

ORDINANCE NO. 1488

AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF THE LAND USE AND DEVELOPMENT CODE (TITLE 9) AND THE LAND DEVELOPMENT CODE (TITLE 17) OF THE DRAPER CITY MUNICIPAL CODE RELATING TO DEFINITIONS, REGULATIONS, AND GENERAL STANDARDS IN CODE SECTIONS 9-3-040, 9-5-200, 9-27-200, 9-42-040, 17-1-040, 17-1-085, 17-3-030, 17-4-030, 17-5-030, 17-9-020, 17-9-050, 17-9-060, AND ENACTING A NEW SECTION 17-1-075: LAND USE EXEMPTIONS FOR SINGLE FAMILY DWELLINGS.

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 revise certain terms of the Draper City Municipal Code to comply with changes in state law; and

WHEREAS, the Land Use and Development Code and the Land Development Code of the Draper City Municipal Code (collectively the "Development Codes") have been established to provide regulations concerning development activity within the City Boundaries; and

WHEREAS, the City Council of Draper City adopted the Development Codes to guide development 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 State Code; and

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

WHEREAS, the Planning Commission and City Council have each held a public hearing to receive public input regarding the revision of the Development Codes.

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 regarding the proposed text amendments to the Development Codes: 1. The proposed amendments are consistent with the goals, objectives and policies of the city's general plan. 2. The proposed amendments further the specific purpose statements of the Development Codes. 3. The proposed amendments are appropriate given the context of the request and there is sufficient justification for a modification to the Development

Codes. 4. The potential effects of the proposed amendments have been evaluated and determined to be beneficial to public health, safety, and welfare and represent an overall community benefit. 5. The proposed text amendments implement best current, professional practices of urban planning, design, and engineering practices and are consistent with state law.

Section 2. Revision. Sections 9-3-040, 9-5-200, 9-27-200, 9-42-040, 17-1-040, 17-1-085, 17-3-030, 17-4-030, 17-5-030, 17-9-020, 17-9-050, 17-9-060, of the Land Use and Development Code and the Land Development Code of the Draper City Municipal Code are hereby revised to read as set forth in Exhibit A attached hereto.

Section 3. Enactment. Section 17-1-075 of the Draper City Municipal Code is hereby enacted as set forth in Exhibit A attached hereto.

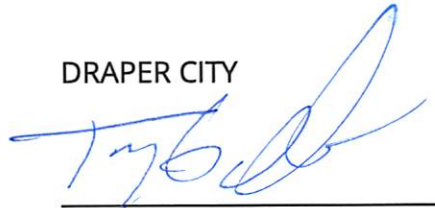
Section 4. Correction of Editing Errors. The city attorney is authorized to correct any punctuation, spelling, formatting, clerical, or de minimis errors in Exhibit A prior to submitting the ordinance for publishing.

Section 5. 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 6. 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 4TH DAY OF MAY, 2021.

DRAPER CITY



Mayor Troy K. Walker

ATTEST:



Laura Oscarson, CMC, City Recorder



VOTE TAKEN:

YES

NO

Councilmember Green



Councilmember T. Lowery



Councilmember F. Lowry



Councilmember Roberts



Councilmember Vawdrey



Mayor Walker

EXHIBIT A

9-3-040: DEFINITIONS:

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CHARTER SCHOOLS: ~~Nonsectarian public schools of choice that operate with freedom from many of the regulations that apply to traditional public schools and that includes:~~

- A. An operating charter school;
- B. A charter school applicant that a charter school authorizer approves ~~has its application approved by a chartering entity~~ in accordance with Utah Code Annotated title 53AG, chapter ~~1a~~5, part ~~53~~3, ~~the Utah Charter Schools Authorization Act; and/or~~
- C. An entity ~~who~~that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

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DEVELOPMENT AGREEMENT: A written agreement ~~contract or an amendment to a written agreement~~ between the city and ~~a developer or subdivider which specifies the standards and conditions that will govern~~ one or more parties that regulates or controls the use or development of a ~~property specific area of land. This definition does not include a bond agreement or an improvement completion assurance.~~

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FAMILY: ~~Any of the following who occupy a dwelling unit:~~

- ~~A.—One (1) or more persons~~ living alone together as a single housekeeping unit;.
- ~~B.—Two (2) or more persons related by blood, marriage, or adoption, and foster children living together as a single housekeeping unit; and up to two (2) other persons hired for compensation, such as nannies, servants, gardeners, custodians or security guards residing on the same premises where the housekeeping unit is located;~~
- ~~C.—Up to five (5) unrelated individuals living together as a single housekeeping unit;~~
~~or~~

~~D.—A group of persons with a disability living in a residential facility for persons with a disability as permitted by this title.~~

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LOT: A ~~separately delineated parcel of real property having a number and designation shown on a recorded final subdivision plat~~ tract of land, regardless of any label, that is created by and shown on a final subdivision plat that has been recorded in the office of the county recorder.

