



CITY COUNCIL AGENDA

Tuesday, February 17, 2026, 5:30 PM
1020 E Pioneer Rd,
Draper, Utah 84020

5:30 PM STUDY SESSION (ADMINISTRATIVE CONFERENCE ROOM)

CLOSED MEETING, IF NECESSARY - TO BE ANNOUNCED IN MOTION

The Draper City Council may temporarily recess the meeting and convene in a closed meeting as provided by UCA § 52-4-205.

Report: Jordan Valley Water Conservancy District - John Richardson

Discussion: Legislative Update - Mike

Discussion: Short Term Rentals - Todd T.

Discussion: Phebe Brown Trail - Rhett

Discussion: City Commissions and Committees - Mike

Council / Manager Reports

7:00 PM BUSINESS SESSION (CITY COUNCIL CHAMBERS)

1. Call to Order

2. Pledge of Allegiance

3. Public Comments

To be considerate of everyone attending the meeting, public comments will be restricted to items that are not listed on this or a future agenda and limited to three minutes per person. 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. Comments pertaining to an item on the agenda should not be given at this time but should be held until that item is called.

4. Consent Items

4.a Approve the February 3, 2026 City Council Meeting Minutes

4.b Approve Resolution #26-10

A resolution reappointing Christine Green as an alternate member of the Draper City Planning Commission. Staff: Kellie Challburg.

5. Items for Council Consideration

5.a Public Hearing: Ordinance #1701

An ordinance of Draper City amending the text of Titles 9, 11, and 17 of the Draper City Municipal Code in order to update references to Utah State Code. Known as the City Initiated Utah State Code Reference Update Text Amendment. Staff presentation by Todd Draper.

5.b Public Hearing: Ordinance #1702

An ordinance of Draper City amending the text of Titles 2, 3, 6, 8, 9, and 17 of the Draper City Municipal Code related to variances and land use appeals. Known as the City Initiated Variance and Land Use Appeal Update Text Amendment. Staff presentation by Todd Draper.

5.c Public Hearing: Ordinance #1703

An ordinance of Draper City amending the text of Title 9 of the Draper City Municipal Code related to public access amenities. Known as the City Initiated Public Access Amenity Zoning Text Amendment. Staff presentation by Todd Draper.

5.d Public Hearing: Ordinance #1704

An ordinance of Draper City amending the text of Title 9 of the Draper City Municipal Code related to residential parking requirements. Known as the City Initiated Residential Parking Requirements Zoning Text Amendment. Staff presentation by Todd Draper.

5.e Public Hearing: Ordinance #1705

An ordinance adjusting the common boundaries between Draper City and Highland City. Staff presentation by Mike Barker.

5.f Public Hearing: Resolution #26-11

A resolution amending the adopted budget and staffing document of Draper City for Fiscal Year 2025-2026. Staff presentation by John Vuyk.

6. Adjournment

I, the City Recorder of Draper City, certify that copies of this agenda for the **Draper City Council** meeting to be held **February 17, 2026**, were posted at Draper City Hall, Draper City website www.draperutah.gov, and the Utah Public Notice website at www.utah.gov/pmn.



A handwritten signature in cursive script, reading "Nicole Smedley".

Nicole Smedley, CMC, City Recorder
Draper City, State of Utah

In compliance with the Americans with Disabilities Act, any individuals needing special accommodations or services during this meeting shall notify Nicole Smedley, City Recorder at (801) 576-6502 or nicole.smedley@draperutah.gov, at least 24 hours prior to the meeting.

MEMO



To: City Council

From: Nicole Smedley, City Recorder

Date: 2026-02-17

Re: Approve the February 3, 2026 City Council Meeting Minutes

Comments:

Attached for your review and approval are the 2-3-2026 City Council Meeting Minutes.

ATTACHMENTS:

[2-3-2026 DRAFT City Council Meeting Minutes.pdf](#)

MINUTES OF THE DRAPER CITY COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 3, 2026, IN THE DRAPER CITY COUNCIL CHAMBERS, 1020 EAST PIONEER ROAD, DRAPER, UTAH

PRESENT: Mayor Troy K. Walker, and Councilmembers Kathryn Dahlin, Bryn Heather Johnson, Tasha Lowery, and Fred Lowry

EXCUSED: Councilmember Mike Green

STAFF: Mike Barker, City Manager; Kellie Challburg, Assistant City Manager; Scott Cooley, City Engineer and Public Works Director; Spencer DuShane, Assistant City Attorney; Rich Ferguson, Chief of Police; Traci Gundersen, City Attorney; Jennifer Jastremsky, Community Development Director; Rhett Ogden, Parks and Recreation Director; Derek Orth, Human Resource Director; Linda Peterson, Communications Director; Nicole Smedley, City Recorder; Clint Smith, Fire Chief; Jake Sorensen, Network Manager; and John Vuyk, Finance Director

Study Session

Closed Session

Councilmember F. Lowry moved to recess to a closed session to discuss land acquisition and real estate. Councilmember Dahlin seconded the motion.

A roll call vote was taken. The motion passed unanimously.

	Yes	No	Absent
Councilmember Green			Excused
Councilmember Johnson	X		
Councilmember T. Lowery	X		
Councilmember F. Lowry	X		
Councilmember Dahlin	X		

Discussion: Scooter Text Amendment

Lee Chaplin, Crime Analyst for the Draper Police Department, presented statistical data regarding electric scooter accidents in Draper City between 2023 and 2025. He reported that 25 of the 29 accidents involving electric non-automobile vehicles involved electric scooters. He stated that the accidents were distributed evenly

throughout the City and that the age of operators ranged from 9 to 58 years old, with the majority operated by juveniles.

Mr. Chaplin stated that at least 12 of the accidents were caused by operators driving recklessly at excessive speeds and that 16 of the accidents occurred in crosswalks. He reported that 14 of the accidents resulted in injury and confirmed that there were no fatalities.

City Attorney Traci Gundersen reviewed applicable Utah law governing the operation of electric scooters. She stated that operation of electric scooters by children under eight years old was prohibited and that electric scooters were prohibited on public highways. She reported that scooters could not exceed 15 miles per hour and could not carry more than three passengers. She further stated that electric scooters were not permitted in public parking structures or in areas where bicycles were prohibited. She clarified that electric scooters were allowed in crosswalks under State law if operated safely.

City Prosecutor Jenny Jonsson stated that there were enforcement challenges and legal distinctions related to electric scooters that could complicate prosecution, including questions regarding whether a vehicle had been operated with pedals. She emphasized the importance of including objective and clearly identifiable criteria in the municipal code.

Ms. Gundersen stated that electric scooter use on sidewalks was only permitted if authorized by municipal code and reported that the City did not currently have a code provision allowing operation on sidewalks.

Ms. Gundersen asked the Council to consider where they would want electric scooters to be permitted to operate within the City. She also reported that the Utah Legislature was currently considering proposed legislation related to electric scooters.

Councilmember F. Lowry expressed concern that if electric scooters were prohibited on sidewalks and trails, they would effectively be unable to operate within the City and requested clarification regarding where operation would be permitted. Chief Ferguson indicated that electric scooters could be used in off-road environments, as intended, and emphasized the need for clear, enforceable regulations addressing issues such as permitted locations of operation, age and helmet requirements, and

speed limits. He noted that electric scooters were contributing to accidents and were not insured.

Ms. Gundersen stated that staff would continue to monitor related legislation under consideration by the Legislature.

Councilmember F. Lowry stated that he would support consideration of increasing the minimum age of operation above the current eight years old. Councilmember T. Lowery indicated support for raising the age limit to 14 or 15 years old. Mayor Walker emphasized the importance of requiring helmet use.

The Council discussed sidewalk speed limits implemented by other jurisdictions. Councilmember T. Lowery suggested requiring operators to walk electric scooters through crosswalks. Councilmember F. Lowry stated that he would be comfortable establishing a minimum operating age of 14 and noted that the matter involved reliance on parents to provide instruction and supervision.

The Council expressed appreciation to staff for the presentation.

Discussion: Legislative Update

Discussion on this item did not occur.

Discussion: City Branding and Communication Policy

Communications Director Linda Peterson presented a draft communication policy and stated that adoption of a comprehensive policy would help ensure that City communications were clear, consistent, lawful, and trustworthy. She explained that the policy would define who was authorized to speak on behalf of the City, establish approval processes for information, and set applicable standards. She cautioned that uncoordinated communication during emergencies, particularly through social media, could result in the rapid spread of inaccurate information and public confusion. She reported that the draft included a crisis communication plan.

Councilmember T. Lowery expressed concerns with portions of the draft addressing elected officials and indicated opposition to including that section in the adopted policy. Councilmember F. Lowry stated that the section provided guidelines for Council consideration. Councilmember Dahlin suggested the language could be revised to be less prescriptive. Councilmember T. Lowery suggested that the concepts could instead be incorporated into elected official training rather than formal policy. Ms. Peterson responded that the section could be removed from the

draft policy and retained separately as recommendations for the Council. Councilmember Dahlin stated that such training would be helpful.

Ms. Peterson also asked the Council to consider issues related to signage, City branding, and placement of the City logo. She stated that electronic signage could serve as an effective method for delivering information to the community.

Discussion: Draper Days

Staff provided an update on plans for Draper Days in 2026. The Council and staff discussed desirable locations for different elements of the celebration. On advice from the City's insurance, a majority of the Council indicated support for prohibiting the throwing of candy from vehicles during the parade.

Discussion: June Bike Race

Discussion on this item did not occur.

Council/Manager Reports

This item was moved to the end of the Business Session.

Business Session

1. **Call to Order by Mayor Troy K. Walker**

2. **Pledge of Allegiance led by Kellie Challburg**

3. **Public Comments**

Sarah Brinkerhoff, Draper Library Manager, provided an update on the winter reading program. She introduced Linda Gee, Draper Branch Librarian, who invited members of the community to participate in monthly activities commemorating America250.

4. **Consent Items**

4.a **Approve the January 20, 2026 City Council Meeting Minutes**

4.b **Approve Resolution #26-07 appointing members to the Draper City Community Engagement and Events Committee**

4.c **Approve Resolution #26-08 disposing of surplus personal property in accordance with Draper City Municipal Code Section 3-3-150**

Councilmember T. Lowery moved to approve the Consent Agenda.
Councilmember F. Lowry seconded the motion.

A roll call vote was taken. The motion passed unanimously.

	Yes	No	Absent
Councilmember Green			Excused
Councilmember Johnson	X		
Councilmember T. Lowery	X		
Councilmember F. Lowry	X		
Councilmember Dahlin	X		

5. Items for Council Consideration

5.a Public Hearing: Providing Local Consent for a Full-Service Restaurant License for Futoi Roll Sushi LLC

Business License Official Travis Dejong explained that a full-service restaurant license permitted a restaurant to store, sell, and serve alcoholic beverages in conjunction with a food purchase. He reported that the application submitted by Futoi Roll Sushi LLC met all applicable distance requirements and clarified that there was no cap on the number of full-service restaurant licenses issued in Draper.

Mayor Walker opened a public hearing and, with no members of the public coming forward to comment, closed the public hearing.

Councilmember T. Lowery motioned to approve local consent.
Councilmember Dahlin seconded the motion.

A roll call vote was taken. The motion passed unanimously.

	Yes	No	Absent
Councilmember Green			Excused
Councilmember Johnson	X		
Councilmember T. Lowery	X		
Councilmember F. Lowry	X		
Councilmember Dahlin	X		

5.b Public Hearing: Ordinances #1699 and #1700 amending the Official Land Use Map and an ordinance amending the Official Zoning Map of Draper City for approximately 1.87 acres of property located at 693 E. 13800 South, 703 E.

13800 South and 13777 S. Shadow Mountain Lane known as the Bell, Peterson and Gustin Land Use and Zoning Map Amendments

Maryann Pickering explained that the application to amend the Zoning Map involved three adjacent properties. She stated that one property was currently designated Residential Medium Density (RA2) and two were designated Residential Low-Medium Density (RA1). She presented a proposed zoning map reflecting lot line adjustments, resulting in two lots within the RA2 Zone and one lot within the R3 Zone.

David Gustin, the applicant, stated that the proposal involved acquiring a portion of a neighboring backyard to incorporate into his own property. He reported that the amendment would maintain three separate lots with three existing homes.

Mayor Walker opened a public hearing and, with no members of the public coming forward to comment, closed the public hearing.

Councilmember F. Lowry motioned to approve Ordinances #1699 and #1700. Councilmember Johnson seconded the motion.

A roll call vote was taken. The motion passed unanimously.

	Yes	No	Absent
Councilmember Green			Excused
Councilmember Johnson	X		
Councilmember T. Lowery	X		
Councilmember F. Lowry	X		
Councilmember Dahlin	X		

5.c **Action Item: Resolution #26-09 expressing Draper City's intent to adjust its common municipal boundaries with Alpine City, authorizing, and scheduling a public hearing, and providing for notice thereof**

Assistant City Manager Kellie Challburg stated that the Council had previously discussed a proposed adjustment to the common boundary with Alpine City during a Study Session. She reported that the proposed resolution would set a public hearing for April 7, 2026.

Mayor Walker opened a public hearing and, with no members of the public coming forward to comment, closed the public hearing.

Councilmember Johnson moved to approve Resolution #26-09. Councilmember Dahlin seconded the motion.

A roll call vote was taken. The motion passed unanimously.

	Yes	No	Absent
Councilmember Green			Excused
Councilmember Johnson	X		
Councilmember T. Lowery	X		
Councilmember F. Lowry	X		
Councilmember Dahlin	X		

Council/Manager Reports (continued from Study Session)

- Mayor Walker gave a brief update on the Legislative Session.
- City Manager Mike Barker spoke of Wildland Urban Interface (WUI) legislation passed last Legislative Session. He proposed the City host an open house with a printed map to engage with residents regarding House Bill 48. A majority of the Council indicated support for scheduling an open house.
- Referring to the Michel “shoebox” property, Mr. Barker reported that approximately 70 equivalent residential units (ERUs) remained available within the zone and stated that there was no current development application for the area. He further indicated that, even if an application were submitted, there were insufficient water shares to support development.
- Mr. Barker reported that the City received \$2 million in community project funding for the installation of a redundant water line.
- Assistant City Attorney Spencer DuShane reported two cell companies leasing space on City property had requested long-term lease extensions with amended provisions. A majority of the Council directed Mr. Dushane to negotiate lease terms for more favorable rates for the City.
- Fire Chief Clint Smith reported that the City had been awarded a WUI Prevention, Preparation, and Mitigation Grant in the amount of \$200,000.

6. Adjournment

Councilmember F. Lowry moved to adjourn the meeting. Councilmember T. Lowery seconded the motion, which passed by unanimous vote.

The meeting adjourned at 7:40 pm.

MEMO



To: City Council

From:

Date: 2026-02-17

Re: Approve Resolution #26-10

Comments:

ATTACHMENTS:

[R-26-10 Planning Commission Alt Member Appointment.pdf](#)

RESOLUTION NO. 26-10

A RESOLUTION REAPPOINTING CHRISTINE GREEN AS AN ALTERNATE MEMBER OF THE DRAPER CITY PLANNING COMMISSION

WHEREAS, the Draper City Council has adopted Ordinances which provide for the appointment of members to the Draper City Planning Commission; and

WHEREAS, members of the Planning Commission have been appointed by the Mayor with the advice and consent of the City Council; and

WHEREAS, the Mayor has previously appointed Christine Green to serve as an alternate member of the Draper City Planning Commission; and

WHEREAS, the term of service for the alternate position has expired and requires renewal; and

WHEREAS, Christine Green has expressed a willingness to continue serving as an alternate member of the Draper City Planning Commission and to participate in its deliberations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Appointment. Christine Green is hereby appointed to serve as an alternate member of the Draper City Planning Commission, in accordance with the laws, ordinances, and regulations governing the Planning Commission and its members, for a term beginning February 13, 2026, and ending February 28, 2027.

Section 2. Severability. If any section, part, or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts, and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

(Signature page to follow)

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS THE 17th DAY OF FEBRUARY 2026.

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Nicole Smedley, City Recorder

VOTE TAKEN:

Councilmember Green
Councilmember Johnson
Councilmember T. Lowery
Councilmember F. Lowry
Councilmember Dahlin
Mayor Walker

YES	NO	ABSENT
—	—	—
—	—	—
—	—	—
—	—	—
—	—	—
—	—	—

MEMO



To: City Council
From: Todd Taylor
Date: 2026-02-17
Re: Public Hearing: Ordinance #1701

Comments:

This application is a request for approval of a Text Amendment to portions of Draper City Municipal Code (DCMC) Titles 9, 11, and 17. The purpose of the request is to update references to Utah State Code, which have been renumbered. Please note that Title 11 is not within the Planning Commission's purview, but the text amendments have been included to show all of the changes that are being proposed.

The Planning Commission reviewed this item at their January 22, 2025 meeting and forwarded a positive recommendation with a vote of 5-0.

Findings for Approval:

1. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes; and
2. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan.

Findings for Denial:

1. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes.

ATTACHMENTS:

[Ordinance No. 1701.pdf](#)

ATTACHMENTS:

[City Initiated USC References Update TA SR.pdf](#)

ORDINANCE NO. 1701

AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF TITLES 9, 11, AND 17 OF THE DRAPER CITY MUNICIPAL CODE IN ORDER TO UPDATE REFERENCES TO UTAH STATE CODE.

WHEREAS, Utah State law grants to Draper City the authority to regulate uses of property by enacting land use regulations, among other methods; and

WHEREAS, it is necessary from time to time to amend certain terms of the Draper City Municipal Code to comply with statutes enacted by the Utah State Legislature; and

WHEREAS, the City Council of Draper City finds good cause to revise the terms and provisions of the Draper City Municipal Code in response to changes in Utah Code; and

WHEREAS, notice has been issued according to the requirements of the Utah Code and Draper City Municipal Code for public hearings before the Planning Commission and City Council to receive public input regarding the revision of the revision of portions of the Draper City Municipal Code; and

WHEREAS, the Planning Commission and City Council have each held a public hearing to receive public input regarding the revision of portions of the Draper City Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Findings. The City Council of Draper City has made the following findings that the proposed text amendments to Title 9, 11 and 17 of the Draper City Municipal Code: 1. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes; and 2. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan.

Section 2. Amendment. Sections 9-1-195, 9-2-020, 9-3-040, 9-3-060, 9-5-045, 9-5-060, 9-5-200, 9-26-050, 9-31-080, 9-38-010 of the Land Use and Development Code, Section 11-5-010 of the Streets and Public Improvements Code, and Sections 17-1-040, 17-1-090, 17-1-120, 17-3-030, 17-4-030, 17-4-075, and 17-6-010 of the Land Development Code of the Draper City Municipal Code are hereby revised to read as set forth in Exhibit A.

Section 3. Correction of Editing Errors. The city attorney is authorized to correct any punctuation, spelling, formatting, clerical, or de minimis errors in Exhibit A prior to submitting the ordinance for publishing.

Section 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 17th DAY OF FEBRUARY, 2026.

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Nicole Smedley, City Recorder

VOTE TAKEN:

Councilmember Green
Councilmember Johnson
Councilmember T. Lowery
Councilmember F. Lowry
Councilmember Dahlin
Mayor Walker

YES	NO	ABSENT
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

EXHIBIT A

9-1-195: IMPROVEMENT COMPLETION ASSURANCES:

A. An applicant may provide the city with an improvement completion assurance as defined below in an amount equal to one hundred ten percent (110%) of the estimated completion costs in lieu of an obligation required section 9-1-190. For purposes of this and other sections of this title, an improvement completion assurance is defined as codified in Utah Code ~~§10-9a-103~~ [Section 10-20-102, as amended](#), except that the acceptable forms of an improvement completion assurance limited by this code are:

...

9-2-020: GENERAL PLAN:

A. Adoption: The planning commission has recommended and the city council has adopted a comprehensive, long range general plan for present and future needs of the city, and growth and development of all or any part of the land within the city.

B. Purpose: The purpose of the general plan is to provide the city with a comprehensive, long range plan for its present and future needs regarding efficient and managed growth and development of land within the city. As outlined in Utah Code ~~Annotated section 10-9a-405~~ [Section 10-20-406](#) et seq., as amended, the general plan, and any amendments thereto, are intended to be an advisory guide for land use decisions within the city excepting those public uses in Utah Code ~~Annotated section 10-9a-406~~ [Section 10-20-407](#), as amended.

C. Content: The general plan, at a minimum, shall include all content mandated by Utah Code ~~Annotated section 10-9a-401~~ [Sections 10-20-401](#) and ~~10-9a-403~~ [10-20-404](#), as amended.

D. Plan Preparation: The general plan shall be prepared in accordance with Utah Code ~~Annotated section 10-9a-403~~ [Section 10-20-404](#), as amended.

E. Plan Adoption Or Rejection: General plan adoption or rejection shall follow Utah Code ~~Annotated 10-9a-404~~ [Section 10-20-405](#), as amended.

F. Plan Amendment: All plan amendments shall be in accordance with Utah Code ~~Annotated 10-9a-404~~ [Section 10-20-405](#), as amended and, unless requested by the city's legislative body, shall follow the procedures as outlined in Draper City Municipal Code 9-5-060(D).

G. Official Map: If an official land use map is adopted, the map shall be subject to the Utah Code ~~Annotated 10-9a-407~~ [Section 10-20-408](#), as amended.

H. Reporting: The city shall abide by the annual report requirements as outlined in Utah Code ~~Annotated 10-9a-408~~ [Section 10-21-202](#), as amended.

I. Notice: The city shall abide by the general plan noticing requirements in Utah Code ~~Annotated 10-9a-203~~ [Sections 10-20-203](#) and ~~10-9a-204~~ [10-20-204](#), as amended.

...

9-3-040: DEFINITIONS:

As used in this title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates otherwise:

...

