

**ORDINANCE NO. 1427**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

DRAPER CITY

By: *Anna D. Scason*  
City Recorder



By: *[Signature]*  
Mayor

VOTE TAKEN:

YES

NO

Councilmember Green

Councilmember T. Lowery

Councilmember F. Lowry

Councilmember Roberts

Councilmember Vawdrey

Mayor Walker

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

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