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LOT LINE ADJUSTMENT: The relocation of a lot line boundary between ~~two (2)~~ adjoining lots ~~with the consent of the owners of record and which does not create a new lot~~ or between a lot and adjoining parcels in accordance with Title 17, whether or not the lots are located in the same subdivision, and with the consent of the owners of record. This definition does not include new boundary lines that would create an additional lot, constitute a subdivision, or a boundary line adjustment made by the Utah Department of Transportation.

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LOW IMPACT DEVELOPMENT: Structural or natural engineered systems located close to the source of storm water that use or mimic natural processes to encourage infiltration, evapotranspiration, or reuse of the storm water.

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PARCEL: Any ~~contiguous quantity of~~ real property ~~defined by metes and bounds which has a separate property identification number according to the records of the county recorder and is not shown on a recorded final subdivision plat~~ that is not a lot.

PARCEL BOUNDARY ADJUSTMENT: A recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with Utah Code Annotated section 10-9a-524, as amended, if no additional parcel is created and none of the property identified in the agreement is a lot or if the adjustment is to the boundaries of a single person's parcels. This definition does not mean an adjustment that creates an additional parcel or parcels, constitutes a subdivision, or a boundary line adjustment made by the Utah Department of Transportation.

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PLAT: ~~A map or depiction of a subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets~~An instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with applicable provisions of state law.

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STRUCTURE, NONCONFORMING: A structure that:

- A. Legally existed before ~~it's~~ the structure's current zoning designation; and
- B. Because of subsequent ~~zoning~~ land use ordinance changes, does not conform with the setback, height restrictions, or other applicable ~~requirements~~ regulations of this title.

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SUBDIVISION: Any land that is divided, resubdivided, or proposed to be divided into two (2) or more lots, ~~parcels, sites, units, plots,~~ or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

A. "Subdivision" includes:

- ~~A1.~~ The division or development of land whether by deed, metes and bounds description, devise and testacy, ~~lease,~~ map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
- ~~B2.~~ Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

B. "Subdivision" does not include:

- ~~A1.~~ ~~A recorded agreement between owners of adjoining properties adjusting their mutual boundaries if no new lot is created and the adjustment does not result in a violation of applicable requirements of this title; or~~ A bona fide division or partition of agricultural land for the purposed of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel

not the parcel remaining from the division or partition violates an applicable land use ordinance;

- ~~B2. A recorded document, executed by the owner of record, revising the legal descriptions of more than one contiguous parcels of property into one legal description encompassing all such parcels of property.~~ A boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Utah Code Annotated, section 10-9a-524, if no new parcel is created;
3. A recorded document, executed by the owner of record, revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels;
 4. A recorded document, executed by the owner of record joining a lot to a parcel;
 5. A boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Utah Code Annotated sections 10-9a-524 and 10-9a-608 if no new dwelling lot or housing unit will result from the adjustment and the adjustment does not violate any applicable land use ordinance;
 6. A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels, does not confer any land use approvals, and has not been approved by the city;
 7. A parcel boundary adjustment;
 8. A lot line adjustment;
 9. A road, street, or highway dedication plat;
 10. A deed or easement for a road street, or highway proposed; or
 11. Any other division of land authorized by law.

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SUBSTANTIAL EVIDENCE: Evidence that is beyond a scintilla and a reasonable mind would accept as adequate to support a conclusion.

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USE, CONDITIONAL: A ~~main~~land use that, because of ~~its~~the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

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9-5-200: DEVELOPMENT AGREEMENTS:

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- D. ~~Expiration: A development agreement shall be signed and notarized by all parties, and recorded in the relevant county recorder's office within one (1) year from the date of City Council approval or it will be void. Prior to the expiration of the one-year period, an applicant may submit a written request with the community development department, for an extension of up to six (6) months. Approval of this extension may only be granted by the City Council provided the applicant can meet the requirements for extension under section 9-5-030 and demonstrate substantial action toward execution of the agreement.~~Limitations:

1. A development agreement under this section may not:

a. Limit the City's authority in the future to:

i. Enact a land use regulation; or

ii. Take any action allowed under Utah Code Annotated Section 10-8-84, as amended;

b. Require the City to change the zoning designation of an area of land within the City in the future; or

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 Section 10-9a-502, including a review and recommendation from the planning commission and a public hearing.