AFFECTED ENTITY: A county, municipality, independent special district, local district, school district, interlocal cooperation entity, specified public utility, and the Utah Department of Transportation, as defined in Utah Code ~~section 10-9a-103~~ [Section 10-20-102](#), as amended.

...

MODERATE INCOME HOUSING PLAN: A written document conforming to the requirements of Utah Code ~~Annotated section 10-9a-408~~ [Section 10-21-201](#).

...

9-3-060: PROHIBITED AND PRESCRIBED USES:

...

B. Prescribed Uses: Uses prescribed under Utah Code ~~Annotated section 10-9a-305~~ [Section 10-20-304](#), ~~or its successor as amended~~, are allowed in any zone specified by that section, even if not listed as a permitted or conditional use in this title.

...

9-5-045: NOTICING:

Required notice of public meetings and hearings for land use applications and ordinances shall include and comply with the following provisions:

...

F. Adoption Or Amendment Of Land Use Ordinance: The city shall abide by the land use regulation modification noticing requirements in Utah Code ~~Annotated 10-9a-205~~ [Section 10-20-205](#), as amended.

...

9-5-060: ZONING MAP AND TEXT AMENDMENTS:

...

B. Authority: The city council may from time to time amend the text of this title and the zoning map as provided in this section. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations or any other provision of this title. The provisions set forth herein shall not apply to temporary zoning regulations which may be enacted without public hearing in accordance with Utah Code ~~Annotated section 10-9a-504~~ [Section 10-20-504](#), as amended.

...

F. Appeal Of Decision: Any party adversely affected by a decision of the city council to amend the text of this title or the zoning map may, within thirty (30) days after such decision, appeal to the district court as provided in Utah Code ~~Annotated section 10-9a-801~~ [Section 10-20-1109](#), as amended.

...

9-5-200: DEVELOPMENT AGREEMENTS:

...

D. Limitations:

1. A development agreement under this section may not:

...

c. Contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the city council approves the development agreement in accordance with the same procedures for enacting a land use regulation under Utah Code ~~Annotated Section 10-9a-502~~ [10-20-502](#), ~~as amended~~, including a review and recommendation from the planning commission and a public hearing.

...

7. To the extent that a development agreement does not specifically address a matter or concern related to land use or development, the matter or concern is governed by;

a. Utah Code ~~Annotated 10-9a-530~~ [Section 10-20-101 et seq.](#), as amended; and

...

9-26-050: APPROVALS, PERMITS, APPLICATIONS AND ENFORCEMENT:

...

H. Enforcement:

...

5. Cost Of Enforcement: The city shall be entitled to recover all costs incurred, including attorney fees, in the enforcement of actions under this chapter and in accordance with Utah Code ~~Annotated sections 10-9a-802~~ [Sections 10-20-1001](#) and ~~803~~ [10-20-1002](#), as amended.

...

9-31-080: VIOLATIONS:

Violations of this chapter shall be enforced consistent with this title and state code and may include fines and liens.

A. Notice of Violation:

...

2. If an owner of record files a written objection to the written notice of violation in accordance with Utah Code ~~10-9a-530(5)~~ [Subsection 10-21-303\(4\)](#), as amended, the zoning administrator shall provide notice, hold a hearing, and conduct a review to determine whether the violation described in the written notice of violation has occurred. If the zoning administrator determines that the violation in the notice of violation has occurred, the city may impose any remedies permitted by applicable law.

...

9-38-010: PURPOSE:

The purpose of this chapter is to:

A. Comply with Utah Code ~~Annotated sections 10-9a-516~~ [Section 10-20-610](#), as amended ~~and 520~~; and

...

11-5-010: VACATING RIGHTS OF WAY:

The city council may declare by ordinance that a street or alley is vacated or narrowed or the name of a street or alley is changed in accordance with the procedures set forth in Utah Code ~~Annotated section 10-9a-609.5~~ [Section 10-20-813](#) et seq., as amended, regarding the vacation, narrowing or changing the name of a street.

...

17-1-040: DEFINITIONS:

...

GENERAL PLAN: The comprehensive, long range general plan for proposed future development of land in the City, as provided in Utah Code ~~Annotated section 10-9a-401~~ [Section 10-20-401](#) et seq., as amended.

...

MASTER TRAFFIC AND TRANSPORTATION PLAN: That portion of the general plan which defines the future alignments of streets and their rights-of-way, including maps or reports or both, which have been approved by the Planning Commission and City Council as provided in Utah Code ~~Annotated section 10-9a-401~~ [Section 10-20-401](#) et seq., as amended.

...

PLAT, FINAL: 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 this code and provisions adopted pursuant thereto. Such plat shall also be in conformity with Utah Code ~~Annotated sections 10-9a-603~~ [Sections 10-20-803](#), ~~17-23-17~~ [17-73-504](#), or 57-8-13 et seq., as amended.

...

17-1-090: PROHIBITED ACTS:

A. 1. An owner of any land located in a subdivision, as defined in Utah Code ~~Annotated section 10-9a-103~~ [Section 10-20-102, as amended](#), who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this chapter for each lot or parcel transferred or sold.

...

17-1-120: APPEALS:

...

D. An applicant may appeal the city's failure to respond within twenty (20) business days on the fourth or final review described in Section 17-1-080(B)(6). If the City fails to respond within 20 business days on the fourth and final review, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

1. For a dispute arising from the subdivision improvement plans, assemble an

appeal panel, in accordance with Utah Code ~~10-9a-508(5)(d)~~ [Subsection 10-20-911\(5\)\(d\), as amended](#), to review and approve or deny the final revised set of plans;
or

...

17-3-030: PRELIMINARY PLAT SUBMITTAL:

...

B. Preliminary Plat: A preliminary plat drawn at a scale not smaller than one hundred feet (100') to the inch and prepared, stamped and signed by a professional engineer licensed by the state of Utah, showing:

...

10. All recorded easements and existing rights-of-way located within the plat for:

...

d. Any water conveyance facility located, entirely or partially, within the plat that is not recorded and of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land in the state engineer's inventory of canals or from a surveyor in accordance with Utah Code ~~Annotated 10-9a-603(6)(c)~~ [Subsection 10-20-803\(6\)\(c\)](#), as amended; and

...

17-4-030: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:

...

R. The final plat shall show all recorded easements and existing rights-of-way located within the plat for:

...

4. Any water conveyance facility located, entirely or partially, within the plat that is not recorded and of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land in the state engineer's inventory of canals or from a surveyor in accordance with Utah Code ~~Annotated 10-9a-603(6)(c)~~ [Subsection 10-20-803\(6\)\(c\)](#), as amended.

...

17-4-075: IMPROVEMENT COMPLETION ASSURANCES:

...

A. An applicant may provide the city with an improvement completion assurance as defined in Utah Code ~~Ann. § 10-9a-103~~ [Section 10-20-102, as amended](#), in an amount equal to one hundred percent (100%) of the estimated completion costs in lieu of an obligation required by this title. Acceptable forms of an improvement completion assurance limited by this code are:

...

17-6-010: INFRASTRUCTURE DESIGN STANDARDS:

A. Standards for design, construction specifications, inspection of the street improvements, curbs, gutters, sidewalks and standards for design, construction specifications and inspection of water distribution systems, sewage disposal facilities, storm drainage and flood control facilities shall be prepared by the city engineer. Standards for infrastructure improvements involving roadways shall also comply with Utah Code ~~10-9a-531~~ [Sections 10-21-616](#) and ~~Utah Code 10-9a-533~~ [10-20-617](#), as amended.

...



Development Review Committee

1020 East Pioneer Road

Draper, UT 84020

January 5, 2026

To: Draper City Planning Commission
Business Date: January 22, 2026

From: Development Review Committee

Prepared By: Todd Taylor, Planner III
Planning Division
Community Development Department
801-576-6510, todd.taylor@draperutah.gov

Re: City Initiated Utah State Code Reference Update – Text Amendment Request

Application No.: 2026-0002-TA

Applicant: Draper City

Project Location: City Wide

Current Zoning: City Wide

Acreage: City Wide

Request: Request for approval of Text Amendment to portions of Draper City Municipal Code (DCMC) Titles 9, 11, and 17 in order to update references to Utah State Code.

BACKGROUND AND SUMMARY

This application is a request for approval of a Text Amendment to portions of Draper City Municipal Code (DCMC) Titles 9, 11, and 17. The purpose of the request is to update references to Utah State Code, which have been renumbered. Please note that Title 11 is not within the Planning Commission's purview, but the text amendments have been included to show all of the changes that are being proposed.

The 2025 First Special Session of the Utah State Legislature included Senate Bill (SB) 1008 that reorganized and renumbered Utah State Code, Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act. The majority of the former text was moved to the new Title 10, Chapter 20, Municipal Land Use, Development, and Management Act. However, some of the sections were moved into Utah State Code, Title 10, Chapter 21, Municipalities and Housing Supply.



ANALYSIS

The modifications being proposed to the DCMC are listed and reviewed by section in the report below. The legislative copy of the changes can be found in Exhibit B of this report with additions to the text shown in blue underline, deletions in red strikethrough, and unchanged text in black.

Text Amendments.

The references to Utah State Code have been updated in the following sections of the DCMC:

- *Section 9-1-195: Improvement Completion Assurances*
- *Section 9-2-020: General Plan*
- *Section 9-3-040: Definitions*
- *Section 9-3-060: Prohibited and Prescribed Uses*
- *Section 9-5-045: Noticing*
- *Section 9-5-060: Zoning Map and Text Amendments*
- *Section 9-5-200: Development Agreements*
- *Section 9-26-050: Approvals, Permits, Applications and Enforcement*
- *Section 9-31-080: Violations*
- *Section 9-38-010: Purpose*
- *Section 11-5-010: Vacating Rights of Way*
- *Section 17-1-040: Definitions*
- *Section 17-1-090: Prohibited Acts*
- *Section 17-1-120: Appeals*
- *Section 17-3-030: Preliminary Plat Submittal*
- *Section 17-4-030: Final Plat; Preparation and Required Information*
- *Section 17-4-075: Improvement Completion Assurances*
- *Section 17-6-010: Infrastructure Design Standards*

Criteria For Approval.

A Text Amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making a recommendation to the City Council, the Planning Commission should consider the following factors in DCMC Section 9-5-060(E)(2):

2. *Text Amendments:*
 - a. *Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
 - b. *Whether a proposed amendment furthers the specific purpose statements of the zoning ordinance;*

- c. *Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance;*
- d. *The proposed amendment will not create a conflict with any other section or part of this title or the general plan;*
- e. *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*
- f. *The extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices*

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Text Amendment submission. Comments from these divisions, if any, can be found in Exhibit A.

Building Division Review. The Draper City Building Division has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed his review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Legal Division Review. The Draper City Attorney has completed his review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Noticing. Notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the request, receive public comment, and make a recommendation to the City Council based on the findings listed below and the criteria for approval, or denial, as listed within the staff report.

MODEL MOTIONS

Sample Motion for Positive Recommendation – I move that we forward a positive recommendation to the City Council for the City Initiated Utah State Code References Update

Text Amendment, as requested by Draper City, Application No. 2026-0002-TA, based on the following findings and the criteria for approval as listed in the Staff Report dated January 5, 2026.

Findings for Approval:

1. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes; and
2. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan.

Sample Motion for Modified Positive Recommendation – I move that we forward a positive recommendation to the City Council for the City Initiated Utah State Code References Update Text Amendment, as requested by Draper City, Application No. 2026-0002-TA, based on the findings and criteria for approval listed in the Staff Report dated January 5, 2026, and as modified by the following additional recommended modifications or findings:

1. (List any additional modifications or findings...)

Sample Motion for Negative Recommendation – I move that we forward a negative recommendation to the City Council for the City Initiated Utah State Code References Update Text Amendment, as requested by Draper City, Application No. 2026-0002-TA, based on the following findings and the criteria for denial as listed in the Staff Report dated January 5, 2026.

Findings for Denial:

1. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes.

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 Public Works Department

Don Buckley

Digitally signed by Don Buckley
DN: C=US,
E=don.buckley@draper.ut.us,
O=Draper City Fire Department,
OU=Fire Marshal, CN=Don Buckley
Date: 2026.01.08 15:37:39-07'00'

Draper City Fire Department

Matthew Symes

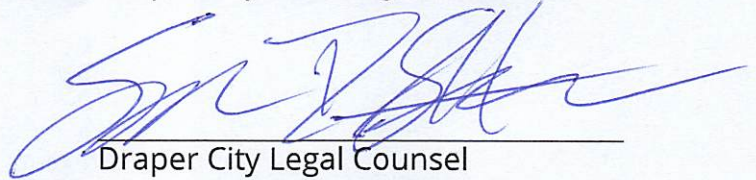
Digitally signed by Matthew Symes
DN: C=US,
E=matt.symes@draperutah.gov,
O=Draper City Corp., CN=Matthew Symes
Date: 2026.01.08 08:26:56-07'00'

Draper City Building Division

Todd Draper

Digitally signed by Todd Draper
DN: C=US,
E=todd.draper@draperutah.gov,
O=Draper City Community
Development Department,
OU=Planning and Zoning,
CN=Todd Draper
Date: 2026.01.08 09:49:28-07'00'

Draper City Planning Division



Draper City Legal Counsel

EXHIBIT A DEPARTMENT REVIEWS

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

Planning Division Review.

1. No additional comments received.

Engineering and Public Works Divisions Review.

1. No additional comments received.

Building Division Review.

1. No additional comments received.

Fire Division Review.

1. No additional comments received.

Legal Division Review.

1. No additional comments received.

EXHIBIT B

LEGISLATIVE DRAFT

9-1-195: IMPROVEMENT COMPLETION ASSURANCES:

A. An applicant may provide the city with an improvement completion assurance as defined below in an amount equal to one hundred ten percent (110%) of the estimated completion costs in lieu of an obligation required section 9-1-190. For purposes of this and other sections of this title, an improvement completion assurance is defined as codified in Utah Code ~~§10-9a-103~~ [Section 10-20-102, as amended](#), except that the acceptable forms of an improvement completion assurance limited by this code are:

...

9-2-020: GENERAL PLAN:

A. Adoption: The planning commission has recommended and the city council has adopted a comprehensive, long range general plan for present and future needs of the city, and growth and development of all or any part of the land within the city.

B. Purpose: The purpose of the general plan is to provide the city with a comprehensive, long range plan for its present and future needs regarding efficient and managed growth and development of land within the city. As outlined in Utah Code ~~Annotated section 10-9a-405~~ [Section 10-20-406](#) et seq., as amended, the general plan, and any amendments thereto, are intended to be an advisory guide for land use decisions within the city excepting those public uses in Utah Code ~~Annotated section 10-9a-406~~ [Section 10-20-407](#), as amended.

C. Content: The general plan, at a minimum, shall include all content mandated by Utah Code ~~Annotated section 10-9a-401~~ [Sections 10-20-401](#) and ~~10-9a-403~~ [10-20-404](#), as amended.

D. Plan Preparation: The general plan shall be prepared in accordance with Utah Code ~~Annotated section 10-9a-403~~ [Section 10-20-404](#), as amended.

E. Plan Adoption Or Rejection: General plan adoption or rejection shall follow Utah Code ~~Annotated 10-9a-404~~ [Section 10-20-405](#), as amended.

F. Plan Amendment: All plan amendments shall be in accordance with Utah Code ~~Annotated 10-9a-404~~ [Section 10-20-405](#), as amended and, unless requested by the city's legislative body, shall follow the procedures as outlined in Draper City Municipal Code 9-5-060(D).

G. Official Map: If an official land use map is adopted, the map shall be subject to the Utah Code ~~Annotated 10-9a-407~~ [Section 10-20-408](#), as amended.

H. Reporting: The city shall abide by the annual report requirements as outlined in Utah Code ~~Annotated 10-9a-408~~ [Section 10-21-202](#), as amended.

I. Notice: The city shall abide by the general plan noticing requirements in Utah Code ~~Annotated 10-9a-203~~ [Sections 10-20-203](#) and ~~10-9a-204~~ [10-20-204](#), as amended.

...

9-3-040: DEFINITIONS:

As used in this title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates otherwise:

...

AFFECTED ENTITY: A county, municipality, independent special district, local district, school district, interlocal cooperation entity, specified public utility, and the Utah Department of Transportation, as defined in Utah Code ~~section 10-9a-103~~ [Section 10-20-102](#), as amended.

...

MODERATE INCOME HOUSING PLAN: A written document conforming to the requirements of Utah Code ~~Annotated section 10-9a-408~~ [Section 10-21-201](#).

...

9-3-060: PROHIBITED AND PRESCRIBED USES:

...

B. Prescribed Uses: Uses prescribed under Utah Code ~~Annotated section 10-9a-305~~ [Section 10-20-304](#), ~~or its successor as amended~~, are allowed in any zone specified by that section, even if not listed as a permitted or conditional use in this title.

...

9-5-045: NOTICING:

Required notice of public meetings and hearings for land use applications and ordinances shall include and comply with the following provisions:

...

F. Adoption Or Amendment Of Land Use Ordinance: The city shall abide by the land use regulation modification noticing requirements in Utah Code ~~Annotated 10-9a-205~~ [Section 10-20-205](#), as amended.

...

9-5-060: ZONING MAP AND TEXT AMENDMENTS:

...

B. Authority: The city council may from time to time amend the text of this title and the zoning map as provided in this section. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations or any other provision of this title. The provisions set forth herein shall not apply to temporary zoning regulations which may be enacted without public hearing in accordance with Utah Code ~~Annotated section 10-9a-504~~ [Section 10-20-504](#), as amended.

...

F. Appeal Of Decision: Any party adversely affected by a decision of the city council to amend the text of this title or the zoning map may, within thirty (30) days after such decision, appeal to the district court as provided in Utah Code ~~Annotated section 10-9a-801~~ [Section 10-20-1109](#), as amended.

...

9-5-200: DEVELOPMENT AGREEMENTS:

...

D. Limitations:

1. A development agreement under this section may not:

...

c. Contain a term that conflicts with, or is different from, a standard set forth in an existing land use regulation that governs the area subject to the development agreement, unless the city council approves the development agreement in accordance with the same procedures for enacting a land use regulation under Utah Code ~~Annotated Section 10-9a-502~~ [10-20-502](#), ~~as amended~~, including a review and recommendation from the planning commission and a public hearing.

...

7. To the extent that a development agreement does not specifically address a matter or concern related to land use or development, the matter or concern is governed by;

a. Utah Code ~~Annotated 10-9a-530~~ [Section 10-20-101 et seq.](#), as amended;
and

...

9-26-050: APPROVALS, PERMITS, APPLICATIONS AND ENFORCEMENT:

...

H. Enforcement:

...

5. Cost Of Enforcement: The city shall be entitled to recover all costs incurred, including attorney fees, in the enforcement of actions under this chapter and in accordance with Utah Code ~~Annotated sections 10-9a-802~~ [Sections 10-20-1001](#) and ~~803~~ [10-20-1002](#), as amended.

...

9-31-080: VIOLATIONS:

Violations of this chapter shall be enforced consistent with this title and state code and may include fines and liens.

A. Notice of Violation:

...

2. If an owner of record files a written objection to the written notice of violation in accordance with Utah Code ~~10-9a-530(5)~~ [Subsection 10-21-303\(4\)](#), as amended, the zoning administrator shall provide notice, hold a hearing, and conduct a review to determine whether the violation described in the written notice of violation has occurred. If the zoning administrator determines that the violation in the notice of violation has occurred, the city may impose any remedies permitted by applicable law.

...

9-38-010: PURPOSE:

The purpose of this chapter is to:

A. Comply with Utah Code ~~Annotated sections 10-9a-516~~ [Section 10-20-610](#), as amended ~~and 520~~; and

...

11-5-010: VACATING RIGHTS OF WAY:

The city council may declare by ordinance that a street or alley is vacated or narrowed or the name of a street or alley is changed in accordance with the procedures set forth in Utah Code ~~Annotated section 10-9a-609.5~~ [Section 10-20-813](#) et seq., as amended, regarding the vacation, narrowing or changing the name of a street.

...

17-1-040: DEFINITIONS:

...

GENERAL PLAN: The comprehensive, long range general plan for proposed future development of land in the City, as provided in Utah Code ~~Annotated section 10-9a-401~~ [Section 10-20-401](#) et seq., as amended.

...

MASTER TRAFFIC AND TRANSPORTATION PLAN: That portion of the general plan which defines the future alignments of streets and their rights-of-way, including maps or reports or both, which have been approved by the Planning Commission and City Council as provided in Utah Code ~~Annotated section 10-9a-401~~ [Section 10-20-401](#) et seq., as amended.

...

PLAT, FINAL: 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 this code and provisions adopted pursuant thereto. Such plat shall also be in conformity with Utah Code ~~Annotated sections 10-9a-603~~ [Sections 10-20-803](#), ~~17-23-17~~ [17-73-504](#), or 57-8-13 et seq., as amended.

...

17-1-090: PROHIBITED ACTS:

A. 1. An owner of any land located in a subdivision, as defined in Utah Code ~~Annotated section 10-9a-103~~ [Section 10-20-102, as amended](#), who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this chapter for each lot or parcel transferred or sold.

...

17-1-120: APPEALS:

...

D. An applicant may appeal the city's failure to respond within twenty (20) business days on the fourth or final review described in Section 17-1-080(B)(6). If the City fails to respond within 20 business days on the fourth and final review, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

1. For a dispute arising from the subdivision improvement plans, assemble an appeal panel, in accordance with Utah Code ~~10-9a-508(5)(d)~~ [Subsection 10-20-911\(5\)\(d\), as amended](#), to review and approve or deny the final revised set of plans; or

...

17-3-030: PRELIMINARY PLAT SUBMITTAL:

...

B. Preliminary Plat: A preliminary plat drawn at a scale not smaller than one hundred feet (100') to the inch and prepared, stamped and signed by a professional engineer licensed by the state of Utah, showing:

...

