



## PLANNING COMMISSION AGENDA

Notice is hereby given that the Draper City Planning Commission will hold a Regular Meeting, at 5:30 p.m., on Thursday, August 28, 2014 in the City Council Chambers at 1020 East Pioneer Road.

The Agenda will be as follows: (Times listed on the agenda are approximate and may be accelerated or subject to change).

5:30 p.m. Dinner

### **Study Meeting: 6:00 p.m., City Council Chambers on the 1<sup>st</sup> floor**

Study Business Items

### **Business Meeting: 6:30 p.m., City Council Chambers on the 1<sup>st</sup> floor**

*Citizen Comments: To be considerate of everyone attending the meeting, public hearing comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Recorder prior to noon the day before the meeting.*

1. **Action Item:** Approval of minutes from the August 14, 2014 Planning Commission meeting.
2. **Action Item:** On the request of Pete Simmons, representing Verizon Wireless for approval of a Conditional Use Permit (CUP) on 3.88 acres in the M1 (Manufacturing) zone to allow installation of a 90-foot monopole at 15101 S. Minuteman Drive. The application is otherwise known as the ***Sal Sand Jump Conditional Use Permit Request***, Application #140715-15101S. Staff contact is Dennis Workman at 801-576-6522 or email [Dennis.Workman@draper.ut.us](mailto:Dennis.Workman@draper.ut.us). **This item was continued from the August 14, 2014 Planning Commission meeting.**
3. **Public Hearing:** On the request of Nate Shipp, representing DAI for approval of a Zoning Map and Zoning Text Amendment creating a new Master Planned Community (MPC) zone and rezoning approximately 61.052 acres at about 2025 E. Stoneleigh Drive to the new MPC zone. The application is otherwise known as the ***Edelweiss Zoning Map Amendment and Zoning Text Amendment Request***, Application #140515-2025E-1 & 2. Staff contact is Dan Boles at 801-576-6335 or email [Dan.Boles@draper.ut.us](mailto:Dan.Boles@draper.ut.us).
4. **Public Hearing:** On the request of Keith Casey, representing Wasatch Product Development, LLC. for approval of a Site Plan in the CSD-LP (Lone Peak Commercial Special District) zone regarding the development of a manufacturing and warehousing building on roughly 7.92 acres at 12044 S. Lone Peak Pkwy. The application is otherwise known as the ***Wasatch/Casepak Building Site Plan Request***, Application #140707-12044S. Staff contact is Jennifer Jastremsky at 801-576-6328 or email [Jennifer.Jastremsky@draper.ut.us](mailto:Jennifer.Jastremsky@draper.ut.us).

5. **Public Hearing:** On the request of Mark Murdock, representing the Gardner Company for Site Plan approval to allow Phase 3 of their office park to be developed on approximately 8.13 acres of the 29.63 acre site located in the CSD-DPOP (Draper Pointe Office Park Commercial Special District) zone at about 265 W Galena Park Blvd. The application is otherwise known as the ***Draper Pointe Office Park Phase 3 Site Plan Request***, Application #140804-265W. Staff contact is Jennifer Jastremsky at 801-576-6328 or email [Jennifer.Jastremsky@draper.ut.us](mailto:Jennifer.Jastremsky@draper.ut.us).
6. **Public Hearing:** On the request of Draper City for approval of bulk Text Amendments, making various changes to the Land Use and Development Code and Subdivision Ordinance sections of the Draper City Municipal Code. This application is otherwise known as the ***City Initiated 2014 Bulk Text Amendments Request***, Application #140808-1020E. Staff contact is Jennifer Jastremsky at 801-576-6328 or email [Jennifer.Jastremsky@draper.ut.us](mailto:Jennifer.Jastremsky@draper.ut.us).
7. **Staff Reports**
  - a) Discussion Items
  - b) Administrative Reviews
  - c) Other Items
8. **Adjournment**

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*Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance or denial of a conditional use permit may appeal such decision to the City Council by filing written notice of appeal stating the grounds therefore within fourteen (14) days from the date of such final determination.*

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## SALT LAKE COUNTY/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, certify that copies of the agenda for the **Planning Commission** meeting to be held **Thursday, August 28, 2014**, were posted on the Draper City Bulletin Board, Draper City website [www.draper.ut.us](http://www.draper.ut.us), the Utah Public Meeting Notice website at [www.utah.gov/pmn](http://www.utah.gov/pmn), and sent by facsimile to The Salt Lake Tribune, and The Deseret News.

City Seal

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Rachelle Conner, MMC, City Recorder  
Draper City, State of Utah

the 1990s, the number of people with a disability in the United States has increased by 25% (U.S. Census Bureau 2000).

As a result of the increase in the number of people with a disability, the need for accessible information has become a national priority. The Americans with Disabilities Act (ADA) of 1990 (Public Law 101-354) is the first federal law that prohibits discrimination against people with disabilities in all areas of public life, including jobs, state and local government services, public accommodations, and telecommunications (U.S. Department of Justice 1991).

Section 504 of the ADA (Public Law 101-354) requires that state and local government services be accessible to people with disabilities. This includes the provision of accessible information. The ADA requires that state and local government services be accessible to people with disabilities. This includes the provision of accessible information.

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**Development Review Committee**

1020 East Pioneer Road  
Draper, UT 84020  
(801) 576-6539

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**STAFF REPORT**

August 18, 2014

**To:** Draper City Planning Commission  
Business Date: July 10, 2014

**From:** Development Review Committee

**Prepared By:** Jennifer Jastremsky, AICP, Planner II  
Planning Division  
Community Development Department

**Re: Draper Pointe Office Park Phase 3 – Site Plan Request**

Application No.: 140804-265W  
Applicant: Mark Murdock, representing the Gardner Company  
Project Location: Approximately 265 W Galena Park Blvd  
Zoning: CSD-DPOP (Draper Pointe Office Park Commercial Special District) Zone  
Acreage: Approximately 8.13 Acres (Approximately 354,142.8 ft<sup>2</sup>)  
Request: Request for approval of a Site Plan in the CSD-DPOP (Draper Pointe Office Park Commercial Special District) zone regarding Phase 3 of the Draper Pointe Office Park.

**SUMMARY**

This application is a request for approval of a Site Plan for approximately 8.13 acre section of a 29.63 acre site located on the west side of 200 West, at approximately 13392 South 200 West. The property is currently zoned CSD-DPOP (Draper Pointe Office Park Commercial Special District). The applicant is requesting that a Site Plan be approved to allow Phase 3 of their office park to be developed.

**BACKGROUND**

The property was rezoned by the City Council to the CSD-DPOP zone on April 15, 2014. Phase 1 of the office park received final Site Plan approval on May 22, 2014. Phase 2 obtained final Site Plan approval on July 10, 2014. The Preliminary and Final Plat is scheduled for the August 19<sup>th</sup> City Council meeting.

**ANALYSIS**

*General Plan and Zoning.* The Land Use Map of the General Plan calls for the Destination Commercial land use designation for the subject property. The General Plan itself is silent on the Destination Commercial land use. According to the land use map included within the General Plan, dated April 20, 2004, the area was originally designated as a growth area. The Growth Area land use category was



designed to support a mix of four land uses: multi-family residential, office, commercial and industrial/manufacturing uses. The specific growth area that the subject property was originally incorporated into includes several developed properties with a range of uses such as Allegro at Corner Canyon Apartments, Brickerhaven Subdivision, IKEA, Furniture Row, Cazco Industrial Park, and Reynolds Office Complex. Since the 2004 map, the Growth Area has been reclassified based on the individual uses that were eventually developed.

The property has been assigned the CSD-DPOP (Draper Pointe Office Park Commercial Special District) zoning classification. The CSD-DPOP zone states the General Plan's "goals and objectives are reflected in the overall district elements such as land use, architecture for office and retail uses, signage, site design and landscape standards." The subject property abuts the DC zone on the east and south, the RM1 (Multi-family Residential) and RM2 (Multi-family Residential) zones to the north and the DC and TSD (Transit Station District) on the west.

Site Plan Layout. The applicant has submitted a site plan showing the northeast section of the property being developed with a single building, parking, and recreation areas. The building is positioned 62-feet from the northern property line, and 143-feet from the eastern property line. The 200 West right-of-way will include street improvements together with an 8-foot sidewalk which can be utilized as part of the City's trail network. The building will be 6-stories tall and 150,000 square feet in size.

Circulation. Phase 3 includes connection to the entrance points for both Phases 1 and 2, one from Vista Station Blvd, one from 200 West and one from Galena Park Blvd. Pedestrian routes will travel along the main corridor and through the parking lots connecting the public sidewalks, the building, parking areas, and recreation areas.

Traffic Impact Study. The Traffic Impact Study analysis provided for Phase 1 also included the improvements anticipated with Phases 2 and 3. The study expects that all intersection are anticipated to continue operating at acceptable levels of service and no significant queuing is anticipated at any of the study intersections. No mitigation measures are recommended. It is anticipated at a future date Vista Station Boulevard will require widening; however, these improvements will be warranted after the TSD (Transit Station District) develops. The development of the TSD may also increase the queuing for left hand turns onto Vista Station Boulevard from this development.

Parking. The CSD-DPOP allows a range in parking from 3.5 to 6 parking spaces per 1,000 square feet in building area. For the 150,000 square foot office building shown this equates to a parking range of 525-900 parking spaces. The applicant is providing 559 parking spaces. The parking lot will surround the building on three sides and will be entirely located to the north of the main corridor.

Landscaping. Significant landscaping has been provided for the property, providing for a 27% overall site coverage, or 83,760 square feet. The CSD requires a minimum 20% landscaping. Included as part of this landscaping are large islands at the end and centers of all parking rows. The main corridor through the development contains Capital Callery Pear trees every 40-feet on either side. The landscape buffer along the north property line contains three foot tall berms with Austrian Black Pine, Green Ash, Canada Red Chokecherry and Showtime Crab Apple trees. In total there will be 150 trees on site.

A basketball court and 2,200 square foot plaza will be provided along the northern property line by Galena Park Blvd. These improvements will be 10-feet to 22-feet from the public sidewalk.

Architecture. The CSD requires a minimum of 50% primary materials and 40% fenestration for office buildings. The building contains all primary materials, including EIFS, tile, and aluminum curtain wall panels, and contains a significant portion of glass. At six stories tall, the building is at the six stories

allowed by code. The building will be 90-feet tall and will match the buildings in Phase 1 and 2 architecturally.

Lighting. The lighting plan shows 30-foot tall light poles dispersed within the parking lot. The CSD text has a strict requirement of a minimum 0.5 foot-candles and a maximum of 4 foot-candles for the property. The applicant is showing a maximum foot-candle rating of 4.7. A few changes will be required to ensure the property meets the lighting standards found within the code. Foot-candles will be zero at property lines.

Criteria For Approval. The criteria for review and potential approval of a Site Plan request is found in Sections 9-5-090(e) of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

- (e) Standards for Approval. The following standards shall apply to the approval of a site plan.
  - (1) The entire site shall be developed at one time unless a phased development plan is approved.
  - (2) A site plan shall conform to applicable standards set forth in this Title. In addition, consideration shall be given to the following:
    - (i) Considerations relating to traffic safety and traffic congestion:
      - (A) effect of the site development plan on traffic conditions on abutting streets and neighboring land uses, both as existing and as planned;
      - (B) layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways;
      - (C) arrangement and adequacy of off-street parking facilities to prevent traffic congestion and compliance with the provisions of City ordinances regarding the same;
      - (D) location, arrangement, and dimensions of truck loading and unloading facilities;
      - (E) vehicular and pedestrian circulation patterns within the boundaries of the development;
      - (F) surfacing and lighting of off-street parking facilities; and
      - (G) provision for transportation modes other than personal motor vehicles, including such alternative modes as pedestrian, bicycle, and mass transit.
    - (ii) Considerations relating to outdoor advertising:
      - (A) compliance with the provisions of Chapter 9-26 of this Title. Sign permit applications shall be reviewed and permits issued as a separate process. Action may be taken simultaneously with or following site plan review.
    - (iii) Considerations relating to landscaping:
      - (A) location, height, and materials of walls, fences, hedges, and screen plantings to provide for harmony with adjacent

- development, or to conceal storage areas, utility installations, or other unsightly development;
  - (B) planting of ground cover or other surfaces to prevent dust and erosion;
  - (C) unnecessary destruction of existing healthy trees; and
  - (D) compliance with the Draper City General Plan guidelines to promote consistent forms of development within the districts of the City as identified in the General Plan.
- (iv) Considerations relating to buildings and site layout:
- (A) the general silhouette and mass, including location on the site and elevations, in relationship to the character of the district or neighborhood and the applicable provisions of the General Plan; and
  - (B) exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street, line and pitch of roofs, the arrangement of structures on the parcel, and appropriate use of materials and colors to promote the objectives of the General Plan relating to the character of the district or neighborhood.
- (v) Considerations relating to drainage and irrigation:
- (A) the effect of the site development plan on the adequacy of the storm and surface water drainage; and
  - (B) the need for piping of irrigation ditches bordering or within the site.
- (vi) Other considerations including, but not limited to:
- (A) buffering;
  - (B) lighting;
  - (C) placement of trash containers and disposal facilities; and
  - (D) location of surface, wall and roof-mounted equipment.
- (3) In order to assure that the development will be constructed to completion in an acceptable manner, the applicant shall enter into an agreement and provide a satisfactory letter of credit or escrow deposit. The agreement and letter of credit or escrow deposit shall assure timely construction and installation of improvements required by a site plan approval.
- (4) In a planned center, individual uses shall be subject to the following requirements:
- (i) The overall planned center shall have been approved as a conditional use which shall include an overall site plan, development guidelines and a list of allowable uses in the center.
  - (ii) The City and the developer of the planned center shall enter into a development agreement governing development of the center. The

agreement shall include a provision to the effect that staff review and approval of uses and the site plan is typically sufficient.

(iii) Development guidelines for a center shall, as a minimum, address the following topics:

- (A) general site engineering (e.g., storm drainage, provision of utilities, erosion control, etc.);
- (B) architectural guidelines, including building setbacks, height, massing and scale, site coverage by buildings, materials, and colors;
- (C) landscaping and open space standards;
- (D) signage;
- (E) exterior lighting;
- (F) parking, pedestrian and vehicular circulation, and access to the site;
- (G) rights of access within the center (use of cross-easements, etc.);
- (H) development phasing and improvements/amenities to be completed with each phase;
- (I) outdoor sales, storage and equipment;
- (J) fencing and walls; and
- (K) maintenance standards and responsibilities.

(5) Building permits for individual uses with an approved planned center shall be reviewed by the Zoning Administrator for compliance of the proposed use to the overall site plan, development guidelines and approved use list for the planned center. The Zoning Administrator shall approve, approve with conditions, or deny the permit based on compliance with applicable conditions of the site plan and provisions of this Title.

## **REVIEWS**

*Planning Division Review.* The Draper City Planning Division has completed their review of the Site Plan submission and has issued a recommendation for approval for the request with the following proposed conditions and comments:

1. Address all planning comments and redlines.
2. Adjust the lighting plan to conform to DCMC Section 9-18-080(F).
3. Obtain Draper City permission to utilize the right-of-way at the Southwest corner of 200 West and Galena Park Blvd for proposed site improvements. If permission is not obtained, the site plan and landscape plan shall be modified to remove all improvements outside of the right-of-way.

*Engineering and Public Works Divisions Review.* The Draper City Engineering and Public Works Divisions has completed their review of the Site Plan submission and has issued a recommendation for conditional approval for the request with the following conditions and comments:

1. Provide maintenance and inspection access to underground detention facility.
2. Proposed underground storage facility, as designed, does not meet all recommendations of the manufacturer as it pertains to minimum bearing capacity of material below structure and minimum cover (excluding asphalt), as represented in manufacturer's

information. We recommend a review of requirements or design criteria to meet manufacturer's recommendations.

3. Standard drinking water pipeline detail is missing from standard details. Add 3010 – attached to comments.
4. The application shall include letters from sewer provider, addressing the feasibility and their requirements to serve the project in accordance with Section 9-5-090(d)(1)(iv)(C)(5) of the Draper City Municipal Code.

*Building Division Review.* The Draper City Building Division has completed their review of the Site Plan submission and has issued a recommendation for approval for the request without further comment.

*Geotechnical and Geologic Hazards Review.* Taylor Geo-Engineering, LLC. in working with the Draper City Building, have completed their reviews of the geotechnical and geologic hazards report and have issued a recommendation for approval for the request without further comment.

*Unified Fire Authority Review.* The Unified Fire Authority has completed their review of the Site Plan submission and has issued a recommendation for approval for the request with the following comments:

1. Fire Department Access is required. An unobstructed minimum road width of twenty-six (26) feet and a minimum height of thirteen (13) feet six (6) inches shall be required. The road must be designed and maintained to support the imposed loads of emergency apparatus. The surface shall be able to provide all weather driving capabilities. The road shall have an inside turning radius of twenty – eight (28) feet. There shall be a maximum grade of 10%. Grades may be checked prior to building permits being issued.
2. Fire Hydrants are required there shall be a total of 5 hydrants required spaced at 300ft. increments, 40 feet minimum distance out from the building. Hydrants are to be protected with bollards if susceptible to vehicle damage. The required fire flow for this project is 5000GPM for full 3 hour duration.
3. No combustible construction shall be allowed prior to hydrant installation and testing by water purveyor. All hydrants must be operational prior to any combustible elements being received or delivered on building site.
4. Hydrants and Site Access. All hydrants and a form of acceptable temporary Fire Department Access to the site shall be installed and APPROVED by the Fire Department prior to the issuance of any Building Permits. If at any time during the building phase any of the hydrants or temporary Fire Department Access becomes non-compliant any and all permits could be revoked.
5. Fire Sprinklers Required. Deferred submittal for fire sprinkler shop drawings are to be sent directly to the following address: Unified Fire Authority, 3380 South 900 West, Salt Lake City, Utah 84119. Attention: Stewart Gray. A minimum of two sets of plans, complete with manufacturer cut sheets, and hydraulic calculations. Plans must be ink signed by a NICET level III or better in Auto Sprinkler Layout. (There needs to be a hydrant with-in a 100 feet of the FDC.) FDC is required to have KNOX Locking Caps. ALL FIRE PROTECTION PLANS REQUIRE 3<sup>rd</sup> PARTY REVIEW PRIOR TO BE SUBMITTED TO THE UNIFIED FIRE AUTHORITY.
6. Standpipes May Be Required. This building may be required to have standpipes. This standpipe will be required to be pressure tested and a Contractor Certificate of Completion will be required to be filled out.
7. Post Indicator Valve with Tamper Required. If there is no designated fire riser room with a direct access door from the outside. There shall be either a wall mounted P.I.V (OS&Y) or a typical P.I.V placed a minimum distance of 40 feet from the building with a tamper switch.

8. Fire Alarm Required. Deferred submittal for fire alarm shop drawings are to be sent directly to the following address: Unified Fire Authority, 3380 South 900 West, Salt Lake City, Utah 84119. Attention: Stewart Gray. A minimum of two sets of plans, complete with manufacturer cut sheets, and battery calculations. Plans must be ink signed by a NICET level III or better in Fire Alarm Systems. ALL FIRE ALARM PLANS REQUIRE 3<sup>rd</sup> PARTY REVIEW PRIOR TO BE SUBMITTED TO THE UNIFIED FIRE AUTHORITY.
9. Knox Boxes Required. Fire Department “Knox Brand” lock box to be mounted to exterior walls, near the main entrance and/or nearest the door serving the exterior access to the fire sprinkler riser room. (At a height of 5 feet to the top of the box) Lock box purchase can be arranged by the General Contractor. See attached information form.
10. 2A-10BC Fire Extinguishers required. The extinguisher needs to be a serviceable type meaning metal head and metal neck. Extinguishers need to be located in a conspicuous location where they will be readily accessible and immediately available for use. Placed every 75 feet of travel. If in cabinet or not the extinguisher or cabinet needs to be mounted so that the top is not more than five (5) feet above the floor.
11. Visible Addressing Required. New and existing buildings shall have approved address numbers plainly legible and visible from the street fronting the property. These numbers shall contrast with their background.

Parks & Trails Committee Review. The Draper City Parks and Trails Committee has completed their review of the Site Plan submission and has issued a recommendation for approval for the request.

South Valley Sewer District Review. Reviews have not been submitted from the South Valley Sewer District for the Site Plan request. Review and approval from South Valley Sewer District will be required as part of any site plan approvals.

Noticing. The applicant has expressed his desire to site plan approval for the subject property and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

### **STAFF RECOMMENDATION**

Staff recommends approval of the request for a Site Plan Request by Mark Murdock, representing the Gardner Company for the Draper Pointe Office Park Phase 3, application #140804-265W, subject to the following conditions:

1. That all requirements of the Draper City Engineering and Public Works Divisions are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
  - a. Address all outstanding redline comments.
  - b. Provide maintenance and inspection access to the underground detention facility.
  - c. The application shall include letters from sewer provider, addressing the feasibility and their requirements to serve the project in accordance with Section 9-5-090(d)(1)(iv)(C)(5) of the Draper City Municipal Code.
2. That all requirements of the Unified Fire Authority are satisfied throughout the development of the site and the construction of all buildings on the site.
3. That all requirements of the Planning Division are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
  - a. Address any outstanding redline comments.

- b. Adjust the lighting plan to conform to DCMC Section 9-18-080(F).
  - c. Obtain Draper City permission to utilize the right-of-way at the Southwest corner of 200 West and Galena Park Blvd for proposed site improvements. If permission is not obtained, the site plan and landscape plan shall be modified to remove all improvements outside of the right-of-way.
4. That all requirements of the Draper City Building Division are satisfied throughout the development of the site and the construction of all buildings on the site, including permitting.
  5. That all requirements of the geotechnical report are satisfied throughout the development of the site and the construction of all buildings on the site.

This recommendation is based on the following findings:

1. The proposed development plans meet the intent, goals, and objectives of the Draper City General Plan.
  - a. Strengthen the identity of Draper by encouraging land uses that contribute to the character of the community and sustain a viable economic base.
  - b. Development close to existing facilities should be encouraged in order to reduce the cost and extent of public services.
  - c. Maintain a balance of land uses that support a high quality of life, a diverse economic base, and a rich mixture of housing and leisure opportunities.
  - d. Encourage the transition of land uses from more intense regional and citywide activity areas to less intense land uses within local neighborhoods.
  - e. Incorporate open space, mobility, and drainage networks while protecting the area's character and natural systems.
- a. The proposed development plans meet the requirements and provisions of the Draper City Municipal Code.
- b. The proposed development plans will not be deleterious to the health, safety, and general welfare of the general public nor the residents of adjacent properties.
- c. The proposed development conforms to the general aesthetic and physical development of the area.
- d. The public services in the area are adequate to support the subject development.