2. The City may not require a development agreement as the only option for developing land within the City.

3. 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, as amended; and

b. Applicable land use regulations of this Title.

E. Expiration: A development agreement shall be signed and notarized by all parties, and recorded in the relevant county recorder's office within one (1) year from the date of City Council approval or it will be void. Prior to the expiration of the one-year period, an applicant may submit a written request with the community development department, for an extension of up to six (6) months. Approval of this extension may only be granted by the City Council provided the applicant can meet the requirements for extension under section 9-5-030 and demonstrate substantial action toward execution of the agreement.

9-27-200: GATING:

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C. Subdivisions: Subdivisions, whether commercial or residential, may be permitted to include gates across private streets when approved as a conditional use in accordance with the provisions set forth in section 9-5-080 of this title regarding conditional use permits, and when the applicant can demonstrate to the satisfaction of the planning commission that:

1. The gates will not block or impede vehicular or pedestrian transportation on any public street inside or outside of the subdivision. Gates shall not be permitted across any public street;

2. Pedestrian access into the subdivision will not be impeded;
3. No constructed or city desired trail or public transportation feature will be affected by the installation of gates;
4. The implementation of gates for the development does not adversely affect or inhibit the connectivity of the city's public transportation system;
5. The gating of the development will not impose added pressure upon any right of way identified within the Draper City master transportation plan beyond that which would be reasonably anticipated if the development was not gated.
6. A homeowners' association adequately established to address the fiscal needs of operation and maintenance of the development's gates and streets, is or will be formed that will be responsible for any liability, maintenance, repairs, and all other responsibility associated with the implementation of the gates for the duration of time that the gates are present. Should the homeowners' association be found, at any point in time, to be unable, unwilling, or derelict in the operation and/or maintenance of the streets or gates of the development, the gates shall be removed or left in an open position, as determined by the planning commission through the revocation of any and all conditional use permit(s) pertaining to the gates; and
7. All gate development standards, as outlined in subsection D or E, [and F](#) of this section, can and will be met.

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F. Fire Apparatus Access Road Gate Standards: In addition to the applicable standards of subsection D or E above, gates securing a fire apparatus access road shall also comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than twenty (20) feet. Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than twelve (12) feet.
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.

4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices must be approved by the fire marshal.
6. Methods of locking shall be submitted for approval by the fire marshal.
7. Electric gate operators, where provided, shall be listed in accordance with Underwriters Laboratories (UL) standard 325.
8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of American Society for Testing and Materials (ASTM) specification F2200.

9-42-040: STANDARDS:

B. Hours of Operation: Permitted hours of operation for medical cannabis pharmacies shall be ~~9~~7:00 am to ~~9~~10:00 pm.

17-1-040: DEFINITIONS:

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LOT: ~~A parcel or tract of land within a subdivision and abutting a public street, or a private street, which is or may be occupied by one building and the accessory buildings or uses customarily incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located~~ tract of land, regardless of any label, that is created by and shown on a final subdivision plat that has been recorded in the office of the county recorder.

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SUBDIVISION: ~~Defined per Utah Code Annotated section 10-9a-103(5365) et seq., as amended.~~ The same as defined in Section 9-3-040 of this code.

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WATER CONVEYANCE FACILITY: A ditch, canal, flume, pipeline, or other watercourse used to convey water used for irrigation or storm water drainage and any related easement for the ditch, canal, flume, pipeline, or other watercourse. This definition does not include a ditch, canal, flume, pipeline, or other watercourse used to convey water used for culinary or industrial water, or any federal water project facility.

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17-1-075: LAND USE EXEMPTIONS FOR SINGLE FAMILY DWELLINGS:

- A. For a period of ten (10) years after the day on which a subdivision plat is recorded, the City may not impose on a building permit applicant for a single-family dwelling located within the subdivision any land use regulation that is enacted within 10 years after the day on which the subdivision plat is recorded.
- B. Subsection A does not apply to changes in the requirements of the applicable building code, health code, fire code, or other similar regulations.
- C. All other accessory buildings, appurtenances, and construction on the same lot that are not a part of the single-family dwelling must meet current land use regulations and ordinances.
- D. After the ten (10) year period following the recordation of the subdivision has been reached, construction of and additions to single-family dwellings located in the subdivision must meet the then current land use regulations and ordinances.

