



DRAPER CITY HALL

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

January 24, 2022

***Draper City Planning Division
Administrative Interpretation***

RE: OR (Office Residential) Zone Mixed Use Standards

This letter is in regards to a question that has arisen concerning the OR (Office Residential) zoning designation. The applicant owns property located generally at 690 East 12200 South, within the OR zone. The question before the City is whether mixed use developments within the OR zone are required to meet the commercial design standards found in Draper City Municipal Code (DCMC) Chapter 9-22 or the residential design standards found in DCMC Chapter 9-32. The applicant has previously obtained an Administrative Interpretation addressing the question on which of the above chapters apply to a residential structure in the OR zone, dated February 22, 2019. The OR was modified in October 2019.

The OR zone allows for both residential and commercial uses, but it distinguishes between the two uses. DCMC Section 9-11-080(A) specifically states that the OR zone provides for accessory medium-high density residential. It further clarifies what it means by accessory in DCMC Section 9-11-080(C)(2) by requiring residential uses to be subordinate and secondary to commercial uses.

9-11-080: (O-R) OFFICE/RESIDENTIAL:

A. Purpose: A district composed of certain land and structures used primarily to provide administrative, clerical, and professional offices, of a residential scale and character, to serve nearby residential and commercial areas, as well as the city as a whole. These uses are characterized by low volume, direct daily customer contact. *This district also provides for accessory medium-high density residential (0 to 12 du/ac).* This district is designed to be a transitional zone, and should be used to buffer low density residential uses from more intense land uses, districts, and heavily traveled transportation routes. The property development standards, while strict in order to protect adjacent low density residential uses, are designed to be flexible enough to allow experimentation in office and housing design, and to allow housing constructed within this district to incorporate its own protection from more intense adjacent uses.

C. Use Regulations:

1. Permitted Uses: Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses shown in section 9-11-110, table 9-11-1 of this chapter:
2. *Residential uses shall be subordinate and secondary to commercial uses* and shall not occupy more than forty nine percent (49%) of the total site square footage.
(Italics added)

The proposed development is a single building with commercial on the ground floor and residential above and is considered a mixed use development. Per DCMC Section 9-3-040 a Mixed Use is defined as having a variety of uses in a comprehensive and integrated fashion. The proposed building is a mixed use development, with accessory residential uses.

9-3-040: DEFINITIONS:

MIXED USE CENTER: See definition of Planned Center.

PLANNED CENTER: A development comprised of a variety of uses where landscaping, parking and other improvements are provided in a comprehensive and integrated fashion.

The OR zone is considered a commercial zone and is located within DCMC Chapter 9-11, Commercial Zones. The commercial zone chapter lists regulations that generally apply to the commercial zones in DCMC Section 9-11-050. This section includes Chapter 9-22, as follows:

9-11-050: REGULATIONS OF GENERAL APPLICABILITY:

The use and development of real property in commercial zones shall conform to regulations of general applicability as set forth in the following chapters of this title:

- A. Chapter 22, "Design Standards And Guidelines".
- B. Chapter 23, "Landscaping And Screening".
- C. Chapter 24, "Natural Resources Inventory".
- D. Chapter 25, "Parking".
- E. Chapter 26, "Signs".
- F. Chapter 27, "Supplementary Development Standards".

The code states in DCMC Section 9-11-060 that developments which include any use covered by a regulation in chapters 30-41 of Title 9 shall meet those standards and that those standards shall be in addition to and prevail over any conflicts with the commercial zone chapter. DCMC Chapter 32 covers design standards for multi-family developments.

9-11-060: REGULATIONS FOR SPECIFIC USES:

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in article 6, chapters 30

through 41 of this title, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

A mixed use development is not considered a multi-family development. Per its definition it includes a variety of uses, and the OR zone is clear that residential uses are accessory to the commercial uses on the property.

It is the Zoning Administrators position that DCMC Section 9-11-080 requires residential uses to be accessory to commercial uses within the OR zone and a mixed use development. Therefore, the commercial design standards found in Chapter 9-22 apply to mixed use buildings build under the regulations of the OR zone. Mixed use developers are not required to comply with DCMC Chapter 9-32, residential design standards.

There are a couple options available to you if you wish to pursue this matter further. 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 shall be made within 10 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
Planning Manager / Zoning Administrator
Community Development Department