10. All recorded easements and existing rights-of-way located within the plat for:

...

d. Any water conveyance facility located, entirely or partially, within the plat that is not recorded and of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land in the state engineer's inventory of canals or from a surveyor in accordance with Utah Code ~~Annotated 10-9a-603(6)(c)~~ [Subsection 10-20-803\(6\)\(c\)](#), as amended; and

...

17-4-030: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:

...

R. The final plat shall show all recorded easements and existing rights-of-way located within the plat for:

...

4. Any water conveyance facility located, entirely or partially, within the plat that is not recorded and of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land in the state engineer's inventory of canals or from a surveyor in accordance with Utah Code ~~Annotated 10-9a-603(6)(c)~~ [Subsection 10-20-803\(6\)\(c\)](#), as amended.

...

17-4-075: IMPROVEMENT COMPLETION ASSURANCES:

...

A. An applicant may provide the city with an improvement completion assurance as defined in Utah Code ~~Ann. § 10-9a-103~~ [Section 10-20-102, as amended](#), in an amount equal to one hundred percent (100%) of the estimated completion costs in lieu of an obligation required by this title. Acceptable forms of an improvement completion assurance limited by this code are:

...

17-6-010: INFRASTRUCTURE DESIGN STANDARDS:

A. Standards for design, construction specifications, inspection of the street improvements, curbs, gutters, sidewalks and standards for design, construction specifications and inspection of water distribution systems, sewage disposal facilities, storm drainage and flood control facilities shall be prepared by the city engineer. Standards for infrastructure improvements involving roadways shall also comply with Utah Code ~~10-9a-531~~ [Sections 10-21-616](#) and ~~Utah Code 10-9a-533~~ [10-20-617](#), as amended.

...

MEMO



To: City Council
From: Todd Taylor
Date: 2026-02-17
Re: Public Hearing: Ordinance #1702

Comments:

This application is a request for approval of a Text Amendment for the purpose of amending portions of Draper City Municipal Code (DCMC) Titles 2, 3, 6, 8, 9, and 17 to address recent changes to Utah State Code. Please note that Titles 2, 3, 6, and 8 are not within the Planning Commission's purview, but the text amendments have been included to show all of the changes that are being proposed.

The Planning Commission reviewed this item at their January 22, 2025 meeting and forwarded a positive recommendation with a vote of 5-0.

Findings for Approval:

1. The proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes;
3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
5. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.
6. The proposed text amendment brings the text of the DCMC into compliance with State Code.

Findings for Denial:

1. The proposed amendment is not consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes;
3. The proposed amendment could create a conflict with another section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been determined to be

detrimental to public health, safety, or welfare or do not represent an overall community benefit; and

5. The proposed text amendment is not consistent with best current, professional practices of urban planning, design, and engineering practices.

ATTACHMENTS:

[Ordinance No. 1702.pdf](#)

ATTACHMENTS:

[City Initiated Variance and Land Use Appeal Update TA SR.pdf](#)

ORDINANCE NO. 1702

AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF TITLES 2, 3, 6, 8, 9, AND 17 OF THE DRAPER CITY MUNICIPAL CODE RELATED TO VARIANCES AND LAND USE APPEALS.

WHEREAS, Utah State law grants to Draper City the authority to regulate uses of property by enacting land use regulations, among other methods; and

WHEREAS, it is necessary from time to time to amend certain terms of the Draper City Municipal Code to comply with statutes enacted by the Utah State Legislature; and

WHEREAS, the City Council of Draper City finds good cause to revise the terms and provisions of the Draper City Municipal Code in response to changes in Utah Code; and

WHEREAS, notice has been issued according to the requirements of the Utah Code and Draper City Municipal Code for public hearings before the Planning Commission and City Council to receive public input regarding the revision of the revision of portions of the Draper City Municipal Code; and

WHEREAS, the Planning Commission and City Council have each held a public hearing to receive public input regarding the revision of portions of the Draper City Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Findings. The City Council of Draper City has made the following findings that the proposed text amendments to Titles 2, 3, 6, 8, 9, and 17 of the Draper City Municipal Code: 1. The proposed amendment is consistent with goals, objectives and policies of the City's General Plan; 2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes; 3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan; 4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; 5. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices; and 6. The proposed text amendment brings the text of the DCMC into compliance with State Code.

Section 2. Amendment. Section 2-4-060 of the Government Organization Code, Section 3-5-030 of the Administrative Code, Sections 6-3-010 and 6-3-020 of the Business Regulations Code, Section 8-5-140 of the Telecommunications Code, Sections 9-3-040, 9-4-030, 9-4-050, 9-5-045, 9-5-110, 9-5-180, 9-6-050, 9-6-140, 9-7-050, 9-7-060, 9-7-100, 9-26-050,

and 9-27-140 of the Land Use and Development Code, and Sections 17-1-120 and 17-8-050 of the Land Development Code of the Draper City Municipal Code are hereby revised to read as set forth in Exhibit A.

Section 3. Correction of Editing Errors. The city attorney is authorized to correct any punctuation, spelling, formatting, clerical, or de minimis errors in Exhibit A prior to submitting the ordinance for publishing.

Section 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 17th DAY OF FEBRUARY, 2026.

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Nicole Smedley, City Recorder

VOTE TAKEN:

Councilmember Green
Councilmember Johnson
Councilmember T. Lowery
Councilmember F. Lowry
Councilmember Dahlin
Mayor Walker

YES	NO	ABSENT
___	___	___
___	___	___
___	___	___
___	___	___
___	___	___

EXHIBIT A

2-4-060: CONSTITUTIONAL TAKING ISSUES:

...

E. Appeals:

...

3. Appeal Procedure and Timing. The Appeals and Variance **Hearing** Officer shall **hear review** all evidence regarding the appeal and render a decision and findings in writing within fourteen (14) days from the date the appeal was filed. If the Appeals and Variance **Hearing** Officer fails to **hear review** and decide the appeal within fourteen (14) days, the City's decision or action is presumed to be approved.

4. Standard of Review. The Appeals and Variance **Hearing** Officer shall review the facts and information presented by the applicant and the City to determine by a preponderance of the evidence whether or not the action by the City constitutes a constitutional taking. In doing so, he or she shall consider the criteria for an exaction under the Utah Code ~~§ 10-9a-508~~ Section 10-20-911, as amended, as well as applicable state and federal statutory and common law.

...

3-5-030: PLANNING COMMISSION:

There is hereby created and established a Planning Commission of Draper City to recommend and monitor the planning and development of the city.

J. Appeals:

...

2. Any affected person may appeal a planning commission decision by filing a written appeal to the appeals and variance **hearing** officer stating the grounds for appeal within fourteen (14) days from the date of the decision or action.

...

6-3-010: DENIAL OF A BUSINESS LICENSE:

After a person has made application to the city for a business license, the application may be denied for any of the following reasons:

...

E. Noncompliance with any requirement or condition set by the city council, planning commission or community development department, if applicable, under a conditional use permit or by the appeals and variance **hearing** officer or community development

department, if applicable, granting a variance or special exception.

...

6-3-020: REASONS FOR SUSPENSION OR REVOCATION:

An existing business license may be suspended or revoked for any of the following reasons:

...

G. The licensee is not complying with a requirement or condition set by the city council, planning commission or community development department, if applicable, under a conditional use permit; by the appeals and variance **hearing** officer or community development department, if applicable, granting a variance or special exception; by the city council, or by agreement;

...

8-5-140: APPEAL OF ADMINISTRATIVE DECISIONS:

A. The Appeals and Variance **Hearing** Officer, appointed pursuant to section [9-4-050](#) of this Code, shall **hear review** and decide appeals from administrative decisions applying the provisions of this chapter, specifically including appeals from the denial of a site license application by the Public Works Director or the Zoning Administrator.

B. An applicant for a site license may appeal the denial of the application to the Appeals and Variance **Hearing** Officer or City Council, as applicable, as provided in subsection C1 of this section. A complete notice of appeal shall be filed within fourteen (14) days of the decision which is appealed.

C. An appeal of an administrative decision shall be considered and processed as provided in this subsection:

...

2. After the notice of appeal is determined to be complete and timely filed, the Zoning Administrator shall schedule a **public meeting hearing** before the Appeals and Variance **Hearing** Officer within thirty (30) days of the date the notice of appeal is filed, unless otherwise agreed to in writing by the City and the appellant. At least ten (10) days prior to the **public meeting hearing**, the Appeals and Variance **Hearing** Officer shall **give public provide due** notice **of the hearing and shall notify to** the parties in interest. Prior to the **public meeting hearing** the Zoning Administrator shall transmit to the appellate body all papers constituting the record of the action which is appealed.

3. An appeal to the Appeals and Variance **Hearing** Officer shall not stay proceedings taken in furtherance of the action appealed from unless such

proceedings are specifically stayed by order of the Zoning Administrator. An appellant may request a stay by submitting to the Zoning Administrator, in writing, a request for a stay setting forth the reasons why a stay is necessary to protect against imminent harm. In determining whether or not to grant a stay, the Zoning Administrator shall assure that all potentially affected parties are given the opportunity to comment on the request. A ruling on the request for a stay shall be given within five (5) days from the date the request is received by the Zoning Administrator. The Zoning Administrator, in granting a stay, may impose additional conditions to mitigate any potential harm that may be caused by the stay, including requiring the appellant to post a bond.

4. The Appeals and Variance **Hearing** Officer shall review the appeal on the record conduct at an open public meeting ~~hearing-based upon the record only~~, taking no new testimony or new information but relying solely upon the information and final decision of the officer or body from whom the appeal was taken. The Appeals and Variance **Hearing** Officer shall determine the correctness of the lower decision and thereafter affirm or reverse, wholly or in part, the lower decision, modify that decision, or impose any conditions needed to conform the matter appealed to applicable approval standards. The Appeals and Variance **Hearing** Officer shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a site license.

5. After the Appeals and Variance **Hearing** Officer makes a decision, the Zoning Administrator shall give the applicant written notice of the decision. The decision takes effect on the date when the Appeal Authority issues a written decision.

...

9-3-040: DEFINITIONS:

As used in this title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates otherwise:

...

VARIANCE: A modification granted by the 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.

...

9-4-030: CITY COUNCIL:

...

B. Powers And Duties Related To This Title: In administering this title, the City Council shall have the powers and duties set forth below. Each of such powers and duties shall be exercised pursuant to the procedural and other provisions of this title.

...

~~3.—Hear and decide appeals from decisions of the Historic Preservation Commission.~~

~~4~~ 3. Establish a fee schedule for applications required by provisions of this title.

...

9-4-050: APPEALS AND VARIANCE HEARING OFFICER:

A. There is hereby created and established an appeals and variance hearing officer of Draper City to provide for just and fair treatment in the administration of the city's zoning ordinances, in accordance with provisions of the Utah ~~m~~Municipal ~~I~~Land ~~u~~Use, ~~d~~Development, and ~~m~~Management ~~a~~Act, set forth at Utah Code ~~Annotated 10-9a-101~~ Section 10-20-101 et seq., as amended. The appeals and variance hearing officer shall have such powers and duties as set forth below.

B. Appointment: The Appeals and Variance Hearing Officer shall be appointed as follows:

1. The Appeals and Variance Hearing Officer shall be appointed by the Mayor with the advice and consent of the City Council.
2. The Appeals and Variance Hearing Officer shall be appointed for a term of one year and thereafter may be appointed for succeeding one-year terms.
3. The Appeals and Variance Hearing Officer shall, as a minimum, have such training and experience as will qualify them to review and decide ~~conduct administrative or quasi-judicial hearings regarding~~ land use appeals and variances and conduct administrative proceedings related to, land use development, and regulatory codes ~~dealing with issues related to land use~~.
4. The Mayor may remove the Appeals and Variance Hearing Officer for cause upon receipt of written charges filed against the appeals and variance hearing officer with the city manager and upon the advice and consent of the city council. The mayor shall provide the appeals and variance hearing officer with a public hearing if one is requested.
5. In the case of death, resignation, removal or disqualification, the position of appeals and variance hearing officer shall be promptly filled by a replacement appointed by the mayor with the advice and consent of the city council for the unexpired term of the previous appeals and variance hearing officer.
6. The appeals and variance hearing officer shall be considered an independent contractor and, ~~and~~ as such, will enter into a year-long contract for services at the

beginning of each appointed term. Terms for compensation and reimbursement will be determined and agreed upon in the aforementioned contract. The terms and conditions of the contract shall ultimately be approved by the city council prior to any individual entering into an agreement with the city to serve as the appeals and variance ~~hearing~~ officer.

7. The mayor may, from time to time, appoint an appeals and variance ~~hearing~~ officer pro tempore on a temporary basis when necessitated by the absence, unavailability, incapacity or disqualification of the regularly appointed appeals and variance ~~hearing~~ officer upon the advice and consent of the city council. Each appeals and variance ~~hearing~~ officer pro tempore shall, as a minimum, have qualifications ~~which are~~ similar to the regularly appointed appeals and variance ~~hearing~~ officer.

C. Organization And Procedure: The appeals and variance ~~hearing~~ officer shall organize and exercise its powers and duties as follows:

1. The appeals and variance ~~hearing~~ officer may adopt reasonable policies and procedures in accordance with city ordinances to govern the conduct of its meetings and ~~reviews~~ ~~hearings~~ and for any other purposes considered necessary for the functioning of the position ~~of appeals and variance hearing officer~~. Such policies and procedures shall be approved by the city council before taking effect.

2. The appeals and variance ~~hearing~~ officer shall hold ~~public~~ meetings as needed to consider matters within its purview under this title. The appeals and variance ~~hearing~~ officer ~~public~~ meetings shall be held on the first Wednesday after the first Tuesday of each month and such other times deemed necessary by the appeals and variance ~~hearing~~ officer. All ~~public~~ meetings ~~and hearings~~ shall be properly noticed and held in accordance with the ~~Utah~~ ~~Open and Public~~ ~~m~~Meetings ~~Act~~ ~~law~~ set forth in Utah Code ~~Annotated section~~ ~~Section~~ 52-4-1 et seq., as amended. Written minutes of all ~~public~~ meetings ~~and hearings~~ of the appeals and variance ~~hearing~~ officer shall be prepared and filed in the office of the city recorder for review and access by the public in accordance with the Draper City ~~g~~Government ~~r~~Records ~~a~~Access and ~~m~~Management ~~e~~Ordinance.

3. ~~The appeals and variance officer shall write a formal legal decision~~ ~~Decisions made by the appeals and variance hearing officer shall become effective at following~~ the ~~public~~ meeting ~~at which the matter is considered~~ ~~or hearing in which the decision is made~~, unless a different time is designated ~~in~~ ~~by~~ the appeals and variance ~~hearing~~ officer's ~~accepted rules or~~ at the ~~time the decision is made~~ ~~public~~ ~~meeting~~.

D. Powers And Duties: The powers and duties of the appeals and variance ~~hearing~~ officer shall be limited to the matters set forth below. Each of such powers and duties shall be exercised pursuant to the procedural and other provisions of this title:

1. Subject to the provisions of this chapter, ~~hear~~ review and decide appeals from zoning decisions of the planning commission or zoning administrator applying the provisions of this title.
2. ~~Hear~~ Review and decide variances from the terms of this title.
3. ~~Hear~~ Review and decide appeals from decisions made by the zoning administrator regarding chapter 6 of this title.

E. Appeals: Appeals to the appeals and variance ~~hearing~~ officer shall be filed in writing with the zoning administrator within fourteen (14) days from the date of the decision or action appealed as provided in subsection 9-5-180D1 of this title. The officer or department from whom the appeal is taken shall forthwith transmit to the appeals and variance ~~hearing~~ officer all papers constituting the record upon which the action appealed from was taken.

F. Scheduling and Notice ~~Of Hearing~~: The appeals and variance ~~hearing~~ officer shall ~~fix~~ schedule a reasonable time to review for the hearing of each appeal or variance request and provide due, ~~give public~~ notice ~~thereof as well as due notice~~ to the parties in interest; ~~at least ten (10) days prior to the hearing and shall set certain other criteria as to the form of notice whether by publication, certified mail or other criteria, reasonably designed to give notice to those parties subject to be affected thereby.~~

G. Decisions Of The Appeals And Variance ~~Hearing~~ Officer: ~~At the hearing of any matter,~~ ~~the parties affected may appear in person, with or without an attorney, and submit materials or arguments at the public meeting.~~ The appeals and variance ~~hearing~~ officer shall decide all appeals, variances, and other issues brought before it within a reasonable time.

H. Stay Of Proceedings: An appeal to the appeals and variance ~~hearing~~ officer shall not stay proceedings taken in furtherance of the action appealed from unless such proceedings are specifically stayed by order of the zoning administrator. An appellant may request a stay by submitting to the zoning administrator, in writing, an application for a stay setting forth the reasons why a stay is necessary to protect against imminent harm. In determining whether or not to grant a stay, the zoning administrator shall assure that all potentially affected parties are given the opportunity to comment on the request. A ruling on the request for a stay shall be given within five (5) days from the date the request is received by the zoning administrator. The zoning administrator, in granting a stay, may impose additional conditions to mitigate any potential harm that may be caused by the stay, including requiring the appellant to post a bond. Within ten (10) days of the zoning administrator's decision regarding the grant or denial of a stay, any adversely affected party may appeal the decision to the appeals and variance ~~hearing~~ officer, whose decision will be final.

I. Appeals From The Appeals And Variance ~~Hearing~~ Officer: A land use applicant or adversely affected party may file a petition for review of a final decision of the appeals and

variance ~~hearing~~ officer and may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, that the petition for such relief is presented to the court within thirty (30) days from the date of the decision of the appeals and variance ~~hearing~~ officer.

...

9-5-045: NOTICING:

Required notice of public meetings and hearings for land use applications and ordinances shall include and comply with the following provisions:

...

C. Notice To Third Parties:

1. For site specific land use applications that require a public hearing, the city shall:

a. Mail notice to the record owner of each lot or parcel within a ~~four~~ three hundred foot (~~400'~~ 300') radius of the subject property, ~~and. Properties that are within the three hundred foot (300') radius, but outside of Draper City boundaries, shall be sent notice equivalent to that sent to properties within Draper City.~~

b. the applicant shall pPost one ~~city-provided~~ sign along each street on which the subject property has frontage. If the subject property does not abut a street, then the sign shall be posted on a nearby street as determined by the zoning administrator. ~~The sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by. It shall be the responsibility of the applicant to remove and dispose of the sign within five (5) calendar days after the hearing. Failure to do so shall constitute a violation of this section. Third party property owners who live within the four hundred foot (400') radius but outside of Draper City boundaries shall be sent notice equivalent to that sent to property owners within Draper City.~~

c. Periodically verify that the posted signs remain in place until the end of the notice period, and replace the signs within a reasonable time after discovering that they have been removed or damaged.

~~2.—The applicant shall submit a signed affidavit of public posting.~~

~~3.—The affidavit shall include a photograph verifying that the sign has been installed, at least ten (10) days prior to the public hearing.~~

~~4.—Failure to post the public notice sign and provide the required verification at least ten (10) days prior to the public hearing will cause a delay in the processing of the application.~~

~~5. If the sign is destroyed or damaged, the applicant shall replace the sign within seventy two (72) hours of being notified.~~

2. For site specific land use applications which require a public meeting, the city shall mail notice to the record owner of each lot or parcel abutting the subject property. Properties that abut the subject property, but are outside of Draper City boundaries, shall be sent notice equivalent to that sent to properties within Draper City.

3. 6. If the City receives written request from the department of transportation for electronic notice of each land use application that may adversely impact the development of a high priority transportation corridor, the City shall provide such notice.

...

I. Notice Of Land Use Applications: The following land use applications shall be noticed at least ten (10) calendar days before the public hearing or meeting:

1. Conditional use permits;
2. Site plans or site plan amendments; and
3. Variances.

...

9-5-110: VARIANCES:

...

B. Authority: The appeals and variance ~~hearing~~ officer is authorized to ~~hear~~ review and decide variances to the provisions of this title as provided in this section.

...

D. Procedure: An application for a variance shall be considered and processed as provided in this subsection:

...

2. After the application is determined to be complete, the zoning administrator shall transmit the application and supporting materials to ~~schedule a public hearing before~~ the appeals and variance ~~hearing~~ officer for review. The appeals and variance officer shall schedule the matter for consideration at an open public meeting as provided in ~~S~~section 9-5-040 of this chapter. Notice to the applicant and parties in interest shall be ~~of the meeting should be given as~~ provided ~~in section 9-5-045 of this chapter.~~

...

4. The appeals and variance **hearing** officer shall consider the application held at an open and public meeting and thereafter shall approve, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the variance to approval standards.

5. After the appeals and variance **hearing** officer makes a decision, the zoning administrator shall give the applicant written notice of the decision.

...

E. Approval Standards: The following standards shall apply to a variance:

1. The appeals and variance **hearing** officer may grant a variance only if:

...

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 appeals and variance **hearing** officer may not find an unreasonable hardship exists if the hardship is self-imposed or economic.

3. The appeals and variance **hearing** officer may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zoning district.

...

6. In granting a variance, the appeals and variance **hearing** officer may impose additional requirements on an applicant that will mitigate any harmful affects of the variance, or serve the purpose of the standard or requirement that is waived or modified.

...

F. Appeal Of Decision: Appeals of a decision of the appeals and variance **hearing** officer regarding a variance are governed by subsection 9-4-050(I) of this title.

...

9-5-180: APPEAL OF ADMINISTRATIVE DECISIONS:

A. Purpose: This section sets forth procedures for appealing an administrative decision applying provisions of this title.

B. Authority: The appeals and variance ~~hearing~~ officer shall ~~hear~~ review and decide appeals from administrative decisions applying the provisions of this title.

C. Initiation: The land use applicant, an officer of the city, or an adversely affected party may appeal a decision administering or interpreting a provision of this title to the appeals and variance ~~hearing~~ officer as provided in subsection D(1) of this section. A complete Notice of Appeal shall be filed within ten (10) calendar days of the decision being appealed.

