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**Development Review Committee**

1020 East Pioneer Road

Draper, UT 84020

August 25, 2020

**To:** Draper City Planning Commission  
Business Date: September 3, 2020

**From:** Development Review Committee

**Prepared By:** Todd A. Draper, AICP, Planner III  
Planning Division  
Community Development Department  
801-576-6335, [todd.draper@draper.ut.us](mailto:todd.draper@draper.ut.us)

**Re: City Initiated Flag Lot– Text Amendment Request**

Application No.: TEXTMAP 1049-2020

Applicant: Draper City

Project Location: City Wide

Current Zoning: City Wide

Acreage: City Wide

Request: Request for approval of a Text Amendment in order to modify Draper City Municipal Code Section 9-27-090 in order to modify requirements for the creation of Flag Lots within the city.

**BACKGROUND AND SUMMARY**

This application is a request for approval of a Text Amendment to Draper City Municipal Code (DCMC) 9-27-090, Flag Lots.

On April 7, 2020 the City Council passed Ordinance No. 14-27, a temporary land use regulation, which prohibits new development applications proposing to erect, construct, reconstruct or alter any structure on a flag lot or proposing to subdivide land to create a flag lot. The temporary land use regulation was enacted after members of the City Council expressed sentiment that the current development standards regarding flag lots do not meet the goals and objectives of the zoning ordinance in that the current code does not adequately address the burden placed on existing residents surrounding a flag lot and approving new development on flag lots will only exacerbate the negative impacts of flag lots on existing residents. The temporary land use regulation is set to expire on October 7, 2020, or earlier, after public hearings are held and amended provisions are presented to the Planning Commission and the City Council for review and adoption.

**ANALYSIS**

Extensive revisions to the DCMC 9-27-090 Flag Lot requirements are being proposed, including changing the standards for when a flag lot is allowed. This report analyzes those proposed changes, a full copy of which can be found in Exhibit B.

In that exhibit the changes in blue are new additions to the text, the changes in red are deletions to the text, and those in black represent language that is unchanged.

A chart comparing the current ordinance to the proposed ordinance, including an explanation for the changes is included as Exhibit C.

### **CRITERIA FOR APPROVAL**

The criteria for review, and potential approval, of a Text Amendment request is found in DCMC 9-5-060(E)(2). This section depicts the standard of review for such requests as:

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. The request complies with federal and state laws and Draper City ordinances. 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.

The findings for approval as are follows:

1. The proposed amendments are consistent with goals, objectives and policies of the city's general plan;
2. The proposed amendments further the specific purpose statements of the zoning ordinance;
3. The proposed amendments are appropriate given the context of the request and there is sufficient justification for a modification to the zoning ordinance;
4. The proposed amendments 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 amendments have been evaluated and determined not to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
6. The proposed text amendments implement best current, professional practices of urban planning, design, and engineering practices.

The findings for denial as are follows:

1. The proposed amendments are not consistent with goals, objectives and policies of the city's general plan;
2. The proposed amendments do not further the specific purpose statements of the zoning ordinance;
3. The proposed amendments are not appropriate given the context of the request and there is not sufficient justification for a modification to the zoning ordinance;
4. The proposed amendments will create a conflict with another section or part of this title or the general plan;
5. The potential effects of the proposed amendments have been evaluated and determined to be detrimental to public health, safety, or welfare and represents an overall community benefit; and
6. The proposed text amendments do not implement best current, professional practices of urban planning, design, and engineering practices.

## **MODEL MOTIONS**

Sample Motion for Approval – I move that we forward a positive recommendation to the City Council for the Text Amendment , as requested by Draper City for the City Initiated Flag Lot Text Amendment application TEXTMAP-1049-2020, based on the findings listed in the Staff Report dated August 25, 2020.

Sample Motion for Modified Approval– I move that we forward a positive recommendation to the City Council for the Text Amendment, as requested by Draper City for the City Initiated Flag Lot Text Amendment application TEXTMAP-1049-2020, based on the findings listed in the Staff Report dated August 25, 2020, and as modified by the findings below:

1. List any additional findings ...

Sample Motion for Denial – I move that we forward a negative recommendation to the City Council for the Text Amendment , as requested by Draper City for the City Initiated Flag Lot Text Amendment application TEXTMAP-1049-2020, based on the findings listed in the Staff Report dated August 25, 2020.

