

ORDINANCE NO. 1447

AN ORDINANCE AMENDING PORTIONS OF CHAPTERS 9-8 AND 9-11 OF THE DRAPER CITY MUNICIPAL CODE AS IT PERTAINS TO THE COMMERCIAL ZONING DISTRICTS

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 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 some of the standards for the commercial zoning districts within the Land Use and Development Code; 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. In adopting these changes to the DCMC, the City Council finds: a) that Section 9-5-060(E) provides for and outlines the process for amending the text of the DCMC; b) that this text amendment does not compromise any of the five factors listed in Section 9-5-060(E)(2); and c) that the proposed text change is consistent with the goals, objectives and policies of the City's General Plan.

Section 2. Amendment. Changes to Chapters 9-8 and 9-11 as set forth in Exhibit "A" attached hereto, is hereby adopted and incorporated in the regulation and development applications for properties within the City Boundaries.

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 4TH DAY OF AUGUST, 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
PROPOSED TEXT CHANGES**

*The following changes are made to applicable sections noted.
Current sections not modified below are not affected and shall
not be repealed.*

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
O-R	Office residential
TC	Town center
DC	Destination commercial
CS	Commercial services
MARF	Major freeway arterial frontage
CBU	Commercial buffer

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.

12. [The primary purpose of the Commercial Buffer Zone \(CBU\) is to support low intensity commercial uses that act as a buffer between existing residential neighborhoods and commercial development. Adopted design guidelines may be applicable when zones are adjacent to the Town Center \(TC\) zoning classification.](#)

9-11-095: (CBU) COMMERCIAL BUFFER ZONE:

A. [Scope: The provisions of this section shall apply to any real property located within the Commercial Buffer Zone, as shown on the official zoning map of Draper City.](#)

B. [Use Regulations: See permitted and conditional uses allowed in commercial zones, Section 9-11-110, Table 9-11-1 of this Chapter.](#)

C. Standards: In addition to the development standards found in Section 9-11-110 and Table 9-11-2, the following shall apply to all land and buildings in the Commercial Buffer Zone:

1. Off Street Parking: Parking requirements shall be as described in Chapter 25 of this Title. The following standards shall also apply:
 - a. Excepting corner lots, no parking shall be permitted between the front building facade and a public right-of-way. All parking shall be contained to the side and/or rear of the property that is not adjacent to a public right-of-way.
 - b. For corner lots, parking located on a public right of way side of any building shall be screened from view from adjacent public right of way with landscaping or screen walls. All plantings shall conform to the standards in Section 9-27-080 of this Title.
2. Site Access and Cross Access: Cross access shall be provided between all adjacent commercial properties on classified roads. Cross access is recommended for all commercial developments on non-classified streets.
3. Lighting: On site lighting shall conform to the provisions of Chapter 20 of this title.
4. Service Elements: All service elements, such as dumpsters and building mechanical equipment, shall be screened through the use of landscaping (see Section 9-23-120) or incorporation into the building architecture (refer to Figure 7 in 9-11-090).
 - a. All enclosures for such features shall be constructed of the same exterior materials and of similar architecture as the building.
 - b. All such equipment shall be located a minimum of twenty feet (20') from any residential property line and shall not be visible from any roadway.
 - c. All ground utility equipment shall be screened through the use of landscaping or fencing as per Section 9-23-120 which provides a visual barrier without prohibiting or restricting access to the utility equipment.
5. Landscaping: Except as specified below, the landscape standards in Chapter 23 of this title shall apply in the Commercial Buffer Zone.
 - a. Front Setback: Areas between building facades and the abutting right of way property line shall be landscaped. Such landscaped

areas may include outdoor seating.

b. Materials and Plantings: All setback areas shall be landscaped. Newly installed landscaping shall include trees at a ratio of at least one tree per four hundred (400) square feet of landscape area.

c. Site Landscaping: All sites shall maintain a minimum of twenty percent (20%) total site landscaping. The Planning Commission may approve an adjustment in the total site percentage of required site landscaping to not less than fifteen percent (15%) if the project provides for:

(1) Natural open space area with benches/viewing areas and/or trails; or

(2) Courtyard with benches; or

(3) Picnic benches with shade structures.