D. Procedure: An appeal of an administrative decision shall be considered and processed as provided in this subsection and shall respect the due process rights of the participants.

1. A complete Notice of Appeal shall be submitted to the Office of the zoning administrator on a form established by the administrator along with the fee established by the City in its consolidated fee schedule. The Notice of Appeal shall include at least the following information:

- a. The name, address and telephone number of the ~~appellant~~licant and the ~~appellant's~~licant's agent, if any;
- b. The decision appealed;
- c. Grounds for the appeal; and
- d. A description of the action claimed by the ~~appellant~~licant to be incorrect.

2. After the Notice of Appeal is determined to be complete and timely filed, the zoning administrator shall ~~coordinate with~~ transmit to the appeals and variance ~~hearing~~ officer all papers constituting the record of the action appealed. The appeals and variance officer shall ~~to~~ schedule the matter for consideration at an open public meeting as provided in Section 9-5-040 of this title. Notice of the meeting shall be provided ~~given as provided in subsection 9-4-050(F) of this title.~~ ~~Prior to the meeting the zoning administrator shall transmit to the appeals and variance hearing officer all papers constituting the record of the action which is appealed.~~

3. An appeal to the appeals and variance ~~hearing~~ officer shall not stay proceedings taken in furtherance of the action appealed from unless such proceedings are specifically stayed by order of the zoning administrator. An appellant may request a stay by submitting to the zoning administrator, in writing, a request for a stay setting forth the reasons why a stay is necessary to protect against imminent harm. In determining whether or not to grant a stay, the zoning administrator shall assure that all potentially affected parties are given the opportunity to comment on the request. A ruling on the request for a stay shall be given within five (5) days from the

date the request is received by the zoning administrator. The zoning administrator, in granting a stay, may impose additional conditions to mitigate any potential harm that may be caused by the stay, including requiring the appellant to post a bond. Within ten (10) days of the zoning administrator's decision regarding the grant or denial of a stay, any adversely affected party may appeal the decision to the appeals and variance **hearing** officer with jurisdiction over the appeal, whose decision will be final.

4. The appeals and variance **hearing** officer shall review the appeal on the record ~~conduct at an open public meeting~~ **hearing-based upon the record only**, taking no new testimony or new information but relying solely upon the information and final decision of the officer or body from whom the appeal was taken. The appellant has the burden of proving that the officer or body erred. In reviewing ~~conducting~~ the appeal, **hearing** the appeals and variance **hearing** officer shall:

- a. Determine whether the record on appeal includes substantial evidence for each essential finding of fact;
- b. Determine the correctness of the officer or body's interpretation and application of the plain meaning of the land use regulations and thereafter affirm or reverse, wholly or in part, the lower decision, modify that decision, or impose any conditions needed to conform the matter appealed to applicable approval standards; and
- c. Interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

5. The appeals and variance **hearing** officer shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.

6. After the appeals and variance **hearing** officer makes a decision, the zoning administrator shall give the appellant ~~licant~~ written notice of the decision. The decision takes effect on the date when the appeal authority issues a written decision.

7. A record of all appeals shall be maintained in the Office of the zoning administrator.

...

9-6-050: NONCONFORMING STRUCTURES:

...

C. Enlargement And Expansion: Any expansion of a nonconforming structure that increases the degree of nonconformity ~~ance~~ is prohibited, except as provided in this subsection:

...

1. The initial determination of whether a proposed expansion increases the degree of nonconformity shall be made by the zoning administrator.

2. A structure ~~which that~~ is legal and nonconforming as to height, area, or yard regulations may be added to or enlarged upon authorization by the ~~appeals and variance hearing officer~~ zoning administrator; provided, that the ~~addition or enlargement does not increase the degree of nonconformity and the appeals and variance hearing officer~~ zoning administrator, ~~after a hearing,~~ finds the expansion ~~is to be~~ compatible with the character of the surrounding neighborhood, ~~will not significantly adversely affect and not detrimental to the community, as determined by the effect of the expansion on~~ traffic, ~~value of~~ adjacent or nearby property values, ~~and nearby properties, and the availability of adequate~~ or public facilities and services, and complies with all other applicable standards of this title.

...

9-6-140: APPEALS:

Any adversely affected party by a decision of the zoning administrator or other official enforcing the provisions of this chapter may appeal for relief therefrom to the appeals and variance ~~hearing~~ officer as provided in this title.

...

9-7-050: TYPES OF VIOLATIONS:

It shall be unlawful for any person to violate any provision of this title, cause the violation of any provision of this title, or fail or refuse to do some act required under this title, including any of the acts set forth in this section:

...

C. Development Or Use Inconsistent With Conditions Of Approval: To violate, by act or omission, any lawful term, condition, or qualification placed by the city council, planning commission, appeals and variance ~~hearing~~ officer, or officer of the city, as applicable, upon a required permit, certificate, or other form of authorization granted by the city council, planning commission, appeals and variance ~~hearing~~ officer, or other city officer, allowing the use, development, or other activity upon land or improvements thereon.

...

9-7-060: REMEDIES:

Any violation of the provisions of this title shall be subject to the enforcement remedies and penalties provided by this chapter and by Utah law, including any of the following:

A. Withhold Permits: The city may deny or withhold all permits, certificates, or other forms of authorization pertaining to any land or improvements when an uncorrected violation exists pursuant to this title or to a condition or qualification of a permit, certificate, approval or other authorization previously granted by the city council, planning commission, appeals and variance **hearing** officer, or other city officer. The city may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this section shall apply regardless of whether the original applicant or current owner is responsible for the violation in question.

...

9-7-100: APPEALS:

Any adversely affected party by a decision of the zoning administrator or other official enforcing the provisions of this chapter may appeal for relief therefrom to the appeals and variance **hearing** officer as provided in this title.

...

9-26-050: APPROVALS, PERMITS, APPLICATIONS AND ENFORCEMENT:

...

I. Appeal: An applicant for a sign permit or a permit holder may appeal the decision of the zoning administrator to revoke the permit to the appeals and variance **hearing** officer by filing an appeal application within fifteen (15) days of the date when the notice was served or the date of the certified mailing.

...

9-27-140: LOTS AND YARDS:

...

C. Substandard Lots: No lot or parcel having less than the minimum width and area required by the zone where it is located may be divided from a larger parcel of land, whether by subdivision or metes and bounds, for the purpose, whether immediate or future, of building or development as a lot except as permitted by this section or by the appeals and variance **hearing** officer pursuant to the requirements of this title.

...

17-1-120: APPEALS:

A. Subject to subsection D, an appeal may be made to the Appeals and Variance **Hearing** Officer from any decision, determination or requirement of the Zoning Administrator or Planning Commission hereunder by filing with the community development department an

application and notice thereof in writing within ten (10) calendar days after such decision, determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the subdivider or other adversely affected party deems themselves adversely affected.

B. The Zoning Administrator shall set the appeal for [a public meeting hearing](#) before the Appeals and Variance **Hearing** Officer within a reasonable time after receipt of the appeal. Such [public meeting hearing](#) may be continued by order of the Appeals and Variance **Hearing** Officer. The appellant shall be notified [of the appeal hearing date](#) at least seven (7) calendar days prior to the [public meeting hearing](#). After [reviewing hearing](#) the appeal, the Appeals and Variance **Hearing** Officer 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 Appeals and Variance **Hearing** Officer 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 Appeals and Variance **Hearing** Officer.

C. An adversely affected party may appeal the Appeals and Variance **Hearing** Officer's decision to District Court as provided in Utah Code [Annotated tTitle 10, cChapter 9a 20](#).

D. An applicant may appeal the city's failure to respond within twenty (20) business days on the fourth or final review described in Section 17-1-080(B)(6). If the City fails to respond within 20 business days on the fourth and final review, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

...

2. For a dispute arising from the subdivision ordinance review, advise the applicant in writing of the deficiency in the application and of the right to appeal the determination to the Appeals and Variance **Hearing** Officer in accordance with this section.

...

17-8-050: REVIEW:

...

C. Appeal: The applicant may appeal any decision of the Zoning Administrator or Planning Commission to the Appeals and Variance **Hearing** Officer as provided in Section 17-1-120.

...



Development Review Committee

1020 East Pioneer Road

Draper, UT 84020

January 5, 2026

To: Draper City Planning Commission
Business Date: January 22, 2026

From: Development Review Committee

Prepared By: Todd Taylor, Planner III
Planning Division
Community Development Department
801-576-6510, todd.taylor@draperutah.gov

Re: City Initiated Variance and Land Use Appeal Update – Text Amendment Request

Application No.: 2026-0003-TA

Applicant: Draper City

Project Location: City Wide

Current Zoning: City Wide

Acreage: City Wide

Request: Request for approval of a Text Amendment to portions of Draper City Municipal Code (DCMC) Titles 2, 3, 6, 8, 9, and 17 to address recent changes to Utah State Code related to Variances and Land Use Appeals.

BACKGROUND AND SUMMARY

This application is a request for approval of a Text Amendment for the purpose of amending portions of Draper City Municipal Code (DCMC) Titles 2, 3, 6, 8, 9, and 17 to address recent changes to Utah State Code. Please note that Titles 2, 3, 6, and 8 are not within the Planning Commission's purview, but the text amendments have been included to show all of the changes that are being proposed.

The 2025 Utah State Legislative Session included House Bill (HB) 368 that enacted a provision that prohibits a municipality from requiring a public hearing for a variance or a land use appeal. Draper City needs to amend the DCMC in order to conform with this new State regulation.



ANALYSIS

Text Amendments.

This report will review the modifications being proposed. The legislative copy of the changes can be found in Exhibit B of this report. Additions to the text are indicated in blue, deletions in red, and unchanged text in black.

DCMC Section 2-4-060: Constitutional Taking Issues: The title and procedures for the Appeals and Variance Officer have been revised to clarify that items will be taken to a public meeting rather than a public hearing. Additionally, a reference to the Utah State Code has been updated

DCMC Section 3-5-030: Planning Commission: The title for the Appeals and Variance Officer has been revised.

DCMC Section 6-3-010: Denial of a Business License: The title for the Appeals and Variance Officer has been revised.

DCMC Section 6-3-020: Reasons for Suspension or Revocation: The title for the Appeals and Variance Officer has been revised.

DCMC Section 8-5-140: Appeal of Administrative Decisions: The title and procedures for the Appeals and Variance Officer have been revised to clarify that items will be taken to a public meeting rather than a public hearing.

DCMC Section 9-3-040: Definitions: The title for the Appeals and Variance Officer has been revised.

DCMC Section 9-4-030: City Council: The text for hearing appeals of decisions of the Historic Preservation Commission has been removed.

DCMC Section 9-4-050: Appeals and Variance Officer: The tile of this section has been changed to remove "Hearing" from the position title. The procedures for the Appeals and Variance Officer have been revised to clarify that items will be taken to a public meeting rather than a public hearing. The decision process has been updated to reflect how it is currently undertaken. Additionally, a reference to the Utah State Code has been updated.

DCMC Section 9-5-045: Noticing: The section on noticing to third parties has been updated to have a clear procedure for noticing a public hearing versus a public meeting. Additionally, the radius for mailed notices for public hearings is reduced from 400 feet to 300 feet, which matches the radius used for notices for subdivisions that go to a public hearing.

DCMC Section 9-5-110: Variances: The procedures for Variances have been revised to clarify that items will be taken to a public meeting rather than a public hearing

DCMC Section 9-5-180: Appeal Of Administrative Decisions: The procedures for Appeals of Administrative Decisions have been revised to clarify that items will be taken to a public meeting rather than a public hearing

DCMC Section 9-6-050: Nonconforming Structures: The determination of whether expansion of a legal, nonconforming structure increases the degree of nonconformity has been revised for clarity. The Zoning Administrator instead of the Appeals and Variance Officer will make the determination.

DCMC Section 9-6-140: Appeals: The title for the Appeals and Variance Officer has been revised.

DCMC Section 9-7-050: Types of Violations: The title for the Appeals and Variance Officer has been revised.

DCMC Section 9-7-060: Remedies: The title for the Appeals and Variance Officer has been revised.

DCMC Section 9-7-100: Appeals: The title for the Appeals and Variance Officer has been revised.

DCMC Section 9-26-050: Approvals, Permits, Applications and Enforcement: The title for the Appeals and Variance Officer has been revised.

DCMC Section 9-27-140: Lots and Yards: The title for the Appeals and Variance Officer has been revised.

DCMC Section 17-1-120: Appeals: The title and procedures for the Appeals and Variance Officer have been revised to clarify that items will be taken to a public meeting rather than a public hearing.

DCMC Section 17-8-050: Review: The title for the Appeals and Variance Officer has been revised.

Criteria For Approval.

A Text Amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making a recommendation to the City Council, the Planning Commission should consider the following factors in DCMC Section 9-5-060(E)(2):

2. *Text Amendments:*

- a. *Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
- b. *Whether a proposed amendment furthers the specific purpose statements of the zoning ordinance;*
- c. *Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance;*
- d. *The proposed amendment will not create a conflict with any other section or part of this title or the general plan;*
- e. *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*
- f. *The extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices*

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Text Amendment submission. Comments from these divisions, if any, can be found in Exhibit A.

Building Division Review. The Draper City Building Division has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Legal Division Review. The Draper City Attorney has completed their review of the Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Noticing. Notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the request, receive public comment, and make a recommendation to the City Council based on the findings and the criteria for approval, or denial, as listed within the staff report.

MODEL MOTIONS

Sample Motion for Positive Recommendation – I move that we forward a positive recommendation to the City Council for the City Initiated Variance and Land Use Appeal Update Text Amendment, as requested by Draper City, Application No. 2026-0003-TA, based on the following findings and the criteria for approval listed in the Staff Report dated January 5, 2026.

Findings for Approval:

1. The proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes;
3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
5. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.
6. The proposed text amendment brings the text of the DCMC into compliance with State Code.

Sample Motion for Modified Positive Recommendation – I move that we forward a positive recommendation to the City Council for the City Initiated Variance and Land Use Appeal Update Text Amendment, as requested by Draper City, Application No. 2026-0003-TA, based on the findings and criteria for approval listed in the Staff Report dated January 5, 2026, and as modified by the following additional recommended modifications or findings:

1. (List any additional modifications or findings...)

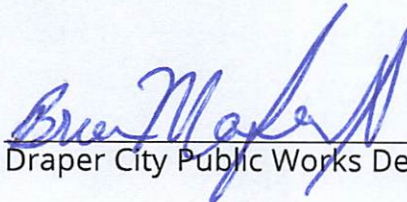
Sample Motion for Negative Recommendation – I move that we forward a negative recommendation to the City Council for the City Initiated Variance and Land Use Appeal Update Text Amendment, as requested by Draper City, Application No. 2026-0003-TA, based on the following findings and the criteria for denial listed in the Staff Report dated January 5, 2026.

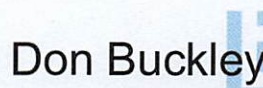
Findings for Denial:

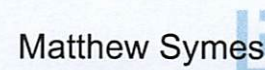
1. The proposed amendment is not consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes;
3. The proposed amendment could create a conflict with another section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been determined to be detrimental to public health, safety, or welfare or do not represent an overall community benefit; and
5. The proposed text amendment is not consistent with best current, professional practices of urban planning, design, and engineering practices.

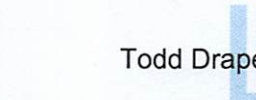
DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

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 Public Works Department


Don Buckley
Draper City Fire Department


Matthew Symes
Draper City Building Division


Todd Draper
Draper City Planning Division

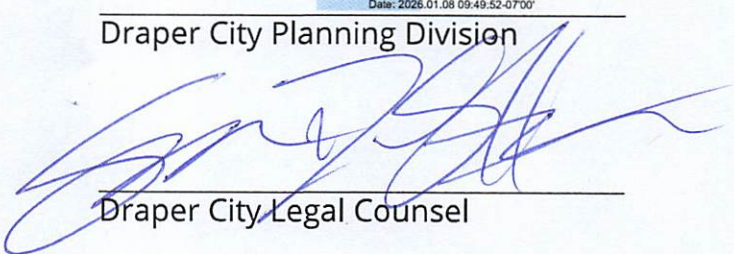

Draper City Legal Counsel

EXHIBIT A DEPARTMENT REVIEWS

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

Planning Division Review.

1. No additional comments received.

Engineering and Public Works Divisions Review.

1. No additional comments received.

Building Division Review.

1. No additional comments received.

Fire Division Review.

1. No additional comments received.

Legal Division Review.

1. No additional comments received.

EXHIBIT B
LEGISLATIVE DRAFT

2-4-060: CONSTITUTIONAL TAKING ISSUES:

...

E. Appeals:

...

3. Appeal Procedure and Timing. The Appeals and Variance ~~Hearing~~ Officer shall ~~hear~~ review all evidence regarding the appeal and render a decision and findings in writing within fourteen (14) days from the date the appeal was filed. If the Appeals and Variance ~~Hearing~~ Officer fails to ~~hear~~ review and decide the appeal within fourteen (14) days, the City's decision or action is presumed to be approved.

4. Standard of Review. The Appeals and Variance ~~Hearing~~ Officer shall review the facts and information presented by the applicant and the City to determine by a preponderance of the evidence whether or not the action by the City constitutes a constitutional taking. In doing so, he or she shall consider the criteria for an exaction under the Utah Code ~~§ 10-9a-508~~ Section 10-20-911, as amended, as well as applicable state and federal statutory and common law.

...

3-5-030: PLANNING COMMISSION:

There is hereby created and established a Planning Commission of Draper City to recommend and monitor the planning and development of the city.

J. Appeals:

...

2. Any affected person may appeal a planning commission decision by filing a written appeal to the appeals and variance ~~hearing~~ officer stating the grounds for appeal within fourteen (14) days from the date of the decision or action.

...

6-3-010: DENIAL OF A BUSINESS LICENSE:

After a person has made application to the city for a business license, the application may be denied for any of the following reasons:

...

E. Noncompliance with any requirement or condition set by the city council, planning commission or community development department, if applicable, under a conditional use

permit or by the appeals and variance ~~hearing~~ officer or community development department, if applicable, granting a variance or special exception.

...

6-3-020: REASONS FOR SUSPENSION OR REVOCATION:

An existing business license may be suspended or revoked for any of the following reasons:

...

G. The licensee is not complying with a requirement or condition set by the city council, planning commission or community development department, if applicable, under a conditional use permit; by the appeals and variance ~~hearing~~ officer or community development department, if applicable, granting a variance or special exception; by the city council, or by agreement;

...

8-5-140: APPEAL OF ADMINISTRATIVE DECISIONS:

A. The Appeals and Variance ~~Hearing~~ Officer, appointed pursuant to section [9-4-050](#) of this Code, shall ~~hear~~ [review](#) and decide appeals from administrative decisions applying the provisions of this chapter, specifically including appeals from the denial of a site license application by the Public Works Director or the Zoning Administrator.

B. An applicant for a site license may appeal the denial of the application to the Appeals and Variance ~~Hearing~~ Officer or City Council, as applicable, as provided in subsection C1 of this section. A complete notice of appeal shall be filed within fourteen (14) days of the decision which is appealed.

C. An appeal of an administrative decision shall be considered and processed as provided in this subsection:

...

2. After the notice of appeal is determined to be complete and timely filed, the Zoning Administrator shall schedule a [public meeting](#) ~~hearing~~ before the Appeals and Variance ~~Hearing~~ Officer within thirty (30) days of the date the notice of appeal is filed, unless otherwise agreed to in writing by the City and the appellant. At least ten (10) days prior to the [public meeting](#) ~~hearing~~, the Appeals and Variance ~~Hearing~~ Officer shall ~~give public~~ [provide due](#) notice ~~of the hearing and shall notify to~~ the parties in interest. Prior to the [public meeting](#) ~~hearing~~ the Zoning Administrator shall transmit to the appellate body all papers constituting the record of the action which is appealed.

3. An appeal to the Appeals and Variance **Hearing** Officer shall not stay proceedings taken in furtherance of the action appealed from unless such proceedings are specifically stayed by order of the Zoning Administrator. An appellant may request a stay by submitting to the Zoning Administrator, in writing, a request for a stay setting forth the reasons why a stay is necessary to protect against imminent harm. In determining whether or not to grant a stay, the Zoning Administrator shall assure that all potentially affected parties are given the opportunity to comment on the request. A ruling on the request for a stay shall be given within five (5) days from the date the request is received by the Zoning Administrator. The Zoning Administrator, in granting a stay, may impose additional conditions to mitigate any potential harm that may be caused by the stay, including requiring the appellant to post a bond.

4. The Appeals and Variance **Hearing** Officer shall review the appeal on the record ~~conduct at an open public meeting hearing based upon the record only~~, taking no new testimony or new information but relying solely upon the information and final decision of the officer or body from whom the appeal was taken. The Appeals and Variance **Hearing** Officer shall determine the correctness of the lower decision and thereafter affirm or reverse, wholly or in part, the lower decision, modify that decision, or impose any conditions needed to conform the matter appealed to applicable approval standards. The Appeals and Variance **Hearing** Officer shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a site license.

5. After the Appeals and Variance **Hearing** Officer makes a decision, the Zoning Administrator shall give the applicant written notice of the decision. The decision takes effect on the date when the Appeal Authority issues a written decision.

...

9-3-040: DEFINITIONS:

As used in this title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates otherwise:

...

VARIANCE: A modification granted by the 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.

...

9-4-030: CITY COUNCIL:

...

B. Powers And Duties Related To This Title: In administering this title, the City Council shall have the powers and duties set forth below. Each of such powers and duties shall be exercised pursuant to the procedural and other provisions of this title.

...

~~3. Hear and decide appeals from decisions of the Historic Preservation Commission.~~

4 3. Establish a fee schedule for applications required by provisions of this title.

...