## 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.

**Brien  
Maxfield**

Digitally signed by Brien Maxfield  
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Draper City Public Works Department

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Draper City Planning Division

**Don Buckley**

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Draper City Fire Department

**Mike Barker**

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Draper City Legal Counsel

**Matthew T. Symes**

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Draper City Building Division

**EXHIBIT A**  
**DEPARTMENT REVIEWS**

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

*Planning Division Review.*

1. The proposed modifications will limit potential negative impacts Flag Lots may have on existing neighborhoods.
2. The proposed modifications will eliminate concerns that have arisen during the application of the current code.

*Engineering and Public Works Divisions Review.*

1. The Engineering and Public Works Division have reviewed the proposed language and their comments and suggestions have been incorporated into the legislative text.

*Fire Division Review.*

2. The Fire Marshall has reviewed the proposed language and his comments and suggestions have been incorporated into the legislative text.

*Legal Division Review.*

1. Legal Counsel has reviewed the proposed language and their comments and suggestions have been incorporated into the legislative text.
2. The request complies with federal and state laws and Draper City ordinances.

**EXHIBIT B**  
**LEGISLATIVE DRAFT**

**9-27-090: FLAG LOTS:**

~~Flag lots for single family residences may be allowed to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this title or other titles adopted by the city. The primary purpose of this section is not to make development of property easier and more profitable. Rather, it is to serve as a last resort for property which may not otherwise be reasonably developed~~ to outline the regulations that a flag lot must adhere to.

A. Factors: When property is subdivided, flag lots shall ~~not be approved by right but may~~ only be allowed ~~after considering~~ under the following circumstances:

- ~~1. — More than two (2) flag lots with contiguous staffs shall be avoided;~~
- ~~2.1. Whether~~ When development of the property on a private lane in question under normal city utilizing existing zoning and subdivision regulations is ~~reasonable and practical~~ not possible; and
2. As a lot split or within subdivisions of fewer than 10 lots;
3. Where ~~C~~creation of a flag lot ~~should~~ does not foreclose the possibility of future development of other large interior parcels that ~~are not~~ would be developable ~~unless~~ if a street ~~is~~ were extended to them ~~across other adjacent properties~~ subject to the street connection requirements found within section 17-5-030 (A); and
4. The flag lot does not have frontage on a classified street as defined by and illustrated in the Draper City Master Transportation Plan.