Findings for landscaping deviations are the same as those found in Chapter 23 of this title.

d. Parking Area Landscaping: All parking areas shall maintain a minimum of seven percent (7%) landscaping. The parking area shall be considered that area of a site containing parking stalls, vehicle travel lanes and pedestrian pathways. The parking area shall not be considered to include vehicular access ways connecting the right-of-way to the parking area or that area beyond the outermost curbing or hard surfacing of the parking area. Parking area landscaping should be designed to provide a visual and physical break in the bulk and expansiveness of the parking area while providing shaded areas.

e. Landscaping Variety: All landscaping is encouraged to be water efficient and of appropriate species according to the terms of this Code, the Draper City Street Tree Guide and all other applicable provisions.

6. Fencing: Fences, walls, and other separation devices which separate properties shall be required in the Commercial Buffer Zone when a property to be developed is adjacent to a residential use or zone and shares a rear or side property line.

a. Fences and hedges shall not exceed three feet (3') in height in the front building setback for the purpose of separating an outdoor seating area from the sidewalk or pedestrian pathways. All fencing

materials shall be complementary and match the design of the building. Prohibited fencing materials are chain link and vinyl fencing.

- b. Upgraded decorative masonry fencing shall be provided along a rear or side property line to separate commercial and residential uses. The height required is six feet (6').
- c. All fencing shall conform to the standards in Section 9-27-080 of this Title.

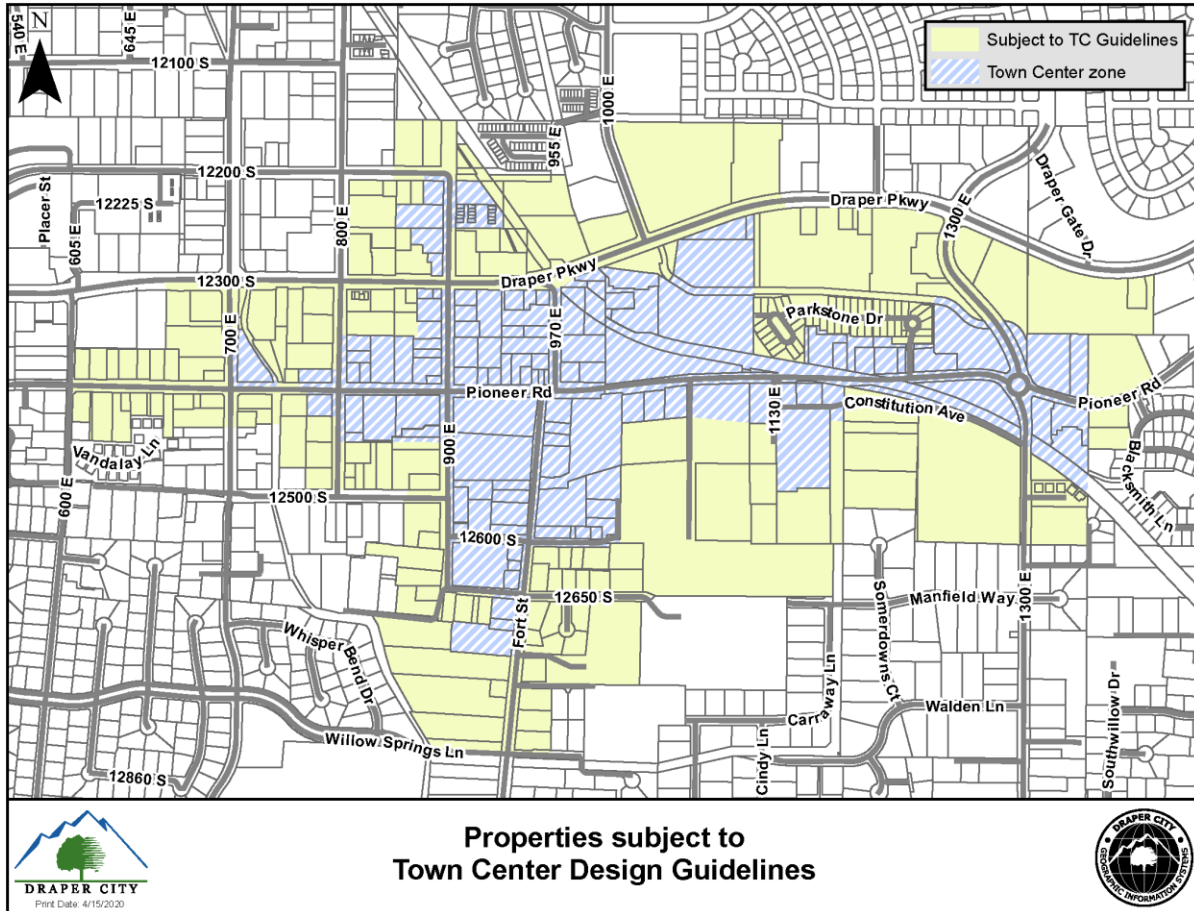
7. Signs: Signage shall comply with the provisions of Chapter 26 of this title.