9-4-050: APPEALS AND VARIANCE ~~HEARING~~ OFFICER:

A. There is hereby created and established an appeals and variance ~~hearing~~ officer of Draper City to provide for just and fair treatment in the administration of the city's zoning ordinances, in accordance with provisions of the Utah ~~m~~Municipal ~~l~~Land ~~u~~Use, ~~d~~Development, and ~~m~~Management ~~a~~Act, set forth at Utah Code ~~Annotated 10-9a-101~~ Section 10-20-101 et seq., as amended. The appeals and variance ~~hearing~~ officer shall have such powers and duties as set forth below.

B. Appointment: The Appeals and Variance ~~Hearing~~ Officer shall be appointed as follows:

1. The Appeals and Variance ~~Hearing~~ Officer shall be appointed by the Mayor with the advice and consent of the City Council.
2. The Appeals and Variance ~~Hearing~~ Officer shall be appointed for a term of one year and thereafter may be appointed for succeeding one-~~year~~ terms.
3. The Appeals and Variance ~~Hearing~~ Officer shall, as a minimum, have such training and experience as will qualify them to review and decide ~~conduct administrative or quasi-judicial hearings regarding~~ land use appeals and variances and conduct administrative proceedings related to, land use ~~development~~, and regulatory codes ~~dealing with issues related to land use~~.
4. The Mayor may remove the Appeals and Variance ~~Hearing~~ Officer for cause upon receipt of written charges filed against the appeals and variance ~~hearing~~ officer with the city manager and upon the advice and consent of the city council. The mayor shall provide the appeals and variance ~~hearing~~ officer with a public hearing if one is requested.
5. In the case of death, resignation, removal or disqualification, the position of appeals and variance ~~hearing~~ officer shall be promptly filled by a replacement

appointed by the mayor with the advice and consent of the city council for the unexpired term of the previous appeals and variance ~~hearing~~ officer.

6. The appeals and variance ~~hearing~~ officer shall be considered an independent contractor ~~and, and~~ as such, will enter into a year-long contract for services at the beginning of each appointed term. Terms for compensation and reimbursement will be determined and agreed upon in the aforementioned contract. The terms and conditions of the contract shall ultimately be approved by the city council prior to any individual entering into an agreement with the city to serve as the appeals and variance ~~hearing~~ officer.

7. The mayor may, from time to time, appoint an appeals and variance ~~hearing~~ officer pro tempore on a temporary basis when necessitated by the absence, unavailability, incapacity or disqualification of the regularly appointed appeals and variance ~~hearing~~ officer upon the advice and consent of the city council. Each appeals and variance ~~hearing~~ officer pro tempore shall, as a minimum, have qualifications ~~which are~~ similar to the regularly appointed appeals and variance ~~hearing~~ officer.

C. Organization And Procedure: The appeals and variance ~~hearing~~ officer shall organize and exercise its powers and duties as follows:

1. The appeals and variance ~~hearing~~ officer may adopt reasonable policies and procedures in accordance with city ordinances to govern the conduct of its meetings and ~~reviews~~ ~~hearings~~ and for any other purposes considered necessary for the functioning of the position ~~of appeals and variance hearing officer~~. Such policies and procedures shall be approved by the city council before taking effect.

2. The appeals and variance ~~hearing~~ officer shall hold ~~public~~ meetings as needed to consider matters within its purview under this title. The appeals and variance ~~hearing~~ officer ~~public~~ meetings shall be held on the first Wednesday after the first Tuesday of each month and such other times deemed necessary by the appeals and variance ~~hearing~~ officer. All ~~public~~ meetings ~~and hearings~~ shall be properly noticed and held in accordance with the ~~Utah eOpen and Public mMeetings Act law~~ set forth in Utah Code ~~Annotated section~~ Section 52-4-1 et seq., as amended. Written minutes of all ~~public~~ meetings ~~and hearings~~ of the appeals and variance ~~hearing~~ officer shall be prepared and filed in the office of the city recorder for review and access by the public in accordance with the Draper City ~~gGovernment~~ ~~rRecords~~ ~~aAccess~~ and ~~mManagement~~ ~~eOrdinance~~.

3. ~~The appeals and variance officer shall write a formal legal decision~~ ~~Decisions made by the appeals and variance hearing officer shall become effective at following~~ the ~~public~~ meeting ~~at which the matter is considered or hearing in which the decision is made~~, unless a different time is designated ~~in by~~ the appeals and variance ~~hearing~~ officer's ~~accepted rules or~~ at the ~~time the decision is made~~ ~~public~~ ~~meeting~~.

D. Powers And Duties: The powers and duties of the appeals and variance ~~hearing~~ officer shall be limited to the matters set forth below. Each of such powers and duties shall be exercised pursuant to the procedural and other provisions of this title:

1. Subject to the provisions of this chapter, ~~hear~~ review and decide appeals from zoning decisions of the planning commission or zoning administrator applying the provisions of this title.
2. ~~Hear~~ Review and decide variances from the terms of this title.
3. ~~Hear~~ Review and decide appeals from decisions made by the zoning administrator regarding chapter 6 of this title.

E. Appeals: Appeals to the appeals and variance ~~hearing~~ officer shall be filed in writing with the zoning administrator within fourteen (14) days from the date of the decision or action appealed as provided in subsection 9-5-180D1 of this title. The officer or department from whom the appeal is taken shall forthwith transmit to the appeals and variance ~~hearing~~ officer all papers constituting the record upon which the action appealed from was taken.

F. Scheduling and Notice ~~Of Hearing~~: The appeals and variance ~~hearing~~ officer shall ~~fix~~ schedule a reasonable time ~~to review for the hearing of~~ each appeal or variance request and provide due, ~~give public notice thereof as well as due notice~~ to the parties in interest, ~~at least ten (10) days prior to the hearing and shall set certain other criteria as to the form of notice whether by publication, certified mail or other criteria, reasonably designed to give notice to those parties subject to be affected thereby.~~

G. Decisions Of The Appeals And Variance ~~Hearing~~ Officer: ~~At the hearing of any matter,~~ The parties affected may appear in person, with or without an attorney, and submit materials or arguments at the public meeting. The appeals and variance ~~hearing~~ officer shall decide all appeals, variances, and other issues brought before it within a reasonable time.

H. Stay Of Proceedings: An appeal to the appeals and variance ~~hearing~~ officer shall not stay proceedings taken in furtherance of the action appealed from unless such proceedings are specifically stayed by order of the zoning administrator. An appellant may request a stay by submitting to the zoning administrator, in writing, an application for a stay setting forth the reasons why a stay is necessary to protect against imminent harm. In determining whether or not to grant a stay, the zoning administrator shall assure that all potentially affected parties are given the opportunity to comment on the request. A ruling on the request for a stay shall be given within five (5) days from the date the request is received by the zoning administrator. The zoning administrator, in granting a stay, may impose additional conditions to mitigate any potential harm that may be caused by the stay, including requiring the appellant to post a bond. Within ten (10) days of the zoning administrator's decision regarding the grant or denial of a stay, any adversely affected

party may appeal the decision to the appeals and variance ~~hearing~~ officer, whose decision will be final.

I. Appeals From The Appeals And Variance ~~Hearing~~ Officer: A land use applicant or adversely affected party may file a petition for review of a final decision of the appeals and variance ~~hearing~~ officer and may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, that the petition for such relief is presented to the court within thirty (30) days from the date of the decision of the appeals and variance ~~hearing~~ officer.

...

9-5-045: NOTICING:

Required notice of public meetings and hearings for land use applications and ordinances shall include and comply with the following provisions:

...

C. Notice To Third Parties:

1. For site specific land use applications that require a public hearing, the city shall:

a. ~~M~~mail notice to the record owner of each lot or parcel within a ~~four~~ three hundred foot (~~400'~~ 300') radius of the subject property, ~~and. Properties that are within the three hundred foot (300') radius, but outside of Draper City boundaries, shall be sent notice equivalent to that sent to properties within Draper City.~~

b. ~~the applicant shall p~~ost one ~~city provided~~ sign along each street on which the subject property has frontage. If the subject property does not abut a street, then the sign shall be posted on a nearby street as determined by the zoning administrator. ~~The sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by. It shall be the responsibility of the applicant to remove and dispose of the sign within five (5) calendar days after the hearing. Failure to do so shall constitute a violation of this section. Third party property owners who live within the four hundred foot (400') radius but outside of Draper City boundaries shall be sent notice equivalent to that sent to property owners within Draper City.~~

c. Periodically verify that the posted signs remain in place until the end of the notice period, and replace the signs within a reasonable time after discovering that they have been removed or damaged.

~~2. The applicant shall submit a signed affidavit of public posting.~~

~~3. The affidavit shall include a photograph verifying that the sign has been installed, at least ten (10) days prior to the public hearing.~~

~~4. Failure to post the public notice sign and provide the required verification at least ten (10) days prior to the public hearing will cause a delay in the processing of the application.~~

~~5. If the sign is destroyed or damaged, the applicant shall replace the sign within seventy two (72) hours of being notified.~~

2. For site specific land use applications which require a public meeting, the city shall mail notice to the record owner of each lot or parcel abutting the subject property. Properties that abut the subject property, but are outside of Draper City boundaries, shall be sent notice equivalent to that sent to properties within Draper City.

3. 6. If the City receives written request from the department of transportation for electronic notice of each land use application that may adversely impact the development of a high priority transportation corridor, the City shall provide such notice.

...

I. Notice Of Land Use Applications: The following land use applications shall be noticed at least ten (10) calendar days before the public hearing or meeting:

1. Conditional use permits;
2. Site plans or site plan amendments; and
3. Variances.

...

9-5-110: VARIANCES:

...

B. Authority: The appeals and variance ~~hearing~~ officer is authorized to ~~hear~~ review and decide variances to the provisions of this title as provided in this section.

...

D. Procedure: An application for a variance shall be considered and processed as provided in this subsection:

...

2. After the application is determined to be complete, the zoning administrator shall transmit the application and supporting materials to ~~schedule a public hearing before~~ the appeals and variance ~~hearing~~ officer for review. The appeals and variance officer shall schedule the matter for consideration at an open public meeting as provided in ~~S~~section 9-5-040 of this chapter. Notice to the applicant and parties in interest shall be ~~of the meeting should be given as~~ provided ~~in section 9-5-045 of this chapter.~~

...

4. The appeals and variance ~~hearing~~ officer shall consider the application ~~hold at an open and~~ public meeting and thereafter shall approve, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the variance to approval standards.

5. After the appeals and variance ~~hearing~~ officer makes a decision, the zoning administrator shall give the applicant written notice of the decision.

...

E. Approval Standards: The following standards shall apply to a variance:

1. The appeals and variance ~~hearing~~ officer may grant a variance only if:

...

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 appeals and variance ~~hearing~~ officer may not find an unreasonable hardship exists if the hardship is self-imposed or economic.

3. The appeals and variance ~~hearing~~ officer may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zoning district.

...

6. In granting a variance, the appeals and variance ~~hearing~~ officer may impose additional requirements on an applicant that will mitigate any harmful affects of the variance, or serve the purpose of the standard or requirement that is waived or modified.

...

F. Appeal Of Decision: Appeals of a decision of the appeals and variance ~~hearing~~ officer regarding a variance are governed by subsection 9-4-050(I) of this title.

...

9-5-180: APPEAL OF ADMINISTRATIVE DECISIONS:

A. Purpose: This section sets forth procedures for appealing an administrative decision applying provisions of this title.

B. Authority: The appeals and variance ~~hearing~~ officer shall ~~hear~~ review and decide appeals from administrative decisions applying the provisions of this title.

C. Initiation: The land use applicant, an officer of the city, or an adversely affected party may appeal a decision administering or interpreting a provision of this title to the appeals and variance ~~hearing~~ officer as provided in subsection D(1) of this section. A complete Notice of Appeal shall be filed within ten (10) calendar days of the decision being appealed.

D. Procedure: An appeal of an administrative decision shall be considered and processed as provided in this subsection and shall respect the due process rights of the participants.

1. A complete Notice of Appeal shall be submitted to the Office of the zoning administrator on a form established by the administrator along with the fee established by the City in its consolidated fee schedule. The Notice of Appeal shall include at least the following information:

- a. The name, address and telephone number of the app~~ellant~~ellant~~licant~~ and the app~~ellant's~~ellant's agent, if any;
- b. The decision appealed;
- c. Grounds for the appeal; and
- d. A description of the action claimed by the app~~ellant~~ellant~~licant~~ to be incorrect.

2. After the Notice of Appeal is determined to be complete and timely filed, the zoning administrator shall ~~coordinate with~~ transmit to the appeals and variance ~~hearing~~ officer all papers constituting the record of the action appealed. The appeals and variance officer shall ~~to~~ schedule the matter for consideration at an open public meeting as provided in Section 9-5-040 of this title. Notice of the meeting shall be provided ~~given as provided in subsection 9-4-050(F) of this title.~~ ~~Prior to the meeting the zoning administrator shall transmit to the appeals and variance hearing officer all papers constituting the record of the action which is appealed.~~

3. An appeal to the appeals and variance ~~hearing~~ officer shall not stay proceedings taken in furtherance of the action appealed from unless such proceedings are

specifically stayed by order of the zoning administrator. An appellant may request a stay by submitting to the zoning administrator, in writing, a request for a stay setting forth the reasons why a stay is necessary to protect against imminent harm. In determining whether or not to grant a stay, the zoning administrator shall assure that all potentially affected parties are given the opportunity to comment on the request. A ruling on the request for a stay shall be given within five (5) days from the date the request is received by the zoning administrator. The zoning administrator, in granting a stay, may impose additional conditions to mitigate any potential harm that may be caused by the stay, including requiring the appellant to post a bond. Within ten (10) days of the zoning administrator's decision regarding the grant or denial of a stay, any adversely affected party may appeal the decision to the appeals and variance ~~hearing~~ officer with jurisdiction over the appeal, whose decision will be final.

4. The appeals and variance ~~hearing~~ officer shall review the appeal on the record ~~conduct at an open public meeting hearing based upon the record only~~, taking no new testimony or new information but relying solely upon the information and final decision of the officer or body from whom the appeal was taken. The appellant has the burden of proving that the officer or body erred. In reviewing ~~conducting~~ the appeal, ~~hearing~~ the appeals and variance ~~hearing~~ officer shall:

- a. Determine whether the record on appeal includes substantial evidence for each essential finding of fact;
- b. Determine the correctness of the officer or body's interpretation and application of the plain meaning of the land use regulations and thereafter affirm or reverse, wholly or in part, the lower decision, modify that decision, or impose any conditions needed to conform the matter appealed to applicable approval standards; and
- c. Interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

5. The appeals and variance ~~hearing~~ officer shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.

6. After the appeals and variance ~~hearing~~ officer makes a decision, the zoning administrator shall give the appellant~~licant~~ written notice of the decision. The decision takes effect on the date when the appeal authority issues a written decision.

7. A record of all appeals shall be maintained in the Office of the zoning administrator.

...

9-6-050: NONCONFORMING STRUCTURES:

...

C. Enlargement And Expansion: Any expansion of a nonconforming structure that increases the degree of nonconformity ~~ity~~^{ance} is prohibited, except as provided in this subsection:

...

1. The initial determination of whether a proposed expansion increases the degree of nonconformity shall be made by the zoning administrator.

2. A structure ~~which~~ that is legal and nonconforming as to height, area, or yard regulations may be added to or enlarged upon authorization by the ~~appeals and variance hearing officer~~ zoning administrator; provided, that the ~~addition or enlargement does not increase the degree of nonconformity and the appeals and variance hearing officer~~ zoning administrator, ~~after a hearing~~, finds the expansion is ~~to be~~ compatible with the character of the surrounding neighborhood, will not significantly adversely affect ~~and not detrimental to the community, as determined by the effect of the expansion on~~ traffic, ~~value of~~ adjacent or nearby property values, ~~and nearby properties, and the availability of adequate~~ or public facilities and services, and complies with all other applicable standards of this title.

...

9-6-140: APPEALS:

Any adversely affected party by a decision of the zoning administrator or other official enforcing the provisions of this chapter may appeal for relief therefrom to the appeals and variance ~~hearing~~ officer as provided in this title.

...

9-7-050: TYPES OF VIOLATIONS:

It shall be unlawful for any person to violate any provision of this title, cause the violation of any provision of this title, or fail or refuse to do some act required under this title, including any of the acts set forth in this section:

...

C. Development Or Use Inconsistent With Conditions Of Approval: To violate, by act or omission, any lawful term, condition, or qualification placed by the city council, planning commission, appeals and variance ~~hearing~~ officer, or officer of the city, as applicable, upon a required permit, certificate, or other form of authorization granted by the city council,

planning commission, appeals and variance **hearing** officer, or other city officer, allowing the use, development, or other activity upon land or improvements thereon.

...

9-7-060: REMEDIES:

Any violation of the provisions of this title shall be subject to the enforcement remedies and penalties provided by this chapter and by Utah law, including any of the following:

A. Withhold Permits: The city may deny or withhold all permits, certificates, or other forms of authorization pertaining to any land or improvements when an uncorrected violation exists pursuant to this title or to a condition or qualification of a permit, certificate, approval or other authorization previously granted by the city council, planning commission, appeals and variance **hearing** officer, or other city officer. The city may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this section shall apply regardless of whether the original applicant or current owner is responsible for the violation in question.

...

9-7-100: APPEALS:

Any adversely affected party by a decision of the zoning administrator or other official enforcing the provisions of this chapter may appeal for relief therefrom to the appeals and variance **hearing** officer as provided in this title.

...

9-26-050: APPROVALS, PERMITS, APPLICATIONS AND ENFORCEMENT:

...

I. Appeal: An applicant for a sign permit or a permit holder may appeal the decision of the zoning administrator to revoke the permit to the appeals and variance **hearing** officer by filing an appeal application within fifteen (15) days of the date when the notice was served or the date of the certified mailing.

...

9-27-140: LOTS AND YARDS:

...

C. Substandard Lots: No lot or parcel having less than the minimum width and area required by the zone where it is located may be divided from a larger parcel of land, whether by subdivision or metes and bounds, for the purpose, whether immediate or

future, of building or development as a lot except as permitted by this section or by the appeals and variance **hearing** officer pursuant to the requirements of this title.

...

17-1-120: APPEALS:

A. Subject to subsection D, an appeal may be made to the Appeals and Variance **Hearing** Officer from any decision, determination or requirement of the Zoning Administrator or Planning Commission hereunder by filing with the community development department an application and notice thereof in writing within ten (10) calendar days after such decision, determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the subdivider or other adversely affected party deems themselves adversely affected.

B. The Zoning Administrator shall set the appeal for a public meeting hearing before the Appeals and Variance **Hearing** Officer within a reasonable time after receipt of the appeal. Such public meeting hearing may be continued by order of the Appeals and Variance **Hearing** Officer. The appellant shall be notified ~~of the appeal hearing date~~ at least seven (7) calendar days prior to the public meeting hearing. After reviewing hearing the appeal, the Appeals and Variance **Hearing** Officer 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 Appeals and Variance **Hearing** Officer 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 Appeals and Variance **Hearing** Officer.

C. An adversely affected party may appeal the Appeals and Variance **Hearing** Officer's decision to District Court as provided in Utah Code Annotated title 10, chapter 9a.

D. An applicant may appeal the city's failure to respond within twenty (20) business days on the fourth or final review described in Section 17-1-080(B)(6). If the City fails to respond within 20 business days on the fourth and final review, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

...

2. For a dispute arising from the subdivision ordinance review, advise the applicant in writing of the deficiency in the application and of the right to appeal the determination to the Appeals and Variance **Hearing** Officer in accordance with this section.

...

17-8-050: REVIEW:

...

C. Appeal: The applicant may appeal any decision of the Zoning Administrator or Planning Commission to the Appeals and Variance ~~Hearing~~ Officer as provided in Section 17-1-120.

MEMO



To: City Council
From: Todd Taylor
Date: 2026-02-17
Re: Public Hearing: Ordinance #1703

Comments:

This application is a request for approval of a Zoning Text Amendment for the purpose of amending portions of Draper City Municipal Code (DCMC) Title 9 to address recent changes to Utah State Code.

The Planning Commission reviewed this item at their January 22, 2025 meeting and forwarded a positive recommendation with a vote of 5-0.

Findings for Approval:

1. The proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes;
3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
5. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.
6. The proposed text amendment brings the text of the DCMC into compliance with State Code.

Findings for Denial:

1. The proposed amendment is not consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes;
3. The proposed amendment could create a conflict with another section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been determined to be detrimental to public health, safety, or welfare or do not represent an overall community benefit; and

5. The proposed text amendment is not consistent with best current, professional practices of urban planning, design, and engineering practices.

ATTACHMENTS:

[Ordinance No. 1703.pdf](#)

ATTACHMENTS:

[City Initiated Public Access Amenities TA SR.pdf](#)

ORDINANCE NO. 1703

AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF TITLE 9 OF THE DRAPER CITY MUNICIPAL CODE RELATED TO PUBLIC ACCESS AMENITIES.

WHEREAS, Utah State law grants to Draper City the authority to regulate uses of property by enacting land use regulations, among other methods; and

WHEREAS, it is necessary from time to time to amend certain terms of the Draper City Municipal Code to comply with statutes enacted by the Utah State Legislature; and

WHEREAS, the Land Use and Development Code (Title 9) of the Draper City Municipal Code has been established to provide regulations concerning development activity within the City Boundaries; and

WHEREAS, the City Council of Draper City finds good cause to revise the terms and provisions of the Land Use and Development Code in response to changes in Utah Code; and

WHEREAS, notice has been issued according to the requirements of the Utah Code and Draper City Municipal Code for public hearings before the Planning Commission and City Council to receive public input regarding the revision of the revision of portions of the Draper City Municipal Code; and

WHEREAS, the Planning Commission and City Council have each held a public hearing to receive public input regarding the revision of portions of the Draper City Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Findings. The City Council of Draper City has made the following findings that the proposed text amendments to Title 9 of the Draper City Municipal Code: 1. The proposed amendment is consistent with goals, objectives and policies of the City's General Plan; 2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes; 3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan; 4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; 5. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices; and 6. The proposed text amendment brings the text of the DCMC into compliance with State Code.