B. Development Standards: When flag lots are permitted, they shall be subject to the following conditions:

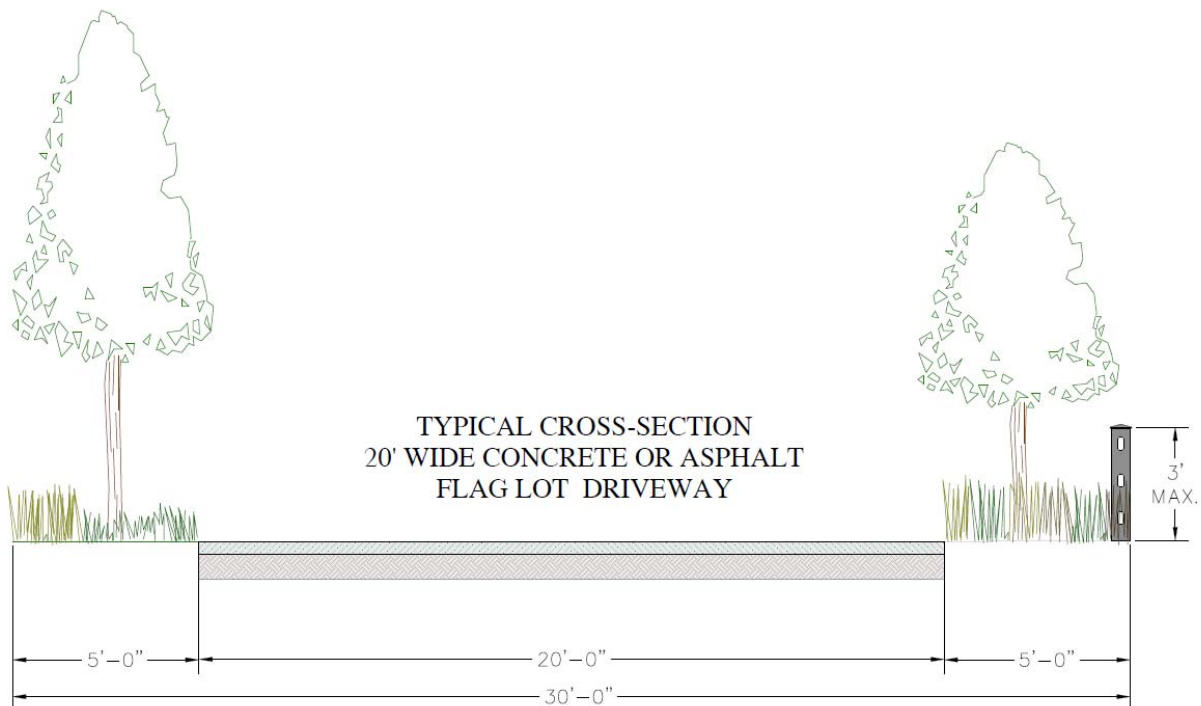
1. A flag lot shall be comprised of a narrow staff portion that is contiguous with a wide flag portion.
2. The staff portion of the lot shall front on and be contiguous to a local street, whether public or private.
3. Two (2) flag lots with contiguous staffs are prohibited.
4. The minimum width of the staff portion at any point shall be ~~twenty feet (20')~~ thirty feet (30') comprised of a minimum of twenty feet (20') of paved access width and five feet (5') of landscaping located on each side of the pavement. However, a ~~Greater~~ greater staff width ~~for lots within the sensitive lands overlay zone~~ may be required by the fire marshal based on the access width requirements of the International Fire Code (IFC) or where required by the fire code.
5. The maximum length of the staff shall be five hundred feet (500') as measured from the street right of way line to the beginning of the flag portion of the lot. The flag portion of the lot shall begin at the property line or line segments which define the minimum front yard depth per the minimum listed setbacks for main buildings.
6. The driveway access within the staff shall be paved with asphalt or concrete to a minimum width of twenty feet (20'). Design of the driveway shall provide a manner for

controlling drainage water acceptable to the city engineer. The load bearing capacity of the driveway may be required to be designed to support the weight of fire and emergency vehicles as required by the fire marshal and city engineer.

7. The maximum grade of the staff shall not exceed ~~twelve~~ ten percent ~~(12%)~~ (10%) ~~in the direction of intended traffic flow on the staff. The staff portion of the lot shall generally follow property contours~~ except in the Hillside Sensitive Lands Overlay Zone where the maximum grade shall not exceed twelve percent (12%).
8. For lots where the staff portion is over one-hundred fifty feet (150') in length, sufficient turnaround space for emergency vehicles shall be provided and an easement for access by emergency vehicles will be required. The fire marshal shall review and approve the design and location.
9. No building or structure shall be located within the staff portion of a flag lot.
- ~~3.10.~~ The size of the flag portion of the lot shall ~~conform to~~ be greater than or equal to 1.25 times the minimum lot size requirement of the zone in which the lot is located, but in no case be less than fifteen thousand ~~(15,000)~~ square feet (15,000 ft<sup>2</sup>). ~~Sufficient turnaround space for emergency vehicles shall be provided.~~ The staff portion of the lot shall not be included in this minimum lot size calculation.
- ~~4.~~ ~~No building or structure shall be located within the staff portion of a flag lot.~~
- ~~5.11.~~ The front yard of a flag lot shall be on the side of the flag portion which connects to the staff. ~~Regardless of the zone, the minimum front yard setback shall be twenty five feet (25') and all other setbacks for main buildings shall be a minimum of twenty feet (20').~~ Setbacks for all main buildings shall be a minimum of twenty five feet (25') from all property lines for all flag lots less than or equal to twenty thousand square feet (20,000 ft<sup>2</sup>) in size, and thirty feet (30') for all flag lots greater than twenty thousand square feet (20,000 ft<sup>2</sup>) in size. Calculated lot sizes for this section do not include the staff portion of the lot.
12. All accessory buildings and structures shall follow the regulations contained in section 9-10-040 except that accessory buildings and structures over two hundred square feet (200 ft<sup>2</sup>) in size can be built no closer than fifteen feet (15') to a neighboring property line.
13. Landscaping shall be installed within the staff portion of the lot along each side of the access driveway pavement. Landscaping shall include a mix of live plant materials with vertical growth characteristics such as perennial grasses, shrubs, and small to medium sized trees. Xeriscaping with native and drought tolerant plants is encouraged.
- ~~6.14.~~ ~~Screen fencing may be required to be erected around the staff and flag portions of the lot.~~ Fencing and landscaping shall comply with the limitations related to view obstructions listed in 9-27-080. Fencing along or around the staff portion shall not exceed three feet (3') in height when abutting the front yard of an adjacent lot or parcel.
- ~~7.15.~~ Fire hydrants shall be provided to serve the flag lot as required by the ~~Utah state adopted fire code~~ International Fire Code (IFC). Any fire hydrants located in the public rights of way shall be dedicated to the water provider for access to and maintenance of the hydrant. ~~The fire chief shall review proposed flag lots to ensure adequate space and site configuration for turnaround of emergency vehicles.~~

