

ORDINANCE NO. 1408

AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF THE ADMINISTRATIVE CODE, REVENUE AND FINANCE CODE, LAND USE AND DEVELOPMENT CODE, AND SUBDIVISION CODE OF THE DRAPER CITY MUNICIPAL CODE RELATING TO VARIOUS CODE CHANGES.

WHEREAS, Utah State law grants to Draper City the authority to regulate, boards, commissions, and personnel, general taxing and finance, and uses and development of property by zoning districts and development standards; 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 and Subdivision Code of the Draper City Municipal Code have been established to provide regulations concerning general developments within the City Boundaries; and

WHEREAS, the Administrative Code of the Draper City Municipal Code has been established to provide regulations concerning general duties of boards, commissions, and personnel; and

WHEREAS, the Revenue and Finance Code of the Draper City Municipal Code have been established to provide regulations concerning general taxing and finance; and

WHEREAS, the City Council of Draper City finds good cause to revise the terms and provisions of the Administrative Code, Revenue and Finance Code, Land Use and Development Code, and Subdivision Code regarding various code sections; 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 Administrative Code, Revenue and Finance Code, Land Use and Development Code, and Subdivision Code; and

WHEREAS, the Planning Commission and City Council have each held a public hearing to receive public input regarding the revision of the Administrative Code, Revenue and Finance, Land Use and Development Code, and Subdivision 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 amendments regarding the Administrative Code, Revenue and Finance Code, Land Use and Development Code, and Subdivision Code: 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. 6) The proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.

Section 2. Revision. Administrative Code, Revenue and Finance Code, Land Use and Development Code, and Subdivision 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 _____, 2019.

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Laura Oscarson, City Recorder

VOTE TAKEN:	YES	NO
Councilmember Green	_____	_____
Councilmember Lowery	_____	_____
Councilmember Summerhays	_____	_____
Councilmember Vawdrey	_____	_____
Councilmember Weeks	_____	_____
Mayor Walker	_____	_____

EXHIBIT A

3-1-230: DRAPER CITY TREE COMMISSION:

D. Duties: The duties of the commission are advisory only. The commission may recommend policies of tree culture related to trees and shrubs currently planted and growing or hereafter to be planted and grown upon any and all City owned properties and places in the City. The commission duties shall include the following as well as any other which may be assigned to it from time to time by the City Council:

1. Recommend goals and policies to the Planning Commission regarding tree culture for [Draper City](#) ~~the General Plan~~ in the manner prescribed by State law and City ordinance. The plan may include an inventory of existing trees, plans for various public areas such as the entrances to the City, City parks, main transportation corridors and others, policies in regards to the planting of trees for beautification, noise dampening, visual screening, weather protection, erosion control and other factors;
2. Make recommendations to the City Council on public relations matters, including, but not limited to, programs such as Arbor Day, cleanup days, home beautification contests and other tree related City activities;
3. Prepare and recommend for approval by the City Council, an official street tree guide which shall designate which species may be planted in park strips and which trees are recommended for other public places;
4. Make recommendations on arboricultural specifications and standards of practices for all trees and shrubs on City property, and recommend standards and specifications for the work of any person or organization engaged in the business of working on trees within the City;
5. Make recommendations on the grounds immediately surrounding the trees and shrubs on public property, as far as it is necessary to assure the proper growth, care and protection of said trees and shrubs;
6. Make recommendations on the care and treatment of trees and shrubbery, including planting, maintenance, pruning, spraying and removal of trees and shrubs on City property;
7. Make recommendations on the identification, marking and preservation of historic or notable trees;
8. Develop standards and specifications regarding the planting of trees for new developments, including site plans and subdivisions and make recommendations to the Planning Commission and City Council regarding the same; and
9. Develop standards and specifications regarding the planting of trees on public property, including size, location and approved species and make recommendations for adoption in this Code.

5-5-010: DEFINITIONS:

CAPITAL FACILITIES PLAN: [A long range plan of capital projects, with estimated costs and proposed methods of financing.](#) ~~Those portions of the Draper City general plan heretofore adopted by various resolutions of the city council which pertain to the city's capital facilities, including, but not limited to, water, stormwater, parks, open space and transportation, as the same may be amended from time to time.~~

5-15-010: DEFINITIONS:

CAPITAL FACILITIES PLAN: [A long range plan of capital projects, with estimated costs and proposed methods of financing.](#) ~~Twenty (20) year capital facilities plans adopted by the Draper City council and as~~

~~amended by the city council from time to time.~~

9-2-020: GENERAL PLAN:

- A. Adoption: The planning commission has recommended and the city council has adopted a comprehensive, long range general plan for present and future needs of the city, and growth and development of all or any part of the land within the city ~~in the manner required by law.~~
- B. Purpose: The purpose of the general plan is to provide the city with a comprehensive, long range plan for its present and future needs regarding efficient and managed growth and development of land within the city. As outlined in Utah Code Annotated section 10-9a-405 et seq., as amended, ~~t~~The general plan, and any amendments thereto, are intended to be an advisory guide for land use decisions within the city excepting those public uses in Utah Code Annotated section 10-9a-406, as amended. ~~7 and shall be drafted and adopted in accordance with the general plan provisions of the municipal land use development and management act set forth in Utah Code Annotated section 10-9a-401 et seq., as amended.~~
- ~~1. The plan addresses the following matters:~~
 - ~~a. Health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities.~~
 - ~~b. Reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population.~~
 - ~~c. Efficient and economical use, conservation, and production of the supply of food and water, and drainage, sanitary, and other facilities and resources.~~
 - ~~d. Use of energy conservation and solar and renewable energy resources.~~
 - ~~e. Protection of urban development.~~
 - ~~f. Protection and promotion of air quality.~~
 - ~~2. The city council may determine the comprehensiveness, extent, and format of the general plan.~~
- C. Content Plan Preparation: The general plan, at a minimum, shall include all content mandated by Utah Code Annotated section 10-9a-401 and 10-9a-403, as amended. ~~The planning commission shall make and recommend to the city council a proposed general plan for the area within the city. The plan may include areas outside the boundaries of the city.~~
- D. Plan Preparation Scope: The general plan shall be prepared in accordance with Utah Code Annotated section 10-9a-403, as amended. ~~The general plan shall show the city's recommendations for development of the territory covered by the plan, and may consist of text, maps, plats, charts, and descriptive and explanatory matter.~~
- ~~1. The general plan shall include a plan for moderate income housing that:~~
 - ~~a. Estimates the supply of moderate income housing within the city.~~
 - ~~b. Estimates the need for moderate income housing within the city for the next five (5) years as revised annually.~~
 - ~~c. Surveys total residential zoning.~~
 - ~~d. Evaluates how existing zoning densities affect opportunities for moderate income housing.~~
 - ~~e. Describes the city's program to encourage an adequate supply of moderate income housing.~~
 - ~~2. The general plan may include the following elements, as outlined in Utah State Code Annotated section 109a-403, et seq., as amended:~~
 - ~~a. A land use element that:~~
 - ~~(1) Designates the proposed general distribution and location and extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds,~~

- open space, and other categories of public and private uses of land as appropriate; and
- (2) Includes a statement of the standards of population density and building intensity recommended for the various land use categories covered by the plan.
- b. A transportation and circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that are appropriate, all correlated with the land use element of the plan.
- c. An environmental element that addresses:
- (1) The protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, wildlife, minerals, and other natural resources; and
- (2) The reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards.
- d. A public services and facilities element showing general plans for sewage, waste disposal, drainage, local utilities, rights of way, easements, and facilities for them, police and fire protection, and other public services.
- e. A rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
- (1) Historic preservation;
- (2) Elimination of blight; and
- (3) Redevelopment, including housing sites, business and industrial sites, and public building sites.
- f. An economic element composed of appropriate studies and an economic development plan that may include review of municipal revenue and expenditures, revenue sources, identification of base industry, primary and secondary market areas, employment, and retail sales activity.
- g. A parks, trails, and open space element that establishes a comprehensive plan for the development of parks and trails, and preservation of open space.
- h. Recommendations for implementing the general plan, including the use of zoning and subdivision regulations, capital improvement plans, and other appropriate actions.

E. Plan Adoption or Rejection: General plan adoption or rejection shall follow Utah Code Annotated 10-9a-404, as amended. ~~By Planning Commission: After completing a proposed general plan for all or part of the area within the city, the planning commission shall schedule and hold a public hearing on the proposed plan as provided in section 9-5-040 of this title at least ten (10) days before the date of the hearing. After the public hearing, the planning commission may make changes to the proposed general plan. The planning commission shall then forward the proposed general plan to the city council.~~

F. Plan Amendment: All plan amendments shall be in accordance with Utah Code Annotated 10-9a-404, as amended and, unless requested by the city's legislative body, shall follow the procedures as outlined in Draper City Municipal Code 9-5-060(D). ~~Plan Adoption By City Council: The city council shall hold a public hearing on the proposed general plan recommended to it by the planning commission. The city council shall schedule and hold a public hearing on the proposed plan as provided in sections 9-5-040 and 9-5-045 of this title. After the public hearing, the city council may make any modifications to the proposed general plan that it considers appropriate. The city council may adopt the proposed general plan without amendment; amend the proposed general plan and adopt or reject it as amended; or reject the proposed general plan.~~

G. Official Map: If an official land use map is adopted, the map shall be subject to the Utah Code Annotated 10-9a-407, as amended. ~~Legal Status Of Plan: The general plan shall be considered only as an advisory guide for growth and development of the land within the city.~~

H. Reporting: The city shall abide by the annual report requirements as outlined in Utah Code Annotated 10-9a-408, as amended. ~~Amendment Of Plan: The general plan may be amended by following the procedures set forth in sections 9-5-040 and 9-5-045 of this title. General plan amendments shall be subject to the following requirements:~~

~~1. Persons wishing to propose a general plan amendment shall file their proposals and shall pay the fee established by the fee schedule adopted by the city council. Notwithstanding the foregoing, the city council or planning commission may, by majority vote, authorize preparation of proposed general plan amendments.~~

~~2. Persons proposing general plan amendments shall do the survey and analysis work necessary to justify the proposed amendment. To ensure the planning commission and city council have sufficient information to evaluate each proposal, an applicant shall submit the following information:~~

~~a. For map amendments:~~

~~(1) Eight and one half inch by eleven inch (8½" x 11") map showing the area of the proposed amendment;~~

~~(2) Current copy of county assessor's parcel map showing the area of the proposed amendment;~~

~~(3) Mapped inventory of existing land uses within the area of the proposed amendment and extending one half (½) mile beyond such area;~~

~~(4) Correct property addresses of parcels included within four hundred feet (400') of the parcels included in the proposed amendment and two (2) sets of stamped, addressed envelopes for each property owner on the list, without return addresses, including two (2) envelopes addressed to the applicant and two (2) addressed to each owner of the parcels included in the requested amendment;~~

~~(5) Land use map designation requested and element of the plan or special area master plan under which the land use is requested;~~

~~(6) Written statement specifying the potential use of property within the area of the proposed amendment;~~

~~(7) Written statement explaining why the existing general plan designation for the area is no longer appropriate or feasible;~~

~~(8) Analysis of the potential impacts of the proposed amendment on existing infrastructure and public services such as traffic, streets, intersections, water and sewer, storm drains, electrical power, fire protection, garbage collection, etc.; and~~

~~(9) As part of the general plan map amendment process, the applicant shall attempt to collect the signature of the property owner or authorized agent or, in the case of amendments affecting multiple properties, the signatures of a majority of the persons who own property within the area proposed for the general plan map amendment.~~

~~b. For text amendments:~~

~~(1) Written statement showing the desired language change;~~

~~(2) Written statement explaining why existing general plan language is no longer appropriate or feasible;~~

~~(3) Analysis of the potential impacts of the proposed amendment; and~~

~~(4) Map showing affected areas if text change will affect specific geographic areas.~~

I. Notice: The city shall abide by the general plan noticing requirements in Utah Code Annotated 10-9a-203 and 10-9a-204, as amended. ~~Effect Of The Plan On Public Uses:~~

~~1. After the city council has adopted a general plan or any amendments to the general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no~~

~~public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the plan, or it has been considered by the planning commission and, after receiving the advice of the planning commission, approved by the city council as an amendment to the general plan.~~

- ~~2. Before accepting, widening, removing, extending, relocating, narrowing, vacating, abandoning, changing the use, acquiring land for, or selling or leasing any street or other public way, ground, place, property, or structure, the city council shall submit the proposal to the planning commission for its review and recommendations.~~

9-3-040: DEFINITIONS:

As used in this title, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning:

BUILDING, COMMERCIAL: ~~Any structure used or intended for supporting or sheltering any commercial use or occupancy~~ A permanently located structure having a roof supported by columns or walls for the shelter, housing, or enclosure of any person, animal, article, or chattel.