Section 2. Amendment. Sections 9-10-080, 9-14-010, 9-14-020, 9-14-040, 9-14-060, 9-14-080, 9-14-090, and 9-14-100 of the Land Use and Development Code of the Draper City Municipal Code are hereby revised to read as set forth in Exhibit A.

Section 3. Correction of Editing Errors. The city attorney is authorized to correct any punctuation, spelling, formatting, clerical, or de minimis errors in Exhibit A prior to submitting the ordinance for publishing.

Section 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 17th DAY OF FEBRUARY, 2026.

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Nicole Smedley, City Recorder

VOTE TAKEN:

Councilmember Green
Councilmember Johnson
Councilmember T. Lowery
Councilmember F. Lowry
Councilmember Dahlin
Mayor Walker

YES	NO	ABSENT
___	___	___
___	___	___
___	___	___
___	___	___
___	___	___

EXHIBIT A

9-10-080: PLANNED RESIDENTIAL DEVELOPMENT OVERLAY ZONE:

...

I. Requirements For All PRDs:

...

2. Required Components For All PRDs:

a. Provision Of Public Open Space: This shall mean the provision of common open space which is distinguishable by its quantity or quality and which is readily accessible to the residents of the development ~~and the public~~. Opportunities to connect to adjacent open space or park areas are preferred methods to achieve this requirement as encouraged as per the Draper City open space conservation plan and the Draper City parks, trails, and recreation plan. Examples of such areas are the Jordan River Parkway, Willow Creek, and Corner Creek, but may include other locally important spaces, trails, and parks. The minimum overall open space to qualify for this factor is twenty five percent (25%) of the entire project area within the project area (road rights of way, park strips, ~~private trails~~, and private yards cannot be utilized in calculating this percentage). One-half (1/2) of the overall provided open space shall be considered "developable land", as defined within this chapter (minimum 20 percent of overall project acreage). Public trails which conform to the locations shown on the Draper City master parks and trails plan, and related public spur trails, can be counted for this requirement. Small gathering places are also encouraged to be utilized and integrated throughout the project ~~and shall be open to the public whether maintained privately or publicly~~. All public open space that meets this requirement does not necessarily constitute acceptance of the open space for perpetual maintenance by Draper City.

No more than twenty five percent (25%) of the required overall PRD open space shall be in the form of linear parks or trails.

...

L. Findings Required: Before approval or modified approval of an application for a proposed PRD overlay zone, the planning commission and city council must find:

...

5. That all required elements of providing public open space, preserving natural features, and providing interior amenities and an innovative site plan, have been

met, in accordance with this chapter.

...

9-14-010: PURPOSE AND OBJECTIVES OF THE TSD ZONE:

...

B. Objectives: The TSD is intended to promote and provide incentives to create a clustered, high density residential mixed use and pedestrian friendly development with an effort to provide ready accessibility to freeway service as well as a unique public transit service environment. This type of development is generally referred to as TOD, or transit oriented development, and by focusing development in proximity to transit stations, transit oriented development can create interesting and successful urban centers, diminish urban sprawl, and play a major role in realizing regional development strategies. The objectives of the TSD are to:

...

10. Integrate ~~public-use~~ open spaces, plazas, courtyards and pocket parks and encourage, where reasonably possible, the connection of these areas to other uses in the TSD and existing ~~public-use~~ open space and recreational system in the community of Draper City;

...

15. Pursuant to the authority of Utah Code ~~Annotated section 10-9a-102(2)~~ Subsection 10-20-101(2), as amended, specifically authorize the execution of one or more project specific development agreements and other ancillary agreements in connection with TSD developments, which development and ancillary agreements may, among other things, specify the obligations of the respective parties with respect to the installation of required infrastructure improvements, reimbursement for system improvements and oversizing, alternative approval and regulatory methods for specific projects or such other matters as the City and the applicable project applicant may agree; and

...

9-14-020: DEFINITIONS:

As used in this chapter:

...

~~PUBLIC USE SPACE: An area of land set aside, dedicated, designated or reserved for public or private use for recreational or amenity activities, including, but not limited to, parks, plazas and patios.~~

...

9-14-040: INTENSITY AREAS AND STATION HUB:

A. Intensity Areas: The TSD is composed of three (3) specific intensity areas: TSD-1; TSD-2; and TSD-3. Density is expected to be highest in the TSD-1 and TSD-2 intensity areas, which shall be pedestrian oriented and well connected to ~~public-use~~ open spaces, parks, plazas and social gathering areas. Similar connectivity and pedestrian orientation is encouraged for the TSD-3 intensity area, but application of the foregoing requirements may not be as strictly applied given the orientation, grade, or other site specific constraints affecting the development of a particular parcel within the TSD-3 intensity area. Multiple uses consisting primarily of multi-family, commercial, retail, office, and a mix of the foregoing and other uses are particularly encouraged in the TSD-1 and TSD-2 intensity areas. The boundaries of the TSD-1, TSD-2, and TSD-3 intensity areas shall be as shown in section 9-14-110, exhibit 9-14-1 of this chapter, and may be adjusted from time to time as a text amendment to this chapter, pursuant to section 9-5-060 of this title. The official copies of all approved MAPs and intensity area boundaries shall be maintained in and by the Draper City Community Development Department.

...

9-14-060: MASTER AREA PLAN:

A. Intent: The intent of the master area plan (MAP) and the process for submitting and obtaining approval of such MAP is to provide an applicant of large or phased projects (MAP area) with a mechanism to obtain the City's approval of a conceptual framework for such projects within the TSD. ~~Public-use~~ Open spaces, proposed land uses, and specific design and development standards within the MAP area shall be identified and a conceptual plan describing those elements of the MAP area shall be part of the MAP. An approved MAP constitutes approval of a master plan that will guide future development within the MAP area.

...

C. MAP Requirements:

1. Narrative: Each MAP shall include a narrative providing the following:

...

- c. A general description of proposed land uses, parking plan and ~~public-use~~ open space elements to be included in the MAP area;
- d. A general description of the transportation systems within the MAP area, whether existing or proposed, including collector and arterial streets, public trails and trailheads, public transit, and a general description of the proposed plan for accommodating auto, bicycle and pedestrian circulation and

connectivity, and parking, along with the utilization and accommodation of any existing or proposed ~~public transit~~ connections within the MAP area or ~~located on~~ to adjoining properties;

...

g. A general description of the estimated sequence and timing of development of the MAP area, including the proposed phasing of ~~public use~~ open space and any major on site or off site infrastructure improvements or facilities required or anticipated to be required in connection with the development of the MAP area;

...

2. Graphics: Each MAP shall include the following graphic submittals:

...

b. A conceptual drawing identifying the general location of any arterial and collector roadways, bicycle networks, and ~~central or loop~~ trail systems and trailheads planned for the MAP area, including connections to existing or planned trails;

c. A conceptual drawing identifying the general location of any open space, ~~neighborhood~~ parks, plazas, or other ~~major public use space~~ social gathering areas proposed for the MAP area; and

...

D. Review Process: Submittals for MAP approval shall follow the following process:

...

2. City Council Review: After receiving the recommendation from the planning commission with respect to a MAP, the city council shall hold a public hearing within thirty (30) days of receipt of the recommendation. The city council shall approve, approve with conditions or deny the MAP within twenty one (21) days of the public hearing. The decision of the city council to approve or deny a MAP shall be deemed a final decision entitling the applicant to appeal the decision to a district court as set forth in Utah Code ~~Annotated section 10-9a-801~~ Section 10-20-1109, as amended, or ~~its successor section~~.

...

G. Major And Minor Amendments: Provided the written review of the ACC has been previously obtained and submitted to the city, including ACC review of a site plan or site plan amendment, an approved MAP may be amended at any time and such amendment may occur simultaneously with the processing of a site plan application or a site plan

amendment. The Zoning Administrator shall decide whether a proposed amendment is a "major" or "minor" amendment. A major amendment shall be reviewed and approved or denied using the process established for the initial MAP approval. A minor amendment shall be reviewed and approved or denied by the Zoning Administrator. In order to initiate an amendment, the applicant shall submit to the Zoning Administrator those MAP submission items that would change if the proposed amendment were approved. Appeal of the Zoning Administrator's decision regarding a MAP amendment shall be to the City Council.

1. Major Amendments: Changes of the following types shall define an amendment as major:

...

- b. Those which materially alter the location or amount of land ~~dedicated~~ allocated to parks, trails, ~~public-use~~ open space, natural areas or public facilities; or

...

9-14-080: DEVELOPMENT STANDARDS AND URBAN DESIGN REGULATIONS:

...

B. Required Buffer: An average two hundred foot (200') wide, with a minimum one hundred foot (100') wide, recreational or ~~public-use~~ open space buffer is required immediately south of and adjacent to the existing Galena Hills Subdivision. There shall be no buffer required east of the west right-of-way boundary of Galena Park Boulevard, as shown in section 9-14-110, exhibit 9-14-1 of this chapter. This buffer shall be extensively landscaped and extend the length of the existing single-family residential development, and is meant to assist in transitioning from the smaller scale of the existing residential development to the taller, denser development of the TSD. Public infrastructure, including roadways and related improvements may be located within the required buffer area only for the purpose of providing connectivity to existing or proposed street rights-of-way. The provision of this connectivity may be for permanent or temporary connections to the existing or realigned Galena Hills Boulevard right-of-way and shall be provided in a manner that the street connection within the buffer area is minimized to the greatest extent possible for the most reasonable alignment. With the exception of the connection to the existing or realigned Galena Hills Boulevard, there shall be no streets or roadways allowed within the buffer area. Those portions of residential or commercial buildings that are located within the area that is within fifty feet (50') of the required buffer shall be limited to a maximum of thirty six feet (36') in height.

...

J. **Public-Use Open** Space Requirements:

1. The TSD shall include at least fifteen percent (15%) of the total development area for **public-use open** space purposes, calculated on a per acre basis. For purposes of this requirement, **public-use open** space shall include parks, trails, plazas, courtyards, or other outdoor amenities and **public** spaces, including hard surfaced areas conducive to enjoyment of the outdoors in an urban setting. Street pavement, curb and gutter, park strip, and standard sidewalk, i.e., five feet (5') or less in width, shall not be considered **public-use open** space. For purposes of the determining **public-use open** spaces, sidewalks or walkways of at least ten feet (10') in width which are designed and constructed as a part of **the city's a** trail system may be counted and included as **public-use open** space.
2. Provided the mechanism for allocating or distributing the **public-use open** space is set forth in an approved MAP, the fifteen percent (15%) **public-use open** space may be calculated on an aggregated basis across multiple phases and/or across multiple parcels within the TSD. In such circumstances, individual site plans or project specific MAPs may be approved without including on site **public-use open** space, pursuant to an approved MAP **public-use open** space strategy.
3. Applicants of individual sites or phases may choose to make a onetime cash in lieu payment to the master developer to be used for the creation of **public-use open** space within the TSD.
4. Except as may be otherwise specified in an approved MAP, for large and phased developments, fifty percent (50%) of the required **public-use open** space area shall be complete when fifty percent (50%) of the total MAP land area has been developed. One hundred percent (100%) of **public-use open** space shall be complete when one hundred percent (100%) of the total MAP land area has been developed. These **public-use open** space completion requirements may be waived by the city depending on the distribution and location of individual components within the overall **public-use open** space system, as detailed in an approved MAP.

...

9-14-090: SITE PLAN REVIEW:

D. ACC Review Criteria: The ACC review shall address the following criteria:

...

2. Site Design:

...

- g. Creation of outdoor **public common** spaces and contribution to **the overall** TSD **public-use open** space **strategy**;

...

9-14-100: PROJECT SPECIFIC DEVELOPMENT AGREEMENTS:

A. Project Specific Development Agreements Permitted: Pursuant to the authority of Utah Code ~~Annotated section 10-9a-102(2)~~ [Subsection 10-20-101\(2\), as amended](#), projects within the TSD may be developed pursuant to a project specific development agreement (PSDA) generally executed in connection with the completion of a MAP. Additional terms and conditions not addressed in the MAP may be agreed to by the parties to a PSDA. The provisions of an approved PSDA shall govern over any conflicting provisions of this Code, except when such provisions compromise the health, safety and welfare of individuals.

...

C. City Council Review: The City Council shall hold a public hearing within forty five (45) days of receipt of the PSDA application, unless additional time is requested by the applicant. The City Council shall approve or deny the PSDA within twenty one (21) days of the public hearing. The decision of the City Council to approve or deny a PSDA shall be deemed a final decision entitling the applicant to appeal the decision to a District Court as set forth in Utah Code ~~Annotated section 10-9a-801~~ [Section 10-20-1109, as amended](#), ~~or its successor section~~.

...



Development Review Committee

1020 East Pioneer Road

Draper, UT 84020

January 5, 2026

To: Draper City Planning Commission
Business Date: January 22, 2026

From: Development Review Committee

Prepared By: Todd Taylor, Planner III
Planning Division
Community Development Department
801-576-6510, todd.taylor@draperutah.gov

Re: City Initiated Public Access Amenity – Zoning Text Amendment Request

Application No.: 2026-0004-TA

Applicant: Draper City

Project Location: City Wide

Current Zoning: City Wide

Acreage: City Wide

Request: Request for approval of a Zoning Text Amendment to portions of Draper City Municipal Code (DCMC) Title 9 to address recent changes to Utah State Code related to public access amenities.

BACKGROUND AND SUMMARY

This application is a request for approval of a Zoning Text Amendment for the purpose of amending portions of Draper City Municipal Code (DCMC) Title 9 to address recent changes to Utah State Code.

The 2025 Utah State Legislative Session included House Bill (HB) 368 that enacted regulations that prohibit a municipality requiring private maintenance of public access amenities, except for park strips and sidewalks, or amenities agreed upon through an agreement between the municipality and the private individual or entity. Draper City needs to amend the DCMC in order to conform with the new State regulations.



ANALYSIS

Text Amendments.

This report will review the modifications being proposed. The legislative copy of the changes can be found in Exhibit B of this report. Additions to the text are indicated in blue, deletions in red, and unchanged text in black.

DCMC Section 9-10-080: Planned Residential Development Overlay Zone: The required components for all PRDs have been updated to remove the word “public” from the requirements for open space.

DCMC Section 9-14-010: Purpose And Objectives of the TSD Zone: The objectives for the TSD zone have been updated to change “public use space” to “open space”. Additionally, the reference to Utah State Code has been updated.

DCMC Section 9-14-020: Definitions: The definition for “public use space” has been removed.

DCMC Section 9-14-040: Intensity Areas and Station Hub: The description of the intensity areas for the TSD zone has been updated to change “public use space” to “open space”.

DCMC Section 9-14-060: Master Area Plan: The intent and requirements for a Master Area Plan (MAP) in the TSD zone has been updated to change “public use space” to “open space”. Connections to existing trail systems is emphasized. Additionally, the reference to Utah State Code has been updated.

DCMC Section 9-14-080: Development Standards and Urban Design Regulations: The required buffer from the Galena Hills Subdivision has been updated to change “public use space” to “open space”.

DCMC Section 9-14-090: Site Plan Review: The site design for site plans in the TSD zone has been updated to change “public use space” to “open space”.

DCMC Section 9-14-100: Project Specific Development Agreements: The references to Utah State Code have been updated.

Criteria For Approval.

A Zoning Text Amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making a recommendation to the City Council, the Planning Commission should consider the following factors in DCMC Section 9-5-060(E)(2):

2. *Text Amendments:*

- a. *Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
- b. *Whether a proposed amendment furthers the specific purpose statements of the zoning ordinance;*
- c. *Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance;*
- d. *The proposed amendment will not create a conflict with any other section or part of this title or the general plan;*
- e. *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*
- f. *The extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices*

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Zoning Text Amendment submission. Comments from these divisions, if any, can be found in Exhibit A.

Building Division Review. The Draper City Building Division has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Legal Division Review. The Draper City Attorney has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Noticing. Notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the request, receive public comment, and make a recommendation to the City Council based on the findings and the criteria for approval, or denial, as listed within the staff report.

MODEL MOTIONS

Sample Motion for Positive Recommendation – I move that we forward a positive recommendation to the City Council for the City Initiated Public Access Amenity Zoning Text Amendment, as requested by Draper City, Application No. 2026-0004-TA, based on the following findings and the criteria for approval listed in the Staff Report dated January 5, 2026.

Findings for Approval:

1. The proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes;
3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
5. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.
6. The proposed text amendment brings the text of the DCMC into compliance with State Code.

Sample Motion for Modified Positive Recommendation – I move that we forward a positive recommendation to the City Council for the City Initiated Public Access Amenity Zoning Text Amendment, as requested by Draper City, Application No. 2026-0004-TA, based on the findings and criteria for approval listed in the Staff Report dated January 5, 2026, and as modified by the following additional recommended modifications or findings:

1. (List any additional modifications or findings...)

Sample Motion for Negative Recommendation – I move that we forward a negative recommendation to the City Council for the City Initiated Public Access Amenity Zoning Text Amendment, as requested by Draper City, Application No. 2026-0004-TA, based on the following findings and the criteria for denial listed in the Staff Report dated January 5, 2026.

Findings for Denial:

1. The proposed amendment is not consistent with goals, objectives and policies of the City's General Plan;

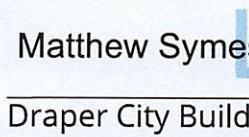
2. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes;
3. The proposed amendment could create a conflict with another section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been determined to be detrimental to public health, safety, or welfare or do not represent an overall community benefit; and
5. The proposed text amendment is not consistent with best current, professional practices of urban planning, design, and engineering practices.

DEVELOPMENT REVIEW COMMITTEE ACKNOWLEDGEMENT

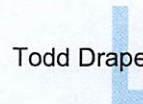
We, the undersigned, as duly appointed members of the Draper City Development Review Committee, do acknowledge that the application which provides the subject for this staff report has been reviewed by the Committee and has been found to be appropriate for review by the Draper City Planning Commission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

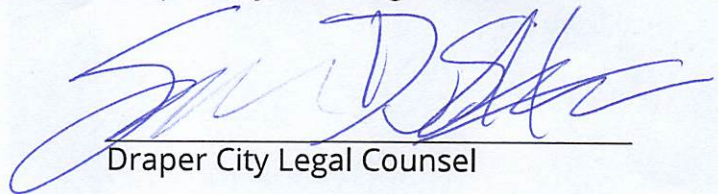

Draper City Public Works Department

 Digitally signed by Don Buckley
DN: C=US,
E=don.buckley@draper.ut.us, O=Draper
City Fire Department, OU=Fire Marshal,
CN=Don Buckley
Date: 2026.01.08 15:39:22-07'00'
Draper City Fire Department


Draper City Building Division

 Digitally signed by Matthew Symes
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E=matt.symes@draperutah.gov,
O=Draper City Corp., CN=Matthew Symes
Date: 2026.01.08 08:27:49-07'00'


Draper City Planning Division


Draper City Legal Counsel

 Digitally signed by Todd Draper
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E=todd.draper@draperutah.gov,
O=Draper City Community
Development Department,
OU=Planning and Zoning,
CN=Todd Draper
Date: 2026.01.08 09:48:44-07'00'

EXHIBIT A DEPARTMENT REVIEWS

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

Planning Division Review.

1. No additional comments received.

Engineering and Public Works Divisions Review.

1. No additional comments received.

Building Division Review.

1. No additional comments received.

Fire Division Review.

1. No additional comments received.

Legal Division Review.

1. No additional comments received.

EXHIBIT B LEGISLATIVE DRAFT

CHAPTER 10 RESIDENTIAL ZONES

...

9-10-080: PLANNED RESIDENTIAL DEVELOPMENT OVERLAY ZONE:

...

I. Requirements ~~F~~for All PRDs:

...

2. Required Components ~~F~~for All PRDs:

a. Provision ~~O~~of ~~Public~~ Open Space: This shall mean the provision of common open space which is distinguishable by its quantity or quality and which is readily accessible to the residents of the development ~~and the public~~. Opportunities to connect to adjacent open space or park areas are preferred methods to achieve this requirement as encouraged as per the Draper City open space conservation plan and the Draper City parks, trails, and recreation plan. Examples of such areas are the Jordan River Parkway, Willow Creek, and Corner Creek, but may include other locally important spaces, trails, and parks. The minimum overall open space to qualify for this factor is twenty five percent (25%) of the entire project area within the project area (road rights of way, park strips, ~~private trails~~, and private yards cannot be utilized in calculating this percentage). One-half (1/2) of the overall provided open space shall be considered "developable land", as defined within this chapter (minimum 20 percent of overall project acreage). Public trails which conform to the locations shown on the Draper City master parks and trails plan, and related public spur trails, can be counted for this requirement. Small gathering places are also encouraged to be utilized and integrated throughout the project ~~and shall be open to the public whether maintained privately or publicly~~. All ~~public~~ open space that meets this requirement does not necessarily constitute acceptance of the open space for perpetual maintenance by Draper City.

No more than twenty five percent (25%) of the required overall PRD open space shall be in the form of linear parks or trails.

...

L. Findings Required: Before approval or modified approval of an application for a proposed PRD overlay zone, the planning commission and city council must find:

...

5. That all required elements of providing ~~public~~ open space, preserving natural features, and providing interior amenities and an innovative site plan, have been met, in accordance with this chapter.

...

9-14-010: PURPOSE AND OBJECTIVES OF THE TSD ZONE:

...