- ~~8. All driveways located in the staff portion of the lot shall be paved within one hundred feet (100') of any preexisting house on a neighboring parcel.~~
- ~~9. Upon review, the city may require installation of curb, gutter and other drainage control measures in the staff portion of a flag lot to prevent runoff from entering neighboring properties.~~
16. The maximum height of main buildings on flag lots is limited to 2 stories and a maximum of thirty feet (30').
17. Total lot coverage of flag lots is limited to no more than 35% of the area contained within the flag portion of the lot.
- ~~10.18. Clear address signage must be installed and maintained at the street, including notice that the driveway is a private right of way.~~
- ~~11.19. When the staff of a flag lot exceeds the minimum width requirement of twenty feet (20'), the developer shall construct frontage improvements along the entire width of the staff, in accordance with the requirements set forth in section 9-27-100 of this chapter and subsection 17-5-060B of this code.~~

Figure 9-27-090-1





**EXHIBIT C**  
**FLAG LOT CODE COMPARISON CHART**

Flag Lot Ordinance				
Proposed Changes				
Current DCMC Code Section	Current Requirements	Proposed DCMC Code Section (changes noted in red)	Proposed Requirements	Explanation
9-27-090: Purpose Statement	Flag lots for single-family residences may be allowed to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this title or other titles adopted by the city. The primary purpose of this section is not to make development of property easier and more profitable. Rather, it is to serve as a last resort for property which may not otherwise be reasonably developed.	9-27-090: Purpose Statement	The primary purpose of this section is to outline the regulations that a flag lot must adhere to.	clarity in purpose
9-27-090 (A)	When property is subdivided, flag lots shall not be approved by right but may be allowed after considering the following:	9-27-090 (A)	When property is subdivided, flag lots shall only be allowed under the following circumstances:	conformance with State Code 10-9a-603(2)(a)
9-27-090 (A)(1)	More than two (2) flag lots with contiguous staffs shall be avoided	9-27-090 (B)(3)	Two (2) flag lots with contiguous staffs are prohibited	moved into development standards
9-27-090 (A)(2)	Whether development of the property in question under normal city zoning and subdivision regulations is reasonable and practical	9-27-090 (A)(1)	When development of the property on a private lane utilizing existing zoning and subdivision regulations is not possible	preference for development to occur on private lanes
9-27-090 (A)(3)	Creation of a flag lot should not foreclose the possibility of future development of other large interior parcels that are not developable unless a street is extended to them across other adjacent properties.	9-27-090 (A)(3)	Where Creation of a flag lot does not foreclose the possibility of future development of other large interior parcels that would be developable if a street were extended to them subject to the street connection requirements found within section 17-5-030 (A); and	additional clarification
New sections added		9-27-090 (A)(2)	As a lot split or within subdivisions of fewer than 10 lots;	limiting use to specific situations
		9-27-090 (A)(4)	The flag lot does not have frontage on a classified street as defined by and illustrated in the Draper City Master Transportation Plan	reduction in traffic conflicts
9-27-090 (B): Development Standards	When flag lots are permitted, they shall be subject to the following conditions:	9-27-090 (B): Development Standards	When flag lots are permitted, they shall be subject to the following conditions:	no change
9-27-090 (B)(1)	A flag lot shall be comprised of a narrow staff portion that is contiguous with a wide flag portion.	9-27-090 (B)(1)	A flag lot shall be comprised of a narrow staff portion that is contiguous with a wide flag portion.	no change