BUILDING, RESIDENTIAL: Building shall mean any one- and two- family dwelling or portion thereof including townhouses, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto.

CAPITAL FACILITIES PLAN: A long range plan of capital projects, with estimated costs and proposed methods of financing. ~~Those portions of the Draper City general plan adopted by resolutions of the city council which pertain to the city's capital facilities, including, but not limited to, water, stormwater, parks, open space, and transportation, as the same may be amended from time to time.~~

FRONT WALL PLANE: That face, side or elevation of a dwelling structure most closely oriented toward the street, excluding porches, window bays and similar appendages. ~~If there is more than one such front wall plane, the principal front wall plane shall be the one with the greatest front surface area. Buildings on corner lots shall be considered to have more than one front wall plane.~~

LOT LINE, REAR: The lot line generally opposite and most distant from the front lot line, ~~except in~~ the case of a triangular, ~~or~~ gore, or irregular shaped lot with five (5) or more sides at angles less than a 90- degrees per side, the rear line is a "constructive" line ten feet (10') in length within the lot or parcel, generally parallel to the front lot line which intercepts the side lot lines at points most distant from the front lot line.

LOT WIDTH: For interior lots or parcels, the shorter of horizontal distance between side lot lines, measured at the required front yard setback line or rear setback line. For corner lots, or parcels, the distance between one of the front lot lines and the opposite ~~side~~ rear yard line at the required setback line.

OFFICE/WAREHOUSE: A facility of single or multiple buildings or units where at least twenty-five percent (25%) of each building or unit is built as office space or showroom with the remainder of the building or unit built as storage or warehouse space. Such facility typically has garage bays to service the warehouse component.

PERSONAL CARE SERVICE: An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include, beauty and barber shops, massage

therapy, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers. ~~The term excludes “tattoo establishment”.~~ This definition includes permanent cosmetics and cosmetic tattooing when done in association with another permitted use such as beauty shops and nail salons, but excludes tattoo establishment.

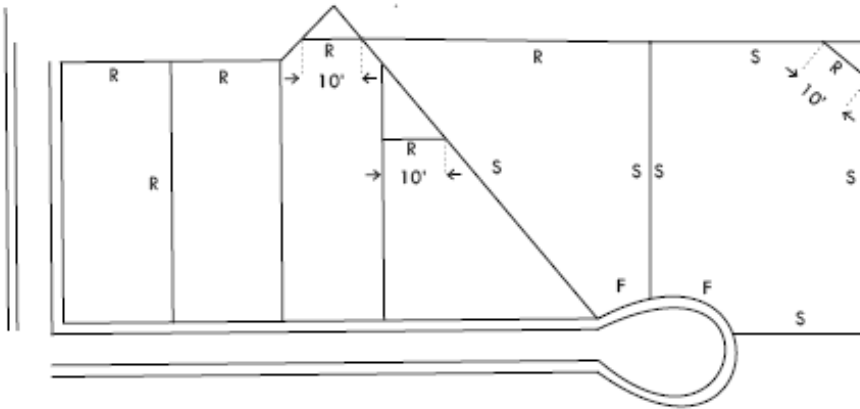
PERSONAL INSTRUCTION SERVICE: An establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, health and fitness studios, ~~massage therapist instruction~~, martial arts training, and swimming clubs.

~~**SPECIAL EXCEPTION:** An activity or use incidental to or in addition to a principal use permitted in a zoning district or an adjustment to a fixed dimension standard permitted as an exception to the requirements of this title.~~

STRUCTURE: Any object or building erected or constructed on a lot or parcel which exceeds six feet (6') in height or exceeds two feet (2') in height and forms a geometric shape covering a ground area greater than thirty (30) square feet ~~Any building, shelter, sign, wall, fence, pole or other improvement with a fixed location on the ground above grade, constructed or installed by man and permanently attached to the ground, but not including poles, lines, cables, pipelines, or other transmission or distribution facilities of utilities.~~

9-3-070: APPENDIX A:

ILLUSTRATION OF LOT LINE, REAR



9-4-050: APPEALS AND VARIANCE HEARING OFFICER:

C. Powers And Duties: The powers and duties of the appeals and variance hearing officer shall be limited to the matters set forth below. Each of such powers and duties shall be exercised pursuant to the procedural and other provisions of this title:

1. ~~Subject to the provisions of subsection 3-1-280(1)(7) of this code,~~ Subject to the provisions of this chapter -hear and decide appeals from zoning decisions of the planning commission or zoning administrator applying the provisions of this title.
2. ~~Hear and decide special exceptions.~~
23. Hear and decide variances from the terms of this title.

34. Hear and decide appeals from decisions made by the zoning administrator regarding [chapter 6](#) of this title.

~~5. With the consent of the city council, designate routine and uncontested matters that may be decided by the zoning administrator. The appeals and variance hearing officer shall establish guidelines by which routine and uncontested matters shall be decided.~~

9-5-030: GENERAL APPLICATION REQUIREMENTS:

F. Fees: When an application is filed, the applicant shall pay to the city a fee as provided in the city's [consolidated fee](#) schedule ~~of fees~~ as adopted by the city council. Application fees shall be in amounts reasonably determined to defray actual costs incurred by the city to review plans and specifications, act upon an application and conduct inspections. Any application not accompanied by a required fee shall be returned to the applicant as incomplete.

1. An applicant shall also be responsible for fees established to cover the cost of providing public notice required by subsections ~~9-5-045(C and D)~~ of this chapter.

2. Fees shall be ~~non~~refundable ~~except as follows: provided in subsection G of this section.~~

~~a. If the application is withdrawn prior to completion of a first review, the city shall retain twenty-five (25) percent of the fee.~~

~~b. If the application is withdrawn prior to completion of a second review, the city shall retain fifty (50) percent of the fee.~~

~~c. If the application is withdrawn prior completion of a third review, the city shall retain seventy-five (75) percent of the fee.~~

~~d. If the application is found to be incomplete, a refund shall be provided as outlined in subsection G of this section.~~

~~e. No fee shall be refunded after a public hearing or meeting has been held, or action has been taken on the item by the decision-making body or official.~~

3. Fees shall not be required for applications initiated by the city.

K. Inactive Applications: All land use applications shall be actively pursued to a final decision by the city. If no activity, such as plan submittals, reviews, or meetings, has occurred on an application for a period of one (1) year from the date of last city review, the application will be voided and the file closed. Prior to the expiration of the one (1) year period, the applicant may submit a written request to maintain the application as active, wherein upon finding that there is good cause, the zoning administrator may grant a one-time six (6) month extension. If the applicant wishes to pursue an application after it has been voided due to inactivity, a new application is required, including fees and conformance to current applicable codes. No fees shall be refunded for applications that are voided due to inactivity.

9-5-040: PUBLIC HEARINGS AND MEETINGS:

C. Withdrawal Of Application: An applicant may withdraw an application at any time prior to action on the application by the decision making body or official. Application fees shall ~~not~~ be refundable [as outlined in 9-5-030\(F\) of this title.](#) ~~if prior to withdrawal:~~

~~1. A staff review of the application has been undertaken; or~~

~~2. Notice for a public hearing or meeting on the application has been mailed, posted or published.~~

9-5-045: NOTICING:

Required notice of public meetings and hearings for land use applications and ordinances shall include and comply with the following provisions:

A. [Applicant to Pay Notice Fees](#) ~~Mailing List And Labels~~: The applicant for a land use application ~~shall~~

~~provide the community development department with a list of all owners of real property located within four hundred feet (400') of the boundary of the subject property, as shown on the latest assessment rolls of the county recorder. The applicant shall pay to the city a fee in the amount of the actual costs incurred by the city to provide notice as listed in this section ~~mail the notices, and shall bear sole responsibility to ensure the accuracy of the property owner list.~~~~

B. Applicant Notification: For all land use applications, the city shall give notice to the applicant as follows:

- ~~1. of~~ 1. The date, time and place of each public hearing and public meeting to consider the application;
- ~~2.-A copy of each staff report regarding the applicant or the pending application at least three business days before the public hearing or public meeting; and~~
- ~~3. and of~~ 3. Any final action on a pending application.
- ~~4. If notice is not properly provided to the applicant, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.~~

C. Notice To Third Parties:

1. For site specific land use applications, the city shall mail notice to the record owner of each parcel within a four-hundred foot (400') radius of the subject property, and the applicant shall post ~~on the property~~ one city provided sign along each street on which the subject property has frontage. If the subject property does not abut a street, then the sign shall be posted on a nearby street as determined by the zoning administrator. The sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by. It shall be the responsibility of the applicant to remove and dispose of the sign within five (5) calendar days ~~of~~ after the hearing. Failure to do so shall constitute a violation of this section. Third party property owners who live within the four hundred foot (400') radius but outside of Draper City boundaries shall be sent notice equivalent to that sent to property owners within Draper City.
2. The applicant shall submit a signed affidavit of public posting.
3. The affidavit shall include a photograph verifying that the sign has been installed, at least ten (10) days prior to the public hearing.
4. Failure to post the public notice sign and provide the required verification at least ten (10) days prior to the public hearing will cause a delay in the processing of the application, ~~to allow for the required public hearing notice.~~
5. If the sign is destroyed or damaged, the applicant shall replace the sign within ~~twelve (12)~~ seventy-two (72) hours ~~upon~~ of being notified.
6. If the City receives written request from the department of transportation for electronic notice of each land use application that may adversely impact the development of a high priority transportation corridor, the City shall provide such notice.

D. Intent To Prepare Or Amend General Plan: The city shall provide notice in accordance with 9-2-020(I) of this title. ~~Before preparing a proposed general plan or general plan amendment, the city shall provide ten (10) calendar days' notice of its intent to prepare or amend the general plan to the following listed entities or persons. Such notice shall comply with the requirements of Utah Code Annotated section 10-9a-203, as amended. This notice of intent is to be provided to designated entities or persons before the plan or amendment is prepared to allow those entities and persons to submit information to the city. Notice of intent shall be provided:~~

- ~~1. To each "affected entity", as defined in section 9-3-040 of this title;~~
 - ~~2. To the automated geographic reference center as defined in Utah Code Annotated 63F-1-506;~~
 - ~~3. To the association of governments of which the city is a member;~~
 - ~~4. To the state planning coordinator appointed pursuant to Utah Code Annotated section 63J-4-202;~~
- ~~and~~

