



## DRAPER CITY HALL

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

September 2, 2022

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

***RE: Hidden Canyon Estates Zoning Standards***

This letter answers a question that has arisen regarding zoning standards for the Hidden Canyon Estates Subdivision (the "Property"). Hidden Canyon Estates was developed between 2015 and 2019 and includes 228 single-family residential lots in 6 phases. The subdivision is zoned RM (Multiple Dwelling Unit Residential) and C-3 (General Commercial). These two zoning designations are from the 1999 Draper City Municipal Code (1999 DCMC) and date back to the Suncrest Development Agreement Area. These designations are not found within the current Draper City Municipal Code (Current DCMC).

In 2015 the City and the developer entered into the Hidden Canyon Estates Development Agreement (Agreement) which allows for single-family homes on at least 7,500 square foot lots on the Property. The Property is no longer vested or tied to the 1999 DCMC and is subject to the Current DCMC. The Property was not rezoned to a current zoning designation when the Agreement was approved and still maintains the 1999 DCMC designations.

Section 3.1 of the Agreement governs development of the Property. Section 3.1 adopts Exhibit E of the Agreement that sets lot and bulk standards, like lot size, building height, and setback standards. Exhibit E also states that accessory buildings, barns and stables, and swimming pools are required to comply with Current DCMC standards. Exhibit E does not have any provisions addressing how the City is to regulate uses or structures that do not fall under these categories. Nor does it provide standards for other typical zoning provisions, or what regulations should be utilized in determining other zoning provisions. Section 3.1 attempts to address this issue by stating "[i]n the event Exhibit E does not provide a specific development standard, the applicable standard as set forth or referenced in the DCMC shall govern." However, development standards are tied to a zone and the zone assigned to the Property is no longer recognized in the Current DCMC. Hence the question at hand – what zone applies to the Property?

EXHIBIT E

**Development Standards**

<b>Development Standards</b>		
	<b>Hidden Canyon Estates</b>	<b>Mercer Meadows Estates</b>
<b>Minimum Lot Size</b>	7,500 sq. ft	12,000 sq. ft.
<b>Minimum Lot Frontage</b>	40 ft	50 ft
<b>Minimum Lot Width</b>	70 ft	90 ft
<b>Minimum Front Setback</b>	15 (20 ft to garage)	15 feet (30 ft to garage)
<b>Minimum Side Setback</b>	6 ft	6 ft
<b>Minimum Rear Setback</b>	20 ft	20 ft
<b>Minimum Corner Lot</b>	15 ft	15 ft
<b>Maximum Height</b>	35 ft	35 ft
<b>Minimum Parking</b>	Minimum 2 off street in a garage	Minimum 2 off street in a garage
<b>Accessory Buildings</b>	As per Sections 9-10-40A and 9-27-120C of the DCMC	
<b>Barns and Stables</b>	As per Section 9-27-050 of the DCMC	
<b>Swimming Pools</b>	As per Section 9-27-180 of the DCMC	
<b>Development Standards for Lakeview Heights</b>		
Subject to all requirements of Section 9-32 of the DCMC		

The following code sections and chapters of Current DCMC are all regulations that typically cover single-family residential properties, based on the zoning district, but are not addressed within the Agreement:

1. Allowed Driveways- 9-10-075
2. Use and Development Standards Tables- 9-10-090, Table 9-10-1- Permitted and Conditional Uses Allowed in Residential Zones
3. Outdoor Lighting- 9-20
4. Parking Location- 9-25-050(F), (G)
5. Permitted On Premise Permanent Signs- 9-26-070(B)
6. Keeping of Chickens for Familial Gain- 9-27-055
7. Fencing and Visual Obstructions- 9-27-080
8. Retaining Walls- 9-27-085
9. Lots and yards- 9-27-140
10. Driveway Slope Limits; Front Setback Maximum Rise- 9-27-160
11. Ownership and Maintenance of Apiaries- 9-27-240
12. Second Kitchens in a Single-Family Dwelling- 9-30
13. Accessory Dwelling Units- 9-31
14. Home Occupations- 9-34
15. Residential Facilities for Elderly Persons and Persons with a Disability- 9-38

The Current DCMC allows the Zoning Administrator to determine the proper use or development standard when there is an ambiguity in zoning.

**9-8-050: CLARIFICATION OF ZONING:**

B. Ambiguous Use Classification: If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, or with respect to matters of height, yard requirements, area requirements, or other property development standards, the zoning administrator shall determine the proper use or development standard, subject to appeal as provided in section 9-5-180 of this title.

It is clear from the Agreement that Hidden Canyon Estates was intended to be a single-family residential neighborhood and tied to the same standards as a single-family residential neighborhood. The Agreement specifically allows for the construction of up to 300 single-family dwellings and Exhibit E includes development standards and uses associated with a single-family residential neighborhood.

The City does not have a single-family residential zone that has a minimum lot size of 7,500 square feet. The closest is the R5 (Single-family Residential) zone. The R5 zone requires lots of at least 8,000 square feet in size. The Current DCMC does allow single family lots on at least 6,000 square feet in the RM2 (Multi-family Residential) zone. This zone allows multi-family dwellings up to 12 dwelling units per acre, and does not have the same allowances as single-family zones. For example the RM2 zone does not allow for second kitchens, wherein all the single-family zones allow for second kitchens. Below are the purpose statements for each zone category.

**9-8-020: ZONE PURPOSES:**

B. Residential Zones: Residential zones are established to provide a wide range of residential land uses at various densities. These zones are intended to protect the stability of neighborhoods and to encourage, collectively, diverse types of desirable new residential development and to protect existing residential uses.

4. The purpose of the R4 and R5 zones is to permit medium to medium-high density residential developments with single-family homes. These zones are intended to foster thriving and well maintained neighborhoods that allow upscale single-family homes on smaller lots that require less maintenance and provide a balanced lifestyle.

5. The purpose of the RM1 and RM2 zones is to permit well designed apartments, townhomes, twin homes, and condominiums at relatively high densities that are appropriately buffered from and compatible with surrounding land uses.

It is the Zoning Administrators determination that residential lots in Hidden Canyon Estates shall be tied to the Current DCMC standards of the R5 zone, except as amended by the Agreement.

This determination may be appealed by a land use applicant, an officer of the City, or an adversely affected party. An appeal is subject to DCMC Section 9-5-180 and shall be made

within 10 days of the decision which is appealed. An Application can be found on the city's website.

If you have further questions, please contact me at [jennifer.jastremsky@draperutah.gov](mailto: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