17-1-085: PUBLIC NOTIFICATION:

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- E. ~~Canal~~ Water Conveyance Facility Owner Notice: If a ~~canal's centerline~~ water conveyance facility is located entirely or partially within one-hundred feet (100') of a subdivision ~~and the centerline is available as~~ as determined using information made available to the city as prescribed in Utah Code Annotated 10-9a-603, as amended, the city shall provide notice of the application to the ~~canal~~ water conveyance facility owner ~~or association canal operator~~ within twenty (20) days of receiving the complete application ~~receipt~~. The city shall provide the facility owner ~~a~~ twenty (20) days to comment on the application period prior to making a decision on the application. A facility owner's failure to provide comments to the city shall not affect or impair the city's authority to approve the subdivision plat. (Ord. 1075, 11-19-2013; amd. Ord. 1408, 10-15-2019; Ord. 1467, 11-17-2020)

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17-3-030: PRELIMINARY PLAT SUBMITTAL:

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- 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:
1. All facilities within one hundred feet (100') of the subdivision boundaries;
 2. A north arrow;
 3. The subdivision name;
 4. The layout and names and widths of existing and future road rights of way;
 5. A tie to a permanent survey monument at a section corner;
 6. The boundary lines of the subdivision with bearings and distances;
 7. The layout and dimensions of proposed lots with lot areas in square feet;

8. The location, dimensions and labeling of all other spaces including open spaces, parks, trails, and public spaces;
9. The location of manmade features including bridges, railroad tracks, and buildings;
10. ~~Topography at two foot (2') intervals~~ All recorded easements and existing rights-of-way located within the plat for:
 - a. An underground facility;
 - b. A water conveyance facility; or
 - c. Any other utility facility; and
 - 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), as amended; and
11. Ownership of all adjoining tracts of land.

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

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- R. The final plat shall show all recorded easements and existing rights-of-way located within the plat for:
1. An underground facility;
 2. A water conveyance facility;
 3. Any other utility facility; and
 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\(6\)\(c\), as amended.](#)

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17-5-030: STREETS:

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G. Subdivision Access And Dead End Streets: Dead end streets or subdivisions with one access point shall serve no more than thirty (30) single-family units, two-family units, and townhouse units, or up to one hundred (100) multi-family units, not including townhouse dwellings. [Deviations from the limitations to the number of single-family and two-family units may be permitted under the provisions of 17-5-030\(H\)\(15\) below.](#) The provision of a stub road which will eliminate the dead end in the future shall not permit additional units. Additional dwelling units may be served by a dead end street at such time as its dead end nature is eliminated. On such temporary dead end streets, a temporary turnaround area and recordable easement shall be provided at the end of the dead end street and shall remain and be available for public use so long as the dead end exists. Improvements shall be installed in temporary turnaround areas subject to engineering standards and the International Fire Code. Access points and dead end streets shall comply with all applicable codes. (Ord. 1009, 9-4-2012; amd. Ord. 1332, 7-10-2018; Ord. 1454, 11-10-2020)