~~5. On the Utah public notice website.~~

- E. General Plan Adoption Or Amendment: The city shall provide notice in accordance with 9-2-020(I) of this title. ~~The city shall provide advance notice of the date, time and place for public hearings and meetings regarding a general plan adoption or amendment as follows:~~
- ~~1. The city shall provide notice of the first public hearing to consider the adoption or modification of all or any portion of the general plan at least ten (10) calendar days before the public hearing. Notice shall be:
 - ~~a. Published in a newspaper of general circulation in the area;~~
 - ~~b. Mailed to each "affected entity", as defined in section 9-3-040 of this title;~~
 - ~~c. Posted in at least three (3) public locations within the city or on the city's website; and~~
 - ~~d. Published on the Utah public notice website.~~~~
 - ~~2. The city shall provide notice of each public meeting regarding the adoption or modification of all or any part of the general plan at least twenty four (24) hours before the meeting. Notice shall be:
 - ~~a. Submitted to a newspaper of general circulation in the area;~~
 - ~~b. Posted in at least three (3) public locations within the city or on the city's website; and~~
 - ~~c. Published on the Utah public notice website.~~~~
- F. Adoption Or Amendment Of Land Use Ordinance: The city shall abide by the land use regulation modification noticing requirements in Utah Code Annotated 10-9a-205, as amended. ~~The city shall provide advance notice of the date, time and place for public hearings and meetings regarding a land use ordinance adoption or amendment as follows:~~
- ~~1. The city shall provide notice of the first public hearing to consider the adoption of any modification of a land use ordinance at least ten (10) calendar days before the public hearing. Notice shall be:
 - ~~a. Mailed to each "affected entity", as defined in section 9-3-040 of this title;~~
 - ~~b. Posted in at least three (3) public locations within the city or on the city's website; and~~
 - ~~c. Published in a newspaper of general circulation in the area, or mailed at least ten (10) days before the public hearing to each property owner whose land is directly affected by the land use ordinance change, and each adjacent property owner within four hundred feet (400'); and~~
 - ~~d. Published on the Utah public notice website.~~~~
 - ~~2. The city shall provide notice of each public meeting regarding the adoption or modification of a land use ordinance at least twenty four (24) hours before the meeting. Notice shall be posted in at least three (3) public locations within the city or on the city's website.~~
- G. Notice for an amendment to public improvements in a subdivision or development. Prior to implementing an amendment to adopted specifications for public improvements that apply to subdivisions or development, a municipality shall give 30 days mailed notice and an opportunity to comment to anyone who has requested the notice in writing. ~~Subdivision Plat Amendment Or Approval: The city shall provide advance notice of the date, time and place for public hearings and meetings regarding a proposed subdivision or an amendment to a subdivision as follows:~~
- ~~1. The city shall mail notice of a public hearing to consider a proposed subdivision or an amendment to a subdivision not less than ten (10) calendar days before the public hearing addressed to the record owner of each parcel within four hundred feet (400') of the subject property; and~~
 - ~~2. Not less than ten (10) calendar days before the public hearing, the applicant shall post on the property one city provided sign along each street on which the subject property has frontage. If the subject property does not abut a street, then the sign should be posted on a nearby street as determined by the zoning administrator. The sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by.~~

~~3. The city shall mail notice to each "affected entity", as defined in section 9-3-040 of this title, of a public hearing to consider a preliminary plat describing a multiple-unit residential development or a commercial or industrial development.~~

~~H. Plat Amendments That Vacate, Alter Or Amend An Existing Street: For any proposal to vacate, alter or amend a platted street, the city shall hold a public hearing and give notice of the date, place and time of the hearing in accordance with the noticing requirements provided in subsection G of this section, and additionally:~~

- ~~1. Mail notice to each "affected entity", as defined in section 9-3-040 of this title;~~
- ~~2. Publish notice once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation in the city;~~
- ~~3. Comply with all other requirements set forth in Utah Code Annotated sections 10-9a-208, 10-9a-608 and 10-9a-609, as amended; and~~
- ~~4. Publish notice on the Utah public notice website.~~

HI. Adoption Or Amendment Of Zoning Map: The city shall ~~provide~~ send a courtesy notice to each owner of the private real property whose property is located entirely or partially within the proposed zoning map enactment or amendment at least ten (10) days ~~before~~ prior to the scheduled day of the public hearing. Property owner notice provided in subsection (F)(c) of this section may include such courtesy notice and be sent together. Such notice shall:

1. Identify ~~with~~ specifically each owner of record of real property that will be affected by the proposed zoning map or map amendment;
2. State the current zone in which the real property is located;
3. State the proposed new zone for the real property;
4. Provide ~~information regarding or~~ a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;
5. State that the owner of real property may file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment no later than ten (10) days after the day of the first public hearing ~~file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;~~
6. State the address where the property owner should file the protests;
7. Notify the property owner that each written objection filed with the city will be provided to the city council; and
8. State the location, date, and time of the public hearing.

IJ. Notice Of Land Use Applications: The following land use applications shall be noticed at least ten (10) calendar days before the public hearing:

- ~~1. General plan map amendments;~~
12. Conditional use permits;
23. Site plans or site plan amendments; and
34. Variances.

JK. Challenge Of Notice: If notice given under authority of this section is not challenged in accordance with applicable appeal procedures within thirty (30) days after the meeting or action for which notice was given, the notice shall be deemed adequate and proper.

K. Notice for Continued Items: When an application requiring notice under this section is continued to a future meeting date, including when a specific date is listed in the continuation, a new notice shall be provided as outlined in this section.

9-5-050: GENERAL PLAN AMENDMENTS:

The general plan and any of its elements may be amended as provided in subsection ~~9-2-020H~~ 9-2-020(F) of this title.

9-5-060: ZONING MAP AND TEXT AMENDMENTS:

H. Effect Of Disapproval: City council denial of an application to amend the provisions of this title or the zoning map shall preclude the filing of another application covering substantially the same subject or property, or any portion thereof, for one year from the date of the disapproval, except as follows:

~~1. Another application may be sooner considered if:~~

~~a. The planning commission determines a substantial change in circumstances has occurred to merit consideration of the application; or~~

~~b. The application is for a change to a different zone.~~

12. The city council or planning commission may propose any text or zoning map amendment at any time.

9-5-080: CONDITIONAL USE PERMITS:

J. Expiration: Unless there is substantial action under a conditional use permit within ~~a maximum period of~~ one year from the date of its issuance, said permit shall expire and shall have no further force or effect. A written request may be submitted to the Community Development Department prior to expiration of the ~~site plan conditional use permit~~ for an extension of up to six (6) months, subject to approval of the Planning Commission, provided substantial action is shown toward ~~obtaining a building permit~~ establishing the conditional use and the requirements for extension under section 9-5-030 of this chapter are met.

9-5-090: SITE PLAN REVIEW:

D. Procedure: An application for site plan approval shall be considered and processed as provided in this subsection:

1. A complete application shall be submitted to the office of the zoning administrator in a form established by the administrator, along with any fee established by the city's schedule of fees. The application shall include ~~at least~~ the following information:

d. A single paper copy set on eleven inch by seventeen inch (11" x 17") and an identical single electronic copy set of development plans showing the information required in subsections D1d(1)~~(A)~~ to D1d~~(6)~~(E) of this section. The information required by each subsection shall be shown on separate sheets,. Plans shall be drawn at a scale no smaller than one inch equals one hundred feet (1" = 100'). ~~Each set of plans shall be folded to no greater than eight and one half inches by fourteen inches (8 1/2" x 14").~~ Plan sets shall be prepared, stamped and signed by the professional, licensed with the state of Utah, who prepared the drawings or is professionally responsible for the drawings content, including the engineering, landscaping and architectural drawings. ~~A wet stamp will be required for final approved plan sets, with stamp copies acceptable for initial submittals. The zoning administrator shall reasonably determine the number of sets of plans required to undertake the review required by this section. One set of plans, reduced to fit on eleven inch by seventeen inch (11" x 17") paper, shall be provided.~~

l. Parcel map(s) from the county recorder's office showing the subject property and all property located within four hundred feet (400') thereof.

- E. Standards For Approval: The following standards shall apply to the approval of a site plan:
1. The entire site shall be developed at one time unless a phased development plan is approved.
 2. A site plan shall conform to applicable standards set forth in this title, including but not limited to, building heights, setbacks, access points, parking, landscaping, and building materials. ~~In addition, consideration shall be given to the following:~~
 3. The proposed development plans meet the intent, goals, and objectives of the general plan and the purpose of the zone district in which the site is located.
 4. The public facilities and services in the area are adequate to support the subject development, as required by engineering standards and specifications.
 5. The proposed development plans comply with the engineering standards found in Titles 7, 8, 11, 12, 16, and 18 of this code, including traffic, storm water drainage, and utilities concerns.
 - a. ~~Considerations relating to traffic safety and traffic congestion:~~
 - (1) ~~Effect of the site development plan on traffic conditions on abutting streets and neighboring land uses, both as existing and as planned;~~
 - (2) ~~Layout of the site with respect to location and dimensions of vehicular and pedestrian entrances, exits, driveways, and walkways;~~
 - (3) ~~Arrangement and adequacy of off street parking facilities to prevent traffic congestion and compliance with the provisions of city ordinances regarding the same;~~
 - (4) ~~Location, arrangement, and dimensions of truck loading and unloading facilities;~~
 - (5) ~~Vehicular and pedestrian circulation patterns within the boundaries of the development;~~
 - (6) ~~Surfacing and lighting of off street parking facilities; and~~
 - (7) ~~Provision for transportation modes other than personal motor vehicles, including such alternative modes as pedestrian, bicycle, and mass transit.~~
 - b. ~~Considerations relating to outdoor advertising:~~
 - (1) ~~Compliance with the provisions of chapter 26 of this title. Sign permit applications shall be reviewed and permits issued as a separate process. Action may be taken simultaneously with or following site plan review.~~
 - c. ~~Considerations relating to landscaping:~~
 - (1) ~~Location, height, and materials of walls, fences, hedges, and screen plantings to provide for harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development;~~
 - (2) ~~Planting of ground cover or other surfaces to prevent dust and erosion;~~
 - (3) ~~Unnecessary destruction of existing healthy trees; and~~
 - (4) ~~Compliance with the Draper City general plan guidelines to promote consistent forms of development within the districts of the city as identified in the general plan.~~
 - d. ~~Considerations relating to buildings and site layout:~~
 - (1) ~~The general silhouette and mass, including location on the site and elevations, in relationship to the character of the district or neighborhood and the applicable provisions of the general plan; and~~
 - (2) ~~Exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street, line and pitch of roofs, the arrangement of structures on the parcel, and appropriate use of materials and colors to promote the objectives of the general plan relating to the character of the district or neighborhood.~~
 - e. ~~Considerations relating to drainage and irrigation:~~
 - (1) ~~The effect of the site development plan on the adequacy of the storm and surface water drainage; and~~
 - (2) ~~The need for piping of irrigation ditches bordering or within the site.~~
 - f. ~~Other considerations including, but not limited to:~~
 - (1) ~~Buffering;~~
 - (2) ~~Lighting;~~
 - (3) ~~Placement of trash containers and disposal facilities; and~~

~~(4) Location of surface, wall and roof mounted equipment.~~

~~3. In order to assure that the development will be constructed to completion in an acceptable manner, the applicant shall enter into an agreement and provide a satisfactory letter of credit or escrow deposit. The agreement and letter of credit or escrow deposit shall assure timely construction and installation of improvements required by a site plan approval.~~

~~4. In a planned center, individual uses shall be subject to the following requirements:~~

~~a. The overall planned center shall have been approved as a conditional use, which shall include an overall site plan, development guidelines and a list of allowable uses in the center.~~

~~b. The city and the developer of the planned center shall enter into a development agreement governing development of the center. The agreement shall include a provision to the effect that staff review and approval of uses and the site plan is typically sufficient.~~

~~c. Development guidelines for a center shall, as a minimum, address the following topics:~~

~~(1) General site engineering (e.g., storm drainage, provision of utilities, erosion control, etc.);~~

~~(2) Architectural guidelines, including building setbacks, height, massing and scale, site coverage by buildings, materials, and colors;~~

~~(3) Landscaping and open space standards;~~

~~(4) Signage;~~

~~(5) Exterior lighting;~~

~~(6) Parking, pedestrian and vehicular circulation, and access to the site;~~

~~(7) Rights of access within the center (use of cross easements, etc.);~~

~~(8) Development phasing and improvements/amenities to be completed with each phase;~~

~~(9) Outdoor sales, storage and equipment;~~

~~(10) Fencing and walls; and~~

~~(11) Maintenance standards and responsibilities.~~

~~5. Building permits for individual uses with an approved planned center shall be reviewed by the Zoning Administrator for compliance of the proposed use to the overall site plan, development guidelines and approved use list for the planned center. The Zoning Administrator shall approve, approve with conditions, or deny the permit based on compliance with applicable conditions of the site plan and provisions of this title.~~

H. Amendments: Except as may be provided for [in this section elsewhere in this title](#), no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan as follows:

1. Alteration or expansion of an approved site plan may be permitted by the Zoning Administrator upon making the following findings:

a. The proposed use is consistent with uses permitted on the site;

b. Existing uses were permitted when the site plan was approved, or have received a conditional use permit;

c. The proposed use and site will conform to applicable requirements of this Code;

d. The proposed expansion meets the approval standards of subsection E of this section;

~~e. The architecture of the proposed alteration or expansion, and landscaping, site design and parking layout are compatible with facilities existing on the site;~~

~~ef. The site can accommodate any change in the number of [people employees](#) on the site or any change in impact on surrounding infrastructure; and~~

~~g. The proposed site alteration does not negatively impact neighboring property owners.~~