### **MODEL MOTIONS**

Sample Motion for Approval – “I move we approve the Site Plan Request by Mark Murdock, representing the Gardner Company for the Draper Pointe Office Park Phase 3, application #140804-265W, based on the findings and subject to the conditions listed in the Staff Report dated August 6, 2014 and as modified by the conditions below:”

1. List any additional findings and conditions...

Sample Motion for Denial – “I move we deny the Site Plan Request by Mark Murdock, representing the Gardner Company for the Draper Pointe Office Park Phase 3, application #140804-265W, based on the following findings:”

1. List any additional findings...

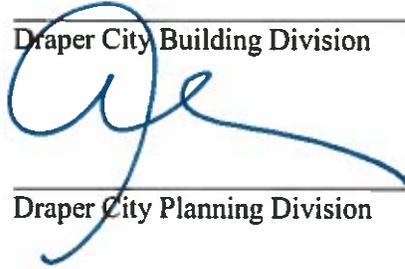
**DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT**

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

  
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Draper City Engineering Division

\_\_\_\_\_  
Draper City Building Division

  
\_\_\_\_\_  
Draper City Operations Division

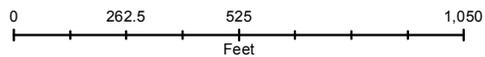
  
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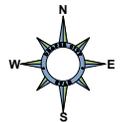
  
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Draper City Legal Counsel



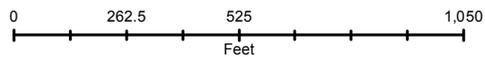
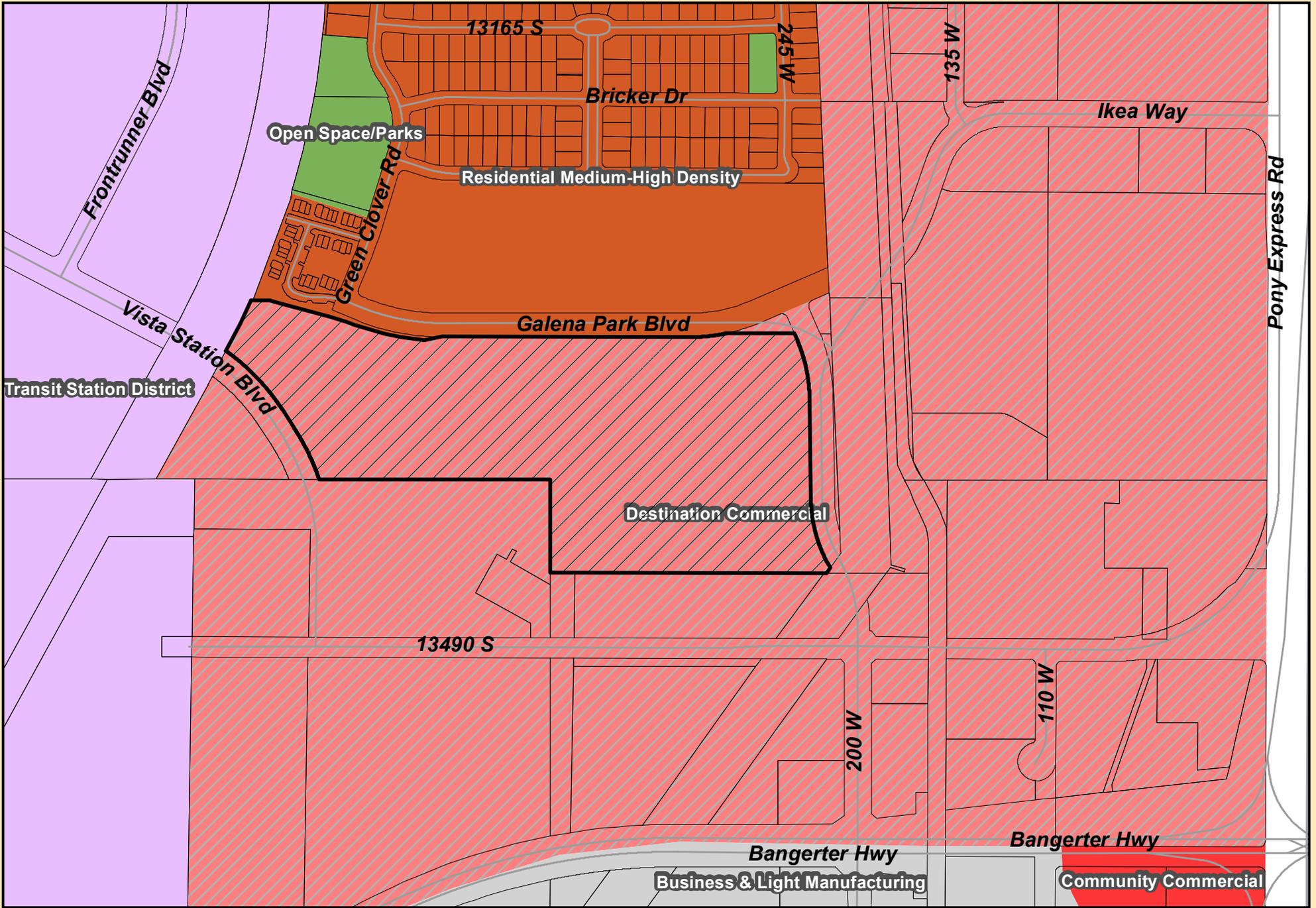
**EXHIBIT A**  
**AERIAL MAP**



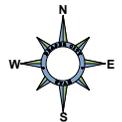
Draper Pointe Office Park  
Phase 3 Site Plan



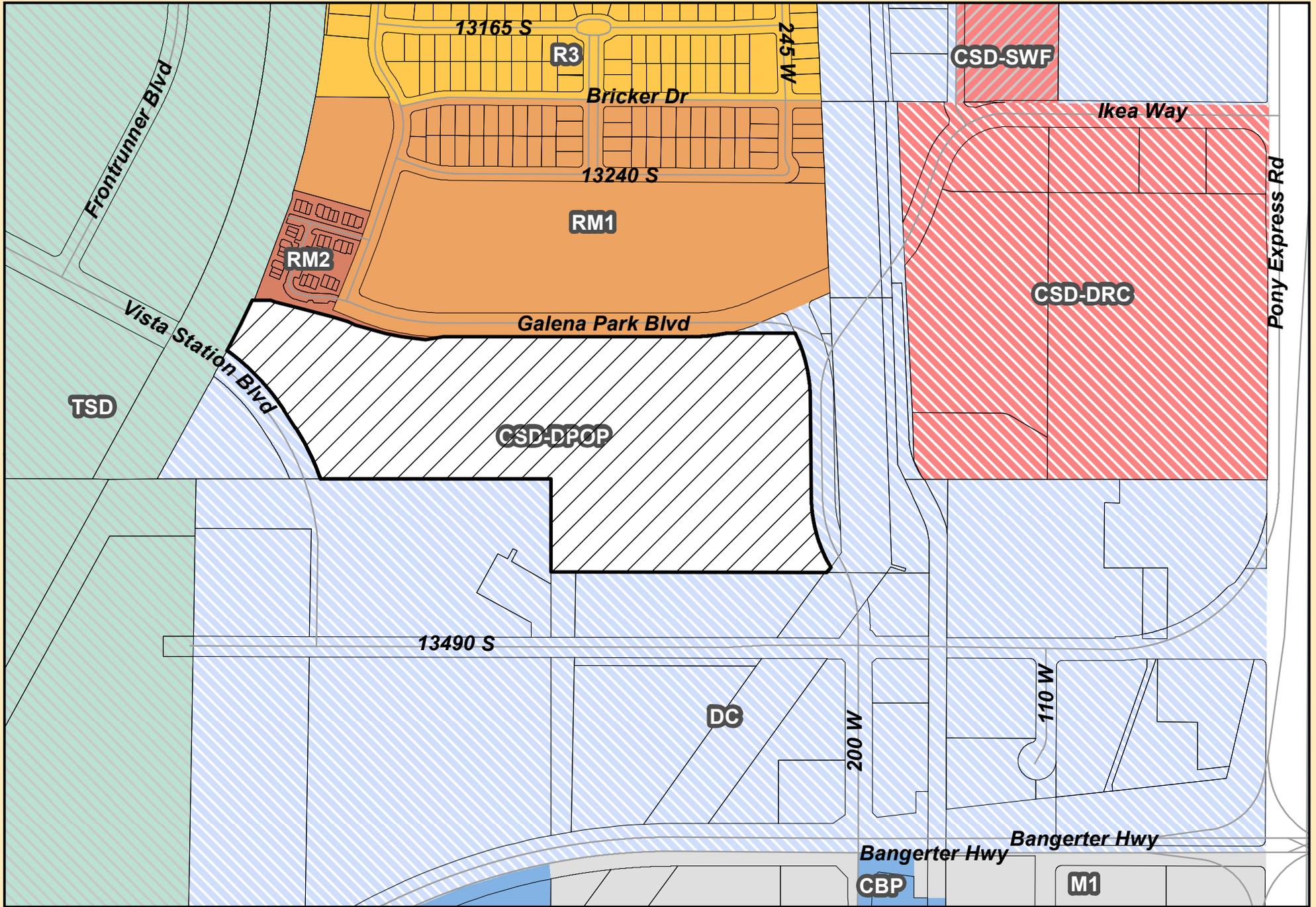
**EXHIBIT B**  
**LAND USE MAP**



Draper Pointe Office Park  
Phase 3 Site Plan



**EXHIBIT C**  
**ZONING MAP**



Draper Pointe Office Park  
Phase 3 Site Plan



**EXHIBIT D**  
**PERMITTED AND CONDITIONAL USE TABLE**

**Section 9-18-080      Draper Pointe Office Park Commercial Special District**

**A. Purpose:** The Draper Pointe Office Park Commercial Special District contains approximately 29.63 acres, located along 200 West and Galena Park Boulevard as shown in Exhibit A. The size of the property allows for a master-planned, mixed-use office park. The Draper City General Plan's goals and objectives are reflected in the overall district elements such as land use, architecture for office and retail uses, signage, site design, and landscape standards. The commercial district of the master plan aims to broaden the commercial tax base of the City while providing amenities to the City residents such as an improved Galena Park Boulevard and pedestrian access to Utah Transit Authority Front Runner Station.

**B. Permitted Uses:**

- Bank or financial institution with drive-through
- Business service
- Church or Place of Worship
- Club, dining
- Club, social
- Convenience store
- Cultural service
- Day care general
- Department store
- Franchise municipal use
- Gasoline service station
- Government service
- Health and fitness facility
- Higher education facility, private
- Higher education facility, public
- Hotel
- Laundry or dry cleaning, limited
- Laundry services
- Media services
- Medical services
- Municipal use
- Office, general
- Personal care service
- Personal instruction service
- Post office
- Pre-school
- Printing and photocopying, limited
- Recreation and entertainment, indoor
- Restaurant, fast food
- Restaurant, general
- Retail, general
- Wireless telecommunications facilities

**C. Development Standards:** The development standards of the Draper Pointe Office Park Commercial Special District will guide the design of the buildings, landscaping, parking and signage located

**EXHIBIT E**  
**PHASE 3 SITE PLAN**



CALL BLUESTAKES  
@ 1-800-662-4111 AT LEAST 48  
HOURS PRIOR TO THE  
COMMENCEMENT OF ANY  
CONSTRUCTION.

**BENCHMARK**

WEST WITNESS CORNER OF SECTION 36  
TOWNSHIP 3 SOUTH, RANGE 1 WEST  
SALT LAKE BASE & MERIDIAN  
ELEVATION = 4431.73'

- KEY NOTES**
- 1 ACCESSIBLE RAMP (PER APWA PLAN NO. 235)
  - 2 ACCESSIBLE PARKING SIGN (SEE DETAIL 12/C-500)
  - 3 ACCESSIBLE STALL PAVEMENT MARKING (SEE DETAIL 11/C-500)
  - 4 4" SOLID WHITE PAVEMENT MARKING PER M.U.T.C.D. STANDARD PLANS & SPECIFICATIONS
  - 5 24" STANDARD CURB & GUTTER (SEE DETAIL 5/C-501)
  - 6 24" REVERSE PAN CURB & GUTTER (SEE DETAIL 6/C-501)
  - 7 5" THICK CONCRETE SIDEWALK PER APWA PLAN 231
  - 8 MONOLITHIC CURB & SIDEWALK (SEE DETAIL 8/C-500)
  - 9 8" WIDE SIDEWALK PER DRAPER CITY STANDARD DETAIL ST-12/C-501
  - 10 PEDESTRIAN CROSSING - STAMPED, COLORED ASPHALT (OWNER TO SELECT COLOR)
  - 11 NOT USED
  - 12 NOT USED
  - 13 LANDSCAPING (SEE LANDSCAPE PLAN BY OTHERS)
  - 14 PEDESTRIAN CROSSING SIGN (TRAFFIC SIGN TYPE (A-2), (R1-5) (36"x36") (YIELD HERE TO PEDESTRIANS))
  - 15 STOP SIGN PER M.U.T.C.D. STANDARD PLANS AND SPECIFICATIONS
  - 16 TRASH ENCLOSURE (SEE DETAILS 1, 2, & 3/SHEET C-502)
  - 17 ACCESSIBLE RAMP (PER ADA) WITHOUT DETECTABLE WARNING SURFACE
  - 18 PAINTED HATCHING PER M.U.T.C.D. STANDARD PLANS AND SPECIFICATIONS
  - 19 INSTALL CURB STOP
  - 20 INSTALL 3" WATERWAY (PER APWA PLAN NO. 211). SEE DETAIL 9/C-500.
  - 21 TRANSITION TO/FROM STANDARD TO FALLOUT CURB & GUTTER.
  - 22 CONCRETE DUMPSTER PAD/APRON (SEE DETAIL 8/C-501)
  - 23 TRANSFORMER (S.E.D./S.A.D.)
  - 24 GENERATOR (S.E.D./S.A.D.)
  - 25 5' WIDE SIDEWALK PER DRAPER CITY STANDARD DETAIL ST-12/C-501

**PHASE 3 AREA CALCULATIONS TABLE**

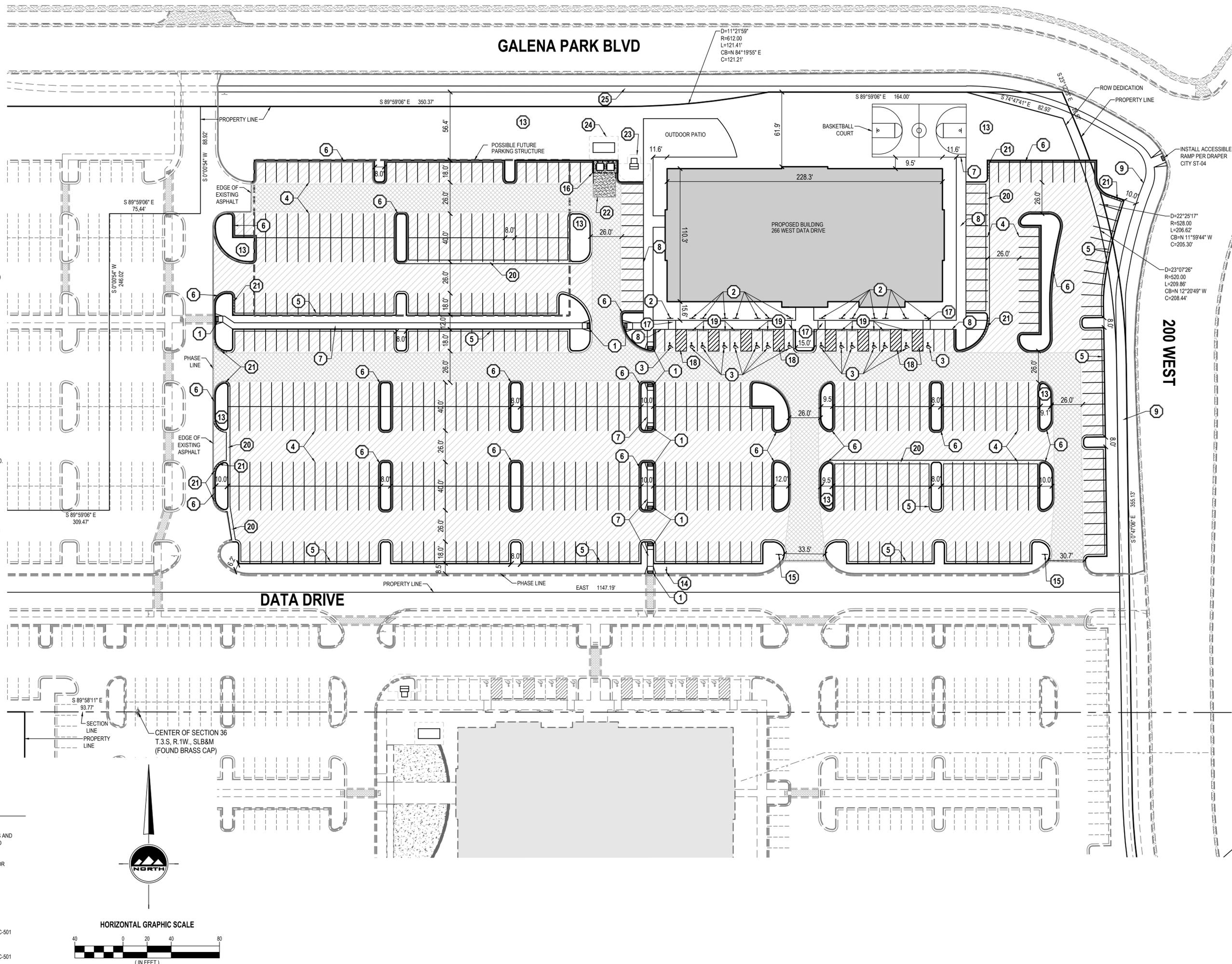
DESCRIPTION	AREA	PERCENTAGE
HARDSCAPE	204,872 s.q. ft.	65%
ROOF	25,712 s.q. ft.	8%
LANDSCAPING	83,760 s.q. ft.	27%
TOTAL SITE	314,344 s.q. ft. 7.22 ACRES	100%
FOOTPRINT SQUARE FOOTAGE	25,000 s.q. ft.	-
TOTAL SQUARE FOOTAGE	150,000 s.q. ft.	-

**PARKING CALCULATION**  
STANDARD STALLS: 547  
HANDICAP ACCESSIBLE STALLS: 15  
TOTAL STALLS: 559

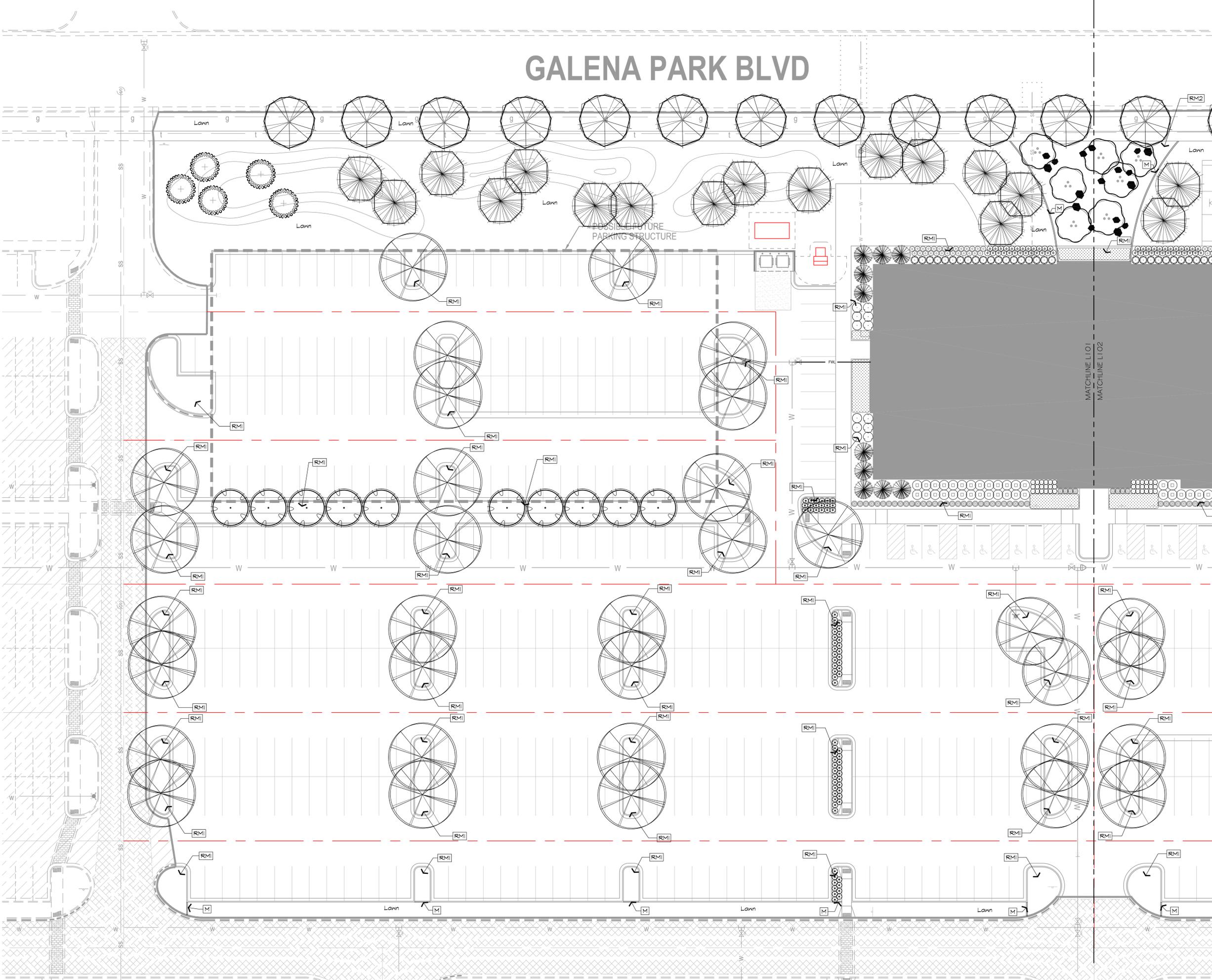
- NOTE**
1. ALL DIMENSIONS TO TBC UNLESS NOTED OTHERWISE.
  2. ALL WORK SHALL COMPLY WITH CURRENT APWA PLANS AND SPECIFICATIONS, AND WITH CITY STANDARD PLANS AND SPECIFICATIONS.
  3. NOTIFY ENGINEER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR PIPE
  4. ARCHITECT WILL SUPPLY THE BUILDING ELEVATIONS.

