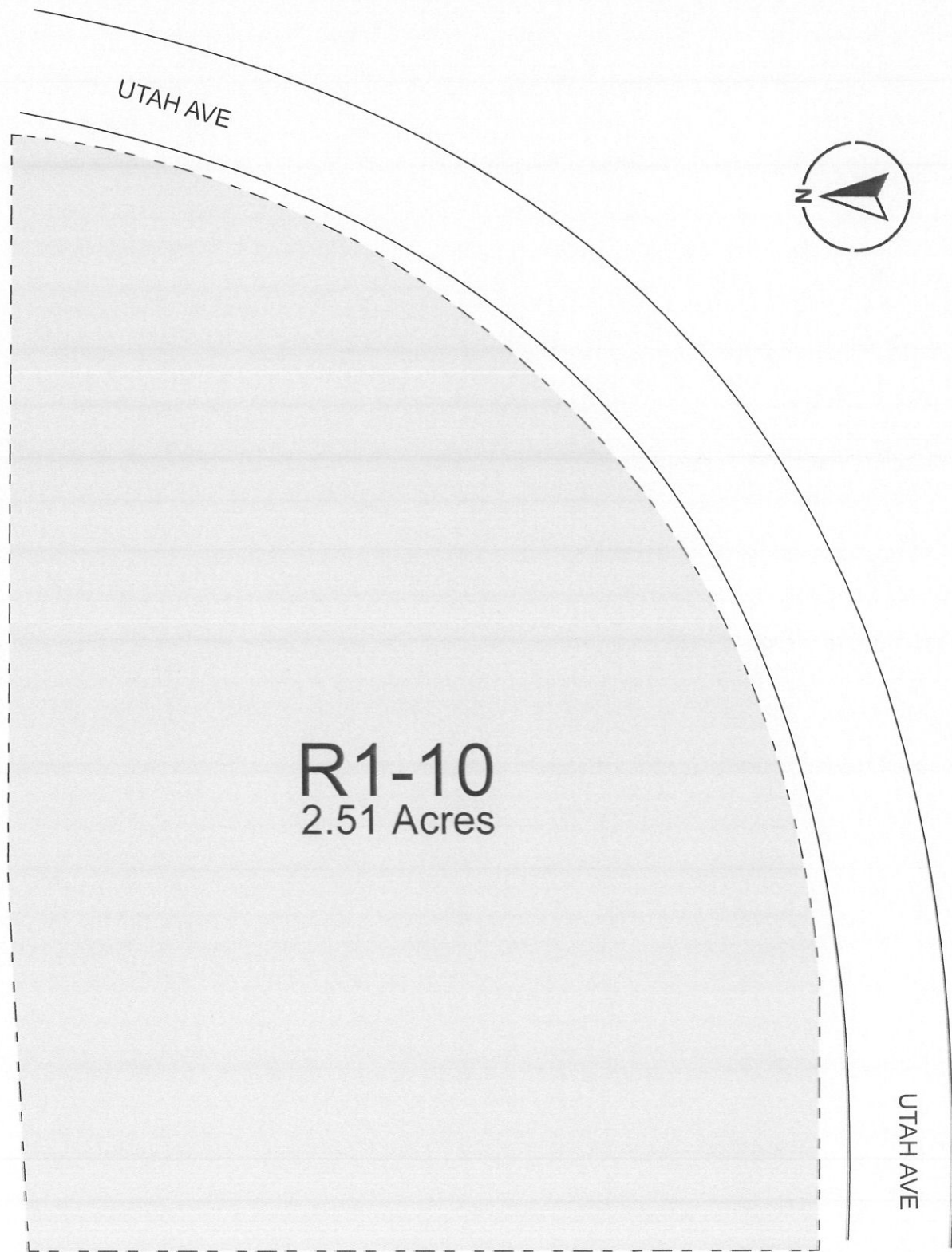
BUCKHORN CHOLLA, LLC

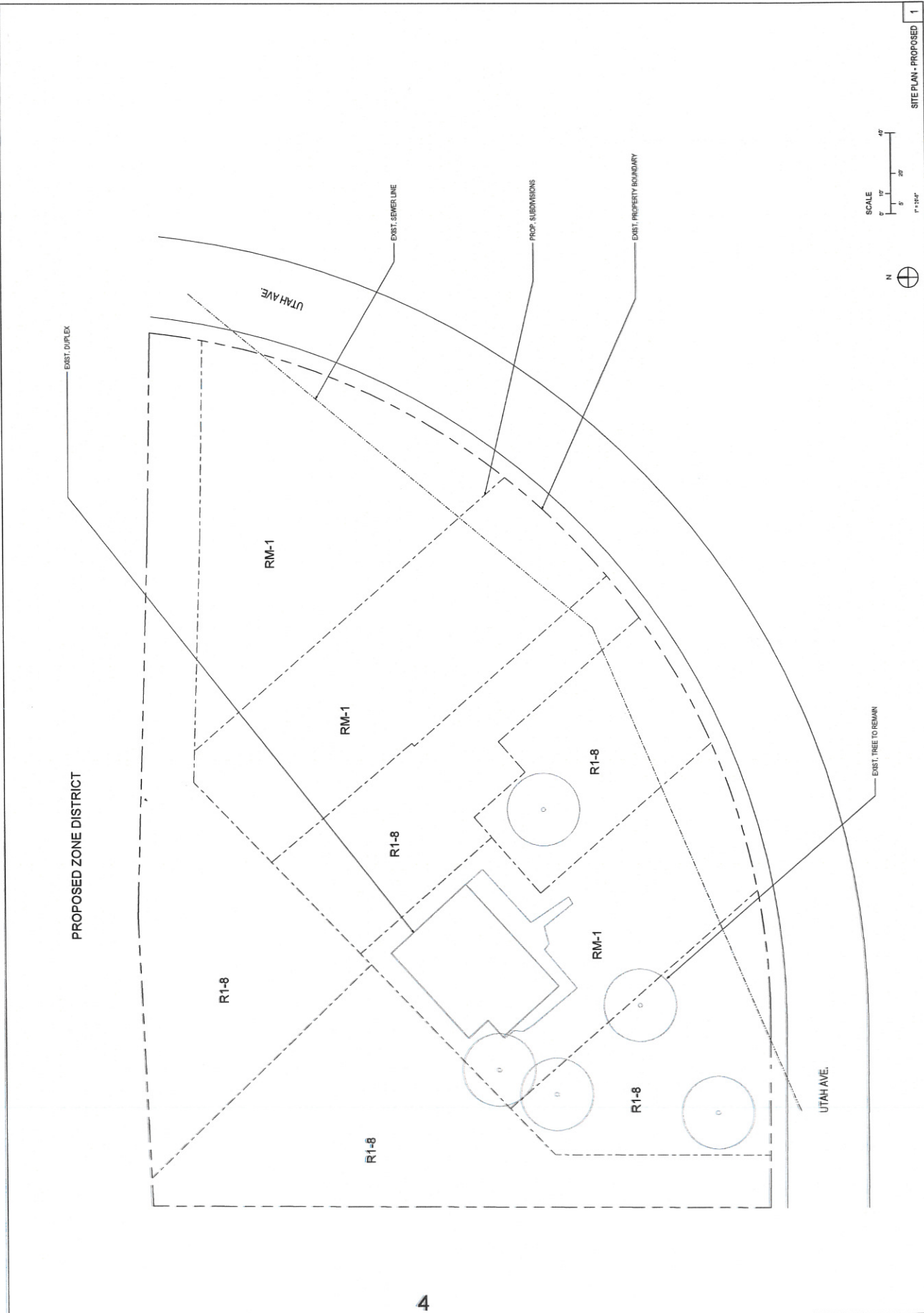


NAME AND ADDRESS OF EVERY PERSON OR COMPANY THE APPLICANT REPRESENTS.