2. If the Zoning Administrator cannot make the findings required in this subsection H, [the amended site plan may only be approved by the Planning Commission. The Planning Commission may only approve an amended site plan after a public hearing that complies with all requirements of this code, including section 9-5-045.](#)

~~a. A conditional use permit or amended site plan, as the case may be, shall be approved by the Planning Commission before any alteration or expansion occurs; and~~

- ~~b. Notice of proposed alteration or expansion should be given as provided in section 9-5-045 of this chapter.~~
3. If the Zoning Administrator can make all findings required in this subsection H, ~~no notice shall be necessary and~~ the Zoning Administrator may approve the proposed amendment without a public hearing and without notice.
4. Properties that do not conform to the standards found within this code may be required to come into compliance, subject to the standards in 9-6-040, 9-6-050, 9-6-060, and 9-6-070 of this title. ~~Except as may be provided elsewhere in this title, when a site plan is amended, the site shall be brought into compliance with current provisions of this title in the following areas:~~
- ~~a. Landscaping;~~
 - ~~b. Storage;~~
 - ~~c. Off street parking;~~
 - ~~d. Lighting;~~
 - ~~e. Pedestrian and vehicular access;~~
 - ~~f. Off street loading and unloading;~~
 - ~~g. Setbacks and building heights;~~
 - ~~h. On site surface water drainage;~~
 - ~~i. Off site curb, gutter and sidewalk;~~
 - ~~j. Piping of irrigation ditches; and~~
 - ~~k. Sign requirements.~~
5. An amended site plan application shall not be required when the alteration complies with the below standards.
- a. An accessory building when:
 - (1) The accessory building complies with current architectural standards,
 - (2) The accessory building is less than five percent (5%) of the floor area of the existing main building to a maximum of two thousand (2,000) square feet, and
 - (3) The accessory building does not impact any existing required landscaping or parking.
 - b. A main building addition when:
 - (1) The main building addition's floor area is not larger than ten percent (10%) of the floor area of the existing main building to a maximum of five thousand (5,000) square feet;
 - (2) The main building addition does not impact any existing required landscaping or parking.
 - (3) The main building addition is architecturally compatible with the existing main building or complies with current architectural standards.
 - c. Changes to site features such as landscaping or parking do not encompass more than 10% of a site and comply with current zoning and engineering standards.
 - d. Each proposed amendment meets all zoning and engineering standards.

J. Expiration: Failure to obtain a building land disturbance permit within one year of approval of any site plan shall ~~terminate and cancel void~~ the prior site plan approval. ~~given, whereupon the planning commission may require that a new site plan be submitted and approval obtained pursuant to this section.~~ Prior to the expiration of the one-year period, An applicant may submit a written request may be submitted to with the community development department for a site plan extension of up to six (6) months. prior to expiration of the site plan for an extension of up to six (6) months. ~~Approval of this extension may only be granted by the Zoning Administrator or Planning Commission, whichever is the approval authority outlined in this section, subject to approval of the planning commission,~~ provided the applicant can meet the requirements for extension under section 9-5-030 and demonstrate substantial action is shown toward obtaining a building land disturbance permit, and the requirements for extension under section 9-5-030 of this chapter are met. If a site plan expires, a new application shall be submitted. If there have been no changes to applicable codes which would necessitate updates to the previously approved plans, the applicant will be charged a new application fee of 50% of the fee outlined in the consolidated fee schedule and the application shall be approved by the Planning Commission as an action

item. Changes to applicable codes that require alteration of the previously approved site plan shall be subject to a new application fee at 100% of the fee established in the consolidated fee schedule and a public hearing before the Planning Commission.

9-5-100: ~~SPECIAL EXCEPTIONS:~~ REPEALED

~~A. Purpose: A special exception is an activity or use incidental to or in addition to a principal use permitted in a zoning district or an adjustment to a fixed dimension standard permitted as an exception to the requirements of this title. A special exception has less potential impact than a conditional use but still requires careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site. This section sets forth procedures for considering and approving special exceptions to the provisions of this title.~~

~~B. Authority: The appeals and variance hearing officer is authorized to approve special exceptions to the provisions of this title as provided in this section.~~

~~1. The following special exceptions are authorized subject to the provisions of this section:~~

~~a. Signs on historic sites.~~

~~b. Signs required to be removed along an interstate federal aid primary highway.~~

~~2. The appeals and variance hearing officer may, by motion, designate any special exception authorized by this section as a routine and uncontested matter for decision by the zoning administrator pursuant to the procedures set forth in section 9-5-160 of this chapter, subject to the approval standards for special exceptions of this section.~~

~~C. Initiation: A property owner, or the owner's agent, may request a special exception to the provisions of this title as provided in subsection D1 of this section.~~

~~D. Procedure: An application for a special exception shall be considered and processed as provided in this subsection:~~

~~1. A complete application shall be submitted to the office of the zoning administrator in a form established by the administrator, along with any fee established by the city's schedule of fees. The application shall include at least the following information:~~

~~a. The name, address and telephone number of the applicant and the applicant's agent, if any.~~

~~b. The address and parcel identification of the subject property.~~

~~c. The zone, zone boundaries and present use of the subject property.~~

~~d. A complete description of the proposed special exception.~~

~~e. A plot plan showing the following:~~

~~(1) Applicant's name;~~

~~(2) Site address;~~

~~(3) Property boundaries and dimensions;~~

~~(4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and~~

~~(5) Adjoining property lines and uses within one hundred feet (100') of the subject property.~~

~~f. If the special exception application is for a sign, a sign permit application shall be submitted.~~

~~g. Such other and further information or documentation as the zoning administrator may deem necessary for a full and proper consideration and disposition of a particular application.~~

~~2. After the application is determined to be complete, the zoning administrator shall schedule a public meeting before the appeals and variance hearing officer as provided in section 9-5-040 of this chapter. Notice of the meeting shall be given as provided in section 9-5-045 of this chapter.~~

~~3. A staff report evaluating the application shall be prepared by the zoning administrator.~~

4. ~~The appeals and variance hearing officer shall hold a public meeting and thereafter shall approve, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the special exception to approval standards.~~
5. ~~After the appeals and variance hearing officer makes a decision, the zoning administrator shall give the applicant written notice of the decision.~~
6. ~~A record of all special exceptions shall be maintained in the office of the zoning administrator.~~

~~E. Approval Standards: The following standards shall apply to the approval of a special exception:~~

1. ~~Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the city as a whole, or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion authorizing the special exception.~~
2. ~~The appeals and variance hearing officer shall not authorize a special exception unless the evidence presented establishes the proposed special exception:~~
 - a. ~~Will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;~~
 - b. ~~Will not create unreasonable traffic hazards; and~~
 - c. ~~Is located on a lot or parcel of sufficient size to accommodate the special exception.~~
3. ~~Upon recommendation of the historic preservation commission and presentation to the appeals and variance hearing officer of documentation which authenticates the historical nature of a structure and sign, a special exception may be approved for a sign which is a replica of a historic sign and which shall be displayed as part of a restoration of the historic structure upon which said sign was originally located.~~
4. ~~An outdoor advertising use, structure or permit which may not be continued because of the widening, construction, or reconstruction along an interstate federal aid primary highway existing as of June 1, 1991, or national highway systems highway, may be granted a special exception to relocate and remodel the use, structure or permit to another location in one of the following ways in accordance with the requirements and conditions of the Utah outdoor advertising act, as set forth at Utah Code Annotated section 72-7-501 et seq., as amended:~~
 - a. ~~On the same property;~~
 - b. ~~On adjacent property;~~
 - c. ~~On the same highway within one mile of the previous location; or~~
 - d. ~~To a location mutually agreed upon by the owner and the city.~~
5. ~~Any outdoor advertising use or structure which must be removed due to the development of the property on which it is located may be granted a special exception to continue at a new location for the duration of the existing lease only. At the time the term of the existing lease expires, the relocated use or structure shall be removed from the new location.~~

~~F. Appeal Of Decision: Any person adversely affected by a decision of the appeals and variance hearing officer regarding a special exception may appeal such decision as provided in subsection 9-4-050H of this title.~~

~~G. Effect Of Approval: A special exception shall not authorize the establishment of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by this title or other applicable provisions of this code.~~

~~H. Amendments: The procedure for amending a special exception shall be the same as the original procedure set forth in this section.~~

~~I. Revocation: A special exception may be revoked as provided in section 9-7-060 of this title.~~

~~J. Expiration: Subject to an extension of time, a special exception which is not exercised within one hundred eighty (180) days shall expire and have no further force or effect.~~

9-5-110: VARIANCES:

- A. Purpose: This section sets forth procedures for considering and approving a variance to the provisions of this title. Variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from particular unforeseen applications of the provisions of this title that create unreasonable hardships. (Ord. 394, 8-7-2001)
- B. Authority: The appeals and variance hearing officer is authorized to hear and decide variances to the provisions of this title as provided in this section. (Ord. 815, 4-1-2008, eff. 7-1-2008)
- C. Initiation: A property owner, or the owner's agent, may request a variance to the provisions of this title as provided in subsection D1 of this section.
- D. Procedure: An application for a variance ~~special exception~~ shall be considered and processed as provided in this subsection:

9-5-140: SIGN PERMITS:

J. Expiration: ~~Subject to an extension of time, a~~ A sign permit which is not exercised to sign installation within one hundred eighty (180) days shall be void ~~expire and have no further force or effect~~. An applicant may submit a written request to the community development department prior to expiration of the sign permit for an extension of up to ninety (90) days. The zoning administrator may approve the extension upon a showing that the applicant has taken substantial action towards the permit and provided the requirements for an extension under section 9-5-030 of this chapter are met.

9-5-160: ~~ROUTINE AND UNCONTESTED MATTERS: REPEALED~~

- ~~A. Purpose: This section allows the zoning administrator to decide administratively a routine and uncontested matter which would otherwise be decided by the appeals and variance hearing officer.~~
- ~~B. Authority: The appeals and variance hearing officer may designate classes of matters as routine and uncontested as provided in subsection 9-4-050C5 of this title. The zoning administrator is authorized to issue permits for such routine and uncontested matters as provided in this section.~~
- ~~C. Initiation: A property owner, or the owner's agent, may request approval of a routine and uncontested matter affecting the owner's property as provided in subsection D1 of this section.~~
- ~~D. Procedure: An application for approval of a routine and uncontested matter shall be considered and processed as provided in this subsection:
 - ~~1. A complete application shall be submitted to the office of the zoning administrator in a form established by the administrator, along with any fee established by the city's schedule of fees. The application shall include at least the following information:
 - ~~a. The name, address and telephone number of the applicant and the applicant's agent, if any;~~
 - ~~b. The specific matter for which approval is requested; and~~
 - ~~c. Specific facts which illustrate the nature of the request and how it relates to applicable provisions of this title.~~~~
 - ~~2. After the application is determined to be complete, the zoning administrator shall review and decide the matter in accordance with applicable provisions of this title and the guidelines determined by the appeals and variance hearing officer for such class of matters.~~
 - ~~3. After making a decision, the zoning administrator shall give the applicant written notice of the decision.~~~~

- ~~4. A record of all decisions on routine and uncontested matters shall be maintained in the office of the zoning administrator.~~
- ~~E. Approval Standards: Any class of matters designated by the appeals and variance hearing officer as routine and uncontested shall be accompanied by a statement of guidelines for approval of the matters so designated. A list of such matters and associated guidelines shall be kept on file in the office of the zoning administrator. The zoning administrator shall follow such guidelines in deciding any routine and uncontested matter.~~
- ~~F. Appeal Of Decision: Any person adversely affected by a decision of the zoning administrator regarding a routine and uncontested matter may appeal the decision to the appeals and variance hearing officer in accordance with the provisions of section 9-5-180 of this chapter.~~
- ~~G. Effect Of Approval: Approval of a routine and uncontested matter shall be deemed to relate to, and be for the benefit of, the use, lot or parcel in question rather than the owner, lessee or operator of a use, lot or parcel. A permit for a routine and uncontested matter shall authorize only the matter in question and shall not be deemed to negate any need for other permits required under this title.~~
- ~~H. Amendments: A permit for a routine and uncontested matter may be amended, varied or altered only pursuant to the procedures, standards and limitations provided in this section for its original approval.~~
- ~~I. Revocation: A permit for a routine and uncontested matter may be revoked as provided in section 9-7-060 of this title.~~
- ~~J. Expiration: Subject to an extension of time, a permit for a routine and uncontested matter which is not exercised within one hundred eighty (180) days shall expire and have no further force or effect.~~

9-5-200: DEVELOPMENT AGREEMENTS:

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.