8. Additional Building Requirements: Except as specified below, the standards in Chapter 9-22 of this title shall apply to the Commercial Buffer Zone.

- a. Building Height: No new building or addition to an existing building constructed within the Commercial Buffer Zone shall exceed a maximum height of thirty feet (30'), including all parapets and mechanical equipment screening.
- b. Horizontal Variation: No building facade shall be more than fifty feet (50') in horizontal length without a visual break. This shall be achieved by a change in building material, building projections or relief measuring at least three feet (3') in width and depth.
- c. Building Spacing. No combination of buildings shall extend along a combined front facade for more than one hundred feet (100') without a separation in the buildings of at least fifteen feet (15') in width. Such breaks shall be improved for use as pathways for pedestrian and/or vehicular access to parking areas or the rear of the site.
- d. Vertical Variation: Buildings in excess of one (1) story in height shall exhibit architectural detailing that establishes a vertical separation between lower and upper stories. This shall be accomplished by a mid-facade cornice or trim, a change in material, style, or color, a facade stepback or roof pitch with dormer windows.
- e. Building Orientation: Buildings within the Commercial Buffer Zone shall have at least one (1) functioning front entrance for the general public oriented to a public right-of-way.

- f. Architectural Guidelines: The properties shown on Figure 1 below shall comply with the Town Center Design Guidelines applicable to commercial projects. Any site not shown shall comply with Chapter 9-22.

Figure 1



- g. Building Materials: New buildings within the Commercial Buffer Zone that are not identified in Figure 1 above shall comply with the commercial design standards found in Chapter 9-22 of this Title.
- h. Four Sided Architecture: The design of a building shall be considered on all sides of the building with each facade being required to meet the standards of this section.

D. Redevelopment Provisions:

1. Reuse of Buildings: The Planning Commission can approve a deviation to the standards within this chapter in order to allow for the reuse of existing buildings subject to the findings listed in this subsection.

a. The physical shape of the site does not allow full compliance with the terms of this section and the project has been designed to meet the standards of this section to the greatest extent possible;

b. The development meets the intent of the general plan and the terms of this section;

c. The development fits with surrounding development; and

d. Adequate provisions have been made to improve the site beyond the minimum standards of this section.

E. Historic Preservation Commission Review: Prior to Planning Commission considering a development application under the terms of this section, the Historic Preservation Commission shall review any proposal for a property listed on the national, state or local historic register and make any recommendations as needed as part of the development application process.

9-11-110: USE AND DEVELOPMENT STANDARDS TABLES:

TABLE 9-11-1
 PERMITTED AND CONDITIONAL USES ALLOWED IN COMMERCIAL ZONES
 (Except CSD Zones)

Uses	Zones														
	CN	CC	CR	CG	CI	CBP	CO1	CO2	O-R	TC	DC	CS	MARF	<u>CBU</u>	
Residential uses:															
Assisted living facility	P	P	P	P	NP	NP	NP	NP	P	P	NP	P	NP	<u>NP</u>	
Dwelling, multiple-family	NP	NP	NP	NP	NP	NP	NP	NP	P	C ¹	NP	NP	NP	<u>NP</u>	
Dwelling, single-family	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	<u>NP</u>	
Home occupations	See chapter 34 of this title														
Residential facility for elderly persons	NP	NP	NP	NP	NP	NP	NP	NP	C	C	NP	NP	NP	<u>NP</u>	
Residential facility for persons with a disability	P	P	P	P	NP	NP	NP	NP	P	P	NP	P	NP	<u>NP</u>	
Public and civic uses:															
Auditorium, major	NP	NP	C	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	
Auditorium, minor	NP	C	C	NP	NP	C	NP	C	NP	C	NP	NP	P	<u>NP</u>	
Charter schools	P	P	P	P	P	P	P	P	P	P	P	P	NP	<u>P</u>	
Church or place of worship	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	
Club or service organization	P	P	P	NP	NP	P	P	P	P	NP	NP	NP	P	<u>NP</u>	