**DESIGN THICKNESS LEGEND**

STANDARD ASPHALT PAVEMENT		SEE DETAIL 1/C-501
HEAVY DUTY ASPHALT PAVEMENT		SEE DETAIL 2/C-501



**EXHIBIT F**  
**LANDSCAPE PLAN**

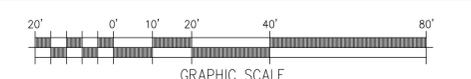


REFER TO SHEET L102 FOR PLANTING SCHEDULE

**A1 OVERALL SITE PLAN**  
 SCALE: 1" = 20'-0"



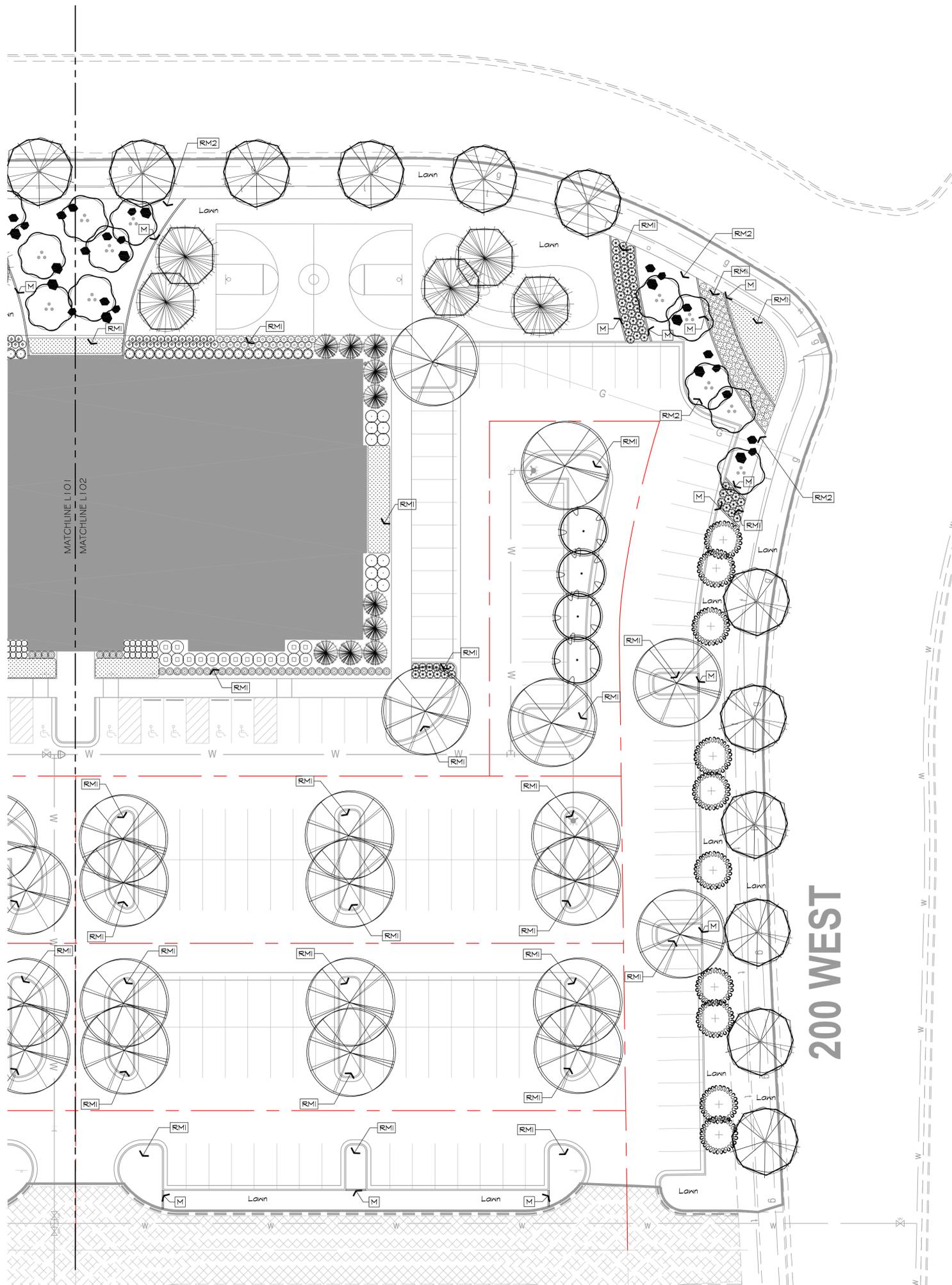
**Landscape Plan**





PLANT SCHEDULE						
TREES	QTY	BOTANICAL NAME	COMMON NAME	CONDITION	SIZE	
	22	Fraxinus pennsylvanica 'Camarro'	Green Ash	B & B	2" Cal	
	47	Gleditsia triacanthos inermis 'Skyline'	Skyline Honey Locust	B & B	2" Cal	
	15	Malus x 'Shotzani'	Showtime Crab Apple	20 Gal.		
	14	Malus x 'Spring Snow'	Spring Snow Crab Apple	B & B	2" Cal	
	12	Prunus virginiana 'Canada Red'	Canada Red Chokecherry	B & B	2" Cal	
EVERGREEN TREES	QTY	BOTANICAL NAME	COMMON NAME	CONDITION	SIZE	
	20	Picea pungens glauca 'Baby Blue Eyes' TM	Baby Blue Eyes Colorado Blue Spruce	B & B	7' HT MIN	
	20	Pinus nigra	Austrian Black Pine	B & B	7' HT MIN	
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONDITION	SIZE	
	36	Berberis thunbergii 'Crimson Pygmy'	Crimson Pygmy Barberry	Container	5 gal	
	50	Cornus sericea 'Kelsey'	Kelsey Dogwood	Container	5 gal	
	18	Cotoneaster dammeri 'Lowfast'	Lowfast Bearberry Cotoneaster	Container	5 gal	
	54	Nandina domestica	Heavenly Bamboo	Container	5 gal	
	43	Physocarpus opulifolius 'Dart's Gold'	Yellow Ninebark	Container	5 gal	
	6	Prunus besseyi 'Pawnee Brides'	Sand Cherry	Container	5 gal	
	38	Prunus laurocerasus 'Otto Luyken'	Otto Luyken Laurel	Container	5 gal	
GRASSES	QTY	BOTANICAL NAME	COMMON NAME	CONDITION	SIZE	
	138	Calamagrostis x acutiflora 'Karl Foerster'	Feather Reed Grass	Container	1 gal	
	70	Festuca ovina 'Hamelin'	Hamelin Dwarf Fountain Grass	Container	1 gal	
ROSES	QTY	BOTANICAL NAME	COMMON NAME	CONDITION	SIZE	
	59	Rosa Meidland series 'White'	White Meidland Rose	Container	5 gal	
GROUND COVERS	QTY	BOTANICAL NAME	COMMON NAME	CONDITION	SIZE	SPACING
	1,612 sf	Hemerocallis x 'Stella de Oro'	Stella de Oro Daylily	Container	1 gal @ 18" OC	

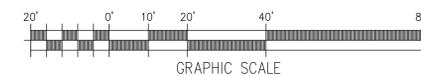
MISC	
Lawn	Kentucky Bluegrass Sod
	6'X6' Cast-in-place Concrete Mowstrip ***Permaloc 3/16" x 5 1/2" Mill Finish Aluminum Edging***
	Install 3" depth 3/4" - 1 1/4" washed Southtown Cobble (Nepth Sandstone) OR 3" depth 3/4" - 1 1/4" washed Nebo Cobble (Staker Parson) OR 1 1/2" Crushed Palomino. Install over DeWitt Pro-5 Weed Barrier.
	3/4" - 1 1/4" Soma crushed rock mulch to 3" depth over weed barrier. (Nepth Sandstone)
	2'-6" to 5' boulders from Brown's Canyon Quarry. Submit Sample To Landscape Architect For Approval. 20% 2'-6" Boulders 30% 3' Boulders 30% 3'-6" Boulders 10% 4' Boulders 10% 5' Boulders
NOTES:	1. See details and specifications for additional information.



**A1** OVERALL SITE PLAN  
SCALE: 1" = 20'-0"

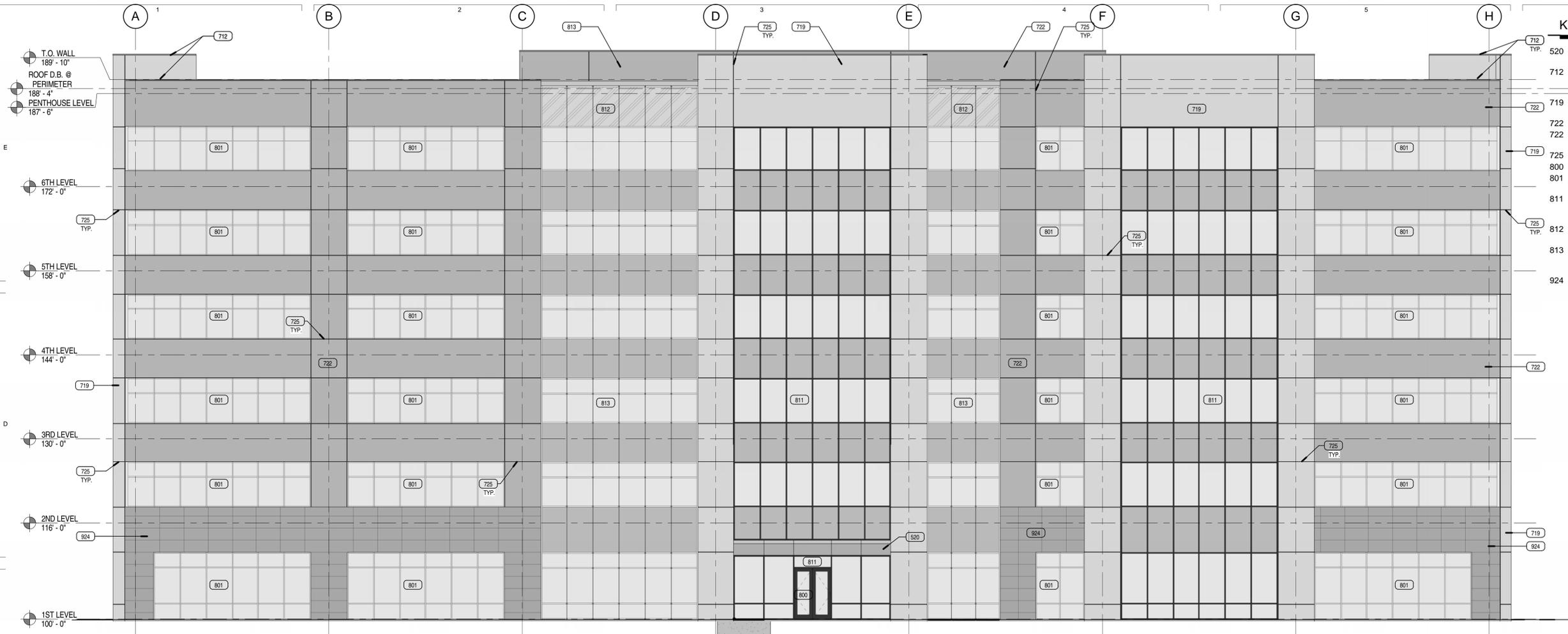


Landscape Plan

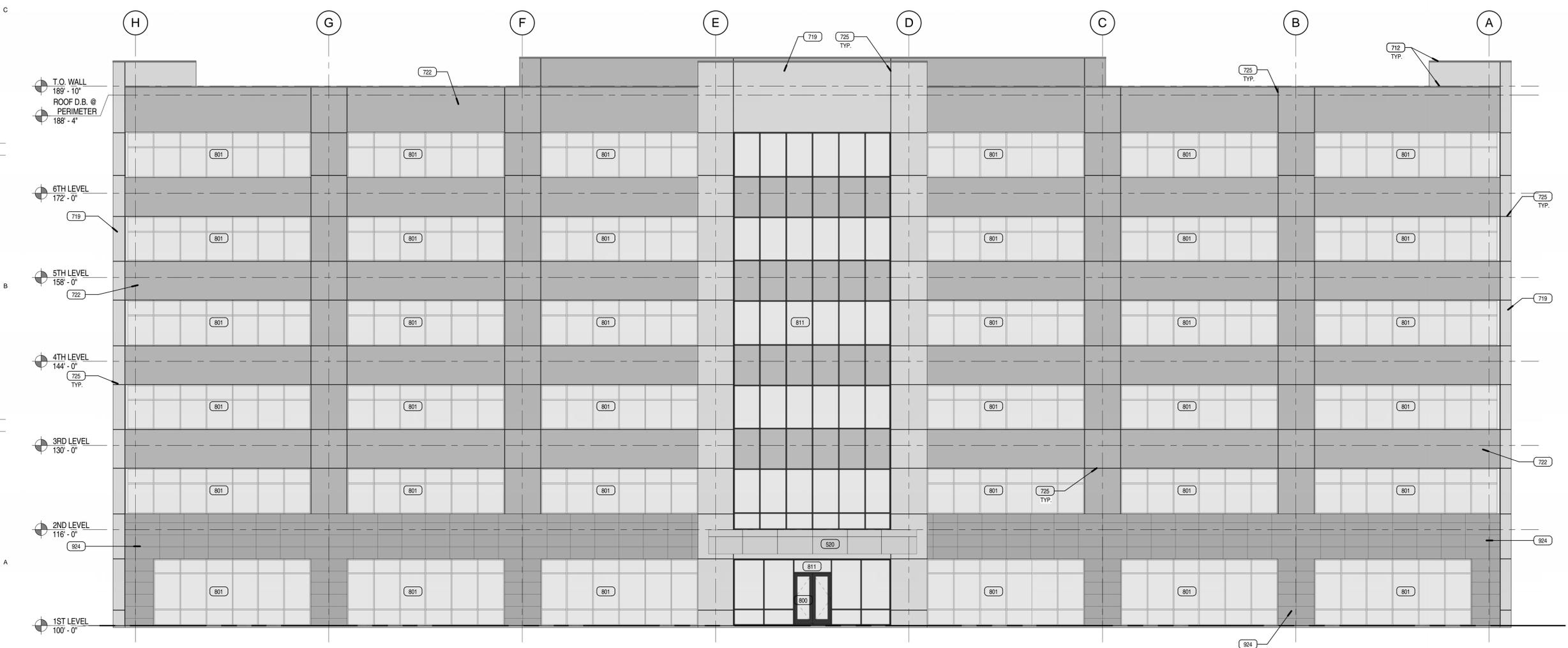


GRAPHIC SCALE

**EXHIBIT G  
ELEVATIONS**



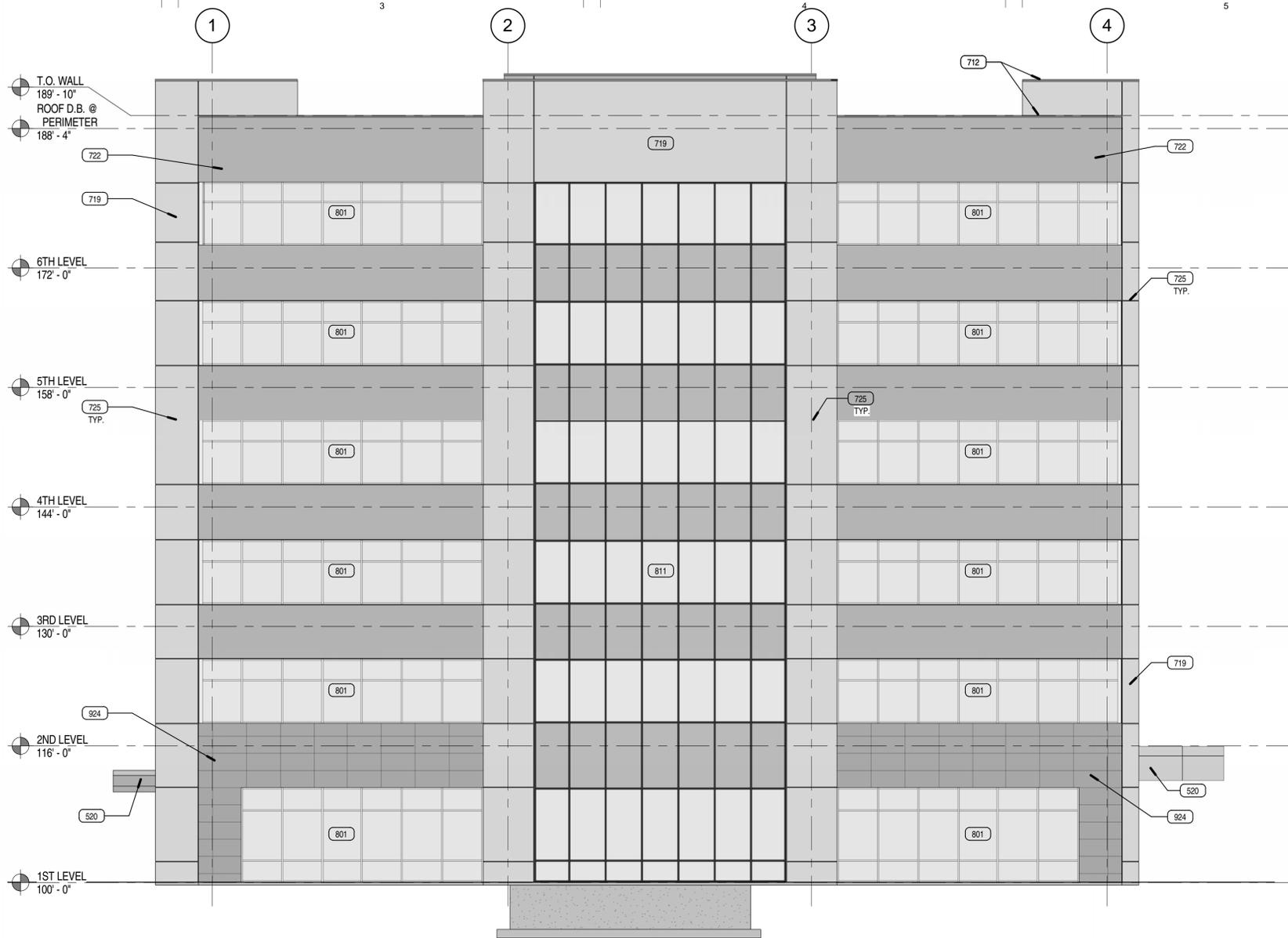
**1 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



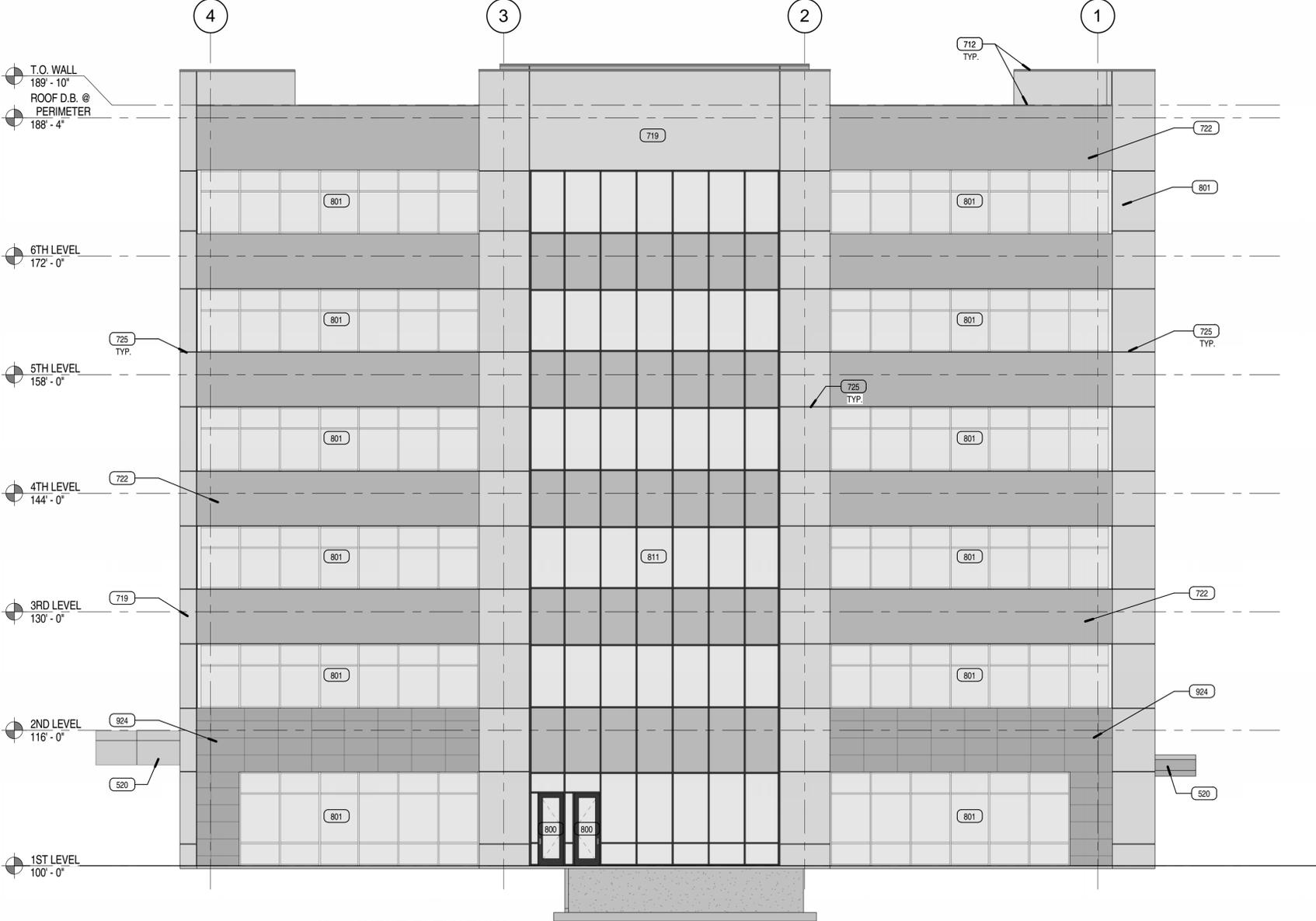
**2 NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"

**KEYED NOTES**

- 520 A.C.M. ALUMINUM PANEL SYSTEM W/ HAIRLINE JOINTS, CLEAR ANODIZED FINISH
- 712 PRE-FINISHED CONT. METAL CAP & CLEAT OVER (2) 2x PRE-TREATED NAILER, PRE-FINISHED CONT. METAL EDGE & CLEAT
- 719 1 1/2" E.I.F.S., COLOR TO MATCH KWAL CL3234D-SHOAL
- 722 1 1/2" E.I.F.S., COLOR TO MATCH KWAL CL3236A-ESTATE
- 725 E.I.F.S. REVEAL
- 800 DOOR & FRAME
- 801 ALUMINUM STOREFRONT WINDOW SYSTEM, CLEAR ANODIZED FINISH
- 811 ALUMINUM CURTAIN WALL WINDOW SYSTEM, CLEAR ANODIZED FINISH W/ DARK BRONZE BEAUTY CAPS
- 812 ALUMINUM FINISHED SPANDREL PANEL IN CURTAIN WALL SYSTEM
- 813 ALUMINUM CURTAIN WALL WINDOW SYSTEM W/ SSG VERTICAL MULLIONS, CLEAR ANODIZED FINISH
- 924 24" X 48" UNPOLISHED WALL TILE BASE, DALTILE - EVER, COLOR: EARTH



**1 EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**2 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

**KEYED NOTES**

- 520 A.C.M. ALUMINUM PANEL SYSTEM W/ HAIRLINE JOINTS, CLEAR ANODIZED FINISH
- 712 PRE-FINISHED CONT. METAL CAP & CLEAT OVER (2) 2x PRE-TREATED NAILER. PRE-FINISHED CONT. METAL EDGE & CLEAT
- 719 1 1/2" E.I.F.S., COLOR TO MATCH KWAL CL3234D - SHOAL
- 722 1 1/2" E.I.F.S., COLOR TO MATCH KWAL CL3236A - ESTATE
- 725 E.I.F.S. REVEAL
- 800 DOOR & FRAME
- 801 ALUMINUM STOREFRONT WINDOW SYSTEM, CLEAR ANODIZED FINISH
- 811 ALUMINUM CURTAIN WALL WINDOW SYSTEM, CLEAR ANODIZED FINISH W/ DARK BRONZE BEAUTY CAPS
- 924 24" X 48" UNPOLISHED WALL TILE BASE, DAL TILE - EVER, COLOR: EARTH

the 1990s, the number of people with a disability in the United States has increased by 25% (U.S. Census Bureau 2000).

As a result of the increase in the number of people with a disability, the need for accessible information has become more acute. The Americans with Disabilities Act (ADA) of 1990 (Public Law 101-354) has provided a legal framework for the development of accessible information. The ADA requires that information be accessible to people with disabilities, and that the information be presented in a format that is accessible to people with disabilities.

The ADA also requires that information be accessible to people with disabilities in a format that is accessible to people with disabilities. The ADA requires that information be accessible to people with disabilities in a format that is accessible to people with disabilities. The ADA requires that information be accessible to people with disabilities in a format that is accessible to people with disabilities.

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**Development Review Committee**  
1020 East Pioneer Road  
Draper, UT 84020  
(801) 576-6539

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**STAFF REPORT**  
August 18, 2014

**To:** Draper City Planning Commission  
Business Date: August 28, 2014

**From:** Development Review Committee

**Prepared By:** Jennifer Jastremsky, AICP, Planner II  
Planning Division  
Community Development Department

**Re: City Initiated 2014 Staff Bulk – Text Amendment Request**

Application No.: 140808-1020E  
Applicant: Draper City  
Project Location: NA  
Zoning: Various  
Acreage: NA  
Request: Request for approval of a Text Amendment to make various changes to the Land Use and Development Code and Subdivision Ordinance.

