

**TITLE 6
ELMORE COUNTY
ZONING and DEVELOPMENT ORDINANCE**

CHAPTER 35 – COMMON DRIVEWAYS AND FLAG LOTS

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Section 6-35-1: Purpose:

The regulations of this Chapter allow for the development of common driveways and the creation of flag lots from a common driveway subject to the regulations as set forth this Chapter and Title.

Section 6-35-2: Applicability:

These regulations shall apply to subdivision plats, all legal lots and/or parcels of record, and all legal non-conforming property as defined by this Title.

Section 6-35-3: Process:

- A. Applications for common driveways and flag lots shall be reviewed as an administrative approval or as part of the subdivision review process. If reviewed through the subdivision process no administrative application shall be required. However, the design and dimensional requirements as required by this Chapter shall apply.
- B. Application: An application and fees, as set forth in this Title, shall be submitted to the Director on forms provided by the Growth and Development Department.
- C. The Director shall apply the requirements and specific use standards and findings listed in this Chapter to review the common driveway and flag lots.
- D. Tentative Approval Requirements: Upon tentative approval of the application by the Director subject to any applicable conditions of approval and the regulations of this

Ordinance, the applicant/owner shall have one year to complete the required tasks or condition which may include:

1. A survey the property; and/or
 2. Recordation of a record of survey with the Elmore County recorder showing the common driveway and required easements; and/or
 3. Recordation of a perpetual ingress/egress access easement and maintenance agreement; and/or
 4. The posting of no-parking signs; and/or
 5. Other conditions as required by the Director.
- E. Final Approval Requirements: Upon completion of the required conditions of approval, the applicant shall provide evidence to the Director for review. Upon determination by the Director that the common driveway and flag lots are in conformance with the requirements outlined in the tentative approval letter and that all requirements were satisfied prior to the one (1) year expiration date, than the Director shall issue a letter stating that the common driveway and/or flag lots are have received final approval.
- F. For subdivisions, approval shall be granted with an approved preliminary plat in conformance with the provisions of this Chapter and title.

Section 6-35-4: Requirements and Use Standards:

- A. Common driveways and flag lots shall meet the following requirements:
1. The common driveway provides access to no less than two (2) lots, and no more than eight (8) lots, which are principally occupied with a structure that contains no more than one (1) single-family or townhouse dwelling unit per lot; and
 2. The length of the common driveway shall not exceed one hundred and fifty (150') feet, and shall not be less than twenty-five (25') feet wide for the entire length of the common driveway; and
 3. Parking shall be prohibited on the common driveway, "no parking signs" shall be placed on the common driveway in a quantity and at locations as determined by the Director; and
 4. A five (5') foot wide landscaped area shall be installed and maintained between the common driveway and lots, which do not utilize the common driveway; and

5. The street frontage requirement of each flag lot served by the common driveway shall be a minimum of five (5') feet in width with the provision that the edge of the common driveway will be superimposed on property line(s) in a practical manner, but the overall frontage of the common driveway or flag shall not be less than thirty (30') feet; and,
6. Unless limited by geographical features, all lots or parcels, which the common driveway intersects shall take access from the common driveway, and all individual private driveways shall originate from the common driveway and not from the public right-of-way; and
7. A perpetual ingress/egress access easement shall be provided which shall include:
 - a. The requirement for a concrete or asphaltic paved surface; and
 - b. Provisions for maintenance of the common driveway including any required landscaping; and
 - c. The required easement, maintenance agreement, and paving shall be in place and record prior to the issuance of any building permit for any lot utilizing the common driveway. If a final plat or Record of Survey is associated with the creation of a common driveway, the easement area shall also be clearly depicted on the plat or survey; and
8. Required off-street parking shall be setback a minimum of twenty (20') feet from the edge of the common driveway. Existing residences on parcels that will take access from a proposed common driveway shall provide or construct required off-street parking prior to any land division of parcels that will access the common driveway.

B. Subdivision Platting:

1. The subdivision plat shall meet the requirements as defined in Subsection 6-35-3 (A); and
2. In the case of a subdivision plat, the common driveway and utilities shall be constructed concurrently with all other public improvements.

Section 6-35-5: Findings:

1. The design of the common driveway and flag lots meet the requirements of this Chapter; and

2. The use of the common driveway and flag lots benefits the design of the development and reduces the number of accesses onto the public street; and
3. The proposed common driveway and flag lots are not detrimental to the public health, safety, or welfare; and
4. The proposed common driveway and flag lots do not adversely affect or conflicts with abutting uses or impede the normal development of surrounding property.