Flag Lot Ordinance				
Proposed Changes				
Current DCMC Code Section	Current Requirements	Proposed DCMC Code Section (changes noted in red)	Proposed Requirements	Explanation
9-27-090 (B)(2)	The staff portion of the lot shall front on and be contiguous to a street, whether public or private. The minimum width of the staff portion at any point shall be twenty feet (20'). However, a greater staff width for lots within the sensitive lands overlay zone may be required or where required by the fire code. The maximum length of the staff shall be five hundred feet (500'). The maximum grade of the staff shall not exceed twelve percent (12%) in the direction of intended traffic flow on the staff. The staff portion of the lot shall generally follow property contours.	9-27-090 (B)(2)	The staff portion of the lot shall front on and be contiguous to a local street, whether public or private.	clarity  other requirements split out as separate individual standards
		9-27-090 (B)(4)	The minimum width of the staff portion at any point shall be thirty feet (30'), comprised of a minimum of twenty feet (20') of paved access width and five feet (5') of landscaping located on each side of the pavement. Greater staff width may be required by the fire marshal based based on the access width requirements of the International Fire Code (IFC)	requirements split out as separate individual standards  Increase in staff width to accommodate landscape screening of driveway
		9-27-090 (B)(5)	The maximum length of the staff portion shall be five hundred feet (500') as measured from the street right of way line to the beginning of the flag portion of the lot. The flag portion of the lot shall begin at the property line or line segments which define the minimum front yard depth per the minimum listed setbacks for main buildings.	requirements split out as separate individual standards  clarifications to measurement
		9-27-090 (B)(7)	The maximum grade of the access driveway within the staff shall not exceed ten percent (10%) , except in the Hillside Sensitive Lands Overlay Zone where the maximum grade shall not exceed twelve percent (12%).	clarity  updated to reflect recent changes to driveway standards

Flag Lot Ordinance				
Proposed Changes				
Current DCMC Code Section	Current Requirements	Proposed DCMC Code Section (changes noted in red)	Proposed Requirements	Explanation
9-27-090 (B)(3)	The size of the flag portion of the lot shall conform to the minimum lot size requirement of the zone in which the lot is located, but in no case be less than fifteen thousand (15,000) square feet. Sufficient turnaround space for emergency vehicles shall be provided.	9-27-090 (B)(10)	The size of the flag portion of the lot shall be greater than or equal to 1.25 times the minimum lot size requirement of the zone in which the lot is located, but in no case be less than fifteen thousand square feet (15,000 ft²). The staff portion of the lot shall not be included in this minimum lot size calculation.	increased lot size to reduce number of properties for which division is possible  decrease in conflicts with existing development  clarified calculation  other requirement split out as separate standard
		9-27-090 (B)(8)	For lots where the staff portion is over one-hundred fifty feet (150') in length, sufficient turnaround space for emergency vehicles shall be provided and an easement for access by emergency vehicles will be required. The fire marshal shall review and approve the design and location.	clarified when a turn around is required  added approval authority  consolidated requirements
9-27-090 (B)(4)	No building or structure shall be located within the staff portion of a flag lot.	9-27-090 (B)(9)	No building or structure shall be located within the staff portion of a flag lot	numbering change only
9-27-090 (B)(5)	The front yard of a flag lot shall be on the side of the flag portion which connects to the staff. Regardless of the zone, the minimum front yard setback shall be twenty five feet (25') and all other setbacks for main buildings shall be a minimum of twenty feet (20').	9-27-090 (B)(11)	The front yard of a flag lot shall be on the side of the flag portion which connects to the staff. Setbacks for all main buildings shall be a minimum of twenty five feet (25') from all property lines for all flag lots less than or equal to twenty thousand square feet (20,000 ft²) in size, and thirty feet (30') for all flag lots greater than twenty thousand square feet (20,000 ft²) in size. Calculated lot sizes for this section do not include the staff portion of the lot.	increase in setbacks to mitigate potential for negative impacts with neighboring properties
9-27-090 (B)(6)	Screen fencing may be required to be erected around the staff and flag portions of the lot.	9-27-090 (B)(14)	Fencing and landscaping shall comply with the limitations related to view obstructions listed in 9-27-080. Fencing along or around the staff portion shall not exceed three feet (3') in height when abutting the front yard of an adjacent lot or parcel.	clarification of fencing standards  reduction in maximum front yard fence height