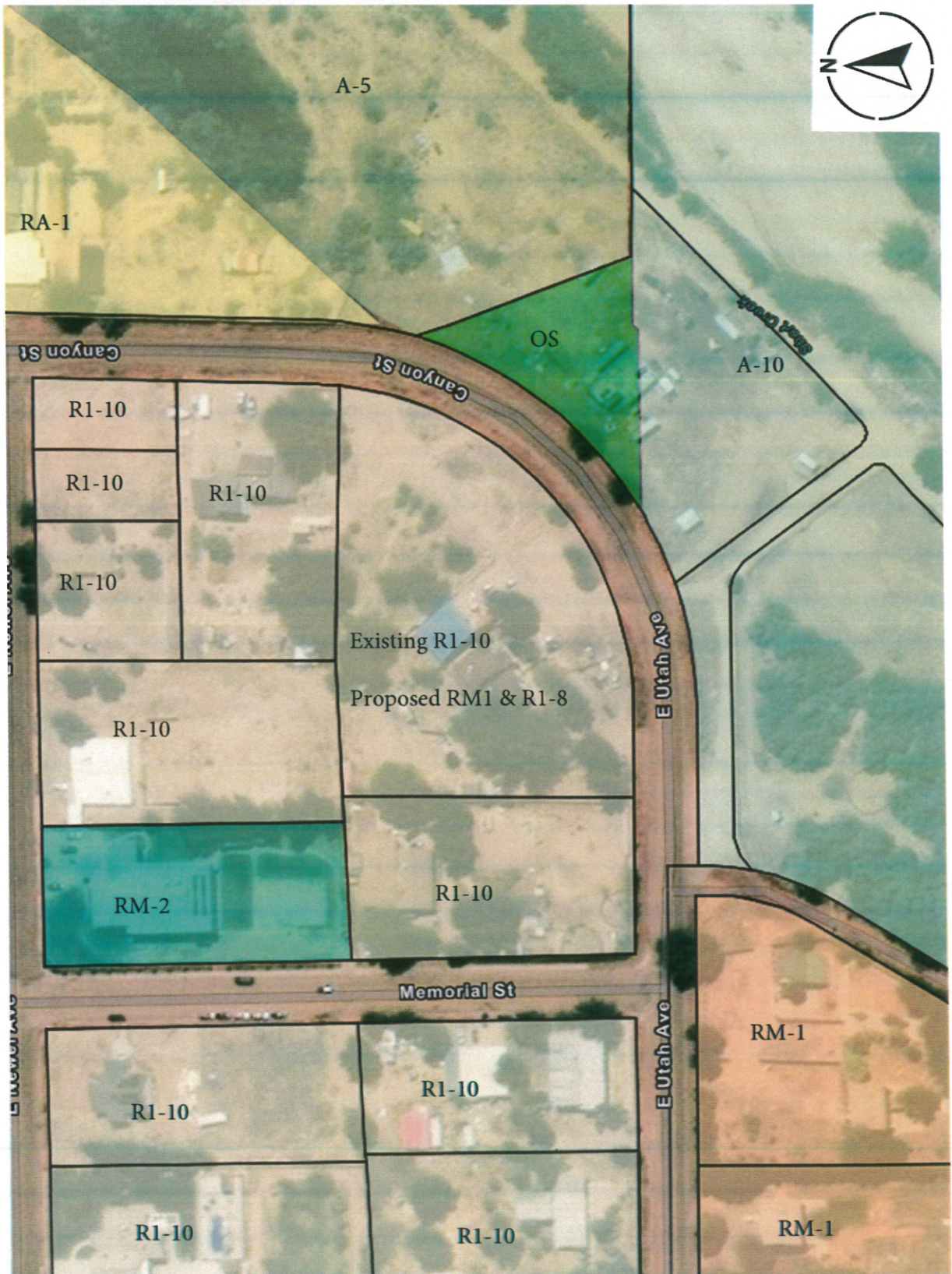
BUCKHORN CHOLLA, LLC PO BOX 3414 COLORADO CITY, AZ 86021

# Existing Zone District





# ALL ABUTTING PROPERTIES SHOWING PRESENT ZONING CLASSIFICATIONS



## LEGAL DESCRIPTIONS

Below are temporary legal descriptions for the purpose of this rezone application. Accurate Legal descriptions, prepared by a surveyor will be provided in the subdivision application or immediately after the rezone application is approved, whichever is preferred by the deciding body at Hildale city. A preliminary subdivision plan is included for the identification of the lots.

