

## Exhibit A

### 16.04.160: LOTS AND PARCELS

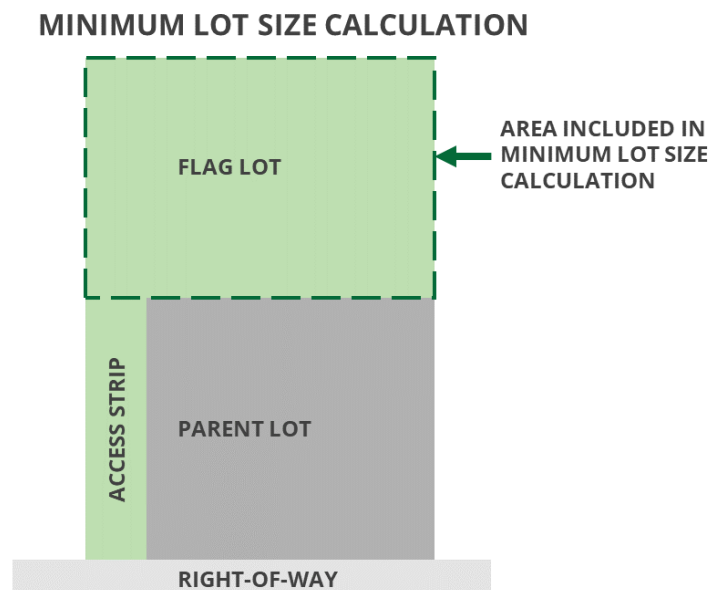
D. Flag Or Panhandle Lots: Flag or panhandle lots may be approved by the Planning Commission in residential and agricultural zones after receiving a positive recommendation from the City Engineer and Fire Code official in compliance with the requirements listed below. utilized to facilitate development of otherwise inaccessible lots as set forth in this section.

1. Qualifying Criteria. Flag lots may only be considered for lots or parcels that meet all of the following qualifying criteria:

- a. There is no other feasible or practical way to subdivide the **lot or** parcel or gain direct access to a public street or future street system as determined by the City Engineer.
- b. The proposed subdivision will create A flag lot access may only be approved for: a maximum of two (2) new residential building lots from the original lot or parcel; or the proposed subdivision will create a maximum of two (2) additional building lots, one created from the original parcel and another created from an adjacent parcel that also meets all requirements for flag or panhandle lots.
- c. The original lot or parcel has a cumulative minimum of 125 feet of contiguous street frontage.
- d. The intended use of the flag lot is for owner occupied single-family residential uses.

2. Design Standards. A flag lot shall comply with the following design standards:

- a. Lots:
  1. All proposed lots meet the minimum requirements setbacks of the underlying zone including density. Density is calculated on the area included in the original subdivision plat.
  2. Flag lots shall have a lot size that is 125% the minimum size permitted in the underlying zoning district. Square footage within access strips shall not be included in the minimum lot size calculations.



3. Setbacks are as set forth in the governing zoning district, but in no circumstance may be less than fifteen feet (15').
  4. The front setback for the flag lot shall be determined by which portion of the lot is most parallel to the street where the flag lot is accessed and shall exclude the access strip in location of the minimum setbacks.
- b. Structures:
1. Structures on flag lots shall be a maximum of 25' in height.
  2. Structures, including accessory buildings, are prohibited within the access strip of a flag lot.
- c. Access Strip:
1. Access strips shall be a minimum of twenty feet (20') of paved access width. Greater access width may be required by the fire marshal based on the access with requirements of the International Fire Code.
  2. The access strip portion of a flag lot shall be platted as a contiguous portion of the flag lot.
  3. All proposed driveways and access points shall comply with applicable International Fire Code standards.
  4. The driveway access strip shall be paved with asphalt or concrete to a minimum width of twenty feet (20'). Design of the driveway shall provide a manner for controlling drainage water acceptable to the city engineer. The load bearing capacity of the driveway may be required to be designed to support the weight of fire and emergency vehicles as required by the Fire Marshal and City Engineer.
  5. The maximum grade of the access strip shall not exceed ten percent (10%).
  6. For lots where the access strip is over one hundred fifty feet (150') in length, sufficient turnaround space for emergency vehicles shall be provided and an easement for access by emergency vehicles will be required. The fire marshal shall review and approve the design and location. The access strip or driveway shall be maintained by the property owner or possessor of the premise. It must be in good condition, with adequate snow removal, free of obstructions, and must provide free and uninhibited access by emergency vehicles at all times.
  7. Driveways shall be located a minimum of fifteen feet (15') from existing residential structures on neighboring lots, excluding those located on parent lots.
  8. Flag lots must post address numbers at the entrance to the flag lot driveway that are clearly visible from the right-of-way and meet the requirements of the International Fire Code.
  9. To reduce the number of driveways, a single access strip may be used when shared by two adjacent flag lots or by a flag lot and the lot between the flag lot and the street. In such circumstances shared access easements shall be included on the plat.
  10. Fire hydrants shall be provided to serve the flag lot as required by the International Fire Code. Any fire hydrants located in the public right of way shall be dedicated to the water provider for access to and maintenance of the hydrant.