9-6-070: OTHER NONCONFORMITIES:

This chapter shall apply to any other circumstance which does not conform to the requirements of this title, including, but not limited to, fence height or location; lack of buffers or screening; lack of or inadequate landscaping; lack of or inadequate off street parking; and any other nonconformity not addressed by sections 9-6-040, 9-6-050 and 9-6-060 of this chapter.

- A. Nonconforming Development With Approved Site Plan: Nonconforming development that is consistent with a site plan approved before the effective date of this title shall be deemed to be in conformance with this title to the extent that it is consistent with the approved site plan and to the extent that such plan or conditions imposed thereon directly address the specific issue involved in a determination of conformity. A nonconformity other than one of those enumerated in sections 9-6-040, 9-6-050, and 9-6-060 of this chapter shall be brought into conformance upon the occurrence of any one of the following:
1. Any increase of more than thirty percent (30%) floor area or fifty percent (50%) of the County Assessor's Office assessed value of the building or premises.
 2. For a lot or parcel located in a commercial or industrial zone, any change in use to a more intensive use when a new certificate of occupancy is required.

~~B. Compliance: Because nonconformities addressed in this section involve less investment and are more easily corrected than those addressed in sections 9-6-030, 9-6-040, and 9-6-050 of this chapter, the intent of the city is to eliminate such nonconformities as quickly as practicable. The extent of such nonconformities shall not be increased.~~

9-8-010: ZONE ESTABLISHMENT:

C. Commercial zones:

CN	Neighborhood commercial
CC	Community commercial
CR	Regional commercial
CG	General commercial
CI	Interchange commercial
CBP	Business/manufacturing park
CO1	Professional office
CO2	Professional office
CSD	Commercial special district
O-R	Office residential
TC	Town center
DC	Destination commercial
CS	Commercial services

F. Special purpose and overlay zones:

MPC	Master planned community
OSL	Sensitive lands overlay
OHD	Historic district overlay
OMP	Master plan overlay
<u>CSD</u>	<u>Commercial special district</u>

9-8-020: ZONE PURPOSES:

C. Commercial Zones: Commercial zones are established to provide areas where a combination of business, commercial, entertainment, office, and related activities may be established, maintained and protected. Commercial zones are intended to provide a suitable environment for those commercial and service uses which are vital to the economic base of the city.

~~8. The purpose of each CSD zone is to permit a compatible, master planned mix of day and evening uses consisting of office, light manufacturing, retail, residential, recreation and open space components. Although development size and use mix will vary from location to location, each development is intended to consist of well designed, architecturally integrated structures which are appropriately landscaped and buffered from surrounding land uses.~~

~~9.~~ The purpose of the TC town center zone is to provide a method for implementing special provisions found within the general plan and the Draper City conservation area master plan regarding the establishment and promotion of a historic core area of the community characterized by stringent design standards for buildings, public spaces, site design and landscaping with a harmonious mix of commercial uses, limited high density residential uses and civic areas.

~~10.~~ The purpose of the DC zone is to provide an area that is uniquely regional in nature, with lodging, food establishments, retail, office, service uses, and entertainment as the only allowed uses.

~~11.~~ The purpose of the CS commercial services zone is to provide areas for uses that are not typically allowed in commercial zones but are lower impact and less intrusive in nature as they relate to surrounding residential neighborhoods. This zone is intended to be relatively limited in scope and application. Typical uses may include office and storage units.

F. Special Purpose And Overlay Zones: Special purpose and overlay zones are established to provide a means of implementing supplemental regulations that apply geographically, regardless of the underlying base zone, if applicable. Whenever the regulations of a base zone and an overlay zone conflict, the overlay zone regulations shall apply.

1. The purpose of the OSL zone is to provide regulations to protect sensitive land areas such as hillsides, floodplains, and river parkway areas.

2. The purpose of the OHD zone is to implement regulations designed to promote the preservation of structures and sites having historical, cultural, or architectural significance, and to foster economic development consistent with historic preservation plans adopted by the city.

3. The purpose of the OMP zone is to provide a method for implementing special provisions found in various master plans, such as the Bangerter interchange area, Draper City conservation area, gateway, northern gateway, and Southpointe master plans.

4. The purpose of the MPC zone is to promote high quality, innovative and creative large scale development that includes a mixture of residential, commercial and employment uses, varying densities, heights, setbacks, lot sizes and sufficient diversity of housing types. The MPC zone is designed to preserve open space, provide parks, trails and recreational uses with a desirable living and working environment with unique identity and character.

~~5. The purpose of each CSD zone is to permit a compatible, master planned mix of day and evening uses consisting of office, light manufacturing, retail, residential, recreation and open space components. Although development size and use mix will vary from location to location, each development is intended to consist of well designed, architecturally integrated structures which are appropriately landscaped and buffered from surrounding land uses.~~

9-11-070: SPECIAL REGULATIONS:

~~A. Establishment Of CSD Zones: Each CSD zone is intended to allow a master planned, architecturally designed development where customized zoning requirements apply in order to permit flexibility and~~

initiative in site development. The following requirements shall apply to the establishment of any CSD zone:

1. Each CSD zone shall be at least three (3) acres in size.
2. To establish a CSD zone, a petition shall be submitted for a text and zoning map amendment as provided in section 9-5-060 of this title. The following materials shall be included:
 - a. Proposed zone name and location;
 - b. Proposed zone text which shall include:
 - (1) Permitted, conditional, and accessory uses;
 - (2) Proposed development standards, including the following:
 - (A) Land use standards establishing mix of land use types, location, and density;
 - (B) Lot standards establishing requirements for lot area and dimensions;
 - (C) Building setback standards for front, side and rear yards;
 - (D) Design standards addressing building height, building orientation, common and private open space, natural resource protection, architectural design; and
 - (E) Landscaping and buffering standards.
 - (3) Proposed process for approval of development in the CSD zone;
 - c. A schematic development plan which shows the following:
 - (1) Location of proposed uses;
 - (2) Height, location and bulk of buildings;
 - (3) Location, arrangement and configuration of open space and building setbacks;
 - (4) Location and design of off street parking areas; and
 - (5) Number, size and location of all signs.
3. In considering a petition for a CSD zone, the proposed zone text and zoning map amendments may be modified by the city to meet the intent and requirements of this subsection A and may include regulations and standards other than those proposed by the petitioner.
4. A proposed CSD text and zoning map amendment and schematic development plan shall be approved only if, in the opinion of the approving authority, development proposed on the property will:
 - a. Conform to applicable provisions of the city's general plan, any applicable master plan, particularly provisions which establish density limitations;
 - b. Conform to applicable chapters of this title; and
 - c. Better preserve and enhance the property and neighborhood by integrated planning and design than would be possible under other zoning regulations of this title.
5. Upon approval, each CSD zone shall be given a unique name following the designation "CSD " and shall be independent of any other CSD zone.
6. After approval of a CSD zone and a schematic development plan, and prior to the issuance of any building permits, a site plan shall be submitted as provided in section 9-5-090 of this title. Applications for subdivision approval, conditional use permits, and any other needed permits shall be submitted as needed to implement the schematic plan.
7. Amendments to an approved schematic development plan shall be obtained only by following the procedures required for first approval set forth in this subsection A.

A.B. Increased Height Limits: Notwithstanding the height limitations shown in section 9-11-110, table 9-11-2 of this chapter, greater building height may be allowed in all commercial zones, except the CN and TC zones, pursuant to approval of a deviation by the planning commission. Any deviation shall meet the following standards:

1. The proposed height shall not have a material adverse effect upon the character of the area or the public health, safety and general welfare.
2. The proposed height shall be constructed and arranged so as to be compatible with the use and development of neighboring properties with respect to scale and massing.
3. The building will be designed to relate to the human scale and incorporate at least one of the following:

- a. Architectural detailing included on the ground floor to emphasize the pedestrian level of the building, including, but not limited to, intermediate cornice line, sign band, awnings or portico feature, change in building materials, and window shape.
- b. Include architectural detailing at the cornice level or accentuated building zones, when appropriate to the architectural style of the building.
- c. The roofline contains architectural features that give it a distinctive form or skyline, or the rooftop is designed for purposes such as rooftop gardens, common space for building occupants or the public, viewing platforms, shading or daylighting structures, renewable energy systems, and other similar uses.

9-11-080: (O-R) OFFICE/RESIDENTIAL

A. Purpose: A district composed of certain land and structures used primarily to provide administrative, clerical, and professional offices, of a residential scale and character, to serve nearby residential and commercial areas, as well as the city as a whole. These uses are characterized by low volume, direct daily customer contact. ~~Secondarily, †~~ This district also provides for accessory medium-high density residential (0 to 12 du/ac). This district is designed to be a transitional zone, and should be used to buffer low density residential uses from more intense land uses, districts, and heavily traveled transportation routes. The property development standards, while strict in order to protect adjacent low density residential uses, are designed to be flexible enough to allow experimentation in office and housing design, and to allow housing constructed within this district to incorporate its own protection from more intense adjacent uses.

C. Use Regulations:

1. Permitted Uses: Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses shown in section 9-11-110, table 9-11-1 of this chapter.‡

~~See permitted and conditional uses allowed in commercial zones, section 9-11-110, table 9-11-1 of this chapter.~~

2. Residential uses shall be subordinate and secondary to commercial uses and shall not occupy more than 49% of the total site square footage.

D. Development Standards: The following property development standards shall apply to all land and building in the O-R district:

1. Open Space Requirements:

- a. ~~Primary~~ Iand uses that are density based (residential) shall provide a minimum of thirty percent (30%) of the net lot area in open space.
- b. ~~Primary~~ Iand uses that are not density based shall provide a minimum of twenty percent (20%) of the net lot area in open space.

TABLE 9-11-2

DEVELOPMENT STANDARDS

~~(Except CSD Zones)~~

Notes:

1. Greater height may be allowed pursuant to a deviation in all zones, except the CN and TC Zones pursuant to subsection 9-11-070~~B~~A of this chapter.
2. If property is master planned for neighborhood commercial zoning, then zone area can be 10,000 square feet.
3. See subsection 9-11-090D2a of this chapter.
4. See subsection 9-11-090D1a(1) of this chapter.

5. There may be additional setback conditions as required in the International Building Code.

9-18-010: ESTABLISHMENT OF (CSD) COMMERCIAL SPECIAL DISTRICT ZONES:

A. Establishment Of CSD Zones: Each CSD zone is intended to allow a master planned, architecturally designed development where customized zoning requirements apply in order to permit flexibility and initiative in site development. The following requirements shall apply to the establishment of any CSD zone:

1. Each CSD zone shall be at least ten (10) acres in size.
2. To establish a CSD zone, a petition shall be submitted for a text and zoning map amendment as provided in section 9-5-060 of this title. The following materials shall be included:
 - a. Proposed zone name and location;
 - b. Proposed zone text which shall include:
 - (1) Permitted, conditional, and accessory uses;
 - (2) Proposed development standards, including the following:
 - (A) Land use standards establishing mix of land use types, location, and density;
 - (B) Lot standards establishing requirements for lot area and dimensions;
 - (C) Building setback standards for front, side and rear yards;
 - (D) Design standards addressing building height, building orientation, common and private open space, natural resource protection, architectural design; and
 - (E) Landscaping and buffering standards.
 - (F) Requirement for compliance with standards in this code covering development standards that are not being modified by the proposed CSD language. Chapters in this title that shall be included are chapters 20, 22, 23, 25, and 32. Titles 7, 8, 11, 12, 16, and 18 of this code shall also be referenced.
 - (3) Proposed process for approval of development in the CSD zone;
 - c. A schematic development plan which shows the following:
 - (1) Location of proposed uses;
 - (2) Height, location and bulk of buildings;
 - (3) Location, arrangement and configuration of open space and building setbacks;
 - (4) Location and design of off street parking areas; and
 - (5) Number, size and location of all signs.
3. In considering a petition for a CSD zone, the proposed zone text and zoning map amendments may be modified by the city to meet the intent and requirements of this subsection A and may include regulations and standards other than those proposed by the petitioner.
4. A proposed CSD text and zoning map amendment and schematic development plan shall be approved only if, in the opinion of the approving authority, development proposed on the property will:
 - a. Conform to applicable provisions of the city's general plan, any applicable master plan, particularly provisions which establish density limitations;
 - b. Conform to applicable chapters of this title; and
 - c. Better preserve and enhance the property and neighborhood by integrated planning and design than would be possible under other zoning regulations of this title.
5. Upon approval, each CSD zone shall be given a unique name following the designation "CSD-" and shall be independent of any other CSD zone.
6. After approval of a CSD zone and a schematic development plan, and prior to the issuance of any building permits, a site plan shall be submitted as provided in section 9-5-090 of this title. Applications for subdivision approval, conditional use permits, and any other needed permits shall be submitted as needed to implement the schematic plan.
7. Amendments to an approved schematic development plan shall be obtained only by following the procedures required for first approval set forth in this subsection A.

