

ORDINANCE NO. 1431

AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF THE LAND USE AND DEVELOPMENT CODE OF THE DRAPER CITY MUNICIPAL CODE RELATING TO GRADING AND SLOPE.

WHEREAS, Utah State law grants to Draper City the authority to regulate uses of property by zoning districts; and

WHEREAS, it is necessary from time to time to revise certain terms of the Draper City Municipal Code to address provisions that become diminished in appropriateness, applicability, or clarity; and

WHEREAS, the Land Use and Development Code of the Draper City Municipal Code has been established to provide regulations concerning general developments within the City Boundaries; and

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

WHEREAS, the City Council of Draper City finds good cause to revise the terms and provisions of the Land Use and Development Code regarding the regulations for grading, retaining walls, and slopes on properties; and

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

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

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

Section 1. Findings. The City Council of Draper City has made the following findings that the proposed text amendment regarding the Land Use and Development Code in regards to grading and slope: 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.

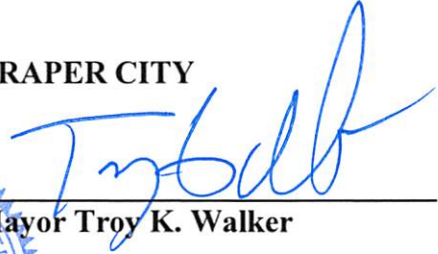
Section 2. Revision. The Land Use and Development Code of the Draper City Municipal Code are hereby revised to read as set forth in Exhibit A.

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

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 5TH DAY OF MAY, 2020.

DRAPER CITY



Mayor Troy K. Walker



ATTEST:


Laura Oscarson, City Recorder

VOTE TAKEN:

YES

NO

Councilmember Green

Councilmember T. Lowery

Councilmember F. Lowry

Councilmember Roberts

Councilmember Vawdrey

Mayor Walker

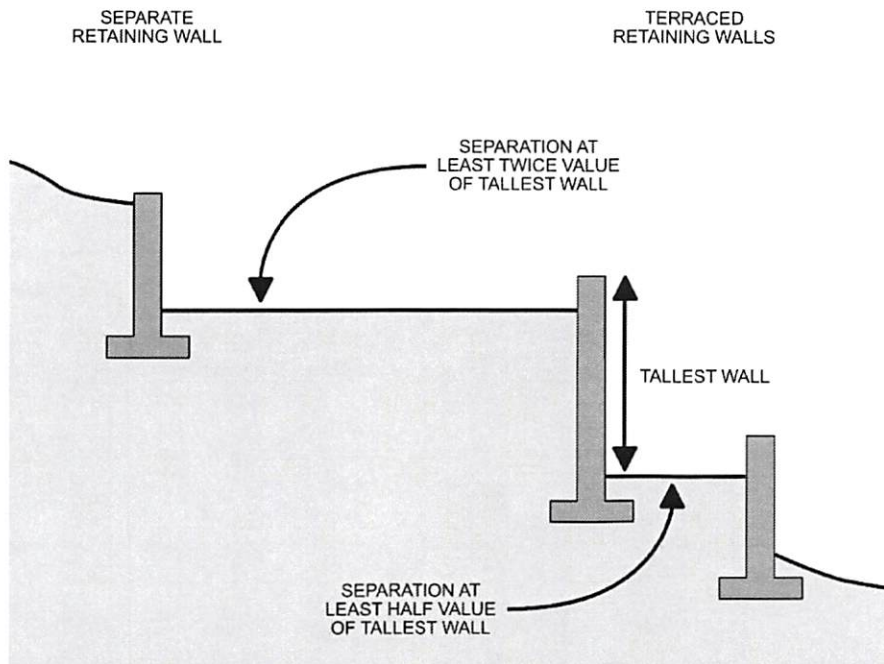
EXHIBIT A

9-27-085: RETAINING WALLS:

F. Height, Separation And Plantings:

1. For the purposes of this subsection, the height of a retaining wall is measured as the exposed height (H) of wall. If a retaining wall has a varying height along its length, the height is the largest value of the measured height along the length of the wall.
2. For the purposes of this subsection, Front Setback Area shall mean the setback area adjacent to a street. For corner lots, as defined in 9-3-040, the two front setbacks areas shall be the two front yards.
- ~~2.~~ 3. A single retaining wall shall not exceed nine feet (9') in height. Within the front setback area, each retaining wall shall not exceed four feet (4') in height, except in the Hillside Sensitive Lands Overlay Zone where each retaining wall within the front setback area shall not exceed nine feet (9') in height.
- ~~3.~~ 4. Terracing of retaining walls is permitted ~~where justified by topographic conditions,~~ but the combined height of all walls shall not exceed eighteen feet (18'). Walls with a separation of a distance of at least two times the height of the tallest wall (2 x height, height H (H of largest of 2 walls) from face of wall to face of wall shall be considered as separate walls. In a terrace of retaining walls, a minimum horizontal separation of at least half the height of the tallest wall of the terraced retaining walls group (Hheight of largest wall/2) is required as measured from back of lower wall to face of higher wall. See Figure 9-27-085-1.
- ~~4.~~ For walls viewable from a public right of way~~5.~~ Walls within thirty feet (30') of a street; the horizontal separation between walls shall:
 - a. ~~be planted with~~ The area in front of each retaining wall shall require a minimum of five (5) shrubs for every twenty (20) linear feet of planting area. ~~The size of the shrubs shall be less than one-half (1/2) the width of the terrace.~~ Shrubs shall be watered by drip irrigation to minimize erosion.
 - b. Retaining walls shall be colored, feature decorative or architectural finishes such as but not limited to rock wall, board form, or split face. Plain exposed poured concrete shall not be permitted.
- ~~5.~~ 6. Retaining walls shall be located at least seven feet (7') away from any property line that is adjacent to a street.
- ~~6.~~ 7. A maintenance plan is required for a retaining wall permit.

FIGURE 9-27-085-1



9-3-040: DEFINITIONS:

GRADE, EXISTING: The grade of a property prior to the most recent proposed development or construction activity.

9-27-160: DRIVEWAY SLOPE LIMITS; FRONT SETBACK MAXIMUM RISE; ~~DRIVEWAY~~

- A. Driveways – No driveway shall exceed a slope of ~~twelve percent (12%)~~ ten percent (10%), except in the Hillside Sensitive Lands Overlay Zone where the maximum grade shall not exceed twelve percent (12%). When a driveway slopes downward from a street, the driveway shall be designed to prohibit surface water drainage from entering a building. (Ord. 394, 8-7-2001)
- B. Front Setback Maximum Rise
 - a. If fill is added to a lot, a maximum rise of two feet (2') is allowable within the front setback area excluding any portion required for parking lot screening. Maximum rise is reset at each retaining wall.
 - b. Maximum rise limitation does not apply to Hillside Sensitive Lands Overlay Zone.

To be published on Saturday, May 9, 2020, in *Salt Lake Tribune* and *Deseret News*

City of Draper Notice of Ordinance Adoption – On May 5, 2020, the Draper City Council approved Ordinance #1431, amending the text of the Land Use and Development Code 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. Published this 9th day of May, 2020. Laura Oscarson, Draper City Recorder.