Uses		Zones													
		CN	CC	CR	CG	CI	CBP	CO1	CO2	O-R	TC	DC	CS	MARF	CBU
	Bed and breakfast inns	P	P	NP	NP	NP	NP	NP	NP	P	P ³	NP	NP	NP	<u>NP</u>
	Business equipment rental and supplies	NP	P	P	P	P	P	NP	P	NP	NP	NP	NP	NP	<u>P</u>
	Business service	NP	P	P	P	P	P	P	P	NP	NP	NP	NP	P	<u>P</u>
	Car wash	NP	C	C	NP	C	C	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>
	Cashing services	NP	NP	NP	NP	C	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>
	Cattery	NP	NP	NP	C	NP	NP	NP	NP	NP	C ⁸	NP	NP	NP	<u>C⁸</u>
	Commercial vehicle and equipment rental or sale	NP	NP	P	P	P	P	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>
	Commercial vehicle and equipment repair	NP	NP	C	C	P	P	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>
	Construction sales and service	NP	NP	C	C	NP	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>
	Convenience store	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>
	Daycare, general	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>
	Farmers' market	P	P	P	P	NP	NP	P	P	P	P	NP	NP	NP	<u>P</u>
	Funeral home	P	P	P	P	P	P	P	P	NP	P	NP	NP	NP	<u>P</u>
	Garage, public	NP	P	P	P	P	P	P	P	NP	P	P	P	NP	<u>NP</u>
	Gas and fuel, storage and sales	NP	P	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>
	Gasoline service station	P	P	P	P	P	P	NP	NP	NP	NP	P ⁶	NP	NP	<u>NP</u>

Uses	Zones														
	CN	CC	CR	CG	CI	CBP	CO1	CO2	O-R	TC	DC	CS	MARF	CBU	
Vehicle rental	NP	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Vehicle repair, general	NP	NP	NP	C	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Vehicle repair, limited	NP	C	C	C	C	C	NP	NP	NP	NP	NP	NP	NP	NP	
Vehicle sale	NP	P	P	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	
Veterinary service	P ⁷	P	P	P	NP	NP	NP	NP	P	P ⁷	NP	P	NP	P⁷	
Warehouse, self-service storage	NP	NP	NP	C	NP	C	NP	NP	NP	NP	NP	C	NP	NP	
Wireless telecommunication facility	See chapter 41 of this title														
Manufacturing uses:															
Manufacturing, limited	NP	NP	NP	C	NP	C	NP	NP	NP	NP	NP	NP	NP	NP	
Wholesale and warehousing, limited	NP	NP	NP	C	NP	C	NP	NP	NP	NP	NP	NP	NP	NP	

TABLE 9-11-2
DEVELOPMENT STANDARDS

Development Standard	Zones													
	CN	CC	CR	CG	CI	CBP	CO1	CO2	O-R	TC	DC	CS	CBU	
Lot standards:														
Minimum area of zone	1 acre ²	5 acres	10 acres	1 acre	5 acres	10 acres	2 acres	5 acres	10,000 sq. ft.	10 acres	5 acres	1 acre	10,000 sq. ft.	
Maximum lot coverage	30%	50%	60%	50%	50%	50%	50%	50%	n/a	50%	60%	50%	30%	
Maximum lot depth (as a multiple of lot width at widest point)	No requirement													
Minimum lot frontage	No requirement													
Minimum lot width	No requirement													
Building standards:														
Maximum height, all buildings ¹	35'	45'	45'	35'	55'	55'	35'	45'	24'	35' ³	45'	25'	30' or 2 stories	
Preengineered agricultural grade metal buildings	Not permitted													
Setback standards - front yard:														
Main buildings	No requirement ⁵ ; see chapter 23 of this title									0 - 15 ⁴	n/a	No requirement; see chapter 23 of this title	10'	
Use														
Landscaped buffer adjacent to	See chapter 23 of this title											30' min.	30' min	

residential zones			
Fencing adjacent to residential zones	No requirement; see chapter 23 of this title	Min. 8' in height	6' tall

Notes:

1. Greater height may be allowed pursuant to a deviation in all zones, except the CN and TC Zones pursuant to subsection 9-11-070A 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.