9-23-140: INSTALLATION, IRRIGATION, MAINTENANCE AND REPLACEMENT:

~~B. Certification Of Installation: Prior to the issuance of a certificate of occupancy, the landowner shall submit to the zoning administrator a certificate of compliance which verifies that plant material has been installed in compliance with the approved landscape plan. The certificate of compliance shall:~~

- ~~1. Bear the seal of a landscape architect or the notarized signature of the landscape contractor.~~
- ~~2. State that the landscape architect or the landscape contractor personally inspected the site.~~
- ~~3. State that the landscape architect or the landscape contractor certifies that landscaping and buffering was properly installed and meets all requirements of the approved landscape plan and of this chapter.~~
- ~~4. State that the landscape architect or the landscape contractor understands that any misrepresentations or misstatements in the certificate of compliance shall constitute a violation of this section.~~

C.B. Irrigation: Landscape areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition, while at the same time avoiding water waste through inefficient irrigation.

D.C. Maintenance: Landowners and their successors in interest shall be jointly and severally responsible for all of the following:

1. Regular maintenance of all landscape areas, including park strips, in good condition and in a way that presents a healthy, neat and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, in accordance with acceptable horticultural practices.
2. The repair or replacement of landscape structures (e.g., walls, fences) to a structurally sound condition and original appearance.
3. Perpetual maintenance to prohibit the reestablishment of undesirable and harmful species within landscape and preservation areas.
4. Regular maintenance, repair or replacement of any plant material, screening or buffering required by this chapter in conjunction with approved plans. Any landscaping required to be planted or preserved by this chapter shall be replaced with the largest available equivalent vegetation. The city may require that any dead trees, shrubs and plants be replaced within the current or next planting season.

9-25-090: DEVIATIONS FROM STRICT COMPLIANCE FOR PARKING:

A. Natural Adjustment Range: In recognition that many factors can be unique to various potential uses of land in the city, parking requirements established in section [9-25-100](#), table 9-25-1 of this chapter, may be modified to increase or decrease the parking calculation requirements by a maximum ~~ten~~ **twenty five** percent (~~10~~**25**%) without necessity of requesting a formal modification as outlined in this section.

9-26-050: APPROVALS, PERMITS, APPLICATIONS AND ENFORCEMENT:

D. Applications For Sign Permit:

1. Sign Permit Application: To obtain a permit, the applicant must submit a complete sign permit application to the Community Development Department on a form prescribed by the City. [A sign permit application may include all signs associated with a property that has received site plan or plat](#)

approval, or has a master sign program associated with approved development guidelines. Each sign must apply for and be issued its own sign permit unless approved as part of a master sign program. The application must be accompanied by the information specified in this section. Additional information may be required on a case specific basis when determined to be necessary to verify the engineering or construction of the sign or to assure the health, safety, and general welfare of the community, tenant, or business.

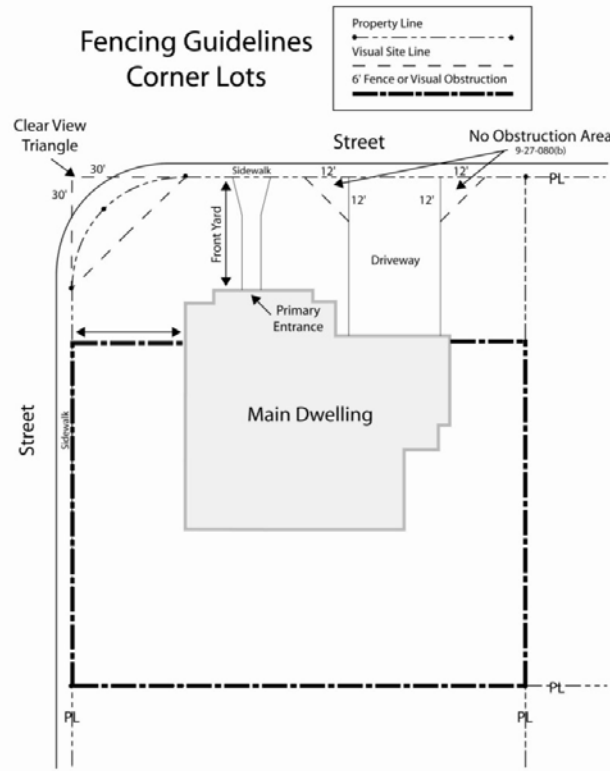
9-27-080: FENCES AND VISUAL OBSTRUCTIONS:

Any fence, wall and other similar structure or landscaping ~~in a required front yard~~ which is a visual obstruction shall meet all of the following requirements:

- A. Height: A fence, wall, or other visual obstruction, excluding trees, shall comply with the following:
 - 1. When located within the required front yard a fence, wall, or other visual obstruction, not including trees shall not exceed four feet (4') in height unless a greater height is allowed by a conditional use permit or as otherwise permitted in this title.
 - 2. When located behind the front wall plane a fence, wall, or other visual obstruction, not including trees, shall not exceed six feet (6') in height unless a greater height is allowed by a conditional use permit or as otherwise permitted in this title.

- E. Other Visual Obstructions: Fences, walls, and other vVisual obstructions, not including trees, between six feet (6') and ten feet (10') in height shall be allowed only behind the front wall plane, and building line. ~~All visual obstructions over six feet (6') high~~ shall require a conditional use permit. Any such visual obstruction over six feet (6') in height must meet the setback requirements for accessory buildings unless otherwise permitted by a conditional use permit, except that no wall shall be constructed within a utility easement without the prior written permission of all affected utility companies. No fences, walls, or other visual obstructions over ten feet (10') in height are allowed, excluding trees.

- F. Figure 1, Corner Lot Fencing Guidelines:



9-27-140: LOTS AND YARDS:

- A. Every Building On Legally Created Lot: Every building shall be located and maintained on a legally created lot or parcel as defined in this title, unless such lot or parcel is legally nonconforming as set forth in [chapter 6](#) of this title. Not more than one single-family residence or commercial structure shall occupy any one lot or parcel except as authorized pursuant to the provisions of this title.
- B. Sale Or Lease Of Required Land: No land needed to meet the size, width, yard, area, coverage, parking or other requirements of this title shall be sold, leased, or otherwise transferred away so as to create or increase the nonconformity of a lot, building, or site development.
- C. Substandard Lots: No lot or parcel having less than the minimum width and area required by the zone where it is located may be divided from a larger parcel of land, whether by subdivision or metes and bounds, for the purpose, whether immediate or future, of building or development as a lot except as permitted by this section or by the appeals and variance hearing officer pursuant to the requirements of this title.
 - ~~1. A reduction in the minimum required area for a lot or parcel owned by the city, county, state, or a public entity or public utility provider may be granted by a special exception approved by the appeals and variance hearing officer, provided:

 - a. Such lot is used exclusively for public purposes; and
 - b. No living quarters are located upon such lot or parcel.~~

9-27-220: CONSTRUCTION TRAILERS AND MODEL HOMES:

2. Residential Development: A construction trailer may only be located within the residential phase or site in which the development activity is occurring. No sales of lots, units, or homes shall be allowed from a construction trailer. For the purposes of this section, construction trailers shall not include those vehicles that come and go on a daily basis.

a. Purposes: A construction trailer may be used as a means to house offices related to:

- (1) Infrastructure development activities on the site;
- (2) Construction of a primary residential structure on a lot; or
- (3) Construction of a building to contain multiple residential units.

b. Standards: A construction trailer may be placed on a site for the purpose of constructing one or more primary residential structures subject to the following:

(1) Application ~~And Bonding~~: Prior to the placement of a construction trailer, a construction trailer application and permit must be submitted to the city, approved, and issued. ~~Prior to the issuance of a permit for the placement of a construction trailer, a cash only bond must be posted for the specific purpose of ensuring timely removal of that trailer. The bond amount shall be as established in the city's schedule of fees.~~

(2) Placement: A construction trailer may not be placed within any public or private right of way, any property identified to be set aside as open space or common area, or on any property for which a valid certificate of occupancy has been issued.

(3) Association: An application for placement of a construction trailer shall include a site plan or development plan showing the proposed location for the trailer and the properties for which that construction trailer is to be associated.

(4) Removal: Construction trailers shall be removed prior to the issuance of a certificate of occupancy for the property on which they are located.

~~(5) City Removal: Construction trailers may have their bonds called and may be removed by the city upon the city finding that:~~

~~(A) No construction activity has occurred on the property identified use of the trailer for a period of thirty (30) days;~~

~~(B) No construction inspections have been requested or conducted for a period of more than one hundred eighty (180) days;~~

~~(C) The construction trailer is found to be used for facilitating construction activities on residential structures outside of the development in which it is located;~~

~~(D) The construction trailer is found to be conducting construction activities for properties outside of those identified to be associated with that trailer according to the permit for its placement;~~

~~(E) The construction trailer, or any of its occupants are found to be used for housing, facilitating, or conducting sales of any kind; or~~

~~(F) The construction trailer is found to have been relocated without the issuance of a construction trailer permit.~~

9-32-030: DEVELOPMENT STANDARDS:

B. Design: Multiple-family projects shall exhibit exceptional design qualities that support the expectations of Draper City residents. This goal shall be achieved through the following requirements:

1. All exposed sides of multiple-family structures shall have framed windows.
2. Side and rear elevations that are visible from public and private streets shall match the architectural detailing of the front facade.
3. Building materials for multiple-family structures shall consist of at least fifty percent (50%) brick, stone, or synthetic stone on all sides of the structure.
 - a. The planning commission may grant a [deviation](#) ~~special-exception~~ from this clause to allow accumulation or clustering of brick, stone, or synthetic stone on the most publicly visible sides of the structure. This [deviation](#) ~~exception~~ is dependent on compliance with the following standards:
 - (1) The use of brick, stone, or synthetic stone is equal to a gross calculation of square footage of fifty percent (50%) or more of all structure sides.
 - (2) Structure design meets subsection B2 of this section.
 - b. Windows are excluded from the gross calculation of exterior building materials.
 - c. The planning commission may also grant a [deviation](#) ~~special-exception~~ from this clause if a predominant building material exists in the project vicinity and the use of the material will uphold the existing character and style of the given neighborhood. The project developer may present the proposed building material (and color) to the planning commission to substantiate the quality and durability of the proposed dominant material.

9-41-050: DEVELOPMENT STANDARDS; PERMITTED USE:

The development standards set forth in this section shall apply to any wireless telecommunication facility established as a permitted use. The standards in each subsection are not mutually exclusive; thus the requirements of more than one subsection may apply in any given case.

- A. In General: The following development standards shall be applicable to all facilities regardless of the facility type or zone within which the facility is proposed to be located:
1. The proposed facility shall be located on an approved structure and/or site in conformance with this code. If a proposed facility site does not conform to this code, the carrier shall submit and have approved by staff a plan to bring the structure and/or site into conformance with the code prior to completion and operation of the proposed facility. This plan shall be submitted with a permitted use application.
 2. Any associated mechanical or electrical equipment shall be completely screened from view, from public rights of way, on-site parking areas and adjacent properties, with a solid screen.
 3. The proposed facility, including associated mechanical and electrical equipment, shall not be located within a public right of way.
 4. The proposed facility shall conform to the requirements of this title, this code, and other laws, including pertinent regulations of the federal communications commission and the federal aviation administration.
 5. Copies of required permits from pertinent federal agencies establishing compliance with applicable federal regulations shall be filed with the city prior to the issuance of any permit for a proposed facility.
 6. The proposed facility shall conform to applicable development standards set forth in this section.
 7. [Lightning rods shall not be include in the height calculation for any facilities.](#)

17-1-040: DEFINITIONS:

BUILDING, COMMERCIAL: Any structure used or intended for supporting or sheltering any commercial use or occupancy ~~A permanently located structure having a roof supported by columns or walls for the shelter, housing, or enclosure of any person, animal, article, or chattel.~~

BUILDING, RESIDENTIAL: Building shall mean any one- and two- family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto.

