

ORDINANCE NO. 1456

AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF THE LAND USE AND DEVELOPMENT CODE OF THE DRAPER CITY MUNICIPAL CODE RELATING TO FLAG LOTS

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, on April 7, 2020 the City Council of Draper did find a compelling, countervailing public interest to enact 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 were held and amended provisions were presented to the Planning Commission and the City Council for review and adoption; and

WHEREAS, the Draper City Planning Commission did meet on September 3, 2020 and made recommendations on proposed revisions to the Land Use and Development Code regarding Section 9-27-090 Flag Lots to the City Council; 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 Section 9-27-090 Flag Lots; 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 Flag Lots: 1. The proposed amendments are 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; and 6. The proposed text amendments implement best current, professional practices of urban planning, design, and engineering practices.

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 _____ DAY OF _____, 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

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 as defined in Section 9-3-040 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') of paved access width. However, a 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 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 ft²). ~~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 and which is most closely parallel to the street that the staff connects to. ~~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 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.
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.
- ~~6.13.~~ 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.
- ~~7.14.~~ 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.~~
15. The maximum height of main buildings on flag lots is limited to 2 stories and a maximum of thirty feet (30').
16. Total lot coverage of flag lots is limited to no more than 35% of the area contained within the flag portion of the lot.
- ~~10.17. Clear address signage must be installed and maintained at the street, including notice that the driveway is a private right of way.~~
- ~~11.18. 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

TYPICAL CROSS-SECTION
20' WIDE CONCRETE OR ASPHALT
FLAG LOT DRIVEWAY