Lot 1: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-A

Lot 2: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-B

Lot 3: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-C

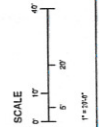
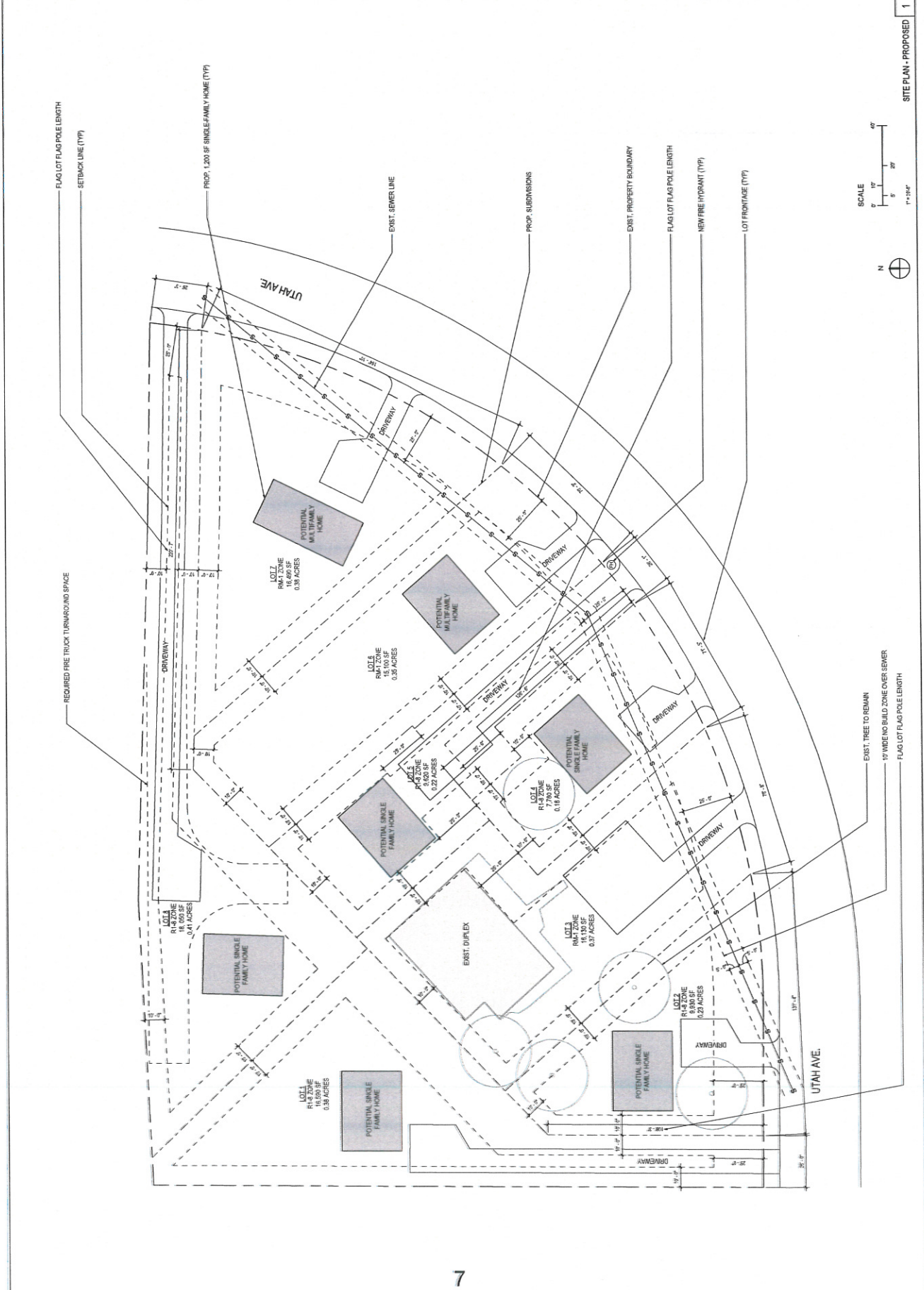
Lot 4: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-D

Lot 5: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-E

Lot 6: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-F

Lot 7: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-G

Lot 8: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-H



SITE PLAN - PROPOSED 1



Trust Deed Page 1 of 1  
Gary Christensen Washington County Recorder  
10/12/2022 01:44:59 PM Fee \$40.00 By ALLEN  
MORTGAGE, LLC

**Mail Tax Notice To:**

Grantee  
P.O. Box 3414  
Colorado City, AZ 86021

**WARRANTY DEED**

CLAUDE SETH COOKE, an individual, Grantor, of Mohave County, AZ, hereby  
CONVEYS AND WARRANTS the title, against all persons whomsoever, to  
BUCKHORN CHOLLA, LLC, a UTAH Limited Liability Company, Grantee.