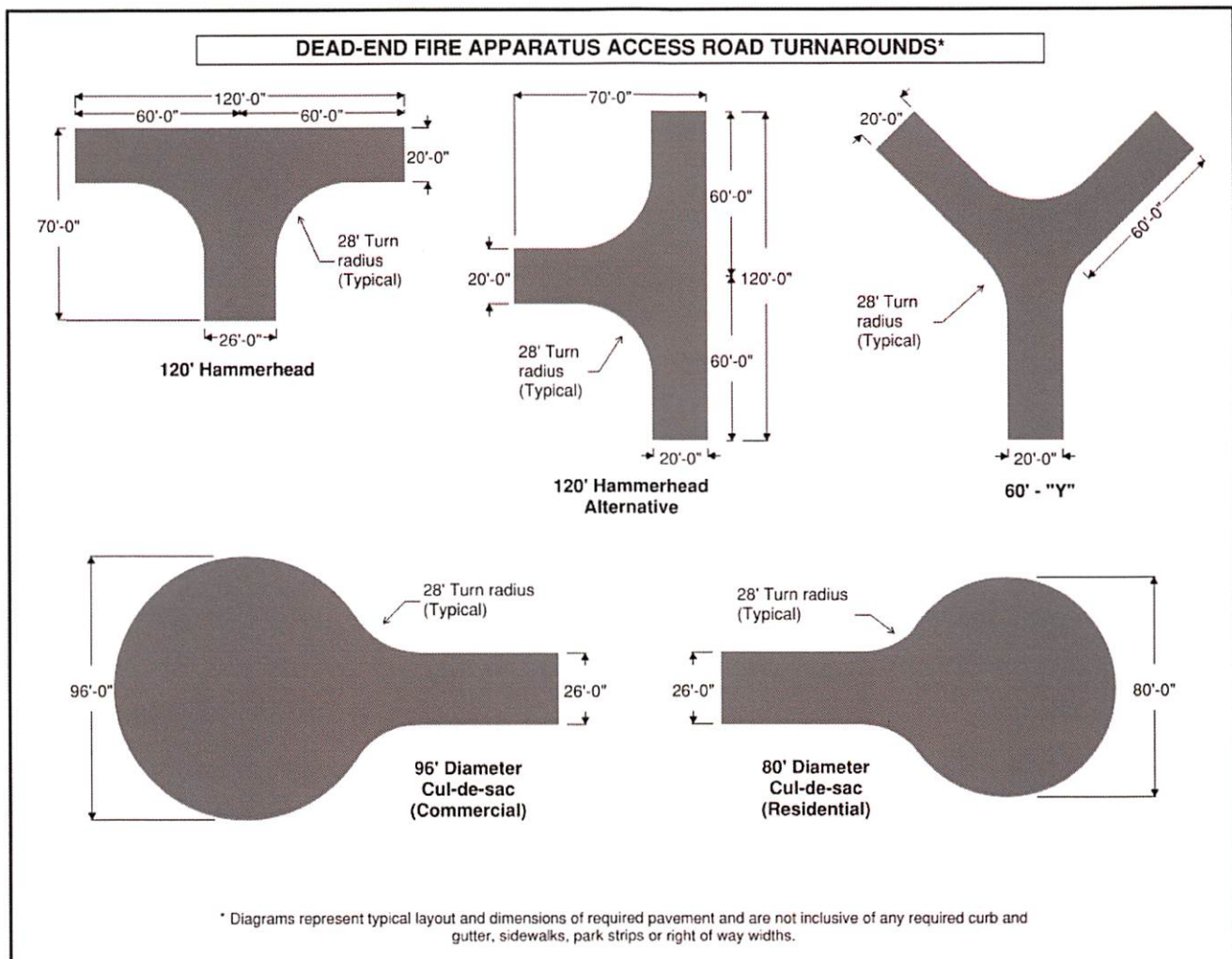
H. [Fire Apparatus Access Roads: Fire apparatus access is essential to successful fire-fighting and rescue operations. Fire department vehicles vary widely in size and operational needs and must be able to maneuver into position to properly undertake their fire-fighting activities. The needs of the city will therefore vary with the equipment used include those from mutual-aid companies that may respond from outside the city. Access roads must be designed to provide the fire department with the required access to all structures on a site.](#)

1. All fire apparatus access roads must meet the requirements of this section and applicable requirements of international fire code, including appendix D.
2. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds.
3. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be twenty-six (26) feet, exclusive of shoulders.
4. Fire apparatus access roads shall not exceed ten (10) percent in grade, except as specifically modified elsewhere in this title, or as approved by the fire marshal.
5. The minimum turning radius for fire apparatus access shall be twenty-eight (28) feet, unless a different radius is approved by the fire marshal.
6. Dead end fire apparatus access roads shall meet the following minimum paved widths and include turnarounds according to the following:
 - a. For fire apparatus access roads up to one-hundred fifty (150) feet in length a minimum paved width of twenty (20) feet is required.
 - b. For fire apparatus access roads between one-hundred fifty-one (151) feet and five-hundred (500) feet in length a minimum paved width of twenty (20) feet and a minimum one-hundred twenty (120) foot hammerhead, sixty (60) foot "Y", or ninety-six (96) foot diameter cul-de-sac are required. See Figure 17-5-1.
 - c. For fire apparatus access roads between five-hundred one (501) feet and seven-hundred fifty (750) feet in length a minimum paved width of twenty-six (26) feet and a minimum one-hundred twenty (120) foot hammerhead, sixty (60) foot "Y", or ninety-six (96) foot diameter cul-de-sac are required. See Figure 17-5-1.
 - d. For fire apparatus access roads over seven-hundred fifty (750) feet in length special approval of the fire marshal is required.

