

**ORDINANCE NO. 1349**

**AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF THE LAND USE AND DEVELOPMENT CODE OF THE DRAPER CITY MUNICIPAL CODE RELATING TO CHANDLER POINTE AT SOUTH MOUNTAIN GATE**

**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 the gating in DCMC Section 9-27-200; 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 gating in DCMC Section 9-27-200: 1) The proposed amendment is consistent with goals, objectives and policies of the City's General Plan. 2) That the proposal meets the goals and objectives of the general plan, including, establishing community development standards and achieving orderly development patterns. 3) The proposed amendment furthers the specific purpose statements of 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 4<sup>th</sup> DAY OF SEPTEMBER, 2018.**



**DRAPER CITY**

  
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**Mayor Troy K. Walker**

**ATTEST:**

  
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**Rachelle Conner, MMC, City Recorder**

VOTE TAKEN:

YES

NO

Councilmember Green

  
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Councilmember Lowery

  
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Councilmember Summerhays

  
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Councilmember Vawdrey

  
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Councilmember Weeks

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Mayor Walker

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## EXHIBIT A

### 9-3-040: DEFINITIONS:

EMERGENCY ACCESS ENTRANCE: A roadway access into a subdivision that was not designed or intended for regular use by the public or by the occupants of the subdivision, but was established to provide access for emergency vehicles or alternate access across the subdivision during emergency conditions.

### 9-27-200: GATING:

E. Emergency Access Gate Standards: Gates at Emergency Access Entrances shall comply with the following standards:

1. All roadways at gated Emergency Access Entrances shall have a minimum unobstructed width of twenty feet (20') that shall extend at least thirty feet (30') on either side of the gate. All other portions of the roadways shall comply with Draper City Code.
2. Gates shall be designed so that they do not cross into the public right-of-way or adjacent traffic lanes outside the subdivision.
3. Hinged gates shall swing toward the interior of the benefited subdivision. If more than one subdivision is benefitted by a gate, then Draper City shall have the authority to determine the direction of the gate's swing.
4. Locking devices used with Emergency Access Gates shall be reviewed and approved by the Draper City Fire and Police Departments.
5. Electric gates must operate in a fail-safe mode so that the gates unlock and can be operated manually when electrical service is interrupted. Gates shall be constructed to allow manual operation by one person.
6. All gates shall be equipped with a siren operated sensor, optical emergency strobe system, or other system that is approved by, and at the choice of, the Draper City Fire and Police Departments to allow access and egress to the subdivision for emergency personnel without causing a delay in response time. Any such system which requires "line of sight" operation shall be installed in such a location and manner as approved by the Draper City Fire and Police departments. All such access and egress points shall have a universal lock box installed as a backup mechanism in place which can be operated by one person and is acceptable to and chosen by the Draper City Fire and Police departments for the event of failure of the primary system.
7. Pedestrian ingress/egress shall not be impeded and pedestrian access shall be maintained through the gated area to meet the requirements of the Building Code.
8. Lighting, as determined by Draper City, shall be required at all gated Emergency Access Entrances for safety.
9. The homeowners association(s) and/or the developer in control of the subdivision(s) benefitted by the Emergency Access Gate (the "Responsible Party") shall be required to install and maintain all Emergency Access Gate facilities in a working and operable condition. The Responsible Party shall also be required to provide and ensure the maintenance of electricity and lighting at all gated Emergency Access Entrances. In the

event an Emergency Access Gate becomes inoperable; the Responsible Party shall be required to restore the gate to an operable condition acceptable to the Draper City Fire and Police Departments within twenty (20) days from the date of discovery of the gates inoperability. A Responsible Party shall be subject to a fine as outlined in the consolidated fee schedule for each day an Emergency Access Gate remains inoperable beyond the twenty-day grace period.

10. In the event a gate is inoperable or in need of repair, the gate shall remain in an open position until such time that adequate repairs can be made. The Draper City Fire and Police departments shall have the right at any time to require a gate to remain in an open position if they have reason to believe the gate is not functioning properly or that the gate provides a potential hindrance to response times beyond that accepted at the time of approval of the gate.

To be published on Wednesday, September 12, 2018, in the *Salt Lake Tribune* and *Deseret News*

City of Draper Notice of Ordinance Adoption – On September 4, 2018, the Draper City Council approved Ordinance #1349, Chandler Pointe at South Mountain Gate Text Amendment. The complete ordinance is on file at the Draper City Recorder’s Office and online at [www.draper.ut.us](http://www.draper.ut.us). Published this 12<sup>th</sup> day of September, 2018, Rachelle Conner, Draper City Recorder.

