

**ORDINANCE NO. 1339**

**AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF THE LAND USE AND DEVELOPMENT CODE OF THE DRAPER CITY MUNICIPAL CODE RELATING TO PRESCHOOLS IN THE IC (INSTITUTIONAL CARE) ZONE.**

**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 the terms and provisions of Land Use and Development Code regarding preschools in the IC zone; 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 preschools in the IC zone: 1) The proposed development plans meet the intent, goals, objectives, and policies of the Draper City General Plan. 2) The proposed development plans meet the requirements and provisions of the Draper City Municipal Code. 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 extent to which a proposed text amendment implements best current, professional practices of urban planning, design, and engineering practices.

**Section 2. Revision.** 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 17<sup>th</sup> DAY OF JULY, 2018.**

**DRAPER CITY**

\_\_\_\_\_  
**Mayor Troy K. Walker**

**ATTEST:**

\_\_\_\_\_  
**Rachelle Conner, City Recorder**

VOTE TAKEN:

**YES**

**NO**

Councilmember Green

\_\_\_\_\_

\_\_\_\_\_

Councilmember Lowery

\_\_\_\_\_

\_\_\_\_\_

Councilmember Summerhays

\_\_\_\_\_

\_\_\_\_\_

Councilmember Vawdrey

\_\_\_\_\_

\_\_\_\_\_

Councilmember Weeks

\_\_\_\_\_

\_\_\_\_\_

Mayor Walker

\_\_\_\_\_

\_\_\_\_\_

**EXHIBIT A**

**9-21-070: USE AND DEVELOPMENT STANDARDS TABLES:**

TABLE 9-21-1  
 PERMITTED AND CONDITIONAL  
 USES ALLOWED IN THE INSTITUTIONAL CARE ZONE

Use	Zone
	IC
Residential uses:	
Alzheimer's facility	P
Assisted living facility	P
Congregate housing facility	P
Dwelling, multiple-family (as part of transitional care development only)	C
Dwelling, two-family (as part of transitional care development only)	C
Dwelling, single-family (as part of transitional care development only)	C
Nursing care facility	P
Residential facility for elderly persons	P
Residential facility for persons with a disability	P
Transitional care development	C
Public and civic uses:	
Charter school	P
Church or place of worship	C
Club or service organization	C
Hospice	P
Park	P
Post office	P

Public school	P
Senior center	C
Municipal uses:	
Commercial uses bank or financial institution <sup>1</sup>	C
Franchise municipal uses	P
Funeral home	C
Laundry and dry cleaning, limited <sup>1</sup>	C
Medical service, limited <sup>1</sup>	C
Municipal uses	P
Office, general <sup>1</sup>	C
Personal care service <sup>1</sup>	C
Personal instruction service <sup>1</sup>	C
<a href="#">Preschool</a>	<a href="#">C</a>
Recreation and entertainment, indoor	C
Restaurant, general <sup>1</sup>	C
Retail, general <sup>1</sup>	C

Note:

1. As part of a building that contains both a residential and commercial use only.