

ORDINANCE NO. 1206

AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF THE LAND DEVELOPMENT CODE OF THE DRAPER CITY MUNICIPAL CODE RELATING TO PROTECTION STRIPS.

WHEREAS, Utah State law grants to Draper City the authority to regulate subdivision of property; 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 Development Code of the Draper City Municipal Code has been established to provide regulations concerning general subdivision developments within the City Boundaries; and

WHEREAS, the City Council of Draper City adopted Land Development Code to guide subdivision development within the City Boundaries; and

WHEREAS, the City Council of Draper City finds good cause to revise the terms and provisions of Land Development Code regarding Protection Strips; and

WHEREAS, notice has been issued according to the requirements of the Utah Code Annotated and Draper City Municipal Code for public hearings before the Planning Commission and City Council to receive public input regarding the revision of the Land Development Code; and

WHEREAS, the Planning Commission and City Council have each held a public hearing to receive public input regarding the revision of the Land Development Code.

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

Section 1. Findings. The City Council of Draper City has made the following findings that the proposed text amendment regarding the Land Use and Development Code in regards to Protection Strips: 1) The proposed development plans meet the intent, goals, and objectives of the Draper City General Plan. 2) The proposed development plans meet the requirements and provisions of the Draper City Municipal Code. 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. Land Development Code of the Draper City Municipal Code are hereby revised to read as set forth in Exhibit A.

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

Section 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH,
THIS 17th DAY OF MAY, 2016.**

ATTEST:

DRAPER CITY:


Rachelle Conner, City Recorder


**By: _____
Mayor Troy K. Walker**



EXHIBIT A

Chapter 1: GENERAL PROVISIONS

17-1-040: DEFINITIONS:

PROTECTION STRIP: A strip of land running parallel and adjacent to a public street and the abutting private property, created for the purpose of controlling the access of property owners abutting the street until such time as the adjacent owners share in the cost of infrastructure improvements. ~~bordering a subdivision, or a street within a subdivision showing information and features required by the provisions of this title.~~

Chapter 5: GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

17-5-090: PROTECTION STRIPS:

A. The City Council may approve protection strips subject to the following regulations:

1. Approval for protection strips shall be obtained with preliminary or minor subdivision plat approval. The minor, preliminary and final plats shall indicate the protection strip as undedicated property and as a protection strip.

2. The protection strip shall be at least 1 foot in width but no more than 5 feet in width. It shall be located abutting the dedicated street and between the street and project boundary. Protection strips shall not be permitted at the end of or within the boundaries of a public street or proposed street, or within any area intended for future public use.

3. A pioneering/reimbursement agreement shall be required with any protection strip. The agreement shall include the following information:

a. The subdivider shall contract to deed the strip to the existing or future owners of the contiguous property for a consideration named in the agreement.

b. Such consideration shall not be more than the fair cost of the land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of one-half the land in the street at the time of the agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property.

c. The agreement shall be provided for City review, with the City approved signed and notarized agreement recorded with the subdivision plat.

Affidavit of Posting

SALT LAKE/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1206** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 17th day of May, 2016**, was posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Crescent Senior Citizens Center, within the municipality.

Posted: May 23, 2016 through June 13, 2016

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

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