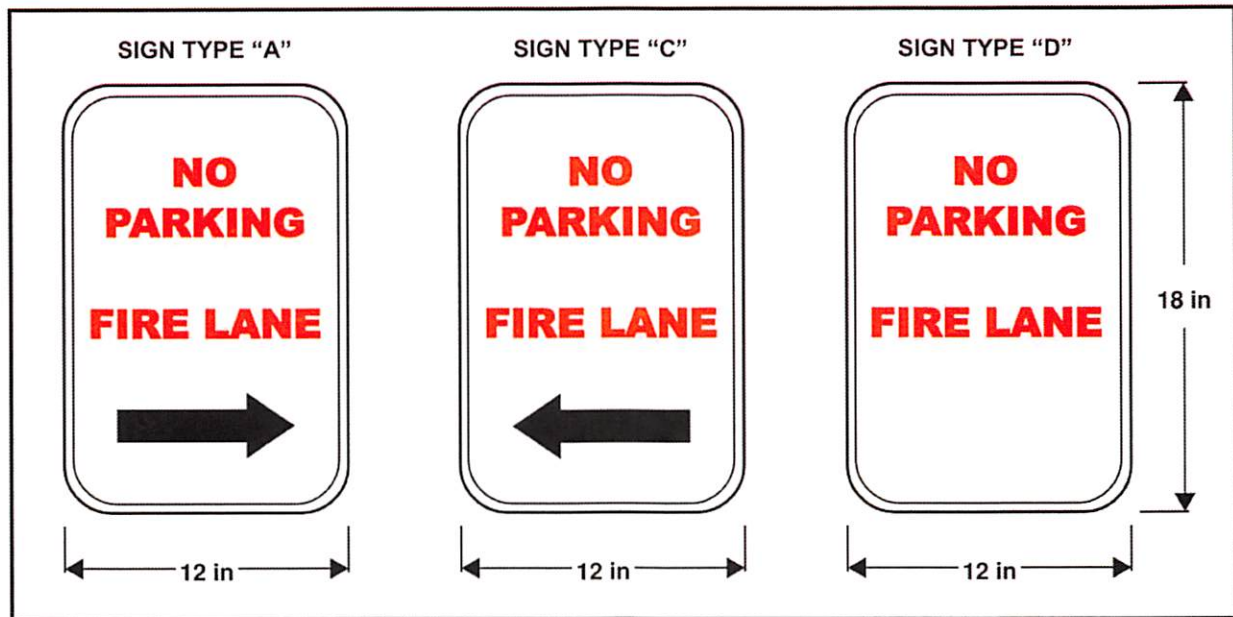
7. If a fire apparatus access road is gated, the road and gate shall comply with the requirements of subsection 9-27-200 of this title.
8. Fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with Figure 17-5-2. Signs shall have a minimum dimension of twelve (12) inches wide by eighteen (18) inches high and have red letters on a white reflective background.
9. Fire lane signs shall be posted on both sides of fire apparatus access roads that are twenty (20) to twenty-six (26) feet wide. Fire lane signs shall be posted on one side of fire apparatus access road more than twenty-six (26) feet wide and less than thirty-two (32) feet wide.
10. Buildings or facilities exceeding thirty (30) feet or three (3) stories in height shall have not fewer than two means of fire apparatus access for each structure.
11. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads, except as provided in 17-5-030(H)(11)(a) below.
 - a. Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road where all buildings are equipped throughout with approved automatic fire sprinkler systems.
12. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot, parcel, or area to be served, measured in a straight line between accesses.
13. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.
 - a. Aerial fire apparatus access roads shall have a minimum unobstructed width of twenty-six (26) feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

- b. One or more of the required access routes meeting this condition shall be located not less than fifteen (15) feet and not greater than thirty (30) feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire marshal.
 - c. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire marshal.
- 14. Multi-Family residential projects having more than one-hundred (100) dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.
- 15. Developments of one- or two-family dwellings where the number of dwelling units exceeds thirty (30) shall be provided with two (2) separate and approved fire apparatus access roads, except as provided in subsection 17-5-030(H)(15)(a) or (b) below.
 - a. With approval of the fire marshal, where there are more than thirty (30) dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic fire sprinkler system in accordance with international fire code section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.
 - b. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire marshal.