**SUMMARY**

This application is a request for approval of a Text Amendment. These text amendments have been initiated by the City and are being proposed in order to update code, correct unintentional conflicts, or to make clarifications. In addition, the City is proposing some changes to the text which staff considers a benefit to the City. They cover various topics and section within the Land Use and Development Code and the Subdivision Ordinance.

**BACKGROUND**

The creation and review process for these text amendments started back in June of 2013, with staff simply reviewing lists of needed changes that have been compiled over the years, wherein staff then took those lists and began formulating possible text language. The text amendments attached in Exhibit A have been vetted by the Planning, Engineering, Public Works, Parks, Building, Legal and Finance Divisions and the Unified Fire Authority. In addition, they have been reviewed by the Tree Commission.

The following staff report analyzes the proposed changes by type of change made rather than by section due to the number of modifications. The changes have, however; been organized by the specific title.



## ANALYSIS

### Title 9: Land Use and Development Code.

1. Performance bonds: The text modifications will create allowances for the City to take in bonds for non-public improvements to a site. This standard is important for private properties who may be seeking occupancy prior to the completion of all on-site improvements required with a site plan approval, such as bike racks or dumpster enclosures. A bond for private landscaping improvements is already allowed by Draper City Municipal Code. These changes will all City staff to issue a temporary occupancy and obtain a bond for uncompleted improvements. Once the improvements are completed, the bond can be released and permanent occupancy issued.
2. Definitions: There are eight new definitions being proposed, and two definitions seeing modifications. The modifications are to correct errors within the Code and the new definitions are terms that are currently being used within the Code, but have no definition.
  - Accessory Dwelling Unit
  - Deciduous Tree
  - Development Agreement
  - Evergreen Tree
  - Grade Plane
  - Landscaping
  - Land Use Buffer
  - Ornamental Trees
  - Shade Trees
  - Variance
3. Text Amendments: Staff is proposing findings of fact for text amendments. As of today there are specific criteria that need to be met in order to approve a map amendment, but none for approving a text amendment. These guidelines will help staff, Planning Commission and City Council evaluate text amendment applications. The proposed criteria is below:

#### **“Section 9-5-060 Zoning Map and Text Amendments.**

(e) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making an amendment, the City Council should consider the following factors:

#### (2) Text Amendments:

(i) Whether the proposed amendment is consistent with goals, objectives and policies of the City’s General Plan;

(ii) Whether a proposed amendment furthers the specific purpose statements of the zoning ordinance;

(iii) Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance;

(iv) The proposed amendment will not create a conflict with any other section or part of this title or the general plan;

(v) Whether the potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and

(vi) The extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.”

4. Development Agreements: As the City has seen an increase in the number of development agreements, it seems prudent to add an application and review process for such items. This text amendment would require the agreement to address specific items and follow a review procedure. A new fee will be added to the fee schedule, pending approval of this text amendment, for the new application in the amount of \$500.00. The proposed requirements are below:

**“Section 9-5-200 Development Agreements.**

- (a) Purpose. A development agreement may be negotiated and executed between a developer and the City to set forth the specific requirements, elements and any other aspects of a development.
- (b) Initiation. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the Administrator along with any fees established by the City’s schedule of fees. The application shall include a copy of the proposed development agreement and any related exhibits.
- (c) Procedure. All development agreements, upon proper execution, shall be recorded with the respective County Recorder's Office, shall run with the land, and shall be binding on all successors in the ownership of the affected property. A development agreement shall contain, at a minimum, the following:
  - (1) A legal description of the land subject to the development agreement.
  - (2) The restrictions or conditions to be attached to the property including development standards and the provision of public facilities.
  - (3) The configuration of the project as shown on a project master plan.
  - (4) A statement of the benefits and value the development agreement will have for the City as a whole, including but not limited to assurances of design standards, dedication and improvement of open space, parks, trails, amenities, or infrastructure such as public rights-of-way or utilities.
  - (5) The time frames for performance by the parties.
  - (6) A description of the various city approvals required before the commencement of construction and other procedures that will be required after approval of the development agreement.
  - (7) Provisions for enforcement of the terms and conditions of the development agreement;
  - (8) Provisions for making amendments to the development agreement.
  - (9) The time limitation of the agreement.
  - (10) Such other terms as may be proposed and agreed to between the city and developer or subdivider.”

5. Permitted and Conditional Use Charts: There are a few changes to the use charts within the individual zoning districts. Staff is recommending the removal of duplicate school type listings and making private schools a Conditional Use within the residential zones. Changes also include making Churches or Places of Worship permitted in most zones and cleaning up the types of repair services allowed within the City so that the charts adequately reflect those use types identified in the definitions portion of the code.

6. Geological Hazards: Staff is recommending the modification of three definitions within the Geological Hazards chapter which currently present ambiguous language. The removal of this language may reduce the City's liability in making decisions on geological hazards and buildable areas of lots.
7. Commercial Building Design Standards: The modifications include altering the criteria for deviations to design standards and the design standards themselves. The deviation standards for commercial buildings were modified in 2012 in order to tighten the requirements. Over the last two years, staff has noticed that deviations are difficult to obtain. Coupled with strict architectural standards, many architects have struggled to meet the City requirements. Staff is recommending additional criteria for deviations, which may reduce the difficulties in obtaining a deviation. Also being recommended is an alteration of the actual design standards, including additional façade materials and percentage requirements. The primary section of the proposed language for design standards is below:

**“DCMC Section 9-22-040 (f) Materials.**

(3) Primary Materials. Brick, stone, ceramic tile, ~~wood fiber/composite siding, wood or concrete fiber composite siding, and~~ concrete masonry units (CMU), aluminum composite material, and architectural precast concrete are acceptable primary materials. CMU must be colored and feature decorative or architectural finishes such as honed, scored, offset or split face. Gray CMU block is not an acceptable finished building material and shall not be permitted on any finished building elevation with the exception of minimal foundation exposure. ~~Secondary materials may include exposed concrete, vinyl, stucco, wood siding or metal components. Materials such as awnings, wood timbers and other similar features will be considered accent and not figured into the totals of primary and secondary materials.~~ The following guidelines shall apply when designing a commercial or industrial building:

- (i) Each building face shall have a minimum of two primary materials. At least 75% of each building's finished face shall be in primary materials. ~~No more than 50% of a buildings finished face shall be constructed of any one primary material.~~
- (ii) When brick is used as a primary material, it may be utilized up to 100% of the façade material, in which case, no second primary material will be required.
- (iii) Doors, glass and roofing materials shall not be included in the calculations of primary and secondary materials.

(4) Secondary Materials. Secondary materials may include stucco, EIFS including specialty finishes, metal, exposed concrete, vinyl, shake shingles or wood siding. Materials such as awnings, wood timbers and other similar features will be considered accent and not figured into the totals of secondary materials.”

8. Landscaping: A few changes are being made to the landscaping requirements. The largest change concerns land use buffers. The code currently utilizes a table system which takes into account land use density of adjacent properties and intervening roads. Staff has found that this table system can be difficult for applications to understand and use. It can also be inconsistent in its results. In place of the chart system, staff is recommending a simple straight forward approach. The change would also require a 6-foot tall wall between all commercial, industrial or office uses and residential zones. Possible fencing options are being expanded to include Rhino Rock, Simtek and Trex in addition to the already allowed masonry and concrete. A section of the proposed language is below:

**“Section 9-23-110 Land Use Buffers.**

(a) Land Use Buffer Requirements ~~Calculation~~. The amount of landscaping and fencing required for a land use buffer shall be ~~calculated~~ as follows:

(1) A landscape buffer of 20 feet shall be provided between all commercial and office uses when located adjacent to a residential zone and when a multi-family use is located adjacent to a single-family zone.

(2) A landscape buffer of 30 feet shall be provided between industrial uses and residential uses or zones.

(3) Trees within the buffer area shall be planted at one tree per 400 square feet of buffer area.

i. Trees may be grouped.

ii. Each adjacent residential property shall have at least one adjacent buffer tree.

(4) The rest of the buffer area shall consist of groundcovers, shrubs and planting beds, wherein a maximum of 75% of the buffer area may be planted with groundcovers.

(5) A six foot high masonry, pre-cast concrete, lightweight precast fiber reinforced concrete, lightweight steel reinforced polyethylene plastic, or wood-plastic composite wall shall be used between abutting commercial, industrial, or office land uses and residential zones.

~~(1) Use Table 9-23-3 to calculate the numerical difference between the land use intensity (“LUI”) factors of the two adjoining uses.~~

~~(2) Use Table 9-23-4 to adjust the numerical difference between land use intensities for any intervening road, drainage or utility right of way or easements that separate the sites.~~

~~(3) Use the resulting land use intensity difference to determine buffer design type shown in Table 9-23-5.~~

(b) Exemptions. No land use buffer shall be required between land uses located in the same zone.

(c) Reductions. The ~~Planning Commission~~ Zoning Administrator or designee may reduce land use buffer requirements based on the character of specific uses, building orientations, topographic features, or other unique characteristics of adjoining uses. A reduced buffer shall consist of a minimum ten foot wide landscape buffer and an eight foot tall masonry, pre-cast concrete, lightweight precast fiber reinforced concrete, lightweight steel reinforced polyethylene plastic, or wood-plastic composite wall.”

9. Parking: The modifications will remove some inconsistencies within the code. Currently the landscape code required a ten foot landscape buffer along the property lines. The parking code requires parking lots to be 15 feet from property lines. Staff is recommending that parking lots also be located a minimum of ten feet from property lines.

Staff is recommending the deviations to minimum and maximum parking requirements be altered to allow for a natural 25% deviation in place of the existing 10% deviation. This would create a 25% +/- minimum/maximum parking requirement from that number generated by the Parking Requirement Formulas found in DCMC Table 9-25-1. Within deviations allowed by the Planning Commission, staff is recommending the deviation standards be allowed to be increase or decrease by a maximum of 50%. The code currently limits parking number increases to 25% and decreases to 50%.

Staff is also addressing a few parking formula errors. Church or Places of Worship standards will be modified to requirements which have been used in the past and seem to work well. The parking standards for general office uses are recommended to change in order to allow more flexibility in office parking. This should reduce the number of deviation requests for office buildings. The changes can be found below:

**Table 9-25-1 Parking Requirement Formulas**

Land Uses		Parking Calculation Standards
<b>Public and Civic Uses</b>		
Church or Place of Worship		<del>10 spaces per 10,000 ft<sup>2</sup></del> <u>1 space per 5 seats in the assembly hall or 6 spaces per 1,000 sq. ft. gross building floor area</u>
<b>Commercial Uses</b>		
Office	Call Center	6 spaces per 1,000 ft <sup>2</sup> gross building floor area
	General	<del>3</del> <u>4</u> spaces per 1,000 ft <sup>2</sup> gross building area
	Limited	Per Chapter 9-34
	Medical, Dental, Veterinary	4 spaces per 1,000 ft <sup>2</sup> gross building floor area

10. **Deferred Payments:** The Text Amendments will formally remove the defer payment option for improving public rights-of-way. Applicants will still have an option to pay an assessment in lieu of installing improvements, forming an assessment area or installing the improvements. By removing the deferred payment options, the City has more control over when improvements will be done as the paid assessment money is controlled by the City and grouped together for maximum expenditure options. The deferred payment option leaves installation to each individual property owner. This option is hard to control and enforce.
11. **Second Kitchens and Accessory Dwelling Units:** The way the code is written for Accessory Dwelling Units leaves some ambiguity to whether it is a detached or attached structure to the primary dwelling on the property. After reviewing the code and the intent of the original ordinance for accessory units, staff has determined the intent was for a detached structure. Conflicting language has been removed. In addition, references to restrictions of roomers or boarders are being removed from both sections.
12. **Home Occupations:** Home Occupations are currently limited to single-family dwellings. Staff is recommending this be expanded to include multi-family dwellings. The majority of home based businesses are office uses which have no outside effect on a neighborhood. Staff does not see any reason to restrict these types of uses from a multi-family structure. That being said, an approval letter from a respective association or management company will be required for any business which proposes employees, customers or business vehicles as that would affect available private parking within a multi-family development.
13. **Wireless Telecommunications Facilities:** The code allows wireless telecommunication facilities to obtain a Conditional Use Permit within the residential, commercial, public facilities and industrial zones. Staff is recommending that the agricultural zone also be added for possible consideration. Agricultural areas are good for these types of facilities because they can provide desired buffers and distance from developed neighborhoods. The argument can be made that one day the agricultural property may develop into residential uses, however; our code allows these

types of facilities within residential zones so potential development of agricultural land is an unnecessary concern.

Title 17: Subdivision Ordinance.

1. Definitions: One new definition will be added to the Subdivision Ordinance, and two definitions will be modified.
  - Development Activity
  - Consolidated Fee Schedule
  - Flood Plain
2. Construction Standards: Changes to several sections are being made to clarify that construction standards not only apply to public improvements but also to those private improvements which connect directly into the City's storm drain and culinary water systems.
3. Plat Recordation: Changes in Utah State Code have necessitated modifications when it comes to recordation of plats and the guarantee of public improvements. With these amendments, the Subdivision Ordinance will conform to Utah State Code Sections 10-9a-103, 10-9a-604.5. The proposed language is below:

**“Section 17-1-070 Compliance Required.**

(b) Land or lots within a proposed subdivision shall not be transferred or sold until a final plat of a subdivision ~~has shall have~~ been recorded in accordance with this Title and any applicable provisions of state law. Recordation of the plat ~~Construction of any public improvements~~ shall not ~~occur be commenced~~ until the improvements required in connection with the subdivision have been completed and conditionally accepted; however, upon the developer's request, the City may record the plat prior to the installation of all improvements if the Developer has first guaranteed the installation of improvements as provided herein. Construction of any improvements related to the subdivision, including any land disturbance, shall not be commenced until ~~the final plat is recorded and~~ a land disturbance permit has been issued for the project. Building permits shall not be issued until all ~~infrastructure public improvements related to the final subdivision~~ have been completed, been conditionally accepted by the City Engineering Department as completed, the warranty period has begun, and/or without written approval of all public agencies involved. No building depending on public or private water (potable), and sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational as determined by the City's Building Official and other departments of the City.”

4. Text Amendments: Text Amendment criteria have been added for amendments to the Subdivision Ordinance. These changes are similar to what is being proposed for amendments to the Zoning Code and can be found below.

“Section 17-1-140 Text Amendments. A decision to amend the text of this Title is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making an amendment, the City Council should consider the following factors:

(a) Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;

(b) Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the land development ordinance;

(c) The proposed amendment will not create a conflict with any other section or part of this title or the general plan;

(d) Whether the potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and

(e) The extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.”

5. Warranty Bonds: Formalization of how bonds for warranty periods work are included in the amendments. The code will state that 10% of an original 110% bond will be held for a one year warranty period, with a possible release of the other 100% upon completion and conditional acceptance of all public improvements.
6. Protection Strips: Protection strips have been a minor problem in the past. A protection strip is a narrow piece of land (usually one or two feet wide) that a developer can create at the edge of their property. The intent is to keep adjacent property owners from accessing improvements installed by a developer without some sort of compensation. While protection strips may have their place between privately held property, staff is recommending a ban on protection strips when located at the end of or within the boundaries of a public street or proposed street or within any area intended for future public use. This will prevent one property owner from prohibiting another property owner from accessing an adjacent public road way.

Criteria For Approval. The criteria for review and potential approval of a Text Amendment request is found in Sections 9-5-060(e) of the Draper City Municipal Code. This section depicts the standard of review for such requests as:

- (e) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making an amendment, the City Council should consider the following factors:
  - (1) Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
  - (2) Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;
  - (3) Whether the proposed amendment is consistent with the standards of any applicable overlay zone.
  - (4) The extent to which the proposed amendment may adversely affect adjacent property; and
  - (5) The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

## **REVIEWS**

*Planning Division Review.* The Draper City Planning Division has completed their review of the Text Amendment submission and has issued a recommendation for approval for the request without further comment.

*Engineering and Public Works Divisions Review.* The Draper City Engineering and Public Works Divisions have completed their reviews of the Text Amendment submission and have issued a recommendation for approval for the request without further comment.

*Building Division Review.* The Draper City Building Division has completed their review of the Text Amendment submission and has issued a recommendation for approval for the request without further comment.

*Finance Department Review.* The Unified Fire Authority has completed their review of the Text Amendment submission and has issued a recommendation for approval for the request without further comment.

*Legal Division Review.* The Unified Fire Authority has completed their review of the Text Amendment submission and has issued a recommendation for approval for the request without further comment.

*Unified Fire Authority Review.* The Unified Fire Authority has completed their review of the Text Amendment submission and has issued a recommendation for approval for the request without further comment.

*Tree Commission Review.* The Draper City Tree Commission has completed their review of the Text Amendment submission and has issued a recommendation for approval for the request without further comment.

*Noticing.* The applicant has expressed their desire to obtain a Text Amendment and do so in a manner which is compliant with the City Code. As such, notice has been properly issued in the manner outlined in the City and State Codes.

## **STAFF RECOMMENDATION**

Staff recommends approval of the request for a City Initiated 2014 Staff Bulk Text Amendment, application #140808-1020E.

This recommendation is based on the following findings:

1. The proposed amendments meet the intent, goals, and objectives of the Draper City General Plan.
  - a. Establish community development standards to assure a cost efficient, quality environment for future generations including adequately improved streets, provisions for basic and emergency services and aesthetic experiences.
  - b. Achieve orderly land development patterns which provide for compatible, functional, cost-effective development.
2. The proposed amendments meet the requirements and provisions of the Draper City Municipal Code.
  - a. To promote the health, safety, convenience, and general welfare of present and future

- inhabitants of the City.
- b. To promote the development of a more wholesome, serviceable, and attractive City resulting from an orderly, planned use of resources.
  - c. To regulate future growth and development within the City in a manner which promotes the physical integration of diverse housing forms, the preservation of Draper community values and the social integration of residents from diverse backgrounds in accordance with the General Plan; and to promote the efficient and orderly growth of the City.
3. The proposed amendments will not be deleterious to the health, safety, and general welfare of the general public nor the residents of Draper City.
  4. The proposed amendments will allow for developments which conform to the general aesthetic and physical development of the City.

### **MODEL MOTIONS**

Sample Motion for a Positive Recommendation – “I move we forward a positive recommendation to the City Council for the City Initiated 2014 Staff Bulk Text Amendments for the purpose of various modifications to the Land Use and Development Code and Subdivision Ordinance, application #140808-1020E, based on the findings listed in the Staff Report dated August 18, 2014.”

Sample Motion for a Negative Recommendation – “I move we forward a negative recommendation to the City Council for the City Initiated 2014 Staff Bulk Text Amendments for the purpose of various modifications to the Land Use and Development Code and Subdivision Ordinance, application #140808-1020E, based on the following findings:”

1. List any additional findings...

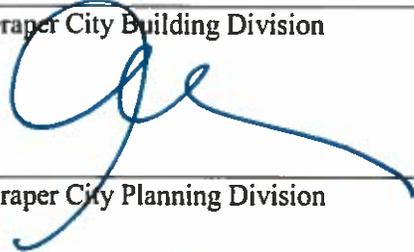
**DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT**

We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission and/or City Council.

  
\_\_\_\_\_  
Draper City Engineering Division

\_\_\_\_\_  
Draper City Building Division

  
\_\_\_\_\_  
Draper City Operations Division

  
\_\_\_\_\_  
Draper City Planning Division

  
\_\_\_\_\_  
Unified Fire Authority

  
\_\_\_\_\_  
Draper City Legal Counsel



**EXHIBIT A**  
**LEGISLATIVE COPY**

**2014**  
**Bulk Text Amendments**  
Draft 4  
Added Text Blue  
~~Deleted Text Red~~  
Existing Text Black

**Section 9-1-190 Improvement and Performance Bonds.**

- (a) All private improvements required under this title or by the City Planning Commission, including, but not limited to, buildings, fences, landscaping, and parking, shall be satisfactorily installed prior to issuance of any occupancy permit for the land being developed. In lieu of actual completion of such improvements and prior to occupancy permit issuance, a developer may file with the City a cash bond or a letter of credit in an amount equal to 110% of the estimated completion costs, to ensure completion of improvements within one year. The estimate of costs shall be provided by the developer's contractors. After bonding for the improvements, the developer is eligible for temporary occupancy. Upon completion of the improvements for which such bond has been filed, the developer shall call for inspections of the improvements by the Zoning Administrator or an authorized agent. The bond shall be released and permanent occupancy granted after verification that the improvements have been installed per the approved plans.
- (b) If the City determines that the required private improvements should be completed in a specified sequence or in less than a one year period in order to protect the health, safety and welfare of the City or its residents from traffic, flood, drainage or other hazards, it may require in approving the bond that the improvements be installed in a specified sequence and period which may be less than one year and shall incorporate such requirements in the bond.
- (c) The improvements covered under subsections (a) and (b) of this section are in addition to and separate from any improvement bonds, escrow deposits or letters of credits required by the Engineering Division for public improvements.

**Section 9-3-040 Definitions.**

**Accessory Dwelling Unit:** A subordinate residential dwelling, ~~either attached to the main dwelling unit or~~ detached from the primary dwelling unit, which has a kitchen, living/sleeping area, and sanitation facilities.

**Deciduous Tree:** A plant species which sheds leaves at the end of the growing season, has a dormant period without leaves and regrows the leaves at the beginning of the next growing season. Most deciduous plants bear flowers and have woody stems and broad leaves rather than needlelike leaves.

**Development Agreement:** A contract between the City and a developer or subdivider which specifies the standards and conditions that will govern development of a property.

**Evergreen Tree:** A plant species with needles or leaves which remain alive and on the tree through the winter months and into the next growing season.

**Grade Plane:** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the structure and a point six feet from the building.

**Landscaping:** The area within a site or lot which consists of living plants, such as trees, shrubs, vines, ground covers, flowers or grass. This area can also include natural features such as rocks, stones, bark chips and structural features such as fountains, ponds, artwork and benches. Landscaping can be used to soften the impacts of the built environment or provide recreational opportunities.

**Land Use Buffer:** An area of natural or planted vegetation located on a property in order to screen and soften the effects that property's land use may pose on adjoining land uses.

**Ornamental Trees:** Either deciduous or evergreen trees which provide decoration within a landscape setting due to a defining feature, such as flowers, foliage, texture, form, shape or other aesthetic characteristics.

**Shade Trees:** A tree grown specifically to provide shade within a landscaped area. While they can be either deciduous or evergreen, these trees are typically tall with spreading canopies.

**Variance:** A modification granted by the ~~Board of Adjustment~~ Appeals and Variance Hearing Officer to a zoning requirement for height, bulk, area, width, setback, separation, or other numerical or quantitative requirement for a building or structure or other site improvements as set forth in this Title.

## **Section 9-5-060 Zoning Map and Text Amendments.**

(e) Approval Standards. A decision to amend the text of this Title or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making an amendment, the City Council should consider the following factors:

### **(1) Map Amendments:**

~~(1)~~ (1) Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;

~~(2)~~ (2) Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

(~~3~~iii) Whether the proposed amendment is consistent with the standards of any applicable overlay zone.

       (~~4~~iv) The extent to which the proposed amendment may adversely affect adjacent property; and

       (~~5~~v) The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection.

(2) Text Amendments:

       (i) Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;

       (ii) Whether a proposed amendment furthers the specific purpose statements of the zoning ordinance;

       (iii) Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance;

       (iv) The proposed amendment will not create a conflict with any other section or part of this title or the general plan;

       (v) Whether the potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and

       (vi) The extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.