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF  
WASHINGTON, STATE OF UTAH, AND IS DESCRIBED AS FOLLOWS:

Lot 26, Short Creek Subdivision #9 Amended and Extended, according to  
the Official Plat thereof on file and of record in the Washington County  
Recorder's Office.

Including hereditaments and appurtenances.

Tax Parcel Number: HD-SHCR-9-26

Also known as: 450 East Utah Ave, Hildale, UT 84784

WITNESS the hand of said grantor this 12 day of Oct, 2022.

BY: Claude Seth Cooke  
Claude Seth Cooke

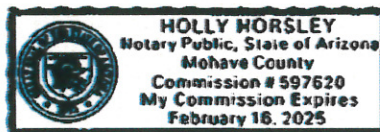
STATE OF ARIZONA

COUNTY OF MOHAVE

The foregoing instrument was acknowledged before me this 12 day of  
October, 2022, by Claude Seth Cooke.

Holly Horsley  
Notary Public Holly Horsley

My Commission Expires: 02/16/25



## Additional Considerations

Each resulting lot on our rezone + subdivision plan is meeting the standards set forth in section 152-13-4 of the Hildale City Municipal Code as well as 152-37-10 which describes flag lot ordinances. The resulting lots are fronted by curb, gutter and sidewalk which will remain and/or be repaired by Buckhorn Cholla if they are disturbed during the process of improving the land.

Buckhorn Cholla LLC intends to update approximately 1000ft of city water line, in Utah Ave, to bring proper capacity to a new fire hydrant, which the area is currently lacking.

A Hydrology study is being done on the property to determine whether an amendment to the FEMA Flood Zone map is necessary. If the property is determined to be out of the flood plain, then all new tenants of the land will be exempt from paying for needless flood insurance.

## **Sec 152-37-10 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 chapter or other titles adopted by the city. The primary purpose of this section is not to make development of property easier and more profitable. Rather, it is to serve as a "last resort" for property which may not otherwise be reasonably developed.

(a) Factors:

When property is subdivided, flag lots shall not be approved by right but may be allowed after considering the following:

- (1) More than two (2) flag lots with contiguous staffs should be avoided;
- (2) Whether development of the property in question under normal city land use and subdivision regulations is reasonable and practical; and
- (3) Creation of a flag lot should 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:

When flag lots are permitted, they shall be subject to the following conditions:

- (1) A flag lot shall be comprised of a staff (narrow) portion that is contiguous with a flag (wide) portion.
- (2) The staff portion of the lot shall front on and be contiguous to a public street. The minimum width of the staff portion at any point shall be twenty six feet (26'). However, a greater staff width for lots within the sensitive lands overlay zone may be required. The maximum length of a staff shall be five hundred feet (500'). The maximum grade of a staff shall not exceed twelve percent (12%).
- (3) The size of the flag portion of a lot shall conform to the minimum lot size requirement of the zone in which the lot is located. Sufficient turnaround space per the fire code shall be provided.
- (4) No building or structure shall be located within the staff portion of a flag lot.
- (5) 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.
- (6) A main building shall be located no more than two hundred fifty feet (250') from a fire hydrant, measured along a public or private right of way or along the staff portion of a flag 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.
- (7) Upon review the city may require installation of curb, gutter and other drainage control measures in the staff portion of a flag lot to prevent runoff from entering neighboring properties.
- (8) 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.
- (9) The new residential structure to be constructed on a flag lot shall be no higher than the average height of all residential structures within a three hundred foot (300') radius of the proposed structure.
- (10) Before a flag lot is approved the joint utility advisory board must approve the design and location of all facilities needed to accommodate a single-family dwelling. Construction of the approved facilities must be complete before a building permit will be issued for the lot.