

**ORDINANCE NO. 1307**

**AN ORDINANCE ESTABLISHING A TEMPORARY LAND USE REGULATION PURSUANT TO UTAH CODE ANN. 10-9a-504, REGARDING DRAPER CITY MUNICIPAL CODE SECTION 9-11-090 TEMPORARILY PROHIBITING THE FILING OF NEW DEVELOPMENT APPLICATIONS IN THE TOWN CENTER (TC) ZONE**

**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 Section 9-11-090 establishes use and development regulations for the Town Center (TC) Zone; and

**WHEREAS**, the Draper City Council adopted Section 9-11-090 to support “primarily the preservation and adaptive reuse of existing structures, especially historic buildings; the preservation of existing natural features, especially trees; new development that blends in with existing conditions and enhances the traditional town center character; the advancement of architectural and site design standards that promote walkability and human scale; the creation and maintenance of historic town center identity; and support of transit opportunities.”; and

**WHEREAS**, the City Council finds the development standards within the TC Zone don’t meet the general purposes of the zone and may result in developments not consistent with the intent of the development standards; and

**WHEREAS**, the City Council finds it is in the best interest of the City, its residents, and applicants wishing to develop land within the TC Zone to review the developments standards of the TC Zone to ensure the standards are clear and easily understood so that applying the standards is done on a consistent basis and results in developments that meet the purposes of the TC Zone; and

**WHEREAS**, this council finds a compelling, countervailing public interest in placing a temporary land use regulation to prohibit accepting new land use or development applications for development in the TC Zone until such time as appropriate public hearings are held and amended provisions are presented to the planning commission and the city council for review;

**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 in the TC Zone under DCMC 9-11-090 pending the Planning Commission and City Council's consideration and possible re-writing of applicable code sections and definitions. The 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.

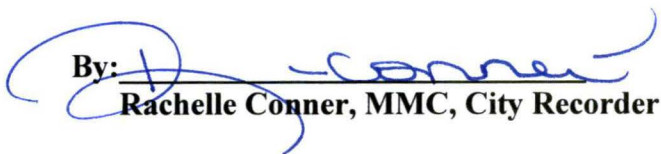
**Section 3. Severability Clause.** If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

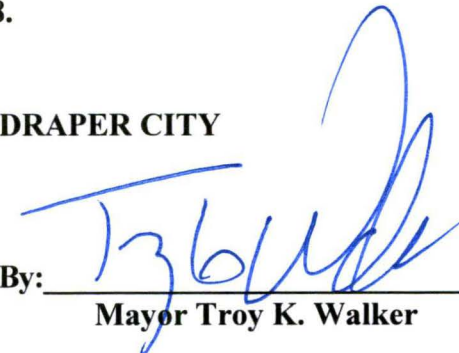
**Section 4. Effective Date.** This Ordinance shall become effective immediately upon passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 6<sup>th</sup> DAY OF FEBRUARY, 2018.**

ATTEST:

DRAPER CITY

By:   
Rachelle Conner, MMC, City Recorder

  
By: \_\_\_\_\_  
Mayor Troy K. Walker



VOTE TAKEN:

YES

NO

Councilmember Green

Councilmember Lowery

Councilmember Summerhays

Councilmember Vawdrey

Councilmember Weeks

Mayor Walker

**Affidavit of Posting**

**SALT LAKE/UTAH COUNTY, STATE OF UTAH**

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1307** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 6<sup>th</sup> day of February, 2018**, was posted at the following places: Draper City Electronic Bulletin Board, Draper Fire Station 12300 South, and the Draper Crescent Senior Citizens Center, within the municipality.

**Posted:** February 14 - March 5, 2018

City Seal



A handwritten signature in blue ink, appearing to read "Rachelle Conner", written over a horizontal line.

Rachelle Conner, MMC  
City Recorder  
Draper City, State of Utah