**Section 9-5-090 Site Plan Review.**

(d) Procedure. An application for site plan approval shall be considered and processed as provided in this subsection.

(1) A complete application shall be submitted to the office of the Zoning Administrator in a form established by the Administrator along with any fee established by the City's schedule of fees. The application shall include at least the following information:

(i) The name, address and telephone number of the applicant and the applicant's agent, if any.

(ii) The uses for which site plan approval is requested.

(iii) A certified occupancy survey at a scale no smaller than 1" = 100' showing the deed boundary, all deed boundaries of adjacent parcels, and all existing natural and man-made features, such as fences, ditches, buildings, etc., within fifty (50) feet of the property line.

(iv) A set of development plans showing the information required in subsections (~~i~~A) to (~~v~~E) of this section. The information required by each subsection shall be shown

on separate sheets. Plans shall be drawn at a scale no smaller than 1" = 100'. Each set of plans shall be folded to no greater than 8 ½ X 14 inches. ~~Except for the landscaping plan, the plans shall be prepared, stamped and signed by a professional engineer licensed by the State of Utah.~~ Plan sets shall be prepared, stamped and signed by the professional, licensed with the State of Utah, who prepared the drawings or is professionally responsible for the drawings content, including the engineering, landscaping and architectural drawings. A wet stamp will be required for final approved plan sets, with stamp copies acceptable for initial submittals. The Zoning Administrator shall reasonably determine the number of sets of plans required to undertake the review required by this section. One set of plans, reduced to fit on 11 X 17 inch paper, shall be provided.

### **Section 9-5-110 Variances.**

(e) Approval Standards. The following standards shall apply to a variance.

(2) The Appeals and Variance Hearing Officer may find an unreasonable hardship exists only if the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. The ~~Board of Adjustment Appeals and Variance Hearing Officer~~ may not find an unreasonable hardship exists if the hardship is self-imposed or economic.

### **Section 9-5-200 Development Agreements.**

- (a) Purpose. A development agreement may be negotiated and executed between a developer and the City to set forth the specific requirements, elements and any other aspects of a development.
- (b) Initiation. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the Administrator along with any fees established by the City's schedule of fees. The application shall include a copy of the proposed development agreement and any related exhibits.
- (c) Procedure. All development agreements, upon proper execution, shall be recorded with the respective County Recorder's Office, shall run with the land, and shall be binding on all successors in the ownership of the affected property. A development agreement shall contain, at a minimum, the following:
  - (1) A legal description of the land subject to the development agreement.
  - (2) The restrictions or conditions to be attached to the property including development standards and the provision of public facilities.
  - (3) The configuration of the project as shown on a project master plan.
  - (4) A statement of the benefits and value the development agreement will have for the City as a whole, including but not limited to assurances of design standards.

dedication and improvement of open space, parks, trails, amenities, or infrastructure such as public rights-of-way or utilities.

- (5) The time frames for performance by the parties.
- (6) A description of the various city approvals required before the commencement of construction and other procedures that will be required after approval of the development agreement.
- (7) Provisions for enforcement of the terms and conditions of the development agreement;
- (8) Provisions for making amendments to the development agreement.
- (9) The time limitation of the agreement.
- (10) Such other terms as may be proposed and agreed to between the city and developer or subdivider.

**Section 9-6-130 Billboards Exempt.** The provisions of this Chapter shall not apply to billboards. Nonconforming billboards shall be terminated in accordance with applicable provisions of ~~Section 10-9-407 and 10-9-408~~, Utah Code Annotated. In the event such provisions are repealed, nonconforming billboards shall be subject to the provisions of this Chapter.

**Table 9-10-1  
Permitted and Conditional Uses Allowed in Residential Zones**

Uses	Zones							
	RA1	RA2	RH	R3	R4	R5	RM1	RM2
Public and Civic Uses								
Private school	C	<del>NP</del> C	<del>NP</del> C	<del>NP</del> C	<del>NP</del> C	<del>NP</del> C	<del>NP</del> C	<del>NP</del> C
Public school	P	P	P	P	P	P	P	P
<del>School, elementary, middle, or high</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>

**Section 9-11-040 Development Standards.** Development standards within commercial zones shall be as set forth in Table 9-11-~~32~~.

**Section 9-11-070 Special Regulations.**

(a) Establishment of CSD Zones. Each CSD zone is intended to allow a master-planned, architecturally- designed development where customized zoning requirements apply in order to permit flexibility and initiative in site development. The following requirements shall apply to the establishment of any CSD zone.

~~(b) Increased Height Limits. Notwithstanding the height limitations shown on Table 9-11-3 of this Title, greater building height may be allowed in all commercial zones, except the NC and TC zones, pursuant to approval of a Conditional Use Permit.~~

- (1) Each CSD zone shall be at least three ~~(3)~~ acres in size.
- (2) To establish a CSD zone a petition shall be submitted for a text and zoning map amendment as provided in Chapter 9-5-060 of this Title. The following materials shall be included:
  - (i) Proposed zone name and location;
  - (ii) Proposed zone text which shall include:
    - (A) Permitted, conditional, and accessory uses;
    - (B) Proposed development standards, including the following:
      - (1) Land use standards establishing mix of land use types, location, and density;
      - (2) Lot standards establishing requirements for lot area and dimensions;
      - (3) Building setback standards for front, side and rear yards;
      - (4) Design standards addressing building height, building orientation, common and private open space, natural resource protection, architectural design; and
      - (5) Landscaping and buffering standards.
    - (C) Proposed process for approval of development in the CSD zone;
  - (iii) A schematic development plan which shows the following:
    - (A) Location of proposed uses;
    - (B) Height, location and bulk of buildings;
    - (C) Location, arrangement and configuration of open space and building setbacks;
    - (D) Location and design of off-street parking areas; and
    - (E) Number, size and location of all signs.
- (3) In considering a petition for a CSD zone, the proposed zone text and zoning map amendments may be modified by the City to meet the intent and requirements of this subsection (a) and may include regulations and standards other than those proposed by the petitioner.
- (4) A proposed CSD text and zoning map amendment and schematic development plan shall be approved only if, in the opinion of the approving authority, development proposed on the property will:
  - (i) Conform to applicable provisions of the City's General Plan, any applicable master plan, particularly provisions which establish density limitations;
  - (ii) Conform to applicable chapters of this Title; and
  - (iii) Better preserve and enhance the property and neighborhood by integrated planning and design than would be possible under other zoning regulations of this Title.
- (5) Upon approval, each CSD zone shall be given a unique name following the designation "CSD-" and shall be independent of any other CSD zone.
- (6) After approval of a CSD zone and a schematic development plan, and prior to the issuance of any building permits, a site plan shall be submitted as provided in Section 9-5-090 of this Title. Applications for subdivision approval, conditional use permits, and any other needed permits shall be submitted as needed to implement the schematic plan.

(7) Amendments to an approved schematic development plan shall be obtained only by following the procedures required for first approval set forth in this subsection (a).

(b) Increased Height Limits. Notwithstanding the height limitations shown on Table 9-11-32 of this Title, greater building height may be allowed in all commercial zones, except the ~~NCN~~ and ~~TC~~ zone, pursuant to approval of a deviation by the Planning Commission ~~conditional use permit~~. Any deviation shall meet the following standards:

(1) The proposed height shall not have a material adverse effect upon the character of the area or the public health, safety and general welfare.

(2) The proposed height shall be constructed and arranged so as to be compatible with the use and development of neighboring properties with respect to scale and massing.

(3) The building will be designed to relate to the human scale and incorporate at least one of the following:

(i) Architectural detailing included on the ground floor to emphasize the pedestrian level of the building, including but not limited to intermediate cornice line, sign band, awnings or portico feature, change in building materials, and window shape.

(ii) Include architectural detailing at the cornice level or accentuated building zones, when appropriate to the architectural style of the building.

(iii) The roofline contains architectural features that give it a distinctive form or skyline, or the rooftop is designed for purposes such as rooftop gardens, common space for building occupants or the public, viewing platforms, shading or day-lighting structures, renewable energy systems, and other similar uses.

**Table 9-11-2  
Permitted and Conditional Uses Allowed in CSD Zones**

Uses	Zones		
	DP	DRC	SF
<b>Residential Uses</b>			
Multi-Family Residential Buildings	P	NP	NP
<b>Commercial Uses</b>			
Bank or Financial Institution	P	P	NP
Business Equipment Rental and Supplies	P	NP	NP
Business Service	P	NP	NP
Club, Dining	P	NP	NP
Club, Social	P	NP	NP
Day Care, General	P	P	NP
Department Store	P	P	P
Furniture Store	P	P	P
Health and Fitness Facility	P	P	P
Laundry or Dry Cleaning, Limited	P	P	NP

Medical and Dental Clinic	P	P	NP
Office, General	P	P	P
Personal Care Service	P	NP	NP
Printing and Photocopying, Limited	P	P	P
Reception Center	P	NP	NP
Recreation and Entertainment, Indoor	P	P	NP
Restaurant or Retail With Drive-Through Facilities	C	P	NP
Restaurant Without Drive-Through Facility	P	P	NP
Repair Service, Limited	P		NP
Retail, General	P	P	P
Secondhand or Thrift Store, Large, With No Outside Storage and No Drop-Off of Items During Hours that the Business is Closed	C	NP	NP
Vehicle Rental	C	NP	NP
Vehicle Repair, Limited	C	NP	NP

**Table 9-11-32**  
**Development Standards (except CSD zones)**

Development Standard	Zones											
	CN	CC	CR	CG	CI	CB P	CO 1	CO 2	O-R	TC	DC	CS
<b>Lot Standards</b>												
Minimum area of zone	1 acre 2	5 acre s	10 acre s	1 acre	5 acre s	10 acre s	2 acre s	5 acre s	10,000 s.f.	10 acres	5 acres	1 acre
Maximum lot coverage	30 %	50 %	60 %	50 %	50 %	50 %	50 %	50 %	N/A	50%	60%	50%
Maximum lot depth (as a multiple of lot width at widest point)	No requirement											

Minimum lot frontage	No requirement												
Minimum lot width	No requirement												
<b>Building Standards</b>													
Maximum height, all buildings <sup>1</sup>	35 feet	45 feet	45 feet	35 feet	55 feet	55 feet	35 feet	45 feet	24 feet	35 <sup>3</sup> feet	45 feet	25 feet	
Pre-engineered agricultural grade metal buildings	Not permitted												
<b>Setback Standards - Front Yard</b>													
Main Buildings	No requirement <sup>5</sup> ; see Chapter 9-23 of this Title								0-15 <sup>4</sup>	NA	No requirement; See chapter 9-23 of this Title		
Use													
Landscaped Buffer adjacent to Residential Zones	See Chapter 9-23 of this Title										30 ft. min.		
Fencing adjacent to Residential Zones	No requirement; see Chapter 9-23 of this Title										Min. 8 ft. in height		

1 Greater height may be allowed pursuant to a ~~Conditional Use Permit~~ [deviation](#) in all zones except the ~~NC-CN~~ and TC zones pursuant to Section 9-11-070(b) of this Title

2 If property is master-planned for neighborhood commercial zoning, then zone area can be 10,000 square feet.

3 See Section 9-11-090(4)(B)(1) of this Title

4 See Section 9-11-090(4)(A)(1)(a) of this Title

5 [There may be additional setback conditions as required in International Building Code.](#)

**Table 9-11-4**  
**Development Standards in CSD Zones [Reserved]**

**Table 9-12-1 Permitted and Conditional Uses Allowed in Public Facility Zone**

Use	Zones		
	PF	POS	PI
Church or Place of Worship	C	<u>C-NP</u>	<u>C-NP</u>

**Table 9-13-1 Permitted and Conditional Uses Allowed in Manufacturing Zones**

Use	Zones	
	M1	M2
<b>Public and Civic Uses</b>		
<u>Church or Place of Worship</u>	<u>P</u>	<u>P</u>
<b>Commercial Uses</b>		
Repair service, <del>general</del>	P	NP
<del>Repair service, limited</del>	<del>P</del>	<del>NP</del>

**Table 9-13-2**  
**Development Standards**

Development Standards	Zones	
	M1	M2
<b>Lot Standards</b>		
Minimum area of zone	10 acres	10 acres
Maximum lot coverage	No requirement	
Maximum lot depth (as a multiple of lot width at widest point)	<u>No requirement</u>	
Minimum lot frontage	<u>No requirement</u>	
Minimum lot width	<u>No requirement</u>	
<b>Building Standards</b>		
Maximum height, all buildings <sup>1</sup>	45 feet	45 feet
Split-face concrete block buildings	P (subject to requirements of Chapter 9-22 of this Title)	
Pre-engineered agricultural grade metal buildings	<u>P (subject to requirements of Chapter 9-22 of this Title)</u>	
<b>Setback Standards – Front Yard</b>		
All buildings <sup>2</sup>	15 feet or 2 ½ feet for every 1 foot of building height, whichever is greater	
<b>Use</b>	<b>Zones</b>	
	<b>M1</b>	<b>M2</b>

<b>Setback Standards – Rear Yard</b>	
Minimum setback, all buildings	<u>None<sup>3</sup> when adjacent to another manufacturing zone</u> , 50 feet where a lot or parcel abuts a boundary of any residential, commercial, <u>office</u> , or public facility zone
<b>Setback Standards – Side Yard</b>	
Minimum setback, all buildings	<u>None<sup>3</sup> when adjacent to another manufacturing zone</u> , 50 feet where lot or parcel abuts a boundary of any residential, commercial, or public <u>office</u> , facility zone

1 Greater height may be allowed pursuant to a conditional use permit in all zones.

2 Except as modified by the provisions of Chapter 9-27-140(g) of this Title.

3 There may be additional setback conditions as required in International Building Code.

**Table 9-14-1, Allowed Uses in the TSD Zone**

Use	Intensity Areas		
	TSD-1	TSD-2	TSD-3
Repair service; <del>general</del>	C <sup>12</sup>	C <sup>12</sup>	P
<del>Repair service, limited</del>	<del>C<sup>12</sup></del>	<del>C<sup>12</sup></del>	<del>P</del>

**Section 9-18-010 Draper Peaks Commercial Special District**

**B. Permitted Uses**

- 16. Repair service, ~~limited~~

**Section 9-19-020 Definitions.** As used in this chapter:

**Buildable Area** means based on an accepted engineering geology report, the portion of a site not impacted by geologic hazards, or the portion of a site where it is concluded the identified geologic hazards can be mitigated to a level where risk to human life, property and City infrastructure are reduced ~~to an acceptable and reasonable level~~ and where structures may be safely sited.

**Non-Buildable Area** means that portion of a site which a geologic hazards report has concluded may be impacted by geologic hazards ~~that cannot be reasonably mitigated to an acceptable level,~~ and where the siting of ~~habitable structures, structures requiring a building permit, or~~ critical facilities; is not permitted.

**Setback** means an area within which support of ~~habitable structures or~~ critical facilities is not permitted.

## Section 9-20-040 Design Standards.

~~F. Searchlights. The operation of searchlights may be allowed subject to the following conditions:~~

- ~~1. Searchlights may only be operated between the hours of 7 a.m. to 11 p.m.;~~
- ~~2. Searchlights may be used for Special Events only, see section 9-26-110;~~
- ~~3. Searchlights shall not be operated on residentially zoned properties; and~~
- ~~4. Searchlights shall not be limited by this chapter in any way when in operation by public safety personnel during times of training or emergency.~~

**FG.** Exterior Lighting. All exterior lighting, including public street lighting as applicable, shall meet the following design criteria:

1. Background spaces like parking lots shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare.
2. Light sources shall be full cut-off fixtures to minimize the potential for glare and unnecessary diffusion on adjacent property.
3. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensors devices, or turned off during non-operation hours.
4. Light fixtures used to illuminate flags, statues, or any other object-mounted on a pole, pedestal, or platform shall use a narrow cone beam or light that will not produce illumination of 0.2 foot-candles or greater above the object being lit. All such lights shall be recessed such that the surface of the globe is flush with the finished grade or object's base in which the light is mounted.
5. For upward-directed architectural, landscape, and decorative lighting direct light emissions shall not exceed 0.1 foot-candles at the building roof line.
6. Light fixtures shall be located, whenever possible, on the interior of parking areas with light directed such that only the parking areas receive direct light. Wall pack lighting to be located on building facades shall be implemented only for the illumination of building entrance areas and directed such that only the area around building entrances is illuminated.
7. Maximum pole height is 20 feet except as provided in Section 9-20-090.

**GH.** Number of Primary Lighting Poles. The maximum number of primary light poles to be implemented on a site shall be limited to a ratio of one pole for not less than 10,000 square feet of gross site area. If additional lighting is necessary, a bollard or pedestrian scale light pole of not more than eight feet in height may be used.

**HI.** Light Pole Spacing. Light poles shall be spaced such that overlap in the areas of direct lighting is eliminated.

**IJ.** Wall Packs. The implementation of wall pack lighting should be stringently avoided with the exception of sites which are incorporating existing lights on existing structures.

**JK**. Bollards. The use of bollard-style lighting should be the primary illumination source for all pedestrian walkways and areas as well as buildings entry areas.

**KL**. Colors.

1. Light Color. Site lighting is strongly encouraged to be a white light.

2. Pole Colors. Site lighting poles shall be black in color. The Planning Commission may permit colors other than black for lighting poles upon establishing findings that the color: 1) will architecturally match the colors of the building(s) on the site to a greater extent than black; and 2) will less dramatically detract from the appearance of the building(s) on the site than will black poles.

3. Uniformity. All site lighting poles shall be of the same color throughout any one site or development.

**LM**. Light Pole Placement. Site lighting is strongly encouraged to be placed on the site such that the poles do not line the exterior of the site but rather are placed towards the interior of the site to reduce the number of poles on a site and to allow the inherent grade area coverage of the light to be maximized.

### **Section 9-22-030 Deviation from Design Standards.**

(a) Purpose. In the event an applicant requests a deviation from the development standards of this Chapter and has submitted a project that contains features and excellence in design above and beyond those required, the Planning Commission shall have the discretion to amend some or all of the design standards as long as such deviation is consistent with the purpose and intent of the policies and development standards pertaining to the applicable zoning district or land use category as described in this Chapter.

(b) Deviation Criteria. The Planning Commission shall take into consideration at least three of the following criteria in considering a deviation of design standards. ~~Criteria (1), (2), or (3) must be one of the three minimum criteria to request a deviation:~~

(1) The project contains amenities such as pedestrian and bike connectivity in excess ~~as~~ of what's required in the development code and site plan review.

(2) The overall percentage of dedicated public ~~and/or~~ private landscape ~~and~~ open space area exceeds the required amount by more than 10% ~~of public open space area and 50% increase in landscape plant material.~~

(3) The project is a Transit Oriented Development (TOD) and provides connectivity to a transportation facility.

(4) ~~Traffic generation due to creative design is lessened.~~ Traffic impacts on the neighborhood are lessened through programs such as creative design, traffic calming measures, company-wide carpool or transit pass programs.

(5) The project is an accredited LEED development.

(6) The variations are consistent with the purpose of this Chapter and any applicable master plan or ordinance.

(7) The project is required to create a consistent and compatible design in cases which involve redeveloped buildings, additions to existing buildings, minor structures added to a site, or new buildings within a previously approved phased project.

(8) Additional landscape plant material is provided in an amount at least 10% more than the minimum required, including additional planting beds, plants, trees or a combination thereof.

(9) The building design is a specific architectural style, such as contemporary or modern, which utilizes façade materials differently than prescribed in section 9-22-040(f) and is designed by a licensed architect.

(10) The amount of primary materials used for a façade is at least 10% greater than the minimum required amount.

~~(c) Deviation Guidelines. The following formulas are to be utilized in quantifying the amount of deviation approved:~~

~~(1) Landscaping. When landscaping requirements are less than the 20% required, a deviation can be considered if at least three criteria have been met to not less than 15%. For each 1% reduction in landscape/open space requested, the project must increase the landscape material list by 10%.~~

~~(2) Architectural Materials. When the primary material is less than 75%, a deviation may be approved upon meeting the criteria in sub-paragraph (b) by increasing the landscape or open space area of the project for each 1% reduction in the primary material calculation the project must provide a 1% increase in landscape/open space area. In no case may the primary material be less than 50%.~~

~~(3) Setbacks. Any deviation from the minimum ten-foot buffer in the commercial zoning districts shall require an increase in landscape material or open space and no allowed deviation in the area of primary architectural material.~~

~~(c)~~ Request Responsibility. The applicant shall demonstrate to the Planning Commission the benefit of amending the standards of this Chapter by:

(1) providing a written description and analysis of the specific development standards to be lessened. The analysis shall be written by a licensed professional such as an architect, engineer or landscape architect;

~~(2) providing a written analysis of environmental innovations (LEED), creative site plan such as more passive and active open space, unique architectural design that demonstrates enhancement of surrounding uses, and studies such as traffic and circulation studies by licensed professional such as an architect, engineer, landscape architect, that describes in detail the proposed variations and the benefit to the City and the project; and~~

(2) providing a written justification as to why the City should lessen or alter its design standards indicating any benefit to the City or to the project.

~~(c)~~ Findings Required. The Planning Commission may approve deviations from the development standards listed in this Chapter only if it finds, based upon a Finding of Facts as stated in sub-paragraph (b) ~~and (c)~~ of this Section, that the deviation is in the benefit of the health, safety and welfare of the City and the project.

## Section 9-22-040 Building Design.

(c) Façade Articulation. Buildings designed with completely flat façades and monotone color schemes are not permitted. All buildings shall demonstrate articulation of all façades.

(1) Horizontal or vertical façade variations shall occur at least every 30 feet or along a minimum of 60% of the horizontal length of buildings with facades 100 feet or greater. This shall be accomplished by using methods such as:

- (i) variation in the surface plane that may include pop-outs, bays, and recesses;
- (ii) variation in the surface pattern such as arches, banding, and paneling; or
- (iii) distinguished treatment of windows, doors, and eaves that may include molding or framing.

(2) Buildings with façades 100 feet or greater in total length shall have at least one significant façade variation from the primary wall plane whose depth is at least 5% ~~feet of the total façade length~~ and whose width is at least 20% ~~feet of the total façade length~~. There shall be no uninterrupted façades 100 feet or greater in length.

(f) Materials. Quality long-lasting materials shall be required for all buildings in order to contribute to the aesthetics of the community over the long term. Permanence in design and construction will add to the overall value and sustainability of the community.

(1) A minimum of three colors per elevation shall be required.

(2) Color utilization should be sensitive to existing development within the vicinity and the natural landscape in which the project is situated.

(3) Primary Materials. Brick, stone, ceramic tile, ~~wood fiber/composite siding,~~ wood or concrete fiber composite siding, ~~and~~ concrete masonry units (CMU), aluminum composite material, and architectural precast concrete are acceptable primary materials. CMU must be colored and feature decorative or architectural finishes such as honed, scored, offset or split face. Gray CMU block is not an acceptable finished building material and shall not be permitted on any finished building elevation with the exception of minimal foundation exposure. ~~Secondary materials may include exposed concrete, vinyl, stucco, wood siding or metal components. Materials such as awnings, wood timbers and other similar features will be considered accent and not figured into the totals of primary and secondary materials.~~ The following guidelines shall apply when designing a commercial or industrial building:

- (i) Each building face shall have a minimum of two primary materials. At least 75% of each building's finished face shall be in primary materials. ~~No more than 50% of a buildings finished face shall be constructed of any one primary material.~~
- (ii) When brick is used as a primary material, it may be utilized up to 100% of the façade material, in which case, no second primary material will be required.

(iii) Doors, glass and roofing materials shall not be included in the calculations of primary and secondary materials.

