

**ORDINANCE NO. 1435**

**AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF THE LAND USE AND DEVELOPMENT CODE OF THE DRAPER CITY MUNICIPAL CODE RELATING TO RESTAURANT SIGNAGE.**

**WHEREAS**, Utah State law grants to Draper City the authority to regulate uses of property by zoning districts; and

**WHEREAS**, it is necessary from time to time to revise certain terms of the Draper City Municipal Code to address provisions that become diminished in appropriateness, applicability, or clarity; and

**WHEREAS**, the Land Use and Development Code of the Draper City Municipal Code has been established to provide regulations concerning general developments within the City Boundaries; and

**WHEREAS**, the City Council of Draper City adopted the Land Use and Development Code 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 Land Use and Development Code regarding the permitted on premise restaurant signage; 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 Land Use and Development Code; and

**WHEREAS**, the Planning Commission and City Council have each held a public hearing to receive public input regarding the revision of the Land Use and Development 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 amendment regarding the Land Use and Development Code in regards to the signage of the RESTAURANT SIGN TA: 1. The proposed amendment is consistent with goals, objectives and policies of the city's general plan. 2. The proposed amendment furthers the specific purpose statements of the zoning ordinance. 3. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance. 4. The proposed amendment will not create a conflict with any other section or part of this title or the general plan. 5. 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.

**Section 2. Revision.** 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. 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 4. 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 21st DAY OF April, 2020.**

**DRAPER CITY**

\_\_\_\_\_  
**Mayor Troy K. Walker**

**ATTEST:**

\_\_\_\_\_  
**Laura Oscarson, City Recorder**

VOTE TAKEN:	YES	NO
Councilmember Green	_____	_____
Councilmember T. Lowery	_____	_____
Councilmember Roberts	_____	_____
Councilmember Vawdrey	_____	_____
Councilmember F. Lowry	_____	_____
Mayor Walker	_____	_____

**EXHIBIT A**  
**PROPOSED TEXT CHANGES**

**9-26-070: PERMITTED ON PREMISES PERMANENT SIGNS**

7. Restaurant Uses: Restaurants with drive-through facilities shall be allowed one on site freestanding sign per drive-through lane, in addition to that otherwise permitted by this section, according to the following requirements:

- a. The additional freestanding sign shall be located more than thirty feet (30') from the closest public right of way property line.
- b. The additional freestanding sign shall not be located more than five feet (5') from the drive-through lane.
- c. The maximum area of such sign shall be forty five (45) square feet.
- d. Such sign shall not be taller than seven feet (7').
- e. Such signs shall be illuminated ~~by internal means only~~, internally, backlit or illuminated digitally by means of EMC or LCD subject to requirements in section 9-26-060(G) and the illumination standards found in Section 9-26-090(D)(1)(f), and Section 9-20-040(B).
- f. Such signs shall be identified and accommodated in the approved sign allowance and shall require a sign permit prior to installation.