Figure 17-5-1



[Figure 17-5-2](#)



- I. [In instances where fire marshal has discretion to allow a deviation from the standards for fire apparatus access roads in 17-5-030\(H\) or the gating requirements of fire apparatus access roads in 9-27-200\(F\), the fire marshal may authorize a deviation upon finding all of the following:](#)
 1. [The deviation complies with the public safety objectives of the city;](#)
 2. [The proposed deviation will not negatively impact traffic safety;](#)
 3. [The access width of the roadway is sufficient to provide necessary emergency vehicle access to the property;](#)
 4. [The type of road surfacing will not negatively impact the accessibility to the property by fire and emergency vehicles; and](#)
 5. [The deviation in design will not inhibit the maneuverability or operation of anticipated emergency response apparatus or fire department vehicles of Draper City or those of mutual-aid organizations from neighboring communities or agencies.](#)

17-9-020: AMENDMENT PROCEDURE:

- A. Planning Commission **Recommendation**: Upon receipt of a petition to vacate, alter, or amend a subdivision plat, the matter shall be referred to the Planning Commission for consideration.
- B. Public Hearing: Except as otherwise provided in subsection C of this section, the Planning Commission shall hold a public hearing on the proposed plat amendment within forty five (45) days of receipt of the petition. Notice of the public hearing shall be given as provided in section 17-9-030 of this Code.
- C. Waiver Of Public Hearing: Where the plat amendment process is initiated by petition, the Planning Commission, in its discretion, may waive the requirement of a public hearing if:
 - 1. The proposed plat change does not include the vacation, alteration or amendment of a public street;
 - 2. No owner within the plat notifies the City of their objection, in writing, within ten (10) days of the mailed notice provided under section 17-9-030 of this chapter; and
 - 3. All owners within the plat have signed the revised plat consenting to the proposed amendment.
- D. Vacating A Public Street, Right-Of-Way Or Easement: A petition under this section that proposes to vacate some or all of a public street, right-of-way or easement shall comply with State Code.
- E. Public Hearing Not Required: Notwithstanding sections B and C in this section, ~~the city may consider an owner's petition to vacate or amend a subdivision plat at a~~ the public hearing requirements do not apply and the planning commission may consider an owners petition for a subdivision amendment at a public meeting, subject to notice being given to ~~adjacent~~adjoining property owners per section 17-9-030 of this code, if the petition seeks to:
 - 1. Join two or more of the petitioner fee owner's contiguous lots as outlined in 17-9-060 of this chapter;
 - 2. Subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;

3. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcels if the fee owners of each of the adjoining ~~lots or parcels~~properties join in the petition, regardless of whether the ~~lots or parcels~~properties are located in the same subdivision, as outlined in 17-9-060 of this chapter;
4. On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by ordinance; or
5. Alter the plat in a manner that does not change the existing boundaries or other attributes of lots within the subdivision that are not:
 - a. Owned by the petitioner; or
 - b. Designated as a common area.

F. The city may not approve a petition for a subdivision amendment unless the amendment identifies and preserves any easements owned by a culinary water authority or sanitary sewer authority for existing facilities located within the subdivision.

17-9-050: AMENDED PLAT REQUIREMENTS:

Prior to the land use authority's approval of a petition or proposal to amend a subdivision plat, the petitioner or sponsor shall deliver to the City an amended plat map and supporting information in compliance with the requirements of section 17-4-030 of this title. ~~The amended plat map shall be accompanied by the appropriate recording fee to provide for recordation of the map with the Salt Lake and/or Utah County Recorder.~~ Any plat amendment that creates any property to be dedicated or otherwise given to the City for right-of-way or other public use shall also comply with the terms of section 17-4-100 of this title regarding the payment of Property Tax.

17-9-060: ~~LOT LINE ADJUSTMENTS, JOINING LOTS, PARCEL BOUNDARY ADJUSTMENTS, AND BOUNDARY LINE AGREEMENTS~~PROPERTY BOUNDARY ADJUSTMENTS:

- A. Lot Line Adjustments: ~~Consenting owners of adjoining properties in a subdivision may relocate the mutual property boundary line between their adjoining lots pursuant to this section.~~To make a lot line adjustment, or to join a petitioner fee owner's contiguous lot(s) with a petitioner fee owner's contiguous parcel, a property owner shall:
1. ~~The Zoning Administrator is the designated Land Use Authority for lot line adjustments.~~Amend the subdivision plat according to the provisions of this chapter;
 2. ~~Applications shall:~~
 - a. ~~Be filed jointly by the owners of both subject properties.~~
 - b. ~~Include the legal description of each original property.~~
 - c. ~~Include the proposed adjusted legal description of each property as proposed. Legal descriptions shall be prepared by a certified surveyor or engineer.~~Execute a boundary line adjustment through a quitclaim deed or boundary line agreement; and
 3. ~~The Zoning Administrator shall hold a public meeting following proper notice to all owners of property adjacent to the subject properties and according to Utah Code and other applicable sections of this Code.~~
 4. ~~The Zoning Administrator shall approve and provide a notice of approval to the applicants for applications that comply with the following requirements:~~
 - a. ~~No new dwelling or lot or housing unit will result from the adjustment.~~
 - b. ~~The properties as proposed will comply with this Code.~~Record the amended plat and quitclaim deed or boundary line agreement in the office of the county recorder.
 4. The joining of a lot or lots to a parcel does not constitute a subdivision as to the parcel or subject the parcel to other sections of Title 17.
 5. ~~The property owners that are a party to the application shall record with the Salt Lake County Recorder's Office within thirty (30) days of the issuance of the notice of approval the notice of approval and a valid~~