(4) Secondary Materials. Secondary materials may include stucco, EIFS including specialty finishes, metal, exposed concrete, vinyl, shake shingles or wood siding. Materials such as awnings, wood timbers and other similar features will be considered accent and not figured into the totals of secondary materials.

(4)5 Exposed tilt-up concrete may be used as a primary material on buildings located in all manufacturing zones and in the CBP zoning classification. Some variation in materials along the base and near the entrances of concrete tilt-ups is required.

(5)6 All projects shall submit a sample board containing actual samples of all exterior surface materials, including roofing materials, in all the colors that~~ey~~ will be used. No photos shall be permitted.

**Section 9-23-010 Purpose.** The purpose of this Chapter is to promote the health, safety and welfare of City residents by establishing minimum standards for the preservation, installation and continued maintenance of landscaping and buffering. This Chapter is intended to achieve the following objectives:

- (a) To protect existing desirable and significant vegetation and trees.
- (b) To promote water conservation by encouraging the use of ~~Xeriscape~~-water wise landscape principles and drought-tolerant landscape material.
- (c) To enhance the value and appearance of property by buffering land uses.
- (d) To reduce air and noise pollution.
- (e) To maintain and improve environmental conditions by providing air purification, oxygen regeneration, ground water recharge and decreased storm water runoff, noise and glare.
- (f) To improve the aesthetic appearance of all development by establishing minimum landscaping, buffering, and site design standards that will blend with and enhance the natural and built environment.

**Section 9-23-030 Deviations from Strict Compliance.**

(a) Deviations Authorized. Since site conditions and development constraints vary greatly among sites, the Planning Commission is authorized to approve landscape plans that deviate from strict compliance with the provisions of this Chapter if it makes the findings required in subsection (b).

(1) Such a deviation may include the use of ~~xeriscape~~-water wise materials in lieu of otherwise required materials.

(2) Any proposed deviation from the requirements of this Chapter shall be:

- (i) Clearly identified on the proposed landscape plan; and

(ii) Accompanied by a written description of the proposed deviation showing how the purpose and intent of this Chapter will be met by the proposed plan.

(b) Findings Required. The Planning Commission may authorize a landscape plan deviation only if it finds the deviation:

- (1) Is consistent with the purpose of this Chapter and any applicable master plan or ordinance;
- (2) Reflects a design that conforms to the requirements of this Chapter to the greatest extent possible and offers alternative methods for addressing the landscape requirement for which a deviation is being requested; Alternative methods may include additional fencing, berming and plant material then what would otherwise be required;
- (3) Will not adversely affect neighboring property owners or residents;
- (4) Will not adversely affect sight distance or otherwise diminish public safety;
- (5) Is justified by site constraints; and
- (6) Is of high quality and integrates aesthetically with the design of the primary buildings on site and established streetscape.

**Section 9-23-050 Site Design Criteria.** Proposed landscape plans shall be reviewed for compliance with the standards of this Chapter and the following design requirements:

(g) ~~Xeriscape~~ Water wise Landscape Techniques. The use of ~~xeriscape~~ water wise landscape practices to minimize the need for supplemental watering is strongly encouraged. Landscape plans should reflect the following techniques:

- (1) Using plant materials with comparatively low moisture requirements;
- (2) Selecting plants on the basis of specific slope, aspect, soil and microclimate conditions;
- (3) Using native and adapted plant species;
- (4) Minimizing the amount of irrigated turf area;
- (5) Planting and designing slopes to minimize runoff;
- (6) Separating irrigation zones according to plant water requirements and using drip/trickle irrigation systems to conserve water;
- (7) Emphasizing soil improvement by conserving topsoil, deeply loosening soil, and incorporating organic matter and amendments based on soil tests; and
- (8) Using mulch in planting areas to reduce weed growth, promote soil cooling, and reduce evaporation.

**Section 9-23-090 Perimeter Landscaping.** Plantings as specified in Tables 9-23-1 and 9-23-2 shall be provided around the perimeter of each development site, except single-family and duplex lots, based on the orientation of property and the classification of the roads adjacent to the site. Perimeter plantings may be located anywhere between the property line and adjacent pavement or structure, in a landscaped area of the minimum horizontal depth designated. However, the minimum number of shade trees along street frontages should be located within

~~fifteen (15)~~ feet of the right-of-way or as close to \_\_\_\_\_ the right-of-way as site features allow. The minimum depth of the perimeter landscaped area along front, rear and interior lot lines shall be ten (10) feet. In instances where the minimum building setback is allowed to be zero per this title, no perimeter landscaping is required between a building and the front property line in order to encourage building presence in the streetscape. Where the requirements of a land use buffer along the same property line exceed those of the perimeter plantings, the land use buffer requirements shall supersede.

**Section 9-23-100 Parking Lot Landscaping.** Every parking lot with more than ten ~~(10)~~ spaces and ~~three thousand five hundred (3,500)~~ square feet shall contain internal landscaped areas based on the following design criteria:

(b) Design. Parking lot islands shall be at least five ~~(5)~~ feet wide and ~~one hundred (100)~~ square feet in area. A minimum of one ~~(1)~~ tree shall be planted per ~~one hundred (100)~~ square feet of overall internal landscaped area, with at least one ~~(1)~~ shade tree planted in each island. The remainder of the island shall be landscaped with additional ~~trees~~, shrubs, ground cover, or turf, and shall include an appropriate irrigation system. Plants and trees may be grouped in order to create larger landscaped area. Plantings should:

- (1) Anticipate foot traffic patterns;
- (2) Be used to discourage foot traffic where dictated by safety concerns; and
- (3) Not impair adequate visibility for the safety of pedestrians and vehicles.

**Section 9-23-110 Land Use Buffers.** Land use buffers are intended to enhance community appearance and welfare by protecting residents and visitors from the traffic, noise, glare, trash, activity, vibration, odor, visual disorder and other adverse or harmful affects associated with some uses. ~~An appropriate buffer shall be provided between uses based on the intensity of the uses as shown on Tables 9-23-3, 9-23-4, and 9-23-5.~~

(a) Land Use Buffer Requirements Calculation. The amount of landscaping and fencing required for a land use buffer shall be ~~calculated~~ as follows:

- (1) A landscape buffer of 20 feet shall be provided between all commercial and office uses when located adjacent to a residential zone and when a multi-family use is located adjacent to a single-family zone.
- (2) A landscape buffer of 30 feet shall be provided between industrial uses and residential uses or zones.
- (3) Trees within the buffer area shall be planted at one tree per 400 square feet of buffer area.
  - i. Trees may be grouped.
  - ii. Each adjacent residential property shall have at least one adjacent buffer tree.
- (4) The rest of the buffer area shall consist of groundcovers, shrubs and planting beds, wherein a maximum of 75% of the buffer area may be planted with groundcovers.

(5) A six foot high masonry, pre-cast concrete, lightweight precast fiber reinforced concrete, lightweight steel reinforced polyethylene plastic, or wood-plastic composite wall shall be used between abutting commercial, industrial, or office land uses and residential zones.

- ~~(1) Use Table 9-23-3 to calculate the numerical difference between the land use intensity (“LUI”) factors of the two adjoining uses.~~  
~~(2) Use Table 9-23-4 to adjust the numerical difference between land use intensities for any intervening road, drainage or utility right of way or easements that separate the sites.~~  
~~(3) Use the resulting land use intensity difference to determine buffer design type shown in Table 9-23-5.~~

(b) Exemptions. No land use buffer shall be required between land uses located in the same zone.

(c) Reductions. The ~~Planning Commission~~ Zoning Administrator or designee may reduce land use buffer requirements based on the character of specific uses, building orientations, topographic features, or other unique characteristics of adjoining uses. A reduced buffer shall consist of a minimum ten foot wide landscape buffer and an eight foot tall masonry, pre-cast concrete, lightweight precast fiber reinforced concrete, lightweight steel reinforced polyethylene plastic, or wood-plastic composite wall.

(d) Relationship to Other Requirements. When the requirements of a land use buffer exceed those of other requirements along a property line, the land use buffer requirements shall apply. ~~Any other plantings required in the area of a land use buffer may be considered in satisfying the requirements of this section.~~

(e) ~~Design and Use of Land Use Buffers~~ Existing Buffer Vegetation and Trees. Retention of appropriate existing plant material is strongly encouraged in land use buffers. Approved existing trees and natural ground cover should be retained where possible by avoiding scraping, grading, sodding and other construction activity within the land use buffer. Where land use buffer standards call for additional trees or shrubs to be installed in an existing natural area, it should be done in a manner which minimizes disturbance to existing plants. In determining whether existing trees and vegetation qualify as satisfying a land use buffer standards, the Planning Commission shall consider the following factors:

- (1) the quality of the vegetation being preserved;
- (2) the effectiveness of the visual screening that will be provided;
- (3) the extent to which the proposed buffer makes use of existing topography and vegetation; and
- (4) the relocation to the land use buffer area of healthy native and existing natural vegetation which would otherwise be removed from areas of the site to be developed.

~~(f) Walls and Fences. When walls or fences are used to meet the land use buffer requirements, they shall be of high quality construction and design appropriate to the surrounding uses and structures. Additionally, eight-foot high masonry or pre-cast concrete~~

~~walls shall be used between abutting commercial, or industrial and residential land uses. Exceptions to the requirements of this chapter, including the requirements in this subsection, may be given only if all six findings in Section 9-23-030 are met.~~

(~~g~~f) Berms. The use of well-designed berms is preferred rather than fences and walls when possible, and when walls or fences are not otherwise required. Berms may be required in land use buffer designs and should be designed to integrate with the natural topography of the site.

(~~h~~g) Compatibility of Plantings. Supplemental buffer plantings shall be compatible with any existing vegetation within the buffer area.

(~~i~~h) Development within Land Use Buffers. Land use buffers may contain non-motorized trails. In no event shall structures or uses, such as, but not limited to, playfields, stables, swimming pools, golf courses, tennis courts, parking lots and vehicular use areas, equipment storage and other open storage, or buildings be permitted within land use buffers.

#### **Section 9-23-130 Monument Sign Landscaping.**

~~(a) Minimum Sign Monument Landscaped Area. An area equal to three (3) times the size of a monument sign's structural base shall be landscaped using ornamental trees, shrubs, groundcovers, rock beds or other decorative ground treatments contrasting with the lawn or other predominant groundcover on the site.~~

~~(b) Minimum Landscaping. Minimum monument sign landscaping shall include the following:~~

- ~~(1) One shade tree per five hundred (500) square feet of required landscaped area;~~
- ~~(2) One ornamental tree per two hundred (200) square feet of required landscaped area;~~
- ~~and~~
- ~~(3) One shrub per twenty (20) square feet of required landscaped area.~~

~~(c) Landscape Design Concept. The landscaped area shall surround and integrate with the monument sign and shall use various materials of different heights and textures to provide design interest and incorporate the sign into the overall landscape program. Street trees and additional shade trees, where required, should be located so as to accent the sign while assuring its visibility.~~

**Section 9-23-14-30 Tree and Landscape Material Standards.** Minimum required tree and landscape material standards shall be as follows:

(b) Plant Quality. Plants installed pursuant to this Chapter shall conform to or exceed the plant quality standards of the most recent edition of *American Standard for Nursery Stock*, published by the American [Nursery and Landscape Association](#) ~~of Nurserymen~~.

**Section 9-23-1540 Installation, Irrigation, Maintenance and Replacement.** Any required landscaping shall be installed, maintained, irrigated and replaced in accordance with the following standards:

**Section 9-23-1650 Substitution of Plant Materials.** The Zoning Administrator shall have the authority to approve the installation of comparable substitute plant species or materials to satisfy the requirements of an approved landscape plan when the approved plants and landscape materials are not available at the time that installation is to occur or when other unforeseen conditions prevent the use of the exact materials shown on the approved landscape plan. The Zoning Administrator may not reduce the number of plants required. Any significant change to landscaping plans previously approved by the Planning Commission shall be subject to review and approval of the Planning Commission.

**Section 9-23-1760 Temporary Suspension of Landscaping Installation.** The installation of landscaping required by this Chapter may be temporarily suspended, in individual cases, by the Zoning Administrator during periods of adverse weather conditions or when plants and landscape materials are not available. If the landscape standards of this Chapter are suspended, the Zoning Administrator shall enter into an agreement with the landowner that will allow issuance of a temporary certificate of occupancy.

**Table 9-23-3  
Land Use Intensity Factor**

<b>Land Use</b>	<b>Land Use Intensity Factor</b>
Residential, less than four (4) units per gross acre	1
Residential, 4-8 units per acre	3
Residential, 9 or more units per acre	6
Office <sup>2</sup> , Less than .50 ISR <sup>1</sup> and 2 stories or less	5
Office, .51-.65 ISR and 2 stories	6
Office, Over .66 ISR or over 2 stories	7
General commercial <sup>3</sup> , less than .65 ISR	7
General commercial, .66 ISR or greater	8
Heavy commercial <sup>4</sup>	9
Warehouse, light manufacturing	8
Manufacturing	9

Notes:

1. "ISR" means "impervious surface ratio," the amount of land covered by buildings and pavement to the total development area.
2. "Office" includes uses allowed in CO1, CO2, and O-R zones.
3. "General commercial" includes uses allowed in CN, CC, CSD, CBP, TC, CS, PF, POS, and PI zones
4. "Heavy commercial" includes uses allowed in CR, CG, CI, and DC zones.

5. Vacant land use intensity shall be determined based on the current zone or General Plan land use designation, whichever is the most intense.
6. "Acre" means gross acreage.

**Table 9-23-4  
Credit for Intervening Right-of-Way**

Width of Right-of-Way or Easement	Reduction of LUI Difference
Local road	1
Collector road	2
Arterial road	3
Limited access highway	4
Utility or drainage easement, 20-50 feet	1
Utility or drainage easement, 51-100 feet	2
Utility or drainage easement, 101-150 feet	3
Utility or drainage easement, 151 feet or more	4

**Table 9-23-5  
Land Use Buffer Design Type**

Buffer Type		Planted Per 100 Linear Feet of Buffer		
LUI difference	Width (feet)	Shade trees	Evergreen trees	Shrubs
1	10	2	3	10
2	10	2	4	15
3	20	3	8	20
4 <sup>1</sup>	30	4	10	25
5	40	5	12	35
6	50	6	14	40
7	60	7	16	45
8	70	8	18	50

Notes:

1. On buffers where the LUI difference is 4 or greater, ornamental or evergreen trees may be substituted for one-third of the required shade trees.

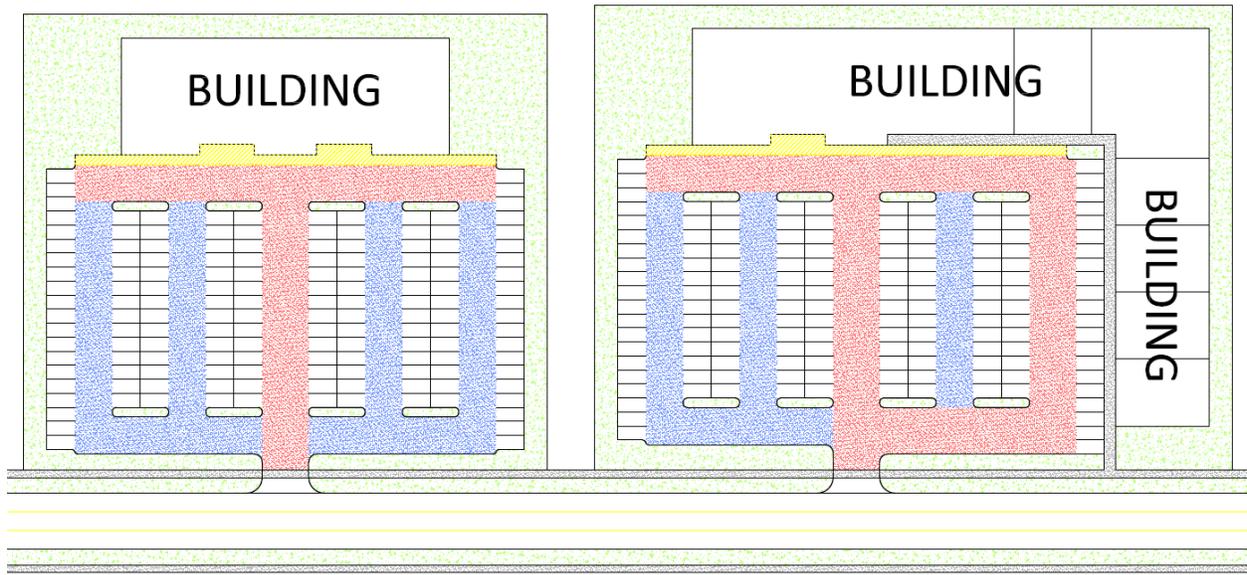
**Section 9-25-080 Parking Area Design and Construction.**

- D. Parking Setback. All on-site parking areas shall be set back at least ~~15~~ten feet from any public or private right-of-way. The setback area shall be established with bermed vegetative ground covers or plantings that provide screening of the parking area from the right-of-way.
- K. Public Safety Aisles. Every lot or parcel that includes a parking area with internal vehicular aisles for access to parking spaces shall provide public safety access and facilitation aisles. Public safety aisles shall conform to the Fire Code adopted by the State of Utah, as adopted by the Unified Fire Authority. ~~Those public safety aisles shall be a minimum of 30 feet in width, measured from curb face to curb face and as shown in Table 9-25-2, regardless of~~

whether the aisle accommodates one or two-way traffic. Public safety aisles, as represented and depicted in the Figure 9-25-3, shall consist of all aisles that:

1. provide access from a public or private street;
2. provide frontage for, or which abut any side of, one or more buildings or business;
3. provide direct access to the front of the building according to the most direct route from a public or private street; or
4. are deemed critical by the fire or police department for access to one or more buildings in the event of a public safety emergency.

**Figure 9-25-3 — Public Safety Aisles.**



**24' Standard Parking Aisles**  
**30' Emergency Access Routes**

### **Section 9-25-090 Deviations From Strict Compliance for Parking.**

- A. Natural Adjustment Range. In recognition that many factors can be unique to various potential uses of land in the city, parking requirements established in Table 9-25-1 may be modified to increase or decrease the parking calculation requirements by a maximum ~~ten percent~~ 25% without necessity of requesting a formal modification as outlined in this Section.
- B. Deviations From Strict Compliance. The number of parking spaces required under Section 9-25-060, or the parking calculation requirements shown in Table 9-25-1, may be deviated in accordance with the provisions in this section. The purpose of such a deviation is to provide flexibility beyond natural adjustments to this chapter in order to adapt to specific circumstances, reduce potential environmental impacts, and conserve resources. In cases where parking in amounts other than required herein may be appropriate, the Planning Commission may approve a request for a modification, by way of a Parking Study, to

increase or reduce parking requirements based on findings found in Section 9-25-090(C). In no case shall the requirements be increased ~~more than 25 percent~~ or reduced by more than 50 percent from the standard calculation established in Table 9-25-1 for the use or uses considered. When a deviation from strict compliance is approved by the Planning Commission, parking shall be provided according to the standard approved under that deviation with a natural adjustment that only provides for parking closer to the requirement being deviated.

**Table 9-25-1 Parking Requirement Formulas**

Land Uses		Parking Calculation Standards
<b>Public and Civic Uses</b>		
Church or Place of Worship		<del>10 spaces per 10,000 ft<sup>2</sup></del> <u>1 space per 5 seats in the assembly hall or 6 spaces per 1,000 sq. ft.</u> gross building floor area
<b>Commercial Uses</b>		
Office	Call Center	6 spaces per 1,000 ft <sup>2</sup> gross building floor area
	General	<del>34</del> spaces per 1,000 ft <sup>2</sup> gross building area
	Limited	Per Chapter 9-34
	Medical, Dental, Veterinary	4 spaces per 1,000 ft <sup>2</sup> gross building floor area

**Section 9-26-030 Definitions.**

**Area of a Sign.**

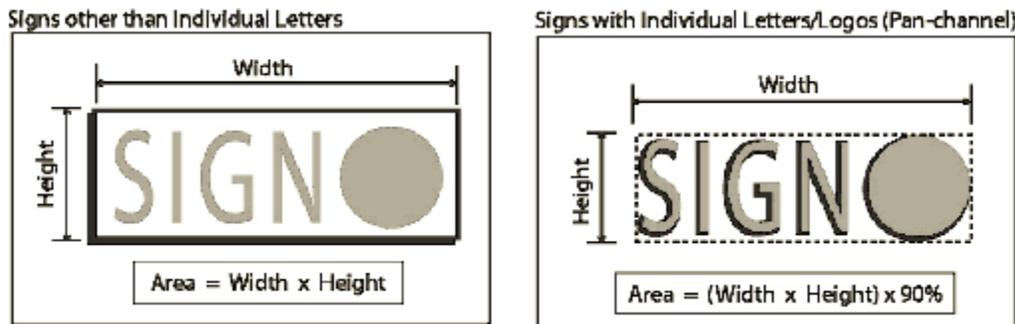
A. For signs designed with a cabinet, the area of the sign will be that of the cabinet face, excluding the outer edge of any border.

B. For signs not designed with a cabinet, the area of the sign is 90% of the area enclosed within the smallest regular geometric shape needed to completely encompass all letters, logos, and insignias of the sign, including horizontal spacing between letters, logos, and insignias. Words, abbreviations, logos, and insignias may be calculated independently to determine the area of such signage.

**Section 9-26-060 General Provisions.**

A. Sign Area Measurement. Signs which use a cabinet shall have their area determined to be the area of the entire cabinet face, excluding its border, visible from the outside of the sign. In the case of individual letters used as a sign, the area is ~~90% percent~~ of the area enclosed within the smallest regular geometric shape needed to completely encompass all letters,

insignias, and symbols of the sign including horizontal spacing between letters, insignias, symbols, and any extension of support structures not enclosed within the area of all individual letters. Sign measurements shall also be subject to the following:



1. The supports, uprights, or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights, or structure are designed in a manner as to form an integral background of the display.
2. Sign area shall be calculated for one sign face except as otherwise stated for particular sign types in this chapter.
3. Sign allowances shall include all on-premise signs unless under this chapter a particular type of sign:
  - i. is expressly excluded from the calculation of sign allowances; or
  - ii. has a separate basis for calculating sign area.
4. For signs using individual letters, the area of the entire sign shall be calculated using a single regular geometric shape, [albeit words, abbreviations, logos, and insignias may be calculated independently to determine the area of such signage.](#)

**Section 9-27-080 Fences and Visual Obstructions.** Any fence, wall and other similar structure or landscaping in a required front yard which is a visual obstruction shall meet all of the following requirements:

- (a) Height. A visual obstruction, [excluding trees](#), shall not exceed four feet [in height](#) unless a greater height is allowed by a conditional use permit or as otherwise permitted in this title.
- (b) Driveways. No obstruction to view in excess of three feet in height shall be placed at any driveway or automobile access-way within the triangular area formed by connecting the points of intersection of the side driveway or access-way line and the property or side street line with points twelve feet along the property line and twelve feet along the driveway line.
- (c) Corner Lots. In all zones which require a front yard, no obstruction to view in excess of three feet in height shall be placed on any corner lot within a triangular area formed by the right-of-

way boundary and the line connecting them at points 30 feet from the intersection of the right-of-way boundary line, except for:

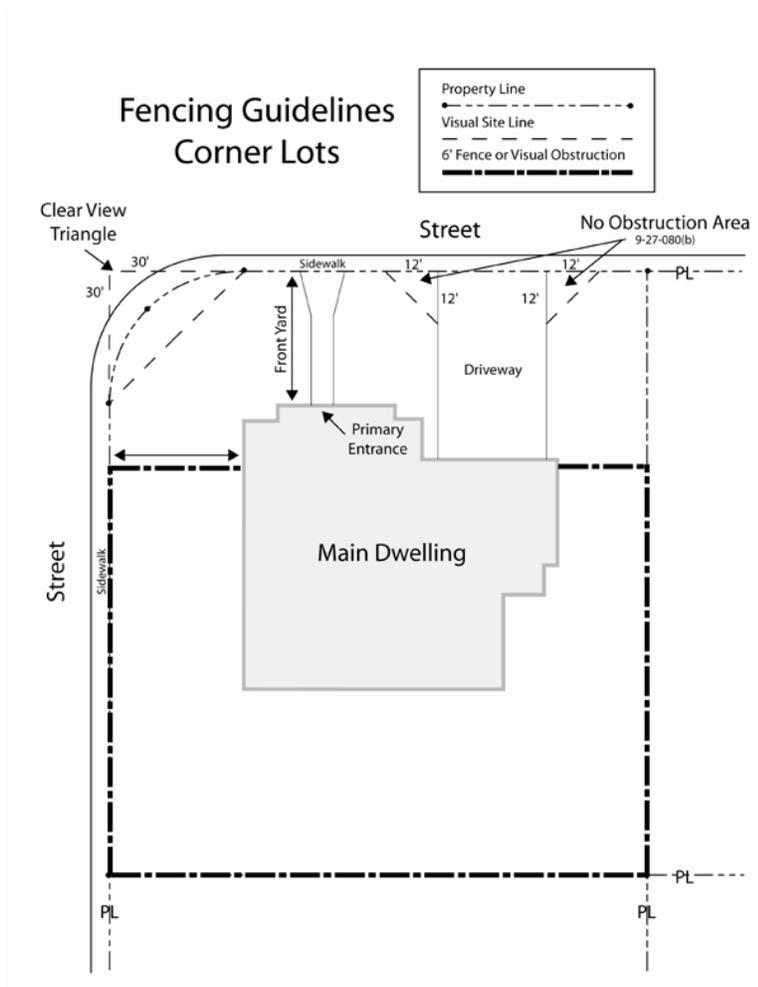
- (1) A reasonable number of trees pruned high enough to permit unobstructed vision to an automobile driver; or
- (2) Monument identification signs when permitted by this Title.