B. Objectives: The TSD is intended to promote and provide incentives to create a clustered, high density residential mixed use and pedestrian friendly development with an effort to provide ready accessibility to freeway service as well as a unique public transit service environment. This type of development is generally referred to as TOD, or transit oriented development, and by focusing development in proximity to transit stations, transit oriented development can create interesting and successful urban centers, diminish urban sprawl, and play a major role in realizing regional development strategies. The objectives of the TSD are to:

...

10. Integrate ~~public-use~~ open spaces, plazas, courtyards and pocket parks and encourage, where reasonably possible, the connection of these areas to other uses in the TSD and existing ~~public-use~~ open space and recreational system in the community of Draper City;

...

15. Pursuant to the authority of Utah Code ~~Annotated section 10-9a-102(2)~~ Subsection 10-20-101(2), as amended, specifically authorize the execution of one or more project specific development agreements and other ancillary agreements in connection with TSD developments, which development and ancillary agreements may, among other things, specify the obligations of the respective parties with respect to the installation of required infrastructure improvements, reimbursement for system improvements and oversizing, alternative approval and regulatory methods for specific projects or such other matters as the City and the applicable project applicant may agree; and

...

9-14-020: DEFINITIONS:

As used in this chapter:

...

~~PUBLIC USE SPACE: An area of land set aside, dedicated, designated or reserved for public or private use for recreational or amenity activities, including, but not limited to, parks, plazas and patios.~~

...

9-14-040: INTENSITY AREAS AND STATION HUB:

A. Intensity Areas: The TSD is composed of three (3) specific intensity areas: TSD-1; TSD-2; and TSD-3. Density is expected to be highest in the TSD-1 and TSD-2 intensity areas, which shall be pedestrian oriented and well connected to ~~public-use~~ open spaces, parks, plazas and social gathering areas. Similar connectivity and pedestrian orientation is encouraged for the TSD-3 intensity area, but application of the foregoing requirements may not be as strictly applied given the orientation, grade, or other site specific constraints affecting the development of a particular parcel within the TSD-3 intensity area. Multiple uses consisting primarily of multi-family, commercial, retail, office, and a mix of the foregoing and other uses are particularly encouraged in the TSD-1 and TSD-2 intensity areas. The boundaries of the TSD-1, TSD-2, and TSD-3 intensity areas shall be as shown in section 9-14-110, exhibit 9-14-1 of this chapter, and may be adjusted from time to time as a text amendment to this chapter, pursuant to section 9-5-060 of this title. The official copies of all approved MAPs and intensity area boundaries shall be maintained in and by the Draper City Community Development Department.

...

9-14-060: MASTER AREA PLAN:

A. Intent: The intent of the master area plan (MAP) and the process for submitting and obtaining approval of such MAP is to provide an applicant of large or phased projects (MAP area) with a mechanism to obtain the City's approval of a conceptual framework for such projects within the TSD. ~~Public-use~~ Open spaces, proposed land uses, and specific design and development standards within the MAP area shall be identified and a conceptual plan describing those elements of the MAP area shall be part of the MAP. An approved MAP constitutes approval of a master plan that will guide future development within the MAP area.

...

C. MAP Requirements:

1. Narrative: Each MAP shall include a narrative providing the following:

...

c. A general description of proposed land uses, parking plan and ~~public-use~~ open space elements to be included in the MAP area;

d. A general description of the transportation systems within the MAP area, whether existing or proposed, including collector and arterial streets, [public trails and trailheads](#), [public transit](#), and a general description of the proposed plan for accommodating auto, bicycle and pedestrian circulation and connectivity, and parking, along with the utilization and accommodation of any existing or proposed ~~public transit~~ connections within the MAP area or ~~located on~~ [to](#) adjoining properties;

...

g. A general description of the estimated sequence and timing of development of the MAP area, including the proposed phasing of ~~public use~~ [open](#) space and any major on site or off site infrastructure improvements or facilities required or anticipated to be required in connection with the development of the MAP area;

...

2. Graphics: Each MAP shall include the following graphic submittals:

...

b. A conceptual drawing identifying the general location of any arterial and collector roadways, bicycle networks, and ~~central or loop~~ trail systems and trailheads planned for the MAP area, [including connections to existing or planned trails](#);

c. A conceptual drawing identifying the general location of any [open space](#), ~~neighborhood~~ parks, [plazas](#), or other ~~major public use space~~ [social gathering](#) areas proposed for the MAP area; and

...

D. Review Process: Submittals for MAP approval shall follow the following process:

...

2. City Council Review: After receiving the recommendation from the planning commission with respect to a MAP, the city council shall hold a public hearing within thirty (30) days of receipt of the recommendation. The city council shall approve, approve with conditions or deny the MAP within twenty one (21) days of the public hearing. The decision of the city council to approve or deny a MAP shall be deemed a final decision entitling the applicant to appeal the decision to a district court as set forth in Utah Code ~~Annotated section 10-9a-801~~ [Section 10-20-1109, as amended, or its successor section.](#)

...

G. Major And Minor Amendments: Provided the written review of the ACC has been previously obtained and submitted to the city, including ACC review of a site plan or site plan amendment, an approved MAP may be amended at any time and such amendment may occur simultaneously with the processing of a site plan application or a site plan amendment. The Zoning Administrator shall decide whether a proposed amendment is a "major" or "minor" amendment. A major amendment shall be reviewed and approved or denied using the process established for the initial MAP approval. A minor amendment shall be reviewed and approved or denied by the Zoning Administrator. In order to initiate an amendment, the applicant shall submit to the Zoning Administrator those MAP submission items that would change if the proposed amendment were approved. Appeal of the Zoning Administrator's decision regarding a MAP amendment shall be to the City Council.

1. Major Amendments: Changes of the following types shall define an amendment as major:

...

b. Those which materially alter the location or amount of land ~~dedicated~~ allocated to parks, trails, ~~public-use~~ open space, natural areas or public facilities; or

...

9-14-080: DEVELOPMENT STANDARDS AND URBAN DESIGN REGULATIONS:

...

B. Required Buffer: An average two hundred foot (200') wide, with a minimum one hundred foot (100') wide, recreational or ~~public-use~~ open space buffer is required immediately south of and adjacent to the existing Galena Hills Subdivision. There shall be no buffer required east of the west right-of-way boundary of Galena Park Boulevard, as shown in section 9-14-110, exhibit 9-14-1 of this chapter. This buffer shall be extensively landscaped and extend the length of the existing single-family residential development, and is meant to assist in transitioning from the smaller scale of the existing residential development to the taller, denser development of the TSD. Public infrastructure, including roadways and related improvements may be located within the required buffer area only for the purpose of providing connectivity to existing or proposed street rights-of-way. The provision of this connectivity may be for permanent or temporary connections to the existing or realigned Galena Hills Boulevard right-of-way and shall be provided in a manner that the street connection within the buffer area is minimized to the greatest extent possible for the most reasonable alignment. With the exception of the connection to the existing or realigned Galena Hills Boulevard, there shall be no streets or roadways allowed within the buffer area. Those portions of residential or commercial buildings that are located within the area that is within fifty feet (50') of the required buffer shall be limited to a maximum of thirty six feet (36') in height.

...

J. ~~Public Use~~ Open Space Requirements:

1. The TSD shall include at least fifteen percent (15%) of the total development area for ~~public-use~~ open space purposes, calculated on a per acre basis. For purposes of this requirement, ~~public-use~~ open space shall include parks, trails, plazas, courtyards, or other outdoor amenities and ~~public~~ spaces, including hard surfaced areas conducive to enjoyment of the outdoors in an urban setting. Street pavement, curb and gutter, park strip, and standard sidewalk, i.e., five feet (5') or less in width, shall not be considered ~~public-use~~ open space. For purposes of the determining ~~public-use~~ open spaces, sidewalks or walkways of at least ten feet (10') in width which are designed and constructed as a part of ~~the city's~~ a trail system may be counted and included as ~~public-use~~ open space.
2. Provided the mechanism for allocating or distributing the ~~public-use~~ open space is set forth in an approved MAP, the fifteen percent (15%) ~~public-use~~ open space may be calculated on an aggregated basis across multiple phases and/or across multiple parcels within the TSD. In such circumstances, individual site plans or project specific MAPs may be approved without including on site ~~public-use~~ open space, pursuant to an approved MAP ~~public-use~~ open space strategy.
3. Applicants of individual sites or phases may choose to make a onetime cash in lieu payment to the master developer to be used for the creation of ~~public-use~~ open space within the TSD.
4. Except as may be otherwise specified in an approved MAP, for large and phased developments, fifty percent (50%) of the required ~~public-use~~ open space area shall be complete when fifty percent (50%) of the total MAP land area has been developed. One hundred percent (100%) of ~~public-use~~ open space shall be complete when one hundred percent (100%) of the total MAP land area has been developed. These ~~public-use~~ open space completion requirements may be waived by the city depending on the distribution and location of individual components within the overall ~~public-use~~ open space system, as detailed in an approved MAP.

...

9-14-090: SITE PLAN REVIEW:

D. ACC Review Criteria: The ACC review shall address the following criteria:

...

2. Site Design:

...

g. Creation of outdoor ~~public~~ common spaces and contribution to the overall TSD ~~public-use~~ open space strategy;

...

9-14-100: PROJECT SPECIFIC DEVELOPMENT AGREEMENTS:

A. Project Specific Development Agreements Permitted: Pursuant to the authority of Utah Code ~~Annotated section 10-9a-102(2)~~ Subsection 10-20-101(2), as amended, projects within the TSD may be developed pursuant to a project specific development agreement (PSDA) generally executed in connection with the completion of a MAP. Additional terms and conditions not addressed in the MAP may be agreed to by the parties to a PSDA. The provisions of an approved PSDA shall govern over any conflicting provisions of this Code, except when such provisions compromise the health, safety and welfare of individuals.

...

C. City Council Review: The City Council shall hold a public hearing within forty five (45) days of receipt of the PSDA application, unless additional time is requested by the applicant. The City Council shall approve or deny the PSDA within twenty one (21) days of the public hearing. The decision of the City Council to approve or deny a PSDA shall be deemed a final decision entitling the applicant to appeal the decision to a District Court as set forth in Utah Code ~~Annotated section 10-9a-801~~ Section 10-20-1109, as amended, ~~or its successor section~~.

...

MEMO



To: City Council
From: Todd Taylor
Date: 2026-02-17
Re: Public Hearing: Ordinance #1704

Comments:

This application is a request for approval of a Zoning Text Amendment for the purpose of amending portions of Draper City Municipal Code (DCMC) Title 9 to address recent changes to Utah State Code.

The Planning Commission reviewed this item at their January 22, 2025 meeting and forwarded a positive recommendation with a vote of 5-0.

Findings for Approval:

1. The proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes;
3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
5. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.
6. The proposed text amendment brings the text of the DCMC into compliance with State Code.

Findings for Denial:

1. The proposed amendment is not consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes;
3. The proposed amendment could create a conflict with another section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been determined to be detrimental to public health, safety, or welfare or do not represent an overall community benefit; and

5. The proposed text amendment is not consistent with best current, professional practices of urban planning, design, and engineering practices.

ATTACHMENTS:

[Ordinance No. 1704.pdf](#)

ATTACHMENTS:

[City Initiated Parking Requirements TA SR.pdf](#)

ORDINANCE NO. 1704

AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF TITLE 9 OF THE DRAPER CITY MUNICIPAL CODE RELATED TO RESIDENTIAL PARKING REQUIREMENTS.

WHEREAS, Utah State law grants to Draper City the authority to regulate uses of property by enacting land use regulations, among other methods; and

WHEREAS, it is necessary from time to time to amend certain terms of the Draper City Municipal Code to comply with statutes enacted by the Utah State Legislature; and

WHEREAS, the Land Use and Development Code (Title 9) of the Draper City Municipal Code has been established to provide regulations concerning development activity within the City Boundaries; and

WHEREAS, the City Council of Draper City finds good cause to revise the terms and provisions of the Development Codes in response to changes in Utah Code; and

WHEREAS, notice has been issued according to the requirements of the Utah Code and Draper City Municipal Code for public hearings before the Planning Commission and City Council to receive public input regarding the revision of the revision of portions of the Draper City Municipal Code; and

WHEREAS, the Planning Commission and City Council have each held a public hearing to receive public input regarding the revision of portions of the Draper City Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Findings. The City Council of Draper City has made the following findings that the proposed text amendments to Title 9 of the Draper City Municipal Code: 1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan. 2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the Development Codes. 3. The proposed amendment will not create a conflict with any other section or part of the Development Codes or the general plan. 4. The potential effects of the proposed amendment have been evaluated and determined to be beneficial to public health, safety, and welfare and represent an overall community benefit. 5. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.

Section 2. Amendment. Sections 9-3-040, 9-11-105, 9-18K-030, 9-25-050, 9-25-060, 9-28-020, 9-31-055, and 9-32-030 of the Land Use and Development Code of the Draper City Municipal Code are hereby revised to read as set forth in Exhibit A.

Section 3. Correction of Editing Errors. The city attorney is authorized to correct any punctuation, spelling, formatting, clerical, or de minimis errors in Exhibit A prior to submitting the ordinance for publishing.

Section 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 17th DAY OF FEBRUARY, 2026.

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Nicole Smedley, City Recorder

VOTE TAKEN:

Councilmember Green
Councilmember Johnson
Councilmember T. Lowery
Councilmember F. Lowry
Councilmember Dahlin
Mayor Walker

YES	NO	ABSENT
___	___	___
___	___	___
___	___	___
___	___	___
___	___	___

EXHIBIT A

9-3-040: DEFINITIONS:

As used in this title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates otherwise:

...

PARKING, TANDEM: A pair of parking spaces which are located end to end in such a manner that one of the spaces is not directly accessible to the street, ~~abuts a~~ driveway, or parking aisle without traveling over the ~~and is used to access one~~ other parking space.

...

9-11-105: (MARF) MAJOR FREEWAY ARTERIAL FRONTAGE ROAD

...

B. Development Standards: The development standards of the Major Freeway Arterial Frontage zone will guide the design of the buildings, landscaping, parking, lighting, and signage located within the zone boundary. The concept plans included herein as exhibits (Exhibits B, C and D) show examples of various uses for illustrative purposes only and shall not be interpreted as binding upon the final development. Unless otherwise noted the development shall be in accordance with the development standards listed herein.

...

5. Multiple-Family Dwelling Uses:

...

w. Required ~~guest~~ visitor parking shall be provided in areas of common ownership, marked on the surface as "Visitor", evenly distributed throughout the multiple-family dwelling project, and easily accessible to visitors.

...

9-18K-030: PROPOSED DEVELOPMENT STANDARDS:

The development standards of the Highline Commercial Special District will guide the design of the buildings, landscaping, parking and signage located within the district boundaries. The master plan provides for office, retail, residential and general commercial development in designated areas in accordance with the development standards set forth in this article.

...

B. Residential District: All residential areas (see exhibit in section 9-18K-090 of this article for site plan) shall comply with the following development standards:

...

6. Parking Stalls: One (1) parking stall for every five (5) units ~~will~~ shall be designated as a visitor parking stall. Visitor stalls shall be provided in areas of common ownership and marked on the surface as "Visitor".

....

9-25-050: PARKING LOCATION:

...

F. Parking For Residential Uses: All parking associated with residential uses shall be according to the following:

...

4. Required parking for single-family dwellings shall be provided within an enclosed garage, except that a garage shall not be required for a single-family attached or detached dwelling that is owner-occupied affordable housing as defined in Utah Code Section 10-20-618, as amended.

5. Required parking for an approved accessory dwelling unit shall not be required to be within an enclosed garage but shall be provided in a hard surfaced area.

6. Multi-family dwellings designed to include enclosed private garages may count the number of spaces within the garage toward the resident parking requirement when the garage is designed in compliance with subsection 9-25-070(A)(3) of this chapter and approved as a part of a site plan or site plan amendment.

7. Visitor parking for multiple-family dwellings shall be located in an area of common ownership and be accessible for the intermittent, short-term use of all visitors to a property.

...

9-25-060: NUMBER AND TYPE OF PARKING SPACES:

...

F. Tandem Parking Spaces: Tandem parking spaces shall count toward required parking as only a single parking space per pairing. Both spaces in an unobstructed tandem pairing may be counted toward required parking in the following instances:

1. Single-family or two-family dwellings; or

~~1~~ 2. Multi-family dwellings, including townhomes, with private garages and driveways meeting of at least the minimum dimensions of standard parking spaces may count toward resident ~~resident~~ parking requirements, but the private garages shall not count toward ~~guest~~ visitor parking requirements; or

~~2~~ 3. Developments using Vvalet parking when managed through approved valet services.

...

9-28-020: EDELWEISS MASTER PLANNED COMMUNITY ZONE:

The Edelweiss master planned community zone contains approximately sixty one (61) acres located at approximately 14500 South 2200 East.

...

F. Development Standards; Townhomes: A detailed site plan will be required for review and approval according to the standards set forth herein. Development of the townhome component within the Edelweiss MPC shall comply with the following development standards:

...

11. Parking:

...

- b. ~~Guest~~ Visitor parking shall be provided at a ratio of one (1) stall for every four (4) units. Visitor stalls shall be provided in areas of common ownership and marked on the surface as "Visitor".

...

9-31-055: DEVIATIONS:

A. Deviation Authorized: The Planning Commission may approve a deviation from strict compliance with the geographical restrictions of the I-ADU map in Exhibit A of this chapter upon finding that:

...

- 4. At least two (2) parking stalls meeting the requirements of 9-31-045(B)(2) are provided for use by occupants of the I-ADU. These parking stalls may be located in tandem with each other. The I-ADU parking stalls shall be in addition to, and shall not overlap with or count toward, the minimum parking requirements for the primary single-family dwelling.

...

9-32-030: DEVELOPMENT STANDARDS:

...

C. Building Placement And Orientation: Multiple-family projects shall have a strong relationship to the public realm that will enhance the safety and efficiency of the project while improving the character of the neighborhood.

...

- 6. Required visitor parking shall be provided in an area of common ownership, clearly marked on the surface as "Visitor", evenly distributed throughout multiple-family projects, and easily accessible to visitors.

7. ~~Driveway and Private~~ garage parking shall not count toward ~~be included in~~ the multiple-family project's visitor parking count requirement.

8. On street parking, parallel or diagonal, is encouraged ~~to be provided~~ on private streets to satisfy ~~as~~ a substantial portion of the project's overall parking requirement. This provision is intended ~~meant~~ to provide ~~create~~ flexibility in ~~the available~~ parking spaces for residents and visitors.

...



Development Review Committee

1020 East Pioneer Road

Draper, UT 84020

January 5, 2026

To: Draper City Planning Commission
Business Date: January 22, 2026

From: Development Review Committee

Prepared By: Todd Taylor, Planner III
Planning Division
Community Development Department
801-576-6510, todd.taylor@draperutah.gov

Re: City Initiated Residential Parking Requirements – Zoning Text Amendment Request

Application No.: 2026-0005-TA

Applicant: Draper City

Project Location: City Wide

Current Zoning: City Wide

Acreage: City Wide

Request: Request for approval of a Zoning Text Amendment to portions of Draper City Municipal Code (DCMC) Title 9 to address recent changes to Utah State Code related to residential parking requirements.

BACKGROUND AND SUMMARY

This application is a request for approval of a Zoning Text Amendment for the purpose of amending portions of Draper City Municipal Code (DCMC) Title 9 to address recent changes to Utah State Code.

The 2025 Utah State Legislative Session included Senate Bill (SB) 181 that enacted regulations regarding the size, configuration, and location of parking that is acceptable for one- and two-family housing and townhomes. Additionally, the new regulations restrict a municipality from requiring a garage for single-family attached or detached dwelling that is owner-occupied affordable housing. Draper City needs to amend the DCMC in order to conform with the new State regulations.



ANALYSIS

Text Amendments.

This report will review the modifications being proposed. The legislative copy of the changes can be found in Exhibit B of this report. Additions to the text are indicated in blue, deletions in red, and unchanged text in black.

DCMC Section 9-3-040: Definitions: The definition for “Parking, Tandem” has been updated to more clearly describe the type of parking situation.

DCMC Section 9-11-105: (MARF) Major Freeway Arterial Frontage Road: The standards for visitor parking in multiple-family dwellings in the MARF Zone have been updated to require the spaces be marked and located in an area of common ownership.

DCMC Section 9-18K-030: Proposed Development Standards: The standards for visitor parking in the Highline Commercial Special District have been updated to require the spaces be marked and located in an area of common ownership

DCMC Section 9-25-050: Parking Location: The text has been revised to exempt single-family attached or detached dwellings that are owner-occupied affordable housing from providing parking in a garage. The standards for visitor parking have also been updated to require the spaces be marked and located in an area of common ownership.

DCMC Section 9-25-060: Number and Type of Parking Spaces: The text has been revised to allow tandem spaces to count towards the parking requirements of single- and two-family dwellings and townhomes.

DCMC Section 9-28-020: Edelweiss Master Planned Community Zone: The standards for visitor parking in the Edelweiss Master Planned Community Zone have been updated to require the spaces be marked and located in an area of common ownership

DCMC Section 9-31-055: Deviations: The standards for providing two parking spaces for internal accessory dwelling units (I-ADUs) as part of the deviation process has been revised to allow tandem parking of those two spaces, similar to the new allowance for single- and two-family dwellings and townhomes.

DCMC Section 9-32-030: Development Standards: The standards for visitor parking in multiple family dwellings have been updated to require the spaces be marked and located in an area of common ownership.

Criteria For Approval.

A Zoning Text Amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making a recommendation to the City Council, the Planning Commission should consider the following factors in DCMC Section 9-5-060(E)(2):

2. *Text Amendments:*

- a. *Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
- b. *Whether a proposed amendment furthers the specific purpose statements of the zoning ordinance;*
- c. *Whether the proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance;*
- d. *The proposed amendment will not create a conflict with any other section or part of this title or the general plan;*
- e. *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*
- f. *The extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices*

REVIEWS

Planning Division Review. The Draper City Planning Division has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Engineering and Public Works Divisions Review. The Draper City Engineering and Public Works Divisions have completed their reviews of the Zoning Text Amendment submission. Comments from these divisions, if any, can be found in Exhibit A.