~~document of conveyance that results in the property boundaries described by the legal descriptions submitted with the lot line adjustment application.~~

- B. Joining Lots: A fee owner may join two (2) or more of the petitioner fee owner's contiguous lots ~~as long as the joined lots comply with this Code. The Zoning Administrator is the designated Land Use Authority for joining lots~~ by following the plat amendment process in Title 17.
- C. Parcel Boundary Adjustments ~~And Boundary Line Agreements: A parcel boundary adjustment or boundary line agreement subject to Utah Code Annotated 10-9a-523 and 10-9a-524, as amended, shall not require review by the City.~~ To make a parcel boundary adjustment, a property owner shall execute a boundary adjustment through a quitclaim deed or boundary line agreement and record the quitclaim deed or boundary line agreement with the county recorder.
1. A Parcel boundary adjustment is not subject to the city's review unless any of the subject parcels contain a dwelling unit.
 2. Parcel boundary adjustments that require review by the city shall:
 - a. Be filed jointly by the owners of both subject properties.
 - b. Include a boundary line agreement that complies with the provisions of Utah Code Annotated 10-9a-524(2), as amended.
 3. Within 14 days from the receipt of a complete application for a parcel boundary adjustment, the zoning administrator or designee shall review and approve applications that comply with the following requirements:
 - a. No additional parcels will result from the adjustment.
 - b. Existing dwelling unit(s) and other structures on the parcel(s) will maintain compliance with the current setbacks for the zoning district in which they are located. Where existing dwelling unit(s) or structures are nonconforming as to current setback requirements, the amount or degree of nonconformity will not increase as a result of the parcel boundary adjustment.
 - c. The proposed parcel boundary adjustment will not create a violation of any land use ordinance or other city ordinances.

4. If the zoning administrator or their designee finds that an application is deficient or if additional information is required to approve the boundary line agreement, they shall provide written notice to the property owners of the deficiency or additional information required within the 14-day timeframe from the date of the initial submittal. Such notice shall include the following:
 - a. A description of the specific deficiency or additional information required.
 - b. A statement that the boundary line agreement will be approved upon the correction of the deficiency or submission of the additional information.
 - c. A statement that failure to correct the deficiency or provide the additional information may result in denial and/or expiration of the application.
5. Upon receipt of the information requested in subsection 4, the zoning administrator or designee shall review the complete application according to the provisions of subsection 3.
6. Upon approval of the application, the zoning administrator or designee shall provide a notice of approval to the property owners within 14 days of the receipt of the application.
7. The property owners that are a party to the application shall record with the county recorder within thirty (30) days of the issuance of the notice of approval the notice of approval together with a quitclaim deed or boundary line agreement that results in the property boundary adjustment described by the proposed legal descriptions submitted with the parcel boundary adjustment application.
8. The zoning administrator or designee shall deny an application that does not comply with the requirements of subsection (C)(3) above. The written notice of denial shall be sent to the applicants in the same 14-day timeframe from the date of the submittal of a complete application.

D. Boundary Line Agreements: Boundary line agreements are subject to the requirements of Utah Code Annotated 10-9a-524, as amended.

1. Boundary line agreements that are not subject to review of the city shall not be considered as having land use approval.
2. In accordance with Utah Code Annotated subsections 10-9a-523(5), the city may withhold approval of any land use application submitted for property that is the subject of a recorded boundary line agreement or other document used to adjust a mutual boundary line if the city determines that the lots or parcels, as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line, are not in compliance with the city's land use regulations in effect on the day on which the boundary line agreement or other document used to adjust the mutual boundary line is recorded.
 - a. Land Use applications where approval has been withheld under this subsection may proceed upon the subsequent recordation of a boundary line agreement, including an amended subdivision plat when applicable, that brings the lots or parcels into compliance with city code.
 - b. Land use applications will still be subject to otherwise applicable expiration dates if review and approval of necessary boundary line agreement(s) is not diligently pursued by the applicant.