   (d3) For purposes of locating fences, walls, landscaping and other similar visual obstructions, a corner lot shall have one front, which is defined as parallel with the side of the residential structure which contains the primary entrance.

(d) Trees. All mature trees located within 15 feet from a street curb shall be pruned to remove all branches to a height of at least seven feet above the elevation of the curb. For streets that have no curb, this provision shall apply to trees within 15 feet from the edge of street pavement. New trees planted within 15 feet of the curb or edge of pavement shall be of a type which allows for the required pruning when maturity is reached. In no case shall any tree restrict visibility within the public right of way such that conditions deemed unsafe by the City Engineer are created for the traveling public.

(e) Other Visual Obstructions. Visual obstructions between six and ten feet in height shall be allowed only behind the front building line. All visual obstructions over six feet high shall require a conditional-use permit. Any visual obstruction over six feet in height must meet the setback requirements for accessory buildings unless otherwise permitted by a conditional-use permit, except that no wall shall be constructed within a utility easement without the prior written permission of all affected utility companies.

(f) Figure 1. Corner Lot Fencing Guidelines.



**Section 9-27-090 Flag Lots.** Flag lots for single family residences may be allowed to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this Title 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.

(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 narrow staff portion that is contiguous with a wide flag portion.

(2) The staff portion of the lot shall front on and be contiguous to a street, whether public or private. The minimum width of the staff portion at any point shall be 20 feet. However, a greater staff width for lots within the sensitive lands overlay zone may be required or where required by the Fire Code. The maximum length of the staff shall be 500 feet. The maximum

grade of the staff shall not exceed 12% in the direction of intended traffic flow on the staff. The staff portion of the lot shall generally follow property contours.

(3) The size of the flag portion of the lot shall conform to the minimum lot size requirement of the zone in which the lot is located, but in no case be less than 15,000 square feet. Sufficient turnaround space for emergency vehicles 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. Regardless of the zone, the minimum front yard setback shall be 25 feet and all other setbacks for main buildings shall be a minimum of 20 feet.

(6) Screen fencing may be required to be erected around the staff and flag portions of the lot.

(7) ~~The main building shall be located no more than 250 feet from a fire hydrant, measured along a public or private right-of-way or along the staff portion of the flag lot. Fire hydrants shall be provided to service the flag lot as required by the Utah State adopted fire code. An easement for a~~Any fire hydrants located ~~on private property in the public rights-of-way~~ shall be ~~provided~~ dedicated to the ~~City water provider~~ for access to and maintenance of the hydrant. The Fire Chief shall review proposed flag lots to insure adequate space and site configuration for turn-around of emergency vehicles.

(8) All driveways located in the staff portion of the lot shall be paved within 100 feet of any pre-existing house on a neighboring parcel.

(9) 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.

(10) Clear address signage must be installed and maintained at the street, including notice that the driveway is a private right-of-way.

(11) When the staff of a flag lot exceeds the minimum width requirement of 20 feet, the developer shall construct frontage improvements along the entire width of the staff, in accordance with the requirements set forth in Sections 9--27-100 and 17-5-060(b).

**Section 9-27-110 Frontage Improvements - Methods of Providing.** In lieu of requiring full frontage or right-of-way improvements, including without limitation, curb and gutter, parking strips and associated landscaping, sidewalk, and paved street improvements, the City may authorize a developer to satisfy street frontage improvement obligations in one of the following ways:

(a) Install Improvements. Install a fair-share of improvements according to the City Engineer's calculations, of the developer's obligation applied to one or more of the full frontage improvements that extend beyond the developer's property to complete a tie-in or to a logical terminus.

(b) Form an Assessment Area. Form an assessment area, pursuant to the Utah Code Annotated, to complete the developer's fair-share of improvements and additional improvements to benefit the neighborhood.

(c) Pay Assessment. Place funds in an escrow account equal to the estimated cost, as determined by the City Engineer's calculations, and as approved by the City Council, of the developer's obligation for frontage improvements. Such funds shall go to the installation of street and frontage improvements in projects determined by the City according to its discretion of priority. Placement of the funds into an escrow account shall not be construed to imply or guarantee to the developer a specific time when improvements will be installed on the frontage or right-of-way with funds from a City-sponsored improvement project. However, such escrow shall exempt the developer from participating in a special improvement district formed by the City for the same improvements. Any interest which may accrue on escrowed funds shall be available to the City for use in the improvement project.

~~(d) Defer Payment.~~

~~1. Eligibility. Single family residential properties having frontage on or primary access from any deferral eligible street may enter into an agreement with the City for the deferring of right-of-way frontage improvements, when required. Deferral eligible streets are:~~

~~i. Boulter Street.~~

~~ii. Lauritz Ave (12500 South) between Relation Street and 1700 East.~~

~~iii. Relation Street.~~

~~iv. 12900 South from 1300 East to Boulter Street.~~

~~v. 1100 east from Lone Peak Lane to 13400 South.~~

~~vi. 12500 South from 700 East to 900 East.~~

~~vii. 13430 South from 1300 East to 1400 East.~~

~~viii. 13560 South from 150 East to 300 East.~~

~~ix. 800 East from 12000 South to 12200 South.~~

~~2. Agreement. Eligible properties desiring to defer necessary right-of-way frontage improvement may enter into a signed written agreement with the City to be recorded against the property in the office of the County Recorder that binds the property owner, their successors, and assigns to pay for and install all required improvements at a later date upon demand by the City. Such agreements, in a form acceptable to the City Attorney, shall be signed by the City Manager, following the approval of terms by the City Engineer.~~

## Section 9-27-120 Height Limitations and Exceptions.

(a) Method of Measurement. Except as provided elsewhere in this Title, height shall be measured as follows:

- (1) Fences, walls, and hedges shall be measured from the average finished grade of the fence, wall, or hedge line.
- (2) Where there is a difference in the grade of the properties on either side of a fence or wall located on the boundary line of a lot or parcel, the height of a fence or wall shall be measured from the ~~lowest~~ upper grade of the adjoining properties ~~except that in any instance a four (4) foot high fence shall be allowed wherein the measured height may equal six feet at the upper grade.~~
- (3) Measurement of height of an accessory building shall be as outlined in 9-10-040(A) of this Title.

(b) Additional Height Allowed. The provisions of this Title shall not apply to restrict the height of church spires, towers or belfries; clock towers, cupolas, or domes not used for human occupancy; monuments; chimneys; water tanks; elevator bulkheads; or properly screened mechanical appurtenances located on the roof of a building. Public and semi-public utility buildings may be erected to a height not exceeding ~~thirty-five (35)~~ feet if the building is set back from each property line at least one ~~(1)~~ foot for each additional foot of building height above the normal height limit required for the zone in which the building is located.

~~(e) Maximum Height of Accessory Buildings. No building which is accessory to a single-family or a multiple-family dwelling with four (4) or fewer dwelling units shall be erected to a height greater than twenty (25) feet measured from average grade to the peak of the roof.~~

~~(c)~~ Minimum Height of Main Buildings. No dwelling shall be erected to a height less than one story above grade except that the Planning Commission may authorize dwellings designed to be completed with earth mounds when all applicable building and safety code regulations are met.

## Section 9-27-150 Private Rights-of-Way.

(g) ~~Ownership Easement.~~ Each private right-of-way shall be established in one of the following ways: ~~the form of an easement acceptable to the Draper City Attorney and recorded with the County Recorder.~~

- (1) As an easement acceptable to the Draper City Attorney and recorded with the County Recorder.
- (2) As a separate piece of property owned in common by all property owners who access the road.

**Section 9-27-220 Construction Trailers and Model Homes.**

(a) Construction Trailers. Developments may have an on-site construction trailer, exclusive of those that come and go on a daily basis, subject to the following requirements:

(1) Use and Placement. ~~A-e~~Construction trailers may be used as a means to house offices related to the construction and development activities on the site. ~~A-e~~Construction trailers may also be used as space for the purpose of hiring employees prior to the opening of the business.

i. Duration.

a. Non-Residential Development.

(1) A construction trailer may be placed on a site for non-residential development once a Land Disturbance Permit has been issued and must be removed from the development site prior to the issuance of a final Certificate of Occupancy for the last remaining unit/building ~~for the site.~~

(2) A construction trailer for the purpose of infrastructure development may be placed on a site for non-residential development once a Land Disturbance Permit has been issued for that site. ~~Such construction trailers shall be removed from the development site or phase prior to the issuance of the first building permit within that development or phase.~~ All trailers shall be removed from the property prior to the issuance of a final Certificate of Occupancy.

b. Residential Development. A construction trailer may be placed on a site for residential development once a Land Disturbance Permit has been issued and must be removed from the site prior to the issuance of a final Certificate of Occupancy for the last remaining unit/building ~~prior to the issuance of the first building permit within that development or phase.~~

ii. Standards. Construction trailers must comply with all building, fire, and other code requirements for installation, use, and removal. Any applicant desiring to place a construction trailer shall apply for and be approved for any and all permits required by the building and fire codes to install and maintain the construction trailer prior to the trailer's installation on the site.

(2) Residential Development. A construction trailer may only be located within the residential phase or site in which the development activity is occurring. No sales of lots, units, or homes shall be allowed from a construction trailer. For the purposes of this Section, construction trailers shall not include those vehicles that come and go on a daily basis.

i. Purposes. A construction trailer may be used as a means to house offices related to:

- a. infrastructure development activities on the site;
- b. construction of a primary residential structure on a lot; or
- c. construction of a building to contain multiple residential units.

ii. ~~Duration~~ Standards.

~~a. A construction trailer for the purpose of infrastructure development may be placed on a site for residential development once a Land Disturbance Permit has been issued for that site. Such construction trailers shall be removed from the development site or phase prior to the issuance of the first building permit within that development or phase.~~

~~b.~~ A construction trailer may be placed on a site for the purpose of constructing one or more primary residential structures subject to the following:

(1) Application and Bonding. Prior to the placement of a construction trailer ~~according to this subsection, an application for~~ a Construction Trailer Application and Permit must be submitted to the City, approved, and issued. Prior to the issuance of a permit for the placement of a construction trailer, a cash only bond ~~in an amount not less than \$5,000~~ must be posted for the specific purpose of ensuring timely removal of that trailer. The bond amount shall be as established in the City's schedule of fees.

(2) Placement. A construction trailer may not be placed within any public or private right-of-way, any property identified to be set aside as open space or common area, or on any property for which a valid Certificate of Occupancy has been issued.

(3) Association. An application for placement of a construction trailer shall include a site plan or development plan showing the proposed location for the trailer and the properties for which that construction trailer is to be associated.

~~(4) Relocation. Construction trailers may be relocated to another site within the City without the need to post an additional bond so long as:~~

~~(i) the construction trailer has been completely removed from the site for which the bond was placed;~~

~~(ii) a Construction Trailer Permit has been applied for and issued for the trailer at the new location;~~

~~(iii) the placement of the construction trailer at the new location is to facilitate the construction of one or more residential structures at that location.; and~~

~~(iv) the bond posted for the site from which the construction trailer is being moved remains in full value, validity, and effect.~~

(54) Removal. Construction trailers shall be removed prior to the issuance of a Certificate of Occupancy for the property on which they are located. \_\_\_\_\_

(5) City Removal. Construction trailers may have their bonds called and may be removed by the City upon the City finding that:

(i) no construction activity has occurred on the property identified use of the trailer for a period of 30 days;

(ii) no construction inspections have been requested or conducted for a period of more than 180 days;

(iii) the construction trailer is found to be used for facilitating construction activities on residential structures outside of the development in which it is located;

(iv) the construction trailer is found to be conducting construction activities for properties outside of those identified to be associated with that trailer according to the permit for its placement;

(v) the construction trailer, or any of its occupants are found to be used for housing, facilitating, or conducting sales of any kind; or

(vi) the construction trailer is found to have been relocated without the issuance of a Construction Trailer Permit.

~~iii. Standards. Construction trailers must comply with all building, fire, and all other code requirements for installation, use, and removal. Any construction trailer permitted by this Section shall apply for, be approved for, and be issued any and all permits necessary to install and maintain the construction trailer prior to the trailer's installation on the site.~~

(b). Model Homes. A model home shall be allowed as-for use as a sales facility only. For the purpose of this subsection, a unit within a multi-family residential building used for the same purposes identified herein shall be considered a model home. Sales of properties or units may not be conducted or facilitated from any trailer, non-permanent structure, or permanent structure not permitted as a model home. The following standards shall apply to all model homes ~~within a multi-family development:~~

(1) Location. Model homes are only allowed within City approved and recorded residential developments and must be located on a platted lot or site within the development.

(2) Duration. Model homes may be operated until a building permit is issued for the last remaining lot within the development.

(3) Advertising. Model homes may not be used to advertise properties or units located in another subdivision or property located outside of the development site.

(4) Construction Standards. Model homes must comply with all standards and conditions of approval for the development including building materials, setbacks, and landscaping. They must comply with all applicable residential dwelling construction standards before and after the discontinued use as a sales office.

(5) Licensure and Permitting. Model homes shall not be constructed without the application for, approval of, and issuance of a building permit. [Requirements above and beyond those normally associated with a residential structure may be required by the Building Division for a model home.](#) Model homes may not operate as such without the application for, approval of, and issuance of a Draper City Business License for such at that location.

### **Section 9-30-020 Development Standards - Permitted Use.**

(a) A second kitchen in a single family residence (dwelling unit) may be allowed in an A5, A2, RA1, RA2, RH, R3, or RSD zone if all of the following requirements are met:

(1) The residence shall have only one front entrance.

(2) The residence shall have only one address.

(3) An interior access shall be maintained to all parts of the residence to assure that an accessory unit or apartment is not created. There shall be no keyed and dead bolt locks or other manner of limiting or restricting access from the second kitchen to the remainder of the residence.

(4) The residence shall have no more than one electrical meter.

(5) A second kitchen shall exist only as part of the primary structure and shall not be installed in an accessory or "out" building.

~~(6) The residence owner shall sign a written document prescribed by Draper City which declares that the residence will not be converted into two or more units without specific approval under the sections of this Title governing such use. The signature on such a document shall be notarized and the document shall be recorded with the Salt Lake County Recorder's Office prior to issuance of a building permit.~~

~~(7) Once a second kitchen is approved under the above criteria, both present and future owners of the residence shall limit use of the single family residence to a family only. No roomers or boarders shall be permitted.~~

(68) Construction of any such kitchen shall meet standards of the current building codes adopted by the City.

(b) A second kitchen shall not be established in a single family residential structure which contains an Accessory Dwelling, whether or not such accessory dwelling was established pursuant to Chapter 9-31 of this Title.

**Section 9-31-030 Definitions.** As used in this chapter:

(a) **Accessory Dwelling Unit (ADU)** means a subordinate residential use ~~outside of the Dwelling Unit Footprint of the Dwelling Unit.~~ detached from the primary dwelling unit, which has a kitchen, living/sleeping area, and sanitation facilities.

(b) **Dwelling Lot** means a parcel with one Dwelling Unit.

(c) **Dwelling Occupant** means one or more persons living in a Dwelling Unit.

(d) **Dwelling Unit** means one or more rooms in a single dwelling designed for or occupied as living quarters which provide sleeping and sanitary facilities and which includes at least one kitchen, and where all rooms are for exclusive collective use by the occupants and the property is under one deed of title.

(e) **Dwelling Unit Footprint** means the perimeter footing or foundation of the Dwelling Unit.

(f) **Parcel** means a lot legally subdivided and assigned a county assessor's parcel number (APN).

**Section 9-31-040 Development Standards.** The development standards set forth in this section shall apply to each ADU.

(a) An ADU is a separate structure from the dwelling unit. Second kitchens within a dwelling unit's footprint are not considered an ADU and are subject to requirements found in chapter 9-30 of this title. ~~A separate living area for guests containing cooking, sanitary and sleeping facilities within the Dwelling Unit Footprint is allowed. Any such area, however, shall preclude an ADU on the Dwelling Lot. This separate living area shall be directly accessible to the main areas of the Dwelling Unit and shall be constructed pursuant to the building and fire code provisions of the City.~~

(b) An ADU may be allowed under the following conditions:

(1) Only one ADU shall be allowed per Dwelling Lot.

(2) An ADU shall not be within the building front, rear, or side yard setbacks for the zoning district in which the Dwelling Lot is located.

(3) An ADU shall not be built prior to the completion of the Dwelling Unit.

(4) An ADU shall provide at least one additional parking stall than required for the Dwelling Unit in its zoning district. The parking stall shall be accessible from the street by a driveway constructed of a hard surface such as concrete or asphalt.

(5) No separate mailbox, street address, or water, sewer, electric or gas utility metering shall be allowed for an ADU.

(6) An ADU shall not exceed 50% of the Dwelling Unit's total square footage of habitable space.

(7) An ADU shall comply with all building construction and fire codes in effect at the time the ADU is constructed, created or subsequently remodeled, including the obtaining of required building and other permits.

~~(8) An ADU may have an entrance separate from that of the main Dwelling Unit. However, any such access shall be from the Dwelling Lot's side or rear yard but not the front yard. In any case, the access shall not face the front street.~~

~~(e)~~ (8) The architectural design, color pallet, and materials for an ADU shall match the Dwelling Unit.

~~(d)~~ (9) The height of an ADU shall conform to the height limit specified for the zoning district in which it is located.

**Section 9-31-050** An additional kitchen in an ADU may be allowed for the purpose of entertainment or recreation ~~as provided in Chapter 9-30 of this Code~~ as long as the second kitchen is not intended to serve a separate living accommodation within the ADU.

**Section 9-31-060 Notice of Accessory Dwelling Unit.** As part of the ADU permit process, the owner of the property shall execute a "Notice of Accessory Dwelling Unit" affidavit that defines the approved use and all restrictions or conditions of approval. The City shall record the Notice with the county recorder as a use condition on the property. The Notice shall be in a form approved by the Draper City Attorney. ~~take substantially the following form:~~

~~**WHEN RECORDED MAIL TO:**~~

~~**DRAPER CITY**~~

~~Attn: Community Development Department~~

~~1020 East Pioneer Road~~

~~Draper, Utah 84020~~

~~**NOTICE OF ACESORY DWELLING UNIT**~~

~~**NOTICE IS HEREBY GIVEN** that approval was granted by Draper City on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, for the establishment of an Accessory Dwelling Unit (ADU), to be maintained in accordance with Chapter 9-31 of the Draper City Municipal Code, as amended, on the following described property:~~

~~APN #~~

~~Legal Description~~

~~Address~~

~~An Accessory Dwelling Unit (ADU) is defined by Draper City Municipal Code Chapter 9-31 as attached hereto and which is by this reference, made a part hereof. The undersigned property owner(s) of record of the above described property hereby expressly acknowledge all of the conditions and restrictions of Chapter 9-31 and especially that the ADU is meant to supplement the purposes of the main dwelling unit and is not allowed to be rented, have separate utilities hook-ups, or be given to another by title, contract, or deed. The undersigned agree(s) to abide by all conditions and requirements of Chapter 9-31. Property Owner(s) further consent(s) to the recording of this notice with the applicable County Recorder.~~

~~Dated: Property Owner of Record~~

~~Printed Name~~

Dated: Property Owner of Record

Printed Name

**ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_)

:ss.

COUNTY OF \_\_\_\_\_)

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_ and \_\_\_\_\_, who being by me duly sworn, did say that (t)he(y) is/are the signer(s) of the foregoing instrument, and duly acknowledged to me that (t)he(y) executed the same.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Residing at:

**Section 9-34-040 Development Standards - Permitted Use.** The development standards set forth in this section shall apply to any home occupation allowed as a permitted use.

- (f) Modification of Structures or Yards. There shall be no visible evidence from the exterior of a dwelling that it is being used for any other purpose than that of a dwelling. ~~Yards surrounding the dwelling and accessory buildings shall not be used for storage of the home occupation use.~~ No activities shall be carried on outside the dwelling in the yard for the benefit of or incidental to the home occupation. No front yard area shall be altered to provide parking required for a home occupation.
- (l) Yards. Yards surrounding the dwelling and accessory buildings shall not be used for any activities or storage of any materials associated with the home occupation.
- (p) Single-Family and Multiple-family Dwellings. Home occupations listed as permitted ~~in Section 9-34-030 or conditional of within~~ this Title ~~and which fully comply with the terms of this subsection~~ may be permitted in a single-family or a multiple-family dwelling, subject to the standards found within Section 9-34-040 and 9-34-060. Businesses within multiple-family dwellings shall provide an approval letter from the respective Home Owners Association, or management company in the case of apartments, if the business proposes any employees, customers or business vehicles. Home occupations which are not listed as permitted in Section 9-34-030 of this Title and/or which require a Conditional Use Permit to alter the standards of this section shall not be permitted in a multiple family dwelling or development.

**Section 9-34-060 Alteration to Standards.** A home occupation listed in Section 9-34-030 or 9-34-050 of this code that does not conform to any of the development standards in Section 9-34-040 of this code may nonetheless be established through the issuance of a Conditional Use Permit specifically for the desired alteration to those development standards.

**Section 9-41-060 Conditional Use.** A wireless telecommunication facility that does not conform to the development standards of Section 9-41-040 may be established in any [agricultural](#), residential, commercial, public facilities, or industrial zone subject to the issuance of a conditional use permit pursuant to the requirements of Section 9-5-080 of this Title and the development standards of Section 9-41-070. Each facility shall require a separate conditional use permit.

**Section 17-1-020 Purpose.** The purpose of this Title, and any rules, regulations, standards and specifications hereafter adopted pursuant hereto or in conjunction herewith are:

- (a) To promote and protect the public health, safety and general welfare.
- (b) To regulate future growth and development [activity](#) within the City in a manner which promotes the physical integration of diverse housing forms, the preservation of Draper community values and the social integration of residents from diverse backgrounds in accordance with the General Plan; and to promote the efficient and orderly growth of the City.