4. Procedure. Flag lots will be processed as a subdivision amendment as set forth in [Section 16.14](#) of this Code.

**5. Submittal Requirements. In addition to the submittal requirements set forth in [Section 16.14](#) of this Code, applications with flag lots shall submit the following:**

- a. ~~The applicant understands and acknowledges in writing that~~ **Written acknowledgement from the applicant indicating that** irrespective of any City approval, there may be covenants, conditions, and restrictions on the parcel that the City does not review and cannot enforce that may preclude flag lot development;
- b. **A written description from the applicant stating the reason the flag lot is needed, why the flag lot may not be developed along a street or future street, and what potential impacts for neighboring properties may be and what actions have been taken to limit those impacts, and;**
- c. **A concept plan showing the required setbacks and the building envelope.**
- d. **The plat shall notate that the flag lot is restricted to owner occupied single family uses.**

**6. Approval. Flag lots that meet all applicable criteria shall be administratively approved by the Planning Director if in compliance with all applicable regulations.**

Section 17.08 Definitions Generally

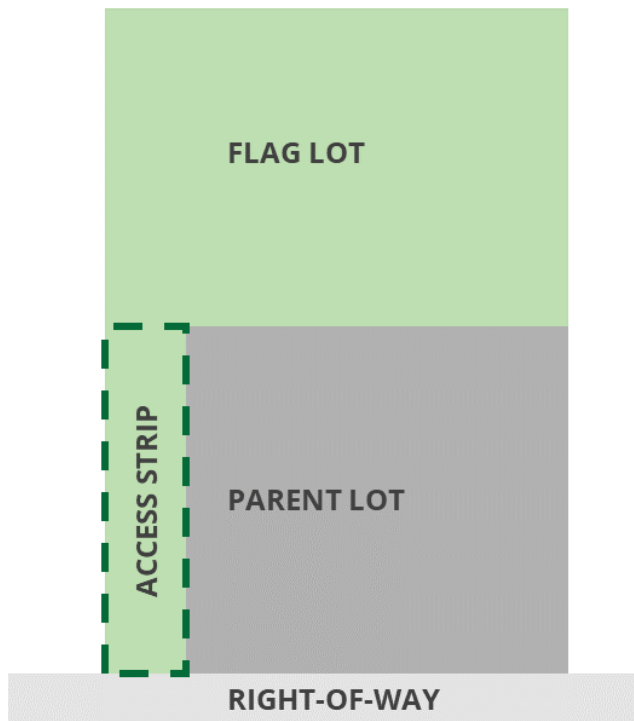
Definitions:

**LOT, FLAG LOT ACCESS STRIP: A narrow portion of land (resembling a flagpole) that connects a large area behind another lot or parcel (resembling a flag) to the right-of-way.**

~~LOT, FLAG OR PANHANDLE: A lot having a larger area or "body" at the rear~~ **behind another lot or parcel** (resembling a flag ~~or pan~~) which is connected to the street by a ~~narrower portion~~ **narrow access strip** (resembling a flagpole ~~or handle~~) which does not meet the lot width or frontage requirements of the zone.