17-1-065: ACCURATE INFORMATION:

A. All documents, plans, reports, studies and information provided to the City by the applicant in accordance with the requirements of this title shall be accurate and complete. Any action taken or approval given by the City based upon incomplete or inaccurate documents, plans, reports, studies or information supplied to the City by the applicant may be voidable prior to recording a plat.

~~B. Any interested person seeking to void any action taken or approval given by the City shall file a written request for reconsideration with the City body taking the original action or giving the original approval within thirty (30) days from the date the requesting party becomes aware of the inaccuracy or incompleteness or within one year from the date of the action or approval, whichever occurs first. Nothing contained herein shall be construed to affect any person's right to appeal a decision or action of City officials or bodies in accordance with the appeal provisions provided in this title.~~

BC. All engineering drawings, plats, reports, and other similar documents shall be stamped by a registered engineer, licensed to practice in the State of Utah.

17-1-085: PUBLIC NOTIFICATION:

A. Required Notice: Any public hearing required herein shall be scheduled and held by the zoning administrator, planning commission or city council, as designated. Required notice of such hearing shall be given as follows provided for in subsection 9-5-045G of this code.:

1. The city shall mail notice of a public hearing to consider a proposed subdivision or an amendment to a subdivision not less than ten (10) calendar days before the public hearing addressed to the record owner of each parcel within four hundred feet (400') of the subject property. ~~The applicant shall provide the community development department with an approved list of all owners of real property located within four hundred feet (400') of the boundary of the proposed subdivision, as shown on the latest assessment rolls of the county recorder. The applicant shall pay to the city a fee in the amount of the actual costs incurred by the city in mailing the notice, and shall bear sole responsibility to ensure the accuracy of the property owner list. Subject to limitations set forth herein, the city will mail notice of the public hearing or meeting to all property owners at least ten (10) days before the date of the hearing or meeting using the list of owners provided by the applicant.~~
2. Not less than ten (10) calendar days before the public hearing, the applicant shall post one city provided sign along each street on which the subject property has frontage. If the subject property does not abut a street, then the sign should be posted on a nearby street as determined by the zoning administrator. The sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by. ~~All applicants of a subdivision plan or plat requiring a public hearing or meeting shall be required to post one city provided sign regarding the public hearing or meeting along each street on which the boundaries of the proposed subdivision~~

~~has frontage. If the proposed subdivision does not abut a street, then the sign shall be posted on a nearby street as determined and designated by the zoning administrator.~~

- ~~a. The applicant shall submit a signed affidavit of public posting.~~
 - ~~b. The affidavit shall include a photograph verifying that the sign has been installed, at least ten (10) days prior to the public hearing.~~
 - ~~c. Failure to post the public notice sign and provide the required verification at least ten (10) days prior to the public hearing will cause a delay in the processing of the application.~~
 - ~~d. If the sign is destroyed or damaged, the applicant shall replace the sign within seventy-two (72) hours of being notified.~~
- ~~3. The applicant shall pay to the city a fee in the amount of the actual costs incurred by the city in mailing the notice and posting the property.~~

- B. Courtesy Notice: Subject to the limitations set forth herein, courtesy notice of any public hearing or meeting may be provided by the city. Any such notice provided hereunder is intended as a courtesy only and the city shall not be obligated to provide such notice to any person or entity. No error in such mailings or failure of any property owner to receive courtesy notice shall affect the adequacy or sufficiency of the required notice provided in accordance with subsection A of this section. As used herein, "courtesy notice" may include any of the following:
1. Additional noticing beyond the minimum distance required by this code; and
 2. Noticing when it is not otherwise required.

C. Notice for an amendment to public improvements in a subdivision or development: Prior to implementing an amendment to adopted specifications for public improvements that apply to subdivisions or development, a municipality shall give 30 days mailed notice and an opportunity to comment to anyone who has required the notice in writing.

D. Notice for Continued Items: When an application requiring notice under this section is continued to a future meeting date, including when a specific date is listed in the continuation, a new notice shall be provided as outlined in this section.

E. Canal Owner Notice: If a canal's centerline is located within one-hundred (100) feet of a subdivision and the centerline is available as prescribed in Utah Code Annotated 10-9a-603, as amended, the city shall provide notice of application to the canal owner or association canal operator within 20 days of application receipt. The city shall provide a 20-day comment period prior to making a decision on the application.

~~17-1-110: SPECIAL EXCEPTIONS: REPEALED~~

~~Where strict compliance with the provisions of this title would cause an unusual and unnecessary hardship on the subdivider because of peculiarities regarding the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, the existence of other unusual physical conditions, or the existence of a local, State, or Federally registered historic structure on the property to be subdivided, the Planning Commission may modify such requirements and require such conditions as will secure, insofar as practicable, the objectives of the requirement modified.~~

17-1-120: APPEALS:

- A. Appeal may be made to the Appeals and Variance Hearing Officer from any decision, determination or requirement of the Zoning Administrator or Planning Commission hereunder by filing with the **City**

~~Recorder~~ [community development department](#) [an application and](#) notice thereof in writing within fifteen (15) days after such decision, determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the subdivider or other person deems himself or herself aggrieved.

- B. The ~~City Recorder~~ [Zoning Administrator](#) shall set the appeal for hearing before the Appeals and Variance Hearing Officer within a reasonable time after receipt of the appeal. Such hearing may be continued by order of the Appeals and Variance Hearing Officer. The appellant shall be notified of the appeal hearing date at least seven (7) days prior to the hearing. After hearing the appeal, the Appeals and Variance Hearing Officer may affirm, modify, or reverse the decision, determination or requirement appealed and enter any such orders as are in harmony with the spirit and purpose of this title. The Appeals and Variance Hearing Officer shall notify the appellant in writing of its ruling. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Appeals and Variance Hearing Officer.
- C. An aggrieved party may appeal the Appeals and Variance Hearing Officer's decision to District Court as provided in Utah Code Annotated title 10, chapter 9a.

17-1-150: INACTIVE APPLICATIONS:

All subdivision applications shall be actively pursued to a final decision by the city. If no activity, such as plan submittals, reviews, or meetings has occurred on an application for a period of one (1) year from the date of the last city review, the application will voided and the file closed. Prior to the expiration of the one (1) year period, the applicant may submit a written request to maintain the application as active. The zoning administrator may grant a one-time extension for six (6) months upon the zoning administrator's finding that there is good cause. If the applicant wishes to pursue an application after it has been voided due to inactivity, a new application is required, including fees and conformance to current applicable codes. No fees shall be refunded for applications that are voided due to inactivity.

17-2-010: CONCEPT PLAN:

A concept plan ~~shall be required for~~ [may be applied for, but is not required, for](#) all subdivisions, ~~except minor subdivisions, as provided in this title.~~ This provides the subdivider with an opportunity to consult with and receive assistance from the city regarding the regulations and design requirements applicable to the subdivision of property. The applicant or applicant's duly authorized and certified agent shall submit a complete application to the city community development department for subdivision concept plan review, together with the appropriate application fee as set forth in the city consolidated fee schedule. If a rezoning is needed to accomplish a proposed concept plan, ~~it~~ [a zoning map amendment application pursuant to section 9-5-060 Draper City code](#) shall be submitted and reviewed with or prior to the concept plan application.

17-2-020: SUBMISSION:

The subdivider shall submit ~~six (6) 24 inch by 36 inch copies and six (6)~~ [one \(1\)](#) 11-inch by 17-inch [paper copy and an identical single electronic copy](#) of the proposed subdivision concept plan to the Draper City community development department. The proposed concept plan shall be professionally prepared and include the following items:

- A. The proposed name of the subdivision.
- B. A vicinity plan showing significant natural and manmade features or existing structures on the site and within two hundred feet (200') of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than

- two feet (2'); and north arrow.
- C. A proposed lot and street layout.
 - D. Availability and location of utilities and drainage facilities within the vicinity which are adjacent to the property.
 - E. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA.
 - F. The total acreage of the entire tract proposed for subdivision.
 - G. County plat map with aerial photo underlay, if available.
 - H. ~~Electronic copies of drawings in AutoCad (DWG) format.~~

17-2-050: REFERRAL TO THE PLANNING COMMISSION AND CITY COUNCIL:

- A. When determined by the zoning administrator to be in the best interest of the city, a concept plan may be referred to the planning commission and city council for review and approval. The zoning administrator shall take the following into account when determining whether the application will require planning commission and/or city council review:
 - 1. The size of the proposed development;
 - 2. Whether the subdivision lies within the sensitive lands overlay zone; (Ord. 1132, 2-17-2015)
 - 3. Compliance with city ordinances and master plans;
 - 4. Requests for [deviations from standards found within this title or titles 9, 11, or 18](#) ~~special exceptions;~~
 - 5. Compatibility with surrounding properties; and
 - 6. The controversial nature of the proposal.
- B. Staff shall notify the planning commission and city council with a record of findings and recommendations.

17-3-020: APPLICATION AND FEES:

~~After receiving a concept plan approval, a~~ A subdivider ~~may~~ shall file an application for preliminary plat approval with the community development department on a form prescribed by the city, together with ~~six (6) full size copies, six (6) one (1) paper copy on sets of~~ eleven inch by seventeen inch (11" x 17") drawings and an identical single electronic copy of the preliminary plat, and the application fee as set forth in the consolidated fee schedule. No application shall be scheduled for hearing before the planning commission until all required information has been received and reviewed by the city staff.

17-3-060: EXPIRATION OF PRELIMINARY PLAT APPROVAL:

- A. After preliminary plat approval has been granted ~~for a single phase development,~~ the subdivider may apply for final plat approval. For phased developments, the subdivider may apply for final plat approval for each phase separately. Preliminary plat approval for the subsequent phases of the subdivision shall expire two (2) years from the date of the previous phases' final plat recordation.
- ~~B. After preliminary plat approval has been granted for the first phase of a multiple phase development, the subdivider may apply for final plat approval. Preliminary plat approval for the subsequent phases of the subdivision shall expire two (2) years from the date the previous phases' final plat was recorded.~~
- BC. If the subdivider has not applied for approval of the final plat within ~~six (6) months~~ one (1) year

of the date of preliminary plat approval ~~or if the final plat has not been recorded within one year of the date of the preliminary plat approval~~, the preliminary plat shall be void. The subdivider can re-apply for preliminary subdivision approval again ~~be submitted~~ in accordance with this chapter. This time period may be extended up to twelve (12) months for good cause shown if subdivider petitions the Planning Commission for an extension prior to the expiration date; however, only one (1) 12-month extension may be granted.

17-4-020: FILING DEADLINE, APPLICATION AND FEES:

- A. Application for final plat approval shall be made within ~~six (6) months~~ one (1) year after approval of the preliminary plat by the Planning Commission. ~~An~~ The Planning Commission may grant an extension to apply for final plat approval may be granted for up to twelve (12) months for good cause shown. ~~The subdivider must if subdivider~~ petitions the Planning Commission for an extension prior to the expiration date, ~~however, only~~ The Planning Commission may only grant one (1) 12-month extension ~~may be granted, per the provisions found in 17-3-060 of this title.~~
- B. The final plat, associated construction drawings, title report, application fees and all required information shall be submitted at the time of final plat application and shall conform in all respects to those requirements specified in this title.
- C. The subdivider shall file an application for final plat approval with the Community Development Department on a form prescribed by the City, together with ~~six (6) full size copies and six (6) one (1) paper copy on~~ eleven inch by seventeen inch (11" x 17") ~~copies and an identical single electronic copy~~ of the proposed final plat, and associated final construction drawings required in section 17-3-030 of this title.

