



February 22, 2019

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

RE: OR (Office Residential) Zone Residential Standards

This letter is in regards to a question that has arisen with the review of The Annex Site Plan, application SP-103-2018. The subject property is located generally at 690 East 12200 South and is within the OR (Office Residential) zoning designation. The question before the City is whether residential 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.

Per DCMC Section 9-11-080(A) the purpose of the OR zone is to provide a transitional zone between low density residential uses and more intense uses. It allows for office and residential type uses with a residential scale and character. 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 further 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, as follows:

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.

DCMC Chapter 9-32 covers two-family and multi-family developments. The scope of Chapter 9-



32 states that it covers all two-family and multi-family development within the city, as follow:

9-32-020: SCOPE:

A. The requirements of this chapter shall apply to two-family and multiple-family dwellings where there is a total of three (3) or more attached units of any type within the overall project. This includes, but is not limited to, condominium projects, townhomes, twin homes, garden apartments, and duplexes located within any development, subdivision or project within the city, hereafter collectively referred to as multiple-family projects.

It is the Zoning Administrators position that DCMC Section 9-11-060 requires any use subject to regulations under Chapters 30-41 to comply with those regulations and such regulations take precedence over those found in Chapter 9-11. Therefore, the commercial design standards found in Chapter 9-22 do not apply to residential buildings build under the regulations of the OR zone. Residential buildings built under the OR zone shall be subject to the regulations of Chapter 9-32, Two-family and Multi-family Dwelling Development Standards, in addition to the OR standards found in DCMC Section 9-11-080. If conflicts arise, than Chapter 9-32 shall prevail.

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 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@draper.ut.us or at 801-576-6328.

Respectfully,

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

Cc File