**Section 17-1-040 Definitions.** Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is mandatory and the term "may" is permissive. The following terms as used in the Title shall have the respective meanings hereinafter set forth.

[\(q\) DEVELOPMENT ACTIVITY means \(1\) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities, \(2\) any change in use of a building or structure that creates additional demand and need for public facilities, or \(3\) any change in the use of land that creates additional demand and need for public facilities.](#)

[\(qr\)](#) EASEMENT means a present or future right of use under, on, or above the surface of property by a person or agency other than the legal owner of the property

[\(rs\)](#) FAMILY means any of the following who occupy a dwelling unit:

- (1) One person living alone;
- (2) Two or more persons related by blood, marriage, or adoption, and foster children living together as a single housekeeping unit; and up to two other persons hired for compensation such as nannies, servants, gardeners, custodians or security guards residing on the same premises where the housekeeping unit is located;
- (3) Up to five unrelated individuals living together as a single housekeeping unit; or

(4) A group of persons with a disability living in a residential facility for persons with a disability as permitted by this Title.

(~~st~~) CONSOLIDATED FEE SCHEDULE means the schedule or any appendix of fees adopted periodically by resolution of the City Council setting forth various fees charged by the City.

(~~tu~~) FLOOD PLAIN, ONE HUNDRED YEAR means a flood having a one percent chance of being equaled or exceeded in any given year.

(~~ty~~) FLOOD, TEN YEAR means a flood having a 10 percent chance of being equaled or exceeded in any given year.

(~~vw~~) FLOOD PLAIN, ~~ONE HUNDRED YEAR~~ means land that (1) is within the 100-year flood plain designated by the Federal Emergency Management Agency, or (2) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency management Agency. ~~That area adjacent to a drainage channel which may be inundated by a 100-year flood as designated on the most recent Flood Insurance Rate Map prepared by the Federal Emergency management Agency.~~

~~——(w) FREEWAY: See Streets.~~

(kk) PLAT, FINAL means the final drawing of a subdivision and dedication prepared for filing with the County Recorder which complies with applicable requirements set forth in this Title and other titles of the Draper Municipal Code and provisions adopted pursuant thereto. Such plat shall also be in conformity with Utah Code Annotated §§ 10-9a-~~603801~~, 17-23-17, or 57-8-13 *et seq.*, as amended.

## **Section 17-1-060      General Responsibilities.**

(a) The subdivider shall prepare concept plans and plats consistent with the City development standards ~~contained herein~~ and shall pay for the design, City review, construction and City inspection of ~~the all~~ public improvements and private storm drain and on-site culinary water within City's service area ~~improvements required~~. The City shall process said plans and plats in accordance with the regulations set forth herein. The subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until subdivider has obtained the necessary approvals as described in Title 18 of the Draper City Municipal Code [Land Disturbance]; and this Title ~~outlined herein~~. The subdivider is responsible to obtain and be familiar with all applicable subdivision ordinances, rules and standards of the City.

(d) The City Engineer shall review for compliance the engineering plans and specifications for the City required improvements for the subdivision and whether the proposed

City required improvements are consistent with this Title, City design and construction standards, and other applicable ordinances and shall be responsible for inspecting the City required public improvements, private storm drain and on-site culinary water improvements within the City's service area, security proceeds~~bond~~ collection and administration, and the collection of certain fees. Street layout and overall circulation shall be coordinated with transportation planning by the Zoning Administrator.

(e) The City Operations Division~~Public Works Department~~ shall review and make comments on the design engineering plans and specifications for the City required improvements related to long-term maintenance and preservation provisions, snow plowing, snow plow storage areas, waste management collection and vehicle turn-around, City culinary water infrastructure and service lateral maintenance, street light service and all other related aspects pertaining to public works utility and infrastructure maintenance to the City Engineer and the Zoning Administrator. The Public Works Director may assist the City Engineer in performing inspections.

(g) The City Attorney shall verify that the ~~bond~~security proceeds provided by the subdivider is acceptable, that the subdivider dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the subdivider, and may review matters of title such as easements and restrictive covenants.

(h) The City Council has final jurisdiction in the approval of subdivision plats, unless otherwise delegated by this Title, the establishment of requirements and design standards for public improvements and private storm drain and on-site culinary water improvements within the City's service area, and the acceptance of lands and public improvements that may be proposed for dedication to the City.

## **Section 17-1-065 Accurate Information**

(a) All documents, plans, reports, studies and information provided to the City by the applicant in accordance with the requirements of this Title shall be accurate and complete. Any action taken or approval given by the City based upon incomplete or inaccurate documents, plans, reports, studies or information supplied to the City by the applicant may be voidable.

(b) Any interested person seeking to void any action taken or approval given by the City shall file a written request for reconsideration with the City body taking the original action or giving the original approval within ~~thirty (30)~~ days from the date the requesting party becomes aware of the inaccuracy or incompleteness or within one ~~(1)~~ year from the date of the action or approval, whichever occurs first. Nothing contained herein shall be construed to affect any person's right to appeal a decision or action of City officials or bodies in accordance with the appeal provisions provided in this Title.

(c) All engineering drawings, plats, reports, and other similar documents shall be stamped by a registered engineer, licensed to practice in the State of Utah.

**Section 17-1-070 Compliance Required.**

(b) Land or lots within a proposed subdivision shall not be transferred or sold until a final plat of a subdivision ~~has shall have~~ been recorded in accordance with this Title and any applicable provisions of state law. Recordation of the plat ~~Construction of any public improvements~~ shall not ~~occur be commenced~~ until the improvements required in connection with the subdivision have been completed and conditionally accepted; however, upon the developer's request, the City may record the plat prior to the installation of all improvements if the Developer has first guaranteed the installation of improvements as provided herein. Construction of any improvements related to the subdivision, including any land disturbance, shall not be commenced until ~~the final plat is recorded and~~ a land disturbance permit has been issued for the project. Building permits shall not be issued until all infrastructure ~~public~~ improvements ~~related to the final subdivision~~ have been completed, been conditionally accepted by the City Engineering Department as completed, the warranty period has begun, and/or without written approval of all public agencies involved. No building depending on public or private water (potable), and sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational as determined by the City's Building Official and other departments of the City.

(c) All lots, plots or tracts of land located within a subdivision shall be subject to this Title whether the tract is owned by the subdivider or a subsequent purchaser, transferee, devisee, or contract purchaser of the land or any other person.

(d) It shall be unlawful for any person to receive a building permit to construct a building or structure on a parcel or tract of land within a residential subdivision until, ~~within the immediate vicinity of the requested permitted construction, and including at the lot in question:~~

(1) All underground utilities located under the street surface are installed and accepted by the City and appropriate agencies. ~~;~~ ~~and~~

(2) Continuous access to the lot through the subdivision is provided by a street, acceptable to the City, with an all weather asphalt or concrete surface. ~~;~~ ~~and~~

(3) A trash receptacle with a secured lid or secured cover has been located onto the site of a size and nature suitable for containing all construction-related debris until the debris is removed from the site. ~~;~~ ~~and~~

(4) A sanitary toilet has been located onto the site for the use of construction workers. In situations where a general contractor has more than one residential dwelling unit simultaneously under construction in a subdivision plat, one toilet shall be sufficient for every ten dwellings the contractor has under construction.

(5) Fire hydrants are fully operational in the area of the subdivision where permits are requested; and

(6) Street lights and street signs are installed.

(e) The issuance of a building permit for one model home per ~~twenty (20)~~ lots within a recorded subdivision, not to exceed four ~~(4)~~ total model homes in any one recorded subdivision plat, may be allowed prior to the completion of all required subdivision improvements, subject to the following conditions:

(1) Curb and gutter are installed unless the obligation to construct frontage improvements has been paid in lieu ~~deferred by agreement with~~ or ~~waived by~~ the City; ~~and if deferred or waived, then the planned location and elevation of curb and gutter must be clearly marked in a manner acceptable to the city. A certificate of survey may be required to be provided to the City;~~ and

(f) Until the subdivision is completed and conditionally accepted by the City's ~~Engineering Department~~ and all appropriate agencies, the subdivider shall be responsible for the following in the area where building permits have been issued:

(g) All public improvements must be done in accordance with the following:

(1) The City's Subdivision Standards and Specifications;

(2) The requirements of the City Engineer;

(3) The ~~subdivision~~-improvement agreement between the subdivider and the City; and

(4) All other applicable City Ordinances and regulations.

(h) There shall be no occupancy of any building in any commercial subdivision zone until an occupancy permit has been issued. Furthermore, it shall be unlawful for any subdivider to sell any portion of an approved and recorded commercial subdivision until the prospective buyer or builder has been advised that occupancy permits will not be issued until all required improvements are completed. An certificate of occupancy ~~permit~~ will not be issued until the following conditions are met at the commercial lot where an occupancy permit is requested and all work is acceptable to the City and appropriate agencies:

(1) All necessary utilities are installed; e.g., culinary water lines, sanitary sewer, flood control facilities, electric power, and natural gas lines;

(2) Finished road surfaces are installed.

(3) All building code requirements are met as confirmed by the Building Official or his appointee.

(4) All City conditions of approval have been met.

(5) Street trees have been installed or bonded for in accordance with Section 17-5-060.

**Section 17-1-120 Appeals.**

(b) The City Recorder shall set the appeal for hearing before the City Council within a reasonable time after receipt of the appeal. Such hearing may be continued by order of the City Council. The appellant shall be notified of the appeal hearing date at least seven (7) days prior to the hearing. After hearing the appeal, the City Council may affirm, modify or reverse the decision, determination or requirement appealed and enter any such orders as are in harmony with the spirit and purpose of this Title. The City Council shall notify the appellant in writing of its ruling. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the City Council.

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(c) An aggrieved party may appeal the City Council's decision to district court as provided in *Utah Code Ann.* §10-9-1001, as amended.

**Section 17-1-140 Text Amendments.** A decision to amend the text of this Title is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making an amendment, the City Council should consider the following factors:

(a) Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan;

(b) Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the land development ordinance;

(c) The proposed amendment will not create a conflict with any other section or part of this title or the general plan;

(d) Whether the potential effects of the proposed amendment have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and

(e) The extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.

**Section 17-2-030 Distribution of Plan.** The Draper City Community Development Department, upon receipt of the complete application for concept plan review-, shall distribute copies of the plan to such government departments and other agencies or advisors as in the opinion of the Department and the Planning Commission may contribute to a decision in the best interest of the public.

**Section 17-2-050 Referral to the Planning Commission and City Council.**

(a) When determined by the Zoning Administrator to be in the best interest of the City, a Concept Plan may be referred to the Planning Commission and City Council for review and approval. The Zoning Administrator shall take the following into account when determining whether the application will require Planning Commission and/or City Council review:

- (1) The size of the proposed development;
- (2) Whether the subdivision lies within the Sensitive Lands Overlay— Zone;

**Section 17-4-010 Final Plat - Purpose.** The purpose of the final plat is to require formal approval by the City Council before a subdivision plat is recorded in the office of the county recorder. ~~The final plat and all information and procedures relating thereto shall in all respects be in compliance with this Title. The final plat and construction drawings shall be submitted at the time of final plat application and shall conform in all respects to those requirements specified Title Chapter 17.3. Additional all other final plat requirements such as title reports, security, and fees shall be submitted with the final plat drawings.~~

**Section 17-4-020 Filing Deadline, Application and Fees.**

(a) Application for final plat approval shall be made within six months after approval of the preliminary plat by the City Council. ~~This time period~~ An extension may be ~~extended~~ granted for up to 12 months for good cause shown if subdivider petitions the City Council for an extension prior to the expiration date; however, only one 12-month extension may be granted. \_\_\_\_\_

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(b) The final plat, associated construction drawings, title report, application fees and all required information shall be submitted at the time of final plat application and shall conform in all respects to those requirements specified in this Title.

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(c) The subdivider shall file an application for final plat approval with the Community Development Department on a form prescribed by the City, together with six full-size copies and six 11” x 17” copies of the proposed final plat. ~~At the same time, the subdivider shall pay to the City the application fee for the subdivision as set forth in the Consolidated Fee Schedule.~~

**Section 17-4-030 Final Plat - Preparation and Required Information.**

(a) The final plat shall consist of a Mylar with the outside or trim line dimensions not smaller than 22~~of 24~~ inches by 34~~36~~ inches. The Mylar shall be submitted at least 20 days prior to ~~consideration for~~ placement on the City Council agenda. Until that date, submittal of paper copies is sufficient for review. The border line of the plat shall be drawn in heavy lines leaving a margin space of at least one and one-half inches on the left side and at least one-half inch margin

on the other sides. The plat shall be ~~so drawn that with north being is either up or to the left when reading the sheet the top of the drawing faces either north or west~~, whichever accommodates the ~~exhibit drawing~~-best. All lines, dimensions, and markings shall be ~~made on~~ Mylar or comparable material approved by the City, with waterproof black ink. The plat shall be drawn to a scale large enough to clearly show all details but in ~~no any~~ case shall the exhibit be depicted at scales greater than 80 not smaller than 100 feet to the inch, ~~and w~~Workmanship on the finished drawing shall be neat and legible.

(b) The final plat shall show the subdivision name in a title heading and the general location of the subdivision in bold letters at the top of the sheet.

(f) Plats shall include accurately drawn boundaries showing the bearings and dimensions of all boundary lines of the subdivision tied to public survey monuments. These lines shall ~~should~~ be slightly heavier than street and lot lines.

(g) The final plat shall show all survey, and mathematical information ~~and data~~ necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, ~~and~~ central angle, radius and arc length of curves with associated chord bearing and distance, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments shall show the calculated county coordinates. Lot and boundary closure shall not be greater than .003 of a foot.

(h) All lots, blocks, and parcels offered for dedication for any purpose shall ~~should~~ be ~~delineated and~~ designated with dimensions, boundaries and courses clearly shown. The square footage of each lot shall be shown. Parcels being offered for dedication, including other than ~~for streets and~~ easements, shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. No ditto marks shall be used for lot dimensions.

(j) ~~All~~ Lots shall ~~are to~~ be numbered consecutively under a definite system. Numbering shall continue throughout the subdivision with no omissions or duplications. Amendments shall result in a new numbering commencing from the last lot number of the original subdivision. Lettering of lots is not permitted. Each lot shall show the street addresses assigned thereto according to the standard addressing methods approved by the City. In the case of corner lots, an address will be assigned for each street frontage.

(k) ~~All s~~ Streets ~~within the subdivision~~ shall be numbered in accordance with and in conformity with the street numbering system adopted by the City. Named streets shall also be numbered. ~~Each lot shall show the street addresses assigned thereto according to the standard addressing methods approved by the City. In the case of corner lots, an address will be assigned for each street frontage.~~

(m) The plat shall show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is

disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider under the direction of the City Engineer. The following monuments shall be shown on the final plat:

(1) ~~€~~The location of all monuments placed in making the survey, including a statement as to what, if any, points were re-set by ties; and

(2) ~~€~~All right-of-way monuments to be set or otherwise installed at angle points and intersections as approved by the City Engineer.

(n) The final plat shall contain the name, stamp and signature of a registered surveyor, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgements and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:

(1) ~~€~~A registered land surveyor's "Certificate of Survey";

(2) ~~€~~An owner's dedication certificate in the following form or as otherwise specified by the City Engineer:

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#### OWNERS' DEDICATION

Know all men by these presents that I/we, the undersigned owner(s) of the hereon described tract of land, hereby set apart and subdivide the same into lots and streets as shown on this plat and name said plat *Subdivision Name*, and do hereby dedicate, grant and convey to Draper City, Utah: (1) all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares forever; (2) those certain public utility and drainage easements as shown hereon, the same to be used for the installation, maintenance, and operation of public utility service lines and drainage; and (3) those parcels designated as public open space, parks, trail or easements, or of similar designation. In witness whereof, we have hereunto set our hands this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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\_(Add appropriate acknowledgments)

(3) A notary public's acknowledgement for each signature on the plat;

(4) ~~€~~A correct metes and bounds description of all property included within the subdivision;

(5) ~~€~~The signatures of the water provider, sewer provider, natural gas provider, electric power provider, local telephone service provider, Utah County and/or Salt Lake ~~County~~Valley Health Department, Planning Commission, and City Engineer, and blocks for signatures of the City Attorney, Draper City Council bearing a signature line for the Mayor and an attestation by the City Recorder, and a signature block for the County Recorder in the lower right corner of the final plat; and

(6) ~~s~~Such other affidavits, certificates, acknowledgements, endorsements and notarial seals as are required by law, this Title, or by the City Attorney.;

(o) Prior to recordation of the plat, the subdivider shall submit a ~~current~~ title report prepared and dated not more than 60 days before the proposed recordation of the final plat, to be reviewed by the City Attorney. ~~meaning one which is prepared and dated not more than 60 days before the proposed recordation of the final plat.~~

#### **Section 17-4-050 Review by Zoning Administrator.**

(a) Upon receipt of the final plat, the Zoning Administrator shall review the plat to determine whether the plat conforms to the preliminary plat, with all changes requested and with all requirements imposed as conditions of acceptance. The Zoning Administrator shall check the final plat for completeness and compliance with the requirements of this Title. If the submitted final plat is incomplete, not in compliance with all requirements, or does not incorporate ~~any~~ the required changes, the Zoning Administrator shall notify the subdivider and specify the respects in which the plat is deficient. If the final plat conforms with all requirements and the ordinances of the City, the Zoning Administrator shall recommend approval and forward the plat to the City Council.

#### **Section 17-4-070 Security for Required Improvements.**

(a) Following City ~~e~~Council approval but prior to recording, the subdivider shall complete all required public landscaping and infrastructure improvements; however, upon the subdivider's request, the applicant may record the plat prior to the installation of all required landscaping and infrastructure improvements if subdivider has first entered into an ~~I~~Improvement ~~G~~uarantee ~~A~~greement acceptable to the City as security to ensure completion of all improvements required to be installed in the subdivision. The Agreement shall be in a form approved by the City Attorney, ~~and~~ shall be signed by the City Engineer, ~~and~~. ~~The Agreement shall include state the following but not be limited to provisions that:~~

(1) ~~€~~The subdivider agrees to complete all improvements within 18 months from the date the agreement is executed subject to an extension granted pursuant to ~~subparagraph subsection (ed) of this section.~~;

(2) ~~€~~The improvements shall be completed to the satisfaction of the City and in accordance with the City's ~~Subdivision~~ Standard Specifications and Details.;

(3) ~~€~~The amount of the security shall be equal to 110% of the subdivider's or developer's engineer's detailed, written estimate of the cost of the landscaping and infrastructure improvements to be installed, as confirmed and approved in writing by the City Engineer.;

(4) ~~€~~The City shall have immediate access to the proceeds.;

(5) Security proceeds may be reduced upon the written request of the subdivider as system improvements are completed. The amount of the reduction shall be determined by the City Engineer. Reductions shall be made only as they apply to the completion, satisfactory to the City Engineer, of entire systems. The required landscaping and infrastructure improvements ~~for subdivisions~~ are typically grouped into six system categories: culinary water, storm drainage, roadways, parks/trails and landscaping, erosion control and miscellaneous/finish items. Additional categories may be added if approved by the City Engineer. Such written reduction requests may be made only once every 30 days and no reduction shall be authorized until such time as the City Engineer has inspected the improvements and found them to be in compliance with the City's Standard Specifications and Details. All reductions shall be by written authorization of the City Engineer. Substantially completed line items may be released up to 90% of the established security proceeds per System. Upon completion and conditional acceptance of all public improvements by the City Engineer, 100% of the security proceeds will be released. The remaining 10% of the approved estimated cost of the improvements or an amount equal to 10% of the subdivider's reasonable proven cost of completion, as approved by the City Engineer, shall be held ~~No security shall be reduced below ten percent of the estimated cost of the improvement to be installed~~ until final acceptance by the City Engineer following a one-year improvement assurance warranty.;

(6) ~~if~~ the proceeds are inadequate to pay the cost of the completion of the improvements according to the City's ~~Subdivision~~ Standard Specifications and Details for whatever reason, including previous reductions, the subdivider shall be responsible for the deficiency and no ~~further~~ building permits shall be issued in the subdivision until the improvements are completed or, with City Council approval, a new, satisfactory security has been executed and delivered to the City or other satisfactory arrangements have been made to ensure completion of the remaining improvements.;

(7) ~~€~~The City's cost of administration incurred in obtaining the security, including attorney's fees and court costs, shall be deducted from any security proceeds.;

(8) ~~€~~The subdivider shall guarantee all improvements installed against any damage arising from any defect in design, construction, materials, or workmanship during the warranty period and shall promptly repair the same upon notice from the City.;

~~and~~

(9) ~~€~~The subdivider shall agree to hold the City harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the City certifies the improvements are complete and accepts the public improvements at the end of the warranty period.

(b) The ~~I~~Improvement ~~G~~uarantee ~~A~~greement shall be for the full contract price and be of one or more of the following types as prescribed by the City:

(1) ~~a~~An escrow agreement and account with a federally insured bank or credit union making proceeds available to the City in the case of the developer's default upon the City presenting a sight draft at an office located within 50 miles of the City;~~or~~

(2) ~~a~~A letter of credit agreement and irrevocable stand-by letter of credit with a federally insured bank or credit union, with proceeds available to the City in the case of the developer's default upon the City presenting a signed statement in accordance with the terms of the letter of credit at an office located within 50 miles of ~~Draper~~the City;~~or~~

(3) Cash or cashier's check, for deposit with the City in its accounts.

(c) Interest, if any, earned by the City on the deposited sum shall be retained by the City as reimbursement and an offset for the cost of administering the improvement guarantee.

~~(e)~~ The ~~I~~improvement ~~G~~guarantee ~~A~~agreement may be extended one time for six months. Any subsequent extension shall require approval by the City Council following timely written request by the developer.

~~(e)~~ Security and guarantees for street trees and parkstrip landscaping shall be provided in accordance with Section 17-5-060.

**Section 17-4-080 Review by City Attorney.** The City Attorney shall review the submitted final plat, the signed ~~I~~improvement ~~G~~guarantee ~~A~~agreement, the current title report and the security for ensuring completion of the improvements to verify compliance with the City's dedication and security requirements. The City Attorney may also review public easements, protective covenants and other documents where applicable. Upon approval of the final plat by the City Council, the City Attorney shall sign the plat in the appropriate signature block and forward the plat to the City Recorder and Mayor for signing.

**Section 17-4-090 Payment of Fees.** All required application fees shall be paid by the subdivider prior to submitting the final plat to the City Council. All inspection fees shall be paid prior to being issued a Land Disturbance Permit and proceeding with construction of landscape and infrastructure improvements~~recording of the final plat.~~

**Section 17-4-110 Recording of Final Plat.** After City Council approval, the final plat shall be presented by the City Recorder to the county recorder of the county in which the property is located for recordation, provided improvements have been completed and accepted or an improvement guarantee agreement has been executed.

**Section 17-4-120**      **Expiration of Final Plat Approval.** If the final plat is not recorded within six months from the date of City Council approval or construction of the required landscaping and infrastructure has not commenced, such approval shall be null and void. This time period may be extended by the City Council for up to one additional three-month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original six months. No extension shall be granted if it is determined that it will be detrimental to the City. If any of the fees charged as a condition of subdivision approval have increased, the City may require ~~that~~ the security estimate be recalculated and that the subdivider pay any ~~applicable~~ fee increases as a condition of granting an extension.

**Section 17-5-090**      **Protection Strips.**

(a)      Protection strips shall not be permitted at the end of or within the boundaries of a public street or proposed street, or within any area intended for future public use.