**LOT, PARENT: A lot remaining along the majority of the street frontage after a flag lot is created.**

## FLAG LOT DIAGRAM



### **17.130.030: ACCESSORY DWELLING UNIT FLOATING ZONE**

17.130.030.010: PURPOSE

17.130.030.020: REVIEW PROCESS

17.130.030.030: PROHIBITIONS

17.130.030.040: INSPECTIONS

17.130.030.050: PRIOR USE

17.130.030.060: APPEALS

#### **17.130.030.010: PURPOSE**

Accessory dwelling units or ADUs, as defined in section 17.08.010 of this Title, are intended to provide affordable housing units, economic relief to homeowners, and create desirable housing forms that appeal to households and individuals at a variety of stages in the life cycle. The Accessory Dwelling Unit Floating Zone provides regulations and design standards for ADUs. Acceptable ADUs shall be one of the following two (2) types (see section 17.08.010 of this Title for definitions):

Internal Accessory Dwelling Unit or IADU: An ADU, that qualifies as an internal ADU under Utah State Law, and is contained within the primary dwelling so that the ADU and the primary dwelling appear to be one unit, that includes a kitchen and bathroom.

Guesthouse: An ADU that is detached from the primary dwelling that includes a kitchen and bathroom.

#### **17.130.030.020: REVIEW PROCESS**

The use of the Accessory Dwelling Unit Floating Zone may only be established in conformance with the review procedures of this section. Applicants shall follow the procedures, requirements, and standards of this Code. The use of the Accessory Dwelling Unit Floating Zone shall be conducted in accordance with approved plans.

1. Planning Department Approval: All Internal Accessory Dwelling Units and Guesthouses shall require the approval of the Planning Department before they are occupied. Applicants shall electronically submit to the Planning Department an accessory dwelling unit application that includes (1) a site plan that is drawn to scale that clearly shows the location of all existing and new structures, parking, driveways, and walkways; and (2) a floor plan that is drawn to scale with room labels and indicating designated use.
  1. Resident Occupancy: For all accessory dwelling units, the owner of the property, as reflected in title records, shall make his or her legal residence on the property as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.
  2. Standards: The Planning Department shall approve accessory dwelling unit applications upon the following standards being met:
    1. Zoning: The Accessory Dwelling Unit Floating Zone shall be applied to conforming single-family dwellings in the following zones: A-5, A-1, R-1.8, R-2.5, R-3, R-4 and R-5. Approved accessory dwelling units shall meet the requirements of the underlying zone. Only one (1) ADU is allowed per lot. ADUs are not allowed in conjunction with mobile homes or any form of attached housing units.
    2. Lot Size: An internal ADU shall only be approved on a lot that is greater than six thousand (6,000) square feet in area. A Guesthouse shall only be approved on a lot that is equal to or greater than fourteen thousand five hundred twenty (14,520) square feet in area. The addition of an accessory dwelling unit shall not violate the maximum building coverage requirements outlined in Sections 17.40.020 and 17.30.020 of this Title. **Guest houses on flag lots are prohibited.**
    3. Parking: A minimum of one (1) off-street parking spaces, in addition to those already required for the single-family home, shall be provided for an accessory dwelling unit and shall not render the required parking spaces for the single-family home inaccessible. All parking spots shall meet the requirements of Chapter 16.26 of this Code.
    4. Setbacks: All ADUs that propose modifications visible from the exterior of the home (i.e., additions and remodels to the primary dwelling or construction of a Guesthouse) shall comply with the following requirements:

1. Setbacks, ADUs shall comply with the setbacks of the underlying zone or as approved with the subdivision. Guesthouses shall comply with the required setbacks of the underlying zone for an accessory building, however, in no case shall a Guesthouse be located closer than ten feet (10') from a side or rear property line.
  2. Exterior Appearance: ADUs shall be designed so that the appearance of the lot, building structure, and landscaping retain the character of a single-family neighborhood.
  3. Architectural Compatibility: ADUs shall be designed and constructed to be compatible with the exterior of the primary dwelling (e.g., exterior materials, colors, and roof pitch) in order to maintain the appearance of the primary dwelling as a single-family dwelling.
5. Guesthouse Maximum Size: In all cases a Guesthouse shall remain subordinate and incidental to the primary dwelling. No Guesthouse shall have more than three (3) bedrooms. The floor space of a Guesthouse shall comprise no more than thirty-five percent (35%) of the living area of the primary dwelling or be greater than one thousand five hundred (1,500) square feet, whichever is less, unless, in the opinion of the Planning Commission, a greater amount of floor area is warranted.
3. Affidavit: Applicants for ADUs shall sign and record an affidavit stating that the owner will comply with all regulations of the Accessory Dwelling Unit Floating Zone and will live in either the primary or accessory dwelling unit as their permanent residence. The affidavit shall also include authorization of annual inspections of the ADU by City Staff to ensure compliance with all regulations of the Accessory Dwelling Unit Floating Zone.
  2. Building Permit Requirements: In addition to the approval required from the Planning Department, all accessory dwelling units that propose construction or remodeling shall require a building permit from the Building Division and shall conform to all applicable standards in the City's adopted Building Codes. The applicant shall obtain all necessary building permits and pay applicable fees prior to any construction, remodeling, or use of any ADU. ADUs shall not be approved on properties that have outstanding ordinance or building violations or are nonconforming uses or structures. Floor plans, architectural elevations, and structural calculations, as may be required, shall be submitted to the Building Division.
  3. Guesthouse Planning Commission Approval: In addition to the requirements of subsections A and B of this section, Guesthouses that propose a floor area greater than thirty-five percent (35%) of the living area for the primary dwelling or one thousand five hundred (1,500) square feet shall require review and approval by the Planning Commission.

**~~17.130.060: FLAG LOT OVERLAY ZONE~~**

17.130.060.010: PURPOSE

17.130.060.020: ESTABLISHMENT

17.130.060.030: AMENDMENTS

### **17.130.060.010: PURPOSE**

The purpose of the Flag Lot Overlay Zone (FL) is to allow for the creation of a flag lot in an existing subdivision that does not meet the minimum area requirement in subsection 16.04.160D of Title 16. The FL may be applied to an existing lot under unique circumstances as determined by the City Council and its consideration of following provisions.

### **17.130.060.020: ESTABLISHMENT**

#### **1. Procedure:**

1. Concept: Applicants are encouraged to submit a concept plan and work with staff prior to application to understand the surrounding area, the goals and policies of the City's General Plan, and to ensure the minimum requirements of the FL can be met.
2. Rezone: An FL shall only be established upon approval by the City Council as a rezone according to the provisions of Chapter 17.22, "Zoning Amendments", of this Title and as may be required elsewhere in this Title. City Council rezone approval of the FL shall be by development agreement.
3. Concurrent Preliminary Subdivision (Optional): At the applicant's option and with the approval of the Planning Director, the applicant may submit a preliminary subdivision application to be processed concurrently with an FL rezone. In the case of concurrent applications, Planning Commission approval of a concurrent preliminary subdivision shall be contingent on the City Council's approval of the FL rezone.

#### **2. Application Requirements:**

1. The subject lot shall have a minimum lot width not less than one hundred twenty-five feet (125') as measured along the property line adjacent to the public right of way.
2. The applicant shall provide a letter that justifies the establishment of the FL and addresses any efforts to limit the impact of development on neighboring properties.
3. The applicant shall provide a concept plan that shall include a preliminary subdivision layout showing the location, footprint and building elevations of the proposed house.
4. Notices of the public hearing shall be sent in accordance with the requirements in Subsection 16.04.060 of Title 16 and the Utah Code Annotated, except that:
  1. The area requirement for notices shall include all property owners within the subdivision and adjacent to the subject property.

#### **3. Effect Of Approval:**

1. ~~All of the provisions of this Code, including those of the base zone, shall be in full force and effect (with the exception of the flag lot requirement contained in subsection 16.04.160D1a in Title 16), unless such provisions are expressly waived or modified by the approved development agreement.~~
2. ~~An approved FL shall be shown on the zoning map by a "FL" designation after the designation of the base zone district.~~
3. ~~The city shall not issue permits for development within an approved FL unless the development complies with the approved development agreement.~~

#### **~~17.130.060.030: AMENDMENTS~~**

~~Any application to amend an approved FL shall be processed as a zone text amendment. Any amendment to an approved FL requires that the corresponding development agreement also be amended.~~