Flag Lot Ordinance				
Proposed Changes				
Current DCMC Code Section	Current Requirements	Proposed DCMC Code Section (changes noted in red)	Proposed Requirements	Explanation
9-27-090 (B)(7)	Fire hydrants shall be provided to serve the flag lot as required by the Utah state adopted fire code. Any fire hydrants located in the public rights of way shall be dedicated to the water provider for access to and maintenance of the hydrant. The fire chief shall review proposed flag lots to ensure adequate space and site configuration for turnaround of emergency vehicles.	9-27-090 (B)(15)	Fire hydrants shall be provided to serve the flag lot as required by the International Fire Code (IFC). Any fire hydrants located in the public rights of way shall be dedicated to the water provider for access to and maintenance of the hydrant	eliminated redundancy in turnaround requirements see new proposed language for section 9-27-090 (B)(8)
9-27-090 (B)(8)	All driveways located in the staff portion of the lot shall be paved within one hundred feet (100') of any preexisting house on a neighboring parcel.	9-27-090 (B)(6)	The driveway access within the staff shall be paved with asphalt or concrete to a minimum width of twenty feet (20'). Design of the driveway shall provide a manner for controlling drainage water acceptable to the city engineer. The load bearing capacity of the driveway may be required to be designed to support the weight of fire and emergency vehicles as required by the fire marshal and city engineer.	required pavement for all flag lot driveways  details regarding pavement design grouped together
9-27-090 (B)(9)	Upon review, the city may require installation of curb, gutter and other drainage control measures in the staff portion of a flag lot to prevent runoff from entering neighboring properties.	9-27-090 (B)(6)	Design of the driveway shall provide a manner for controlling drainage water acceptable to the city engineer.	language added to 9-27-090 (B) (6)  strengthened requirement
9-27-090 (B)(10)	Clear address signage must be installed and maintained at the street, including notice that the driveway is a private right of way.	9-27-090 (B)(18)	Clear address signage must be installed and maintained at the street.	eliminated confusion regarding driveways and private lanes  renumbered
9-27-090 (B)(11)	When the staff of a flag lot exceeds the minimum width requirement of twenty feet (20'), the developer shall construct frontage improvements along the entire width of the staff, in accordance with the requirements set forth in section 9-27-100 of this chapter and subsection 17-5-060B of this code.	9-27-090 (B)(19)	The developer shall construct frontage improvements in accordance with the requirements set forth in section 9-27-100 of this chapter and subsection 17-5-060B of this code.	clarity  applicable to all frontage

Flag Lot Ordinance				
Proposed Changes				
Current DCMC Code Section	Current Requirements	Proposed DCMC Code Section (changes noted in red)	Proposed Requirements	Explanation
New sections added		9-27-090 (B)(12)	All accessory buildings and structures shall follow the regulations contained in section 9-10-040 except that accessory buildings and structures over two hundred square feet (200 ft²) in size can be built no closer than fifteen feet (15') to a neighboring property line	increase in setbacks to mitigate potential for negative impacts with neighboring properties
		9-27-090 (B)(13)	Landscaping shall be installed within the staff portion of the lot along each side of the access driveway pavement. Landscaping shall include a mix of live plant materials with vertical growth characteristics such as perennial grasses, shrubs, and small to medium sized trees. Xeriscaping with native and drought tolerant plants is encouraged.	addition of landscaping standards for screening of driveway
		9-27-090 (B)(16)	The maximum height of main buildings on flag lots is limited to 2 stories and a maximum of thirty feet (30').	mitigate potential for negative impacts with neighboring properties
		9-27-090 (B)(17)	Total lot coverage of flag lots is limited to no more than 35% of the area contained within the flag portion of the lot.	mitigate potential for negative impacts with neighboring properties  account for increase to minimum lot size

**EXHIBIT D**  
**ORDINANCE 14-27**

**ORDINANCE NO. 1427**

**AN ORDINANCE ESTABLISHING A TEMPORARY LAND USE REGULATION  
PURSUANT TO UTAH CODE ANN. 10-9a-504  
REGARDING DRAPER CITY MUNICIPAL CODE SECTION 9-27-090  
TEMPORARILY PROHIBITING THE FILING OF NEW DEVELOPMENT  
APPLICATIONS THAT WOULD CREATE OR DEVELOP A FLAG LOT**

**WHEREAS**, Utah Code Ann. §10-9a-504 allows municipal legislative bodies, without prior consideration of or recommendation from the planning commission, to enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if the legislative body makes a finding of compelling, countervailing public interest or the area is unregulated; and

**WHEREAS**, such a temporary land use regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval per UCA 10-9a-504(1)(b); and

**WHEREAS**, Draper City Municipal Code (“DCMC”) Section 9-27-090 establishes use and development regulations for flag lots as defined in DCMC 9-3-040; and

**WHEREAS**, DCMC Section 17-5-020 states that any flag lot created as part of a subdivision shall comply with all zoning ordinance requirements; and

**WHEREAS**, DCMC Section 17-8-010 states any flag lots created in a minor subdivision shall comply with the requirements of DCMC 9-27-090; and

**WHEREAS**, the Draper City Council adopted Section 9-27-090 with the following purpose: “Flag lots for single-family residences may be allowed to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this title or other titles adopted by the city. The primary purpose of this section is not to make development of property easier and more profitable. Rather, it is to serve as a last resort for property which may not otherwise be reasonably developed.”; and

**WHEREAS**, the City Council finds the development standards regarding flag lots do not meet the goals and objectives of the zoning ordinance in that the current code does not adequately address the burden placed on existing residents surrounding a flag lot; and

**WHEREAS**, approving new development on flag lots will only exacerbate the negative impacts of flag lots on existing residents; and

**WHEREAS**, the City Council finds it is in the best interest of the City, its residents, and applicants wishing to develop land as a flag lot to review the development standards for flag lots to ensure the standards meet the current and future needs of the City and its residents; and



**WHEREAS**, the City Council finds a compelling, countervailing public interest in placing a temporary land use regulation to prohibit accepting new land use or development applications for the creation and development of flag lots until such time, not to exceed six months, as appropriate public hearings are held and amended provisions are presented to the Planning Commission and the City Council for review and adoption;

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

**Section 1. Temporary Land Use Regulation.** Based upon the premises, the Draper City Council hereby finds a compelling, countervailing public interest in prohibiting new development applications proposing to erect, construct, reconstruct or alter any structure on a flag lot or proposing to subdivide land to create a flag lot pending the Planning Commission and City Council's consideration and possible re-writing of applicable code sections and definitions. The City Council finds this ordinance is necessary to protect the health, safety, and welfare of Draper residents.

**Section 2. Duration.** Pursuant to Utah Code Ann. §10-9a-504, this Ordinance shall be in effect for a period not to exceed six months from the effective date hereof.

**Section 3. 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.

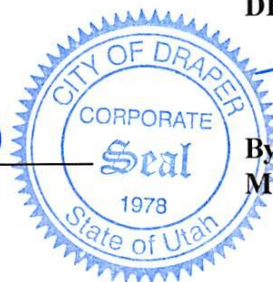
**Section 4. Effective Date.** This Ordinance shall become effective upon publication or posting, or thirty days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 7<sup>TH</sup> DAY OF APRIL, 2020.**

**ATTEST:**

**DRAPER CITY**

By:   
City Recorder



By:   
Mayor

VOTE TAKEN:

YES

NO

Councilmember Green

✓

\_\_\_\_\_

Councilmember T. Lowery

✓

\_\_\_\_\_

Councilmember F. Lowry

✓

\_\_\_\_\_

Councilmember Roberts

✓

\_\_\_\_\_

Councilmember Vawdrey

✓

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Mayor Walker

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To be published on Tuesday, April 14, 2020, in *Salt Lake Tribune* and *Deseret News*

City of Draper Notice of Ordinance Adoption – On April 7, 2020, the Draper City Council approved Ordinance #1427, establishing a temporary land use regulation of Draper City Municipal Code. The complete ordinance is on file at the Draper City Recorder's Office and online at [www.draper.ut.us](http://www.draper.ut.us). Published this 14<sup>th</sup> day of April, 2020. Laura Oscarson, Draper City Recorder.

