



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold a **Public Hearing and Regular Meeting at Alpine City Hall, 20 North Main, Alpine, Utah on Tuesday, February 4, 2014 at 7:00 pm** as follows:

I. GENERAL BUSINESS

- A. Welcome and Roll Call: Jannicke Brewer
- B. Prayer/Opening Comments: Jason Thelin

II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission at this point by stepping to the microphone and giving his or her name and address for the record.

III. ACTION ITEMS

A. PUBLIC HEARING - Appeal Authority Amendment

The Planning Commission will review a proposed amendment to Section 2.3.4 regarding submission requirements for variance requests.

B. PUBLIC HEARING - Business Commercial Zone Amendment (Auto Repair, Storage Containers, & Clarification)

The Planning Commission will review a proposed amendment to Article 3.7 which would allow for the existence and operation of auto mechanic repair shops, ban the use of storage containers, and clarify the setbacks for dwelling structures within the zone.

C. PUBLIC HEARING - Off-Street Parking Amendment (Auto Repair Shop Parking)

The Planning Commission will review a proposed amendment to Article 3.24 regarding the parking requirement for Auto Repair Shops.

D. PUBLIC HEARING - Conditional Use Amendment (Home Occupations)

The Planning Commission will review a proposed amendment to Section 3.23.7.3 regarding the prohibiting of Auto Repair Shops as a Home Occupation.

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES:

ADJOURN

Chairman Jannicke Brewer
January 31, 2014

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION MEETINGS. If you need a special accommodation to participate in the meeting, please call the City Recorder's Office at 801-756-6347 ext. 5.

CERTIFICATION OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was posted in three public places within Alpine City limits. These public places being a bulletin board located inside City Hall at 20 North Main and located in the lobby of the Bank of American Fork, Alpine Branch, 133 S. Main, Alpine, UT; and the bulletin board located at The Junction, 400 S. Main, Alpine, UT. The above agenda notice was sent by e-mail to The Daily Herald located in Provo, UT a local newspaper circulated in Alpine, UT. This agenda is also available on the City's web site at www.alpinecity.org and on the Utah Public Meeting Notices website at www.utah.gov/pmn/index.html.

Please remember all public meetings and public hearings are now recorded.

- All comments **must** be recognized by the Chairperson and addressed through the microphone.
- When speaking to the Planning Commission, please stand, speak slowly and clearly into the microphone, and state your name and address for the recorded record.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversation with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become the property of the City.
- Please silence all cellular phones, beepers, pagers or other noise making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length, and avoiding repetition of what has already been said. Individuals may be limited to two minutes and group representatives may be limited to five minutes.
- Refrain from congregating near the doors or in the lobby area outside the council room to talk as it can be very noisy and disruptive. If you must carry on conversation in this area, please be as quiet as possible. (The doors must remain open during a public meeting/hearing.)

Public Hearing v. Public Meeting

If the meeting is a **public hearing**, the public may participate during that time and may present opinions and evidence for the issue for which the hearing is being held. In a public hearing there may be some restrictions on participation such as time limits.

Anyone can observe a **public meeting**, but there is no right to speak or be heard there - the public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Amendment to the Appeal Authority Ordinance regarding Variances

FOR CONSIDERATION ON: 4 February 2014

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Approve proposed amendment

APPLICABLE STATUTE OR ORDINANCE: Section 3.1.9 (Amendments to Zoning Ordinance)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

The proposed amendment clearly states the submission requirements for requesting a variance from regulations within the Alpine City Development Code.

RECOMMENDED ACTION:

We recommend that Section 2.3.4 of the Development Code be amended as proposed so that the submission requirements for requesting a variance are clearly defined.

2.3.4 VARIANCES

1. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the ordinance.
2. An appeal for a variance shall be filed with the Zoning Administrator.
3. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, and give at least ten (10) days public notice thereof, as well as due notice to the parties in interest and ~~adjacent~~ property owners within 300 feet, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney. The applicant shall submit the following to the City Planner at least (14) days before the reasonably fixed time of the Board of Adjustment meeting:
 - a. The completed Board of Adjustment Application
 - b. A list of all property owners that are within 300 feet of the proposed site for which a variance is requested, along with stamped envelopes addressed to each of the property owners. At least seven (7) days prior to the hearing of the appeal by the Board of Adjustment, City staff will mail, in the envelopes provided by the applicant, written notification of the requested zone change with the following information:
 1. Address or location of the property for which the variance is being requested;
 2. The proposed variance;
 3. Name of the applicant;
 4. Date, time, and place of the hearing of the appeal at which the variance will be considered.
4. The Chair, or in his or her absence the acting Chair, may administer oaths and compel the attendance of witnesses.
5. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records or its examinations and other official actions; all of which shall be immediately filed in the office of the Board and shall be public record.
6. Decisions of the Board of Adjustment regarding variances become effective at the meeting in which the decision is made, unless a different time is designated in the Board's rules or at the time the decision is made.
7. The Board of Adjustment may grant a variance only if:
 - (1) Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - (2) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - (3) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - (4) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

- (5) The spirit of the land use ordinance is observed and substantial justice done.
8. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 2.3.3 #7, the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship:
 - (1) Is located on or associated with the property for which the variance is sought; and
 - (2) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
9. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 2.3.3 #7, the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
10. In determining whether or not there are special circumstances attached to the property under Subsection 2.3.3 #7, the Board of Adjustment may find that special circumstances exist only if the special circumstances:
 - (1) Relate to the hardship complained of; and
 - (2) Deprive the property of privileges granted to other properties granted in the same zone.
11. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
12. Variances run with the land.
13. The Board of Adjustment may not grant a use variance.
14. In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will:
 - (1) Mitigate any harmful effects of the variance; or
 - (2) Serve the purpose of the standard or requirement that is waived or modified.

ORDINANCE NO. 2014-03

AN ORDINANCE ADOPTING AMENDMENTS TO SECTION 2.3.4 OF THE ALPINE CITY DEVELOPMENT CODE RELATING TO VARINACES.

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance regarding submission requirements for requesting a variance; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendments to the Development Code, held a public hearing, and has forwarded a recommendation to the City Council; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendments to the Development Code:

NOW, THEREFORE, BE IT ORDAINED BY THE ALPINE CITY COUNCIL THAT:

The amendments to Section 2.3.4 contained in the attached document will supersede Section 2.3.4 as previously adopted.

This Ordinance shall take effect upon posting.

Passed and dated this 25th day of February 2014.

Don Watkins, Mayor

ATTEST:

Charmayne G. Warnock, Recorder

2.3.4 VARIANCES

1. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the ordinance.
2. An appeal for a variance shall be filed with the Zoning Administrator.
3. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, and give at least ten (10) days public notice thereof, as well as due notice to the parties in interest and property owners within 300 feet, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney. The applicant shall submit the following to the City Planner at least (14) days before the reasonably fixed time of the Board of Adjustment meeting:
 - a. The completed Board of Adjustment Application
 - b. A list of all property owners that are within 300 feet of the proposed site for which a variance is requested, along with stamped envelopes addressed to each of the property owners. At least seven (7) days prior to the hearing of the appeal by the Board of Adjustment, City staff will mail, in the envelopes provided by the applicant, written notification of the requested zone change with the following information:
 1. Address or location of the property for which the variance is being requested;
 2. The proposed variance;
 3. Name of the applicant;
 4. Date, time, and place of the hearing of the appeal at which the variance will be considered.
4. The Chair, or in his or her absence the acting Chair, may administer oaths and compel the attendance of witnesses.
5. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records or its examinations and other official actions; all of which shall be immediately filed in the office of the Board and shall be public record.
6. Decisions of the Board of Adjustment regarding variances become effective at the meeting in which the decision is made, unless a different time is designated in the Board's rules or at the time the decision is made.
7. The Board of Adjustment may grant a variance only if:
 - (1) Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
 - (2) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - (3) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - (4) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

- (5) The spirit of the land use ordinance is observed and substantial justice done.
8. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 2.3.3 #7, the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship:
 - (1) Is located on or associated with the property for which the variance is sought; and
 - (2) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
9. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 2.3.3 #7, the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
10. In determining whether or not there are special circumstances attached to the property under Subsection 2.3.3 #7, the Board of Adjustment may find that special circumstances exist only if the special circumstances:
 - (1) Relate to the hardship complained of; and
 - (2) Deprive the property of privileges granted to other properties granted in the same zