



DRAPER CITY HALL

Community Development | 1020 E. Pioneer Rd. Draper, UT 84020

February 23, 2021

Draper City Planning Division Administrative Interpretation

RE: Lot 405 Pheasant Hills Plat 4

An application has been submitted requesting analysis of whether Lot 405 of the Pheasant Hills Plat 4 Subdivision is a flag lot or an interior lot. The property is located at 2019 East Graystone Ct, parcel number 28-27-303-009. The property is a vacant lot within an existing subdivision. The Pheasant Hills Plat 4 was recorded on June 25, 1993.

Lot 405 has a unique shape which has lead the Draper City Zoning Administrator to interpret that it is a flag lot under current Draper City Municipal Code (DCMC). The applicant has requested a formal Administrative Interpretation and has stated the lot is an interior lot. At issue are what setbacks will be required on the property for when a home is built.

When Pheasant Hills Plat 4 subdivision was first approved it was done so as a Planned Unit Development (PUD). Draper City no longer has a provision for PUDs within the code. The Planning Commission staff report for the final plat, dated April 22, 1993, outlines the facts about the proposed subdivision. In regards to Lot 405, the below analysis was provided to the Planning Commission.

April 22, 1993 Planning Commission Staff Report: Pheasant Hills Subdivision No. 4, PUD 7. Lot configuration: The configuration of lot 405 does not conform to regulations. The shape of the lot approximates a 'flag' lot, for which there is no provision in existing ordinances. Also, every lot is to have a minimum of 50 feet of frontage along a street right of way. (9-4-7 and 9-6-21.e)

The code at the time of subdivision approval, the 1990 DCMC did not contain regulations pertaining to flag lots. In 1993 when Pheasant Hills Plat 4 was approved, all lots were considered interior or corner lots under the 1990 DCMC. The conditions of approval for the subdivision required Lot 405 to be amended to provide for the 50-feet of frontage required under the 1990 DCMC code.

*1990 DCMC 9-4-8. Frontage, Height and Yard Regulations.
a. Frontage Regulations.*

1. *The minimum lot frontage at the street line in feet for any main or accessory use shall be: A-5: 50, RR-43: 50, RR-22: 50, R-1-14.5: 50, RM: 50*

Under the 1990 DCMC PUD standards, the City was authorized to set lot area, width, yard, height, density, and coverage regulations at the time of approval.

1990 DCMC 9-7-3. Required Conditions.

No planned unit development shall have an area less than that approved by the Planning Commission as adequate for the proposed development. A planned unit development which is proposed to contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use in a planned unit development which allow residential uses and shall be governed by density, design, and other requirements of the planned unit development permit.

b. The planning arrangements of structures and development plan as necessary to will not be adversely affected. Commission shall require such open spaces within the site assure that adjacent properties

(1) Density or land use intensity shall in no case be more than twenty five percent (25%) higher than allowed in the zoning district, except not more than ten percent (10%) higher in residential districts.

(2) Where feasible, least height and intensity of buildings and used shall be arranged around the boundaries of the development.

(3) Lot area, width, yard, height, density and coverage regulations shall be determined by approval of the site development plan.

The Planning Commission approved modified setback standards for the Pheasant Hills development. The setbacks are as follows:

April 22, 1993 Planning Commission Staff Report: Pheasant Hills Subdivision No. 4, PUD e. Lot Regulations:

2) Setbacks: Minimum yard setbacks shall be no less than,

Front: 25-feet from property line and 30-feet from curb

Side: 10-feet from property line

Rear: 30-feet from property line

2000 East St: 50-feet from property line

Hidden Brook Blvd: 30-feet from property line

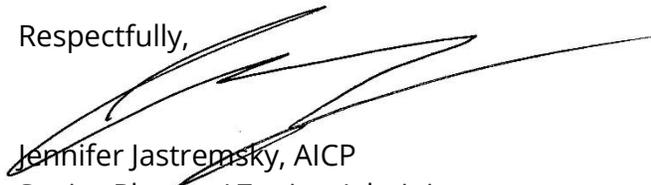
It is the Zoning Administrators interpretation that Lot 405 Pheasant Hills Plat 4 is considered an interior lot and subject to the setbacks assigned during the 1993 PUD subdivision approval. When the subdivision was originally approved, flag lots were not allowed within the city. Furthermore, the lot was approved as a PUD, which granted the Planning Commission the right to set certain standards including lot area, width, yard, and

coverage regulations.

There are a couple options available to you if you believe this interpretation has been made in error. You may seek a text amendment in order to change the code, or you may appeal this determination. An appeal is subject to DCMC Section 9-5-180 and 9-6-140 and shall be made within 14 days of the decision which is appealed. Applications for both options can be found on the city's website.

If you have further questions, please contact me at jennifer.jastremsky@draperutah.gov or at 801-576-6328.

Respectfully,

A handwritten signature in black ink, appearing to read "Jennifer Jastremsky", written over a horizontal line.

Jennifer Jastremsky, AICP
Senior Planner/ Zoning Administrator
Community Development Department