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

- D. Prior to recording ~~consideration by the Planning Commission~~, the plat shall be signed by all required and authorized parties, ~~with the exception of the Mayor and City Attorney~~, with appropriate notarial acknowledgments. The final plat shall contain all information set forth in this section. ~~If a required utility company or financial lending institution will not sign the mylar prior to approval by the Planning Commission based on their company's adopted policies and procedures, then the subdivider shall obtain a list of the utility's or institution's conditions in writing and provide such to the City, prior to scheduling the review on the Planning Commission's agenda.~~
- N. The final plat shall contain the name, stamp and signature of a registered surveyor, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgments and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:
 - 1. A registered land surveyor's "certificate of survey";
 - 2. An owner's dedication certificate in the following form or as otherwise specified by the City Engineer:

OWNERS DEDICATION

Know all men by these presents that I/we, the undersigned owner(s) of the hereon described tract of land, hereby set apart and subdivide the same into lots and streets as shown on this plat and name said plat Subdivision Name, and do hereby dedicate, grant and convey to Draper City, Utah: (1) all those parts or portions of said tract of land designated as streets, the same to be used as public

thoroughfares forever; (2) those certain public utility and drainage easements as shown hereon, the same to be used for the installation, maintenance, and operation of public utility service lines and drainage; and (3) those parcels designated as public open space, parks, trail or easements, or of similar designation. In witness whereof, we have hereunto set our hands this day of , 20_.

(Add appropriate acknowledgments)

3. A notary public's acknowledgment for each signature on the plat;
4. A correct metes and bounds description of all property included within the subdivision;
5. The signatures of the water provider, sewer provider, natural gas provider, electric power provider, local telephone service provider, ~~Utah County and/or~~ Salt Lake County Health Department, Planning Commission, and City Engineer, and blocks for signatures of the City Attorney, Draper City Council bearing a signature line for the Mayor and an attestation by the City Recorder, and a signature block for the County Recorder in the lower right corner of the final plat; and
6. Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law, this title, or by the City Attorney.

17-4-120: EXPIRATION OF FINAL PLAT APPROVAL:

If the final plat is not recorded within ~~six (6) months~~ one (1) year from the date of Planning Commission approval or construction of the required landscaping and infrastructure has not commenced, such approval shall be null and void. This time period may be extended by the Planning Commission for up to one additional ~~three (3)~~ six (6) month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original ~~six (6) months~~ one (1) year. ~~No extension shall be granted if it is determined that it will be detrimental to the City. If any of the fees charged as a condition of subdivision approval have increased, the City may require the security estimate be recalculated and that the subdivider pay any fee increases as a condition of granting an extension.~~

17-5-060: LANDSCAPING AND TREES:

B. Street Trees:

1. Street Trees Required: All developers of residential subdivisions in Draper City shall provide street trees as part of the landscaping plan in order to reduce heat, dust, glare and the need for cooling and heating; to help clean and oxygenate the air; to reduce road noise; to prevent erosion and promote soil health; to mask undesirable views and enhance pleasing views; to develop continuity among developments; and to generally enhance the appearance of the City streets and promote a sense of civic pride and vitality. A street tree plan, which is in accordance with Draper City standards and the Draper City tree guide, shall be submitted with the final plat application for all subdivisions. The subdivider is responsible for ensuring the installation of the required number, species, and caliper of street trees, per the approved street tree plan, prior to the issuance of a certificate of occupancy for any dwelling.
2. Tree Bond: Security for street tree installation is required to be provided with all subdivision. The subdivider shall post an escrow bond with the City prior to recording any subdivision or phase of each subdivision. The bond amount shall be set by the City and shall be set in an amount sufficient to cover the cost of providing trees for the individual lot, but shall not be less than three hundred dollars (\$300.00) per required tree. Bonds will be held by the Draper City Community Development Department, and shall not be released until a site inspection has verified the proper tree installation has occurred, in accordance with the procedure outlined below:

Total street tree and park strip landscaping bond amounts shall be calculated by multiplying the number of trees shown on the approved street tree and landscaping plan by three hundred dollars

(\$300.00), and additionally adding in an estimated landscaping and irrigation systems cost. This bond ~~would~~ shall be posted with each subdivision or phase of a subdivision-prior to the recording of any final or minor plat. During the construction and occupancy of homes within a subdivision, subdivider would have two (2) annual opportunities to reduce or refund a portion of the bond amount. These reductions of the street tree bond amount would be linked to the installation of the street trees as described on the street tree planting plan.

Annual opportunities for reduction in the street tree bond shall occur once in the spring, between April 1 and May 31, and again in the fall after September 15 but prior to November 30. These dates are intended to avoid the planting of street trees during the hottest times of the year for a higher establishment success rate.

3. Street Tree Installation: All residential subdivisions shall have street trees and irrigation systems installed within the park strip between the sidewalk and curb. In areas where there is no sidewalk or no park strip between the sidewalk and curb, street trees shall be installed ~~at adjacent to~~ within fifteen feet (15') of the right-of-way. Street trees shall be installed in accordance with the standards and specifications developed by the City Tree Commission and adopted by the City Council. Irrigation systems shall be professionally installed by a licensed contractor, and shall include an automatic watering system appropriate to the approved tree and park strip planting plan. The developer shall prepare a street tree plan for each approved residential subdivision which shall be reviewed by the ~~Draper City Tree Commission and/or the~~ Draper City Community Development Department and forwarded to the Draper City Zoning Administrator or Planning Commission. ~~Tree species selection shall vary by street to add variation in form, texture, color and general visual effect to the subdivision.~~ A diversity of species ~~shall also~~ is encouraged be provided to minimize the danger of losing an entire monospecific planting to blight, insects or some other species specific condition. After installation by the subdivider, individual homeowners are responsible for the irrigation and maintenance of required park strip street trees.

17-8-030: SUBMISSION:

The subdivider shall submit a complete application for a minor subdivision to the Community Development Department, along with a completed application and application fee. The proposed subdivision plan shall include the information required for a preliminary plat application as outlined in section 17-3-030 and the final plat application as outlined in section 17-4-030 of this title. The fee for minor subdivisions shall be based on the City's adopted consolidated fee schedule.

17-8-040: NOTIFICATION:

- A. Distribution For Review: The Community Development Department, upon receipt of a complete application for minor subdivision, shall distribute copies of the plan to such City departments and other agencies or advisors as may contribute to a decision in the best interest of the public.
- B. Notice To Adjacent Property Owners: Public notice shall follow the process outlined in section 17-1-085 of this title. The applicant shall pay to the city a fee in the amount of the actual costs incurred by the city in mailing the notice and posting the property. ~~The applicant shall provide the Community Development Department with an approved list of all owners of real property located within four hundred feet (400') of the boundary of the proposed minor subdivision, as shown on the latest assessment rolls of the County Recorder. The applicant shall pay to the City a fee in the amount of the actual costs incurred by the City in mailing the notice, and shall bear sole responsibility to ensure the~~

~~accuracy of the property owner list. The City shall mail notice to the property owners as provided for in subsection 9-5-045G of this Code. Subject to the limitations set forth herein, the City will mail notice of the public hearing or meeting to all property owners at least ten (10) days before the date of the hearing or meeting using the list of owners provided by the applicant.~~

17-8-050: REVIEW BY THE COMMUNITY DEVELOPMENT DEPARTMENT:

A. Findings; Considerations: Once comment has been received from all notified government departments, agencies, and property owners, the Community Development Department shall review the submitted minor subdivision application and check compliance with the City's general plan, zoning ordinance, subdivision ordinance, and other appropriate regulations. Based on this review, the Zoning Administrator shall make findings regarding the submitted minor subdivision plan, specifying the approval, approval with conditions, or denial of the subdivision, or specifying any inadequacy in the information submitted, noncompliance with City regulations, questionable or undesirable design and/or engineering. The Zoning Administrator may also make a determination that the minor subdivision is required to proceed through the normal subdivision process. The Zoning Administrator shall forward the review comments in writing to the applicant within a reasonable period following the review.

The Zoning Administrator shall take the following into account when determining whether the application will require Planning Commission review:

1. The size of the proposed development;
2. Whether the subdivision lies within the Sensitive Lands Overlay Zone;
3. Compliance with City ordinances and master plans;
4. Requests for deviations from standards found within this title or titles 9, 11, or 18 ~~special exceptions;~~
5. Compatibility with surrounding properties; and
6. The controversial nature of the proposal.

17-8-070: EXPIRATION OF MINOR SUBDIVISION APPROVAL:

Once ~~written approval~~ the zoning administrator has approved ~~of~~ the minor subdivision ~~has been granted~~, the subdivider shall have one (1) year from the date of approval to record the plat or begin construction of the required landscaping and infrastructure ~~six (6) months to record the subdivision~~. If recordation, or construction, has not taken place within the specified time limitation, the approval shall become null and void. This time period may be extended by the Zoning Administrator for up to an additional six (6) month period for good cause shown. The subdivider must petition in writing for this extension prior to the expiration of the original six (6) month period.

17-9-010: PETITION FOR AMENDMENT:

A. Property Owner: Any fee owner of property lying within a recorded subdivision plat may petition the City requesting to vacate, alter or amend some or all of the subdivision plat. The petition shall include:

1. The name and address of all owner's of record of the land contained in the entire plat or on that portion of the plat described in the petition;
2. ~~The name and address of all owners of record of land adjacent to or accessed exclusively by or within four hundred feet (400') of street, right of way, or easement that is proposed to be vacated, altered or amended;~~

32. The signature of each of the owners identified in subsections A1 ~~and A2~~ of this section who consent to the petition; and
43. The fee as set forth in the Draper City consolidated fee schedule.

B. City: The City on its own initiative may consider the vacation, alteration or amendment of a subdivision plat. The procedure for such consideration shall be as set out in this chapter.

C. Technical Changes: An amendment to a recorded plat shall not be required for technical changes, such as modifications to grading or utilities, which do not affect easements, right-of-way widths, lot lines, notes, or other designations shown on the subdivision plat. These changes shall be approved through the corresponding approval process, such as land disturbance permit.

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 ~~9-5-045~~ 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 public meeting, subject to notice being given to adjacent 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 lot or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels 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.

17-9-030: NOTICE:

A. Requirements: Notice of any proposed plat amendment shall be given as follows:

1. If the proposed change does not involve the vacation, alteration or amendment of a public street, notice of the date, place, and time of the hearing where they Planning Commission will consider the proposed amendment shall be given at least ten (10) days before the public hearing as follows:
 - a. Notice shall be mailed at least ten (10) days before the public hearing to each owner of property located within four hundred feet (400') of the property that is the subject of the proposed plat change, addressed to the owner's mailing address appearing on the rolls of the County Assessor;
 - b. Posted on the property one city provided sign along each street on which the subject property has frontage. If the subject property does not abut a street, then the sign shall be posted on a nearby street as determined by the zoning administrator. The sign shall be of sufficient size, durability, print quality and location that it is reasonably calculated to give notice to those passing by. It shall be the responsibility of the applicant to remove and dispose of the sign within (5) calendar days of the hearing. Failure to do so shall constitute a violation of this section.
 - c. The applicant shall submit a signed affidavit of public posting.
 - d. The affidavit shall include a photograph verifying that the sign has been installed, at least ten (10) days prior to the public hearing.
 - e. Failure to post the public notice sign and provide the required verification at least ten (10) days prior to the public hearing will cause a delay in the processing of the application.
 - f. If the sign is destroyed or damaged, the applicant shall replace the sign within seventy-two (72) hours of being notified.
 - g. Mailed to each "affected entity" as defined in section 9-3-040 of this Code which provides service to an owner or record of the portion of the plat that is being amended.
2. If the proposed change involves the vacation, alteration or amendment of a public street, notice of the date, place and time of the hearing where the City Council will consider the proposed amendment shall be given at least ten (10) calendar days before the public hearing as follows:
 - a. Mailed to the record owner of each parcel that is accessed by the public street, ~~right-of-way,~~ or city utility easement;
 - b. Mailed to each "affected entity" as defined in section 9-3-040 of this Code;
 - c. Posted on or near the street, ~~right-of-way,~~ or city utility easement in a manner that is calculated to alert the public;
 - d. ~~Published in a newspaper of general circulation~~ Published on the city's website until the public hearing concludes; and
 - e. Published on the Utah public notice website.

17-9-070: EXPIRATION OF A PLAT AMENDMENT:

If the plat amendment is not recorded within one (1) year from the date of approval or construction of the required landscaping and infrastructure has not commenced, such approval shall be null and void. This time period may be extended by the Planning Commission for up to one additional six (6) month period for good cause shown. The subdivider must petition in writing for an extension prior to the expiration of the original one (1) year.