

ORDINANCE NO. 1485

AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF THE LAND USE AND DEVELOPMENT CODE OF THE DRAPER CITY MUNICIPAL CODE RELATING TO LANDSCAPING AND HEDGEROWS IN LAND USE BUFFERS.

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 landscaping and hedgerows within land use buffers; 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 landscaping and hedgerows within land use buffers: 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. Subsection 9-23-110(C) of 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 6TH DAY OF APRIL, 2021.

DRAPER CITY


Mayor Troy K. Walker

ATTEST:



Laura Oscarson, CMC, City Recorder



The seal is circular with a serrated edge. The text inside the seal reads: "CITY OF DRAPER" at the top, "CORPORATE Seal" in the center, "1978" at the bottom, and "State of Utah" at the very bottom.

VOTE TAKEN:

Councilmember Green

YES

NO

Councilmember T. Lowery

Councilmember F. Lowry

Councilmember Roberts

Councilmember Vawdrey

Mayor Walker

EXHIBIT A

9-23-110: LAND USE BUFFERS:

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C. Reductions:

1. The zoning administrator or designee may reduce land use buffer requirements based on the character of specific uses, building orientations, topographic features, or other unique characteristics of adjoining uses. A reduced buffer shall consist of a minimum ten foot (10') wide landscape buffer and an eight foot (8') tall, solid, sight obscuring fence in compliance with all other specifications of 9-23-110(A)(5). In approving reductions under this section the zoning administrator shall not reduce the tree and plant requirements of subsections 9-23-110 (A)(3) and (4).
2. The planning commission may approve additional deviations to landscape buffer requirements if all of the following criteria are met:
 - a. Physical site features preclude strict compliance. In this case an alternative landscaping scheme shall be provided which meets or exceeds the intent of the code;
 - b. Additional landscaping equal to the amount of the reduction from the buffer size requirements of 9-23-110(A)(1) and (2) shall be added to the overall site to compensate for any approved reduction in buffer ~~area~~-widths, landscaping ~~up~~equal to ~~or exceeding~~ the ~~amount of trees required for the original buffer width~~ proportional standards of 9-23-110(A)(3) and (4) shall be required in both the reduced buffer area and the area(s) of the overall site where the compensatory landscaping is provided;
 - c. An eight foot (8') tall, solid, sight obscuring fence ~~or a hedgerow at least five feet (5') tall at maturity has been~~ is provided. ~~If a fence is utilized it shall be~~ in compliance with all other specifications of 9-23-110(A)(5); and
 - d. In no case shall a landscape buffer be less than five feet (5') in width.

To be published on Friday, April 9, 2021, in *Deseret News*

City of Draper Notice of Ordinance Adoption – On April 6, 2021, the Draper City Council approved Ordinance #1485, amending Draper City Municipal Code Section 9-23-110 pertaining to landscaping and hedgerows in land use buffers. The complete ordinance is on file at the Draper City Recorder’s Office and online at www.draperutah.gov. Published this 9th day of April 2021. Laura Oscarson, Draper City Recorder.