Building Division Review. The Draper City Building Division has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Fire Division Review. The Draper City Fire Marshal has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Legal Division Review. The Draper City Attorney has completed their review of the Zoning Text Amendment submission. Comments from this division, if any, can be found in Exhibit A.

Noticing. Notice has been properly issued in the manner outlined in the City and State Codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the request, receive public comment, and make a recommendation to the City Council based on the findings and the criteria for approval, or denial, as listed within the staff report.

MODEL MOTIONS

Sample Motion for Positive Recommendation – I move that we forward a positive recommendation to the City Council for the City Initiated Residential Parking Requirements Zoning Text Amendment, as requested by Draper City, Application No. 2026-0005-TA, based on the following findings and the criteria for approval listed in the Staff Report dated January 5, 2026.

Findings for Approval:

1. The proposed amendment is consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the development codes;
3. The proposed amendment will not create a conflict with any other section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been evaluated and are determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
5. The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.
6. The proposed text amendment brings the text of the DCMC into compliance with State Code.

Sample Motion for Modified Positive Recommendation – I move that we forward a positive recommendation to the City Council for the City Initiated Residential Parking Requirements Zoning Text Amendment, as requested by Draper City, Application No. 2026-0005-TA, based on the findings and criteria for approval listed in the Staff Report dated January 5, 2026, and as modified by the following additional recommended modifications or findings:

1. (List any additional modifications or findings...)

Sample Motion for Negative Recommendation – I move that we forward a negative recommendation to the City Council for the City Initiated Residential Parking Requirements

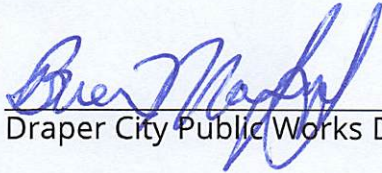
Zoning Text Amendment, as requested by Draper City, Application No. 2026-0005-TA, based on the following findings and the criteria for denial listed in the Staff Report dated January 5, 2026.

Findings for Denial:

1. The proposed amendment is not consistent with goals, objectives and policies of the City's General Plan;
2. The proposed amendment is not appropriate given the context of the request and there is not sufficient justification for a modification to the development codes;
3. The proposed amendment could create a conflict with another section or part of the development codes or the General Plan;
4. The potential effects of the proposed amendment have been determined to be detrimental to public health, safety, or welfare or do not represent an overall community benefit; and
5. The proposed text amendment is not consistent with best current, professional practices of urban planning, design, and engineering practices.

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 Public Works Department

Don Buckley

Digitally signed by Don Buckley
DN: C=US,
E=don.buckley@draper.ut.us, O=Draper
City Fire Department, OU=Fire Marshal,
CN=Don Buckley
Date: 2026.01.08 15:38:48-07'00'

Draper City Fire Department

Matthew Symes

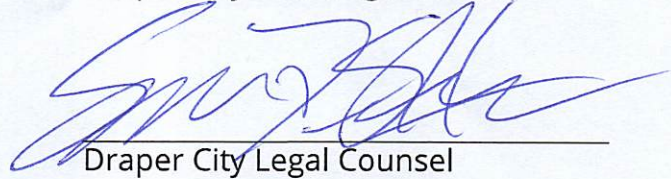
Digitally signed by Matthew Symes
DN: C=US,
E=matt.symes@draperutah.gov,
O=Draper City Corp., CN=Matthew Symes
Date: 2026.01.08 08:28:12-07'00'

Draper City Building Division

Todd Draper

Digitally signed by Todd Draper
DN: C=US,
E=todd.draper@draperutah.gov,
O=Draper City Community
Development Department,
OU=Planning and Zoning,
CN=Todd Draper
Date: 2026.01.08 09:49:08-07'00'

Draper City Planning Division



Draper City Legal Counsel

EXHIBIT A DEPARTMENT REVIEWS

REVIEWS ARE NOT MEANT TO BE AN ALL INCLUSIVE LIST OF POSSIBLE COMMENTS OR CONDITIONS.

Planning Division Review.

1. No additional comments received.

Engineering and Public Works Divisions Review.

1. No additional comments received.

Building Division Review.

1. No additional comments received.

Fire Division Review.

1. No additional comments received.

Legal Division Review.

1. No additional comments received.

EXHIBIT B
LEGISLATIVE DRAFT

9-3-040: DEFINITIONS:

As used in this title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates otherwise:

...

PARKING, TANDEM: A pair of parking spaces which are located end to end in such a manner that one of the spaces is not directly accessible to the street, abuts a driveway, or parking aisle without traveling over the ~~and is used to access one~~ other parking space.

...

9-11-105: (MARF) MAJOR FREEWAY ARTERIAL FRONTAGE ROAD

...

B. Development Standards: The development standards of the Major Freeway Arterial Frontage zone will guide the design of the buildings, landscaping, parking, lighting, and signage located within the zone boundary. The concept plans included herein as exhibits (Exhibits B, C and D) show examples of various uses for illustrative purposes only and shall not be interpreted as binding upon the final development. Unless otherwise noted the development shall be in accordance with the development standards listed herein.

...

5. Multiple-Family Dwelling Uses:

...

w. Required ~~guest~~ visitor parking shall be provided in areas of common ownership, marked on the surface as "Visitor", evenly distributed throughout the multiple-family dwelling project, and easily accessible to visitors.

...

9-18K-030: PROPOSED DEVELOPMENT STANDARDS:

The development standards of the Highline Commercial Special District will guide the design of the buildings, landscaping, parking and signage located within the district boundaries. The master plan provides for office, retail, residential and general commercial development in designated areas in accordance with the development standards set forth in this article.

...

B. Residential District: All residential areas (see exhibit in section 9-18K-090 of this article for site plan) shall comply with the following development standards:

...

6. Parking Stalls: One (1) parking stall for every five (5) units ~~will~~ shall be designated as a visitor parking stall. Visitor stalls shall be provided in areas of common ownership and marked on the surface as "Visitor".

....

9-25-050: PARKING LOCATION:

...

F. Parking For Residential Uses: All parking associated with residential uses shall be according to the following:

...

4. Required parking for single-family dwellings shall be provided within an enclosed garage, except that a garage shall not be required for a single-family attached or detached dwelling that is owner-occupied affordable housing as defined in Utah Code Section 10-20-618, as amended.

5. Required parking for an approved accessory dwelling unit shall not be required to be within an enclosed garage but shall be provided in a hard surfaced area.

6. Multi-family dwellings designed to include enclosed private garages may count the number of spaces within the garage toward the resident parking requirement when the garage is designed in compliance with subsection 9-25-070(A)(3) of this chapter and approved as a part of a site plan or site plan amendment.

7. Visitor parking for multiple-family dwellings shall be located in an area of common ownership and be accessible for the intermittent, short-term use of all visitors to a property.

...

9-25-060: NUMBER AND TYPE OF PARKING SPACES:

...

F. Tandem Parking Spaces: Tandem parking spaces shall count toward required parking as only a single parking space per pairing. Both spaces in an unobstructed tandem pairing may be counted toward required parking in the following instances:

1. Single-family or two-family dwellings; or

~~1~~ 2. Multi-family dwellings, including townhomes, with private garages and driveways meeting ~~of~~ at least the minimum dimensions of standard parking spaces may count toward resident ~~resident~~ parking requirements, but the private garages shall not count toward ~~guest~~ visitor parking requirements; or

~~2~~ 3. Developments using ~~V~~ valet parking when managed through approved valet services.

...

9-28-020: EDELWEISS MASTER PLANNED COMMUNITY ZONE:

The Edelweiss master planned community zone contains approximately sixty one (61) acres located at approximately 14500 South 2200 East.

...

F. Development Standards; Townhomes: A detailed site plan will be required for review and approval according to the standards set forth herein. Development of the townhome component within the Edelweiss MPC shall comply with the following development standards:

...

11. Parking:

...

- b. ~~Guest~~ Visitor parking shall be provided at a ratio of one (1) stall for every four (4) units. Visitor stalls shall be provided in areas of common ownership and marked on the surface as "Visitor".

...

9-31-055: DEVIATIONS:

A. Deviation Authorized: The Planning Commission may approve a deviation from strict compliance with the geographical restrictions of the I-ADU map in Exhibit A of this chapter upon finding that:

...

- 4. At least two (2) parking stalls meeting the requirements of 9-31-045(B)(2) are provided for use by occupants of the I-ADU. These parking stalls may be located in tandem with each other. The I-ADU parking stalls shall be in addition to, and shall not overlap with or count toward, the minimum parking requirements for the primary single-family dwelling.

...

9-32-030: DEVELOPMENT STANDARDS:

...

C. Building Placement And Orientation: Multiple-family projects shall have a strong relationship to the public realm that will enhance the safety and efficiency of the project while improving the character of the neighborhood.

...

6. Required visitor parking shall be provided in an area of common ownership, clearly marked on the surface as "Visitor", evenly distributed throughout multiple-family projects, and easily accessible to visitors.
7. ~~Driveway and Private~~ garage parking shall not count toward ~~be included in~~ the multiple-family project's visitor parking count requirement.
8. On street parking, parallel or diagonal, is encouraged ~~to be provided~~ on private streets to satisfy ~~as~~ a substantial portion of the project's overall parking requirement. This provision is intended ~~meant~~ to provide ~~create~~ flexibility in ~~the available~~ parking spaces for residents and visitors.

...

MEMO



To: City Council

From:

Date: 2026-02-17

Re: Public Hearing: Ordinance #1705

Comments:

ATTACHMENTS:

[O-1705 Boundary Adjustment with Highland City.pdf](#)

ORDINANCE NO. 1705

AN ORDINANCE ADJUSTING THE COMMON BOUNDARIES BETWEEN DRAPER CITY AND HIGHLAND CITY

WHEREAS, Utah Code § 10-2-903 establishes a procedure for adjustment of the common boundaries between adjacent municipalities; and

WHEREAS, Draper City shares certain common boundaries with Highland City;
and

WHEREAS, Draper City and Highland City each desire that certain property be transferred from one municipal jurisdiction to the other as outlined in the attached map;

WHEREAS, the property being transferred into Draper City will be adjacent to property within Draper City's applicable zoning designations;

WHEREAS, the City Council of Draper City approved Resolution No. 25-75 on December 16, 2025, stating its intent to adjust its common boundary with Highland City;

WHEREAS, the City Council of Draper City received no valid written protests to the proposed boundary adjustment by the deadline for receiving written protests;

WHEREAS, the City Council of Draper City held a duly noticed public hearing, in accordance with Utah Code § 10-2-903, on February 17, 2026, to consider and receive public comment on the proposed boundary adjustment;

WHEREAS, after due consideration of any public comments on the proposed boundary adjustment, the City Council of Draper City finds that the proposed boundary adjustment is in the public interest and complies with all applicable requirements under governing law.

NOW, THEREFORE, BE IT ORDAINED BY THE DRAPER CITY COUNCIL:

SECTION 1. Boundary Adjustment. The City Council has reviewed the proposed adjustment of the boundaries between Draper City and Highland City, wherein certain property will be removed from Highland City boundaries and

annexed into Draper City boundaries and certain other property will be removed from Draper City boundaries and annexed into Highland City boundaries, and has determined that no valid protests were filed protesting the adjustment, the adjustment is in the public interest, and the adjustment complies with the terms of Utah Code § 10-2-903.

SECTION 2. Legal Description. The City Council hereby approves the adjustment of the mutual boundary of Draper City and Highland City, as described above, with the new boundaries between the cities being more particularly described in the legal descriptions provided in Exhibit A, attached hereto and incorporated herein by this reference. Final survey quality control may make required technical adjustments to the exhibits before presentation to the Lieutenant Governor as required by Utah State Law.

SECTION 3. Municipal Coordination. The City Council of Draper City hereby authorizes the Mayor, Recorder, and staff of Draper City to coordinate with Highland City and to execute and file such notices, maps, and all documents required under the provisions of Section 10-2-903, Utah Code Ann., and other applicable sections, to complete the boundary adjustment described herein.

SECTION 4. Correction of Errors. The City Recorder, under the supervision of the City Administrator and City Attorney, may make non-substantive corrections to any portion of this ordinance and to the City codes referenced herein for grammatical, typographical, numbering, and consistency purposes in accordance with the expressed intent of the City Council.

SECTION 5. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

SECTION 6. Effective Date. This ordinance shall take effect when each municipality has adopted an ordinance under Utah Code § 10-2-903(5) approving the boundary adjustment. The effective date of the boundary adjustment is governed by Utah Code § 10-2-813.

[Signature Page to Follow]

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 17TH DAY OF FEBRUARY, 2026.

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Nicole Smedley, City Recorder

VOTE TAKEN:

Councilmember Green

Councilmember Johnson

Councilmember T. Lowery

Councilmember F. Lowry

Councilmember Dahlin

Mayor Walker

YES

NO

ABSENT

EXHIBIT A
COMMON BOUNDARY ADJUSTMENT LEGAL DESCRIPTION AND AREA MAP

Property From Draper City to Highland City

A PARCEL OF LAND SITUATED UPON A PORTION OF COUNTY PARCEL NUMBER 11:017:0046 AS DESCRIBED IN QUIT CLAIM DEED, ENTRY NUMBER 95221:2015 AS RECORDED IN THE UTAH COUNTY RECORDER'S OFFICE, SAID PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, HIGHLAND CITY, UTAH COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 3 INCH UTAH COUNTY LAND SURVEY BRASS CAP MONUMENT MARKING THE NORTHWEST CORNER OF SAID SECTION 23, THENCE SOUTH 89°48'15"11 EAST 1,231.54 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING; THENCE SOUTH 89°48'15"11 EAST 20.52 FEET ALONG SAID SECTION LINE TO THE NORTHEAST CORNER OF SAID COUNTY PARCEL; THENCE SOUTH 12°45'53"11 EAST 540.88 FEET ALONG THE EAST LINE OF SAID COUNTY PARCEL; THENCE SOUTH 77°14'07"11 WEST 20.00 FEET: THENCE NORTH 12°45'53"11 WEST 545.49 FEET TO THE POINT OF BEGINNING.

Property From Highland City to Draper City

BEGINNING AT A POINT 1180.89 FEET WEST AND 960.13 FEET SOUTH OF THE NORTH QUARTER CORNER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, THENCE NORTH 77°14'01"11 EAST 20.19 FEET, THENCE SOUTH 12°46'00"11 EAST 109.99 FEET, THENCE SOUTH 12°46'00"11 EAST 110.00 FEET, THENCE SOUTH 12°46'00"11 EAST 110.00 FEET, THENCE SOUTH 12°46'00"11 EAST 110.00 FEET, THENCE SOUTH 12°46'00"11 EAST 110.00 FEET, THENCE SOUTH 12°46'00"11 EAST 111.05 FEET, THENCE S 69°51'08"11 20.36 FEET, THENCE NORTH 12°46'00"11 WEST 663.65 FEET TO THE POINT OF BEGINNING.

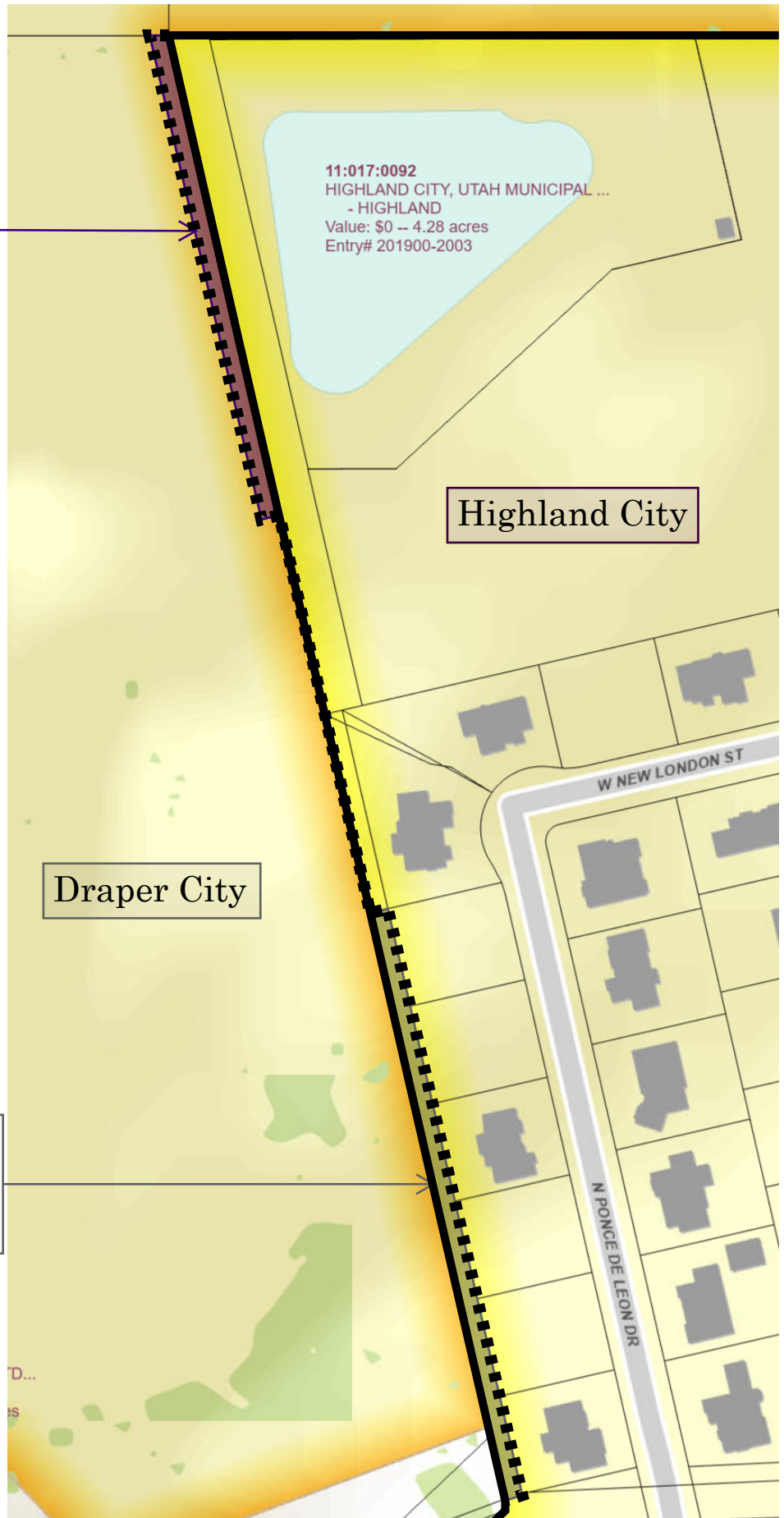
CONTAINS 13,374 SQUARE FEET (0.31 ACRES)

MAP OF HIGHLAND-DRAPER BOUNDARY ADJUSTMENT

Parcel: 11:017:0157
Owner: Highland City
To be annexed from Draper City
City into Highland City

Key
— Current municipal
boundary line
- - - Proposed municipal
boundary line

Parcel: 35:544:0050
Owner: Alpine Joint Venture LTD
To be annexed from Highland
City into Draper City



MEMO



To: City Council
From: John Vuyk
Date: 2026-02-17
Re: Public Hearing: Resolution #26-11

Comments:

Staff recommends approval Resolution #26-11 amending the adopted budget and staffing document of Draper City for Fiscal Year 2025-2026.

ATTACHMENTS:

[Resolution_26-11_-_Amending_the_FY2026_Budget_-_Feb_2026.pdf](#)

RESOLUTION NO. 26-11

A RESOLUTION AMENDING THE ADOPTED BUDGET OF DRAPER CITY FOR FISCAL YEAR 2025-2026.

WHEREAS, the City Council of Draper City has adopted Resolution 25-41 which adopted the final budget for the fiscal year beginning July 1, 2025 and ending June 30, 2026, in accordance with the requirements of the Utah Code Annotated (Utah Code 10-6-128); and

WHEREAS, the City Council of Draper City wishes to amend the fiscal year 2025-2026 budget for CIP project updates, grants received and other required administrative changes; and

WHEREAS, a public hearing to consider the appropriations has been noticed and held and all interested persons were heard, for or against the appropriations; and

WHEREAS, the City Council of Draper City hereby finds this action in the best interest of the public's health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH AS FOLLOWS:

Section 1. Purpose. The purpose of this Resolution is to amend the budget of Draper City, as approved and finalized by Draper City Resolution 25-41 and amended by Draper City Resolution 25-46.

Section 2. Authorization. The Mayor is authorized to sign any agreements to implement the budget amendments adopted by this Resolution.

Section 3. Adoption of Amendments. The budget amendments attached hereto and made a part of this Resolution shall be, and the same hereby are adopted and incorporated into the budget of Draper City, Utah for the fiscal year beginning July 1, 2025 and ending June 30, 2026, in accordance with the requirements of the Utah Code Annotated (Utah Code 10-6-128).

Section 4. Filing of copies of the Budget Amendments. The Budget Officer is authorized and directed to certify and file a copy of said budget amendments in the office of the City Recorder which amendments shall be available for public inspection.

Section 5. Severability. If any section, part, or provision of this Resolution is

held invalid, or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts, and provisions of this Resolution shall be severable.

Section 6. Correction of Editing Errors. The City Attorney is authorized to correct any punctuation, spelling, formatting, clerical, or de minimis errors in the budget amendment.

Section 7. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 17th DAY OF FEBRUARY, 2026.

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Nicole Smedley, City Recorder

VOTE TAKEN:

Councilmember Green
Councilmember Johnson
Councilmember T. Lowery
Councilmember F. Lowry
Councilmember Dahlin
Mayor Walker

YES	NO	ABSENT
___	___	___
___	___	___
___	___	___
___	___	___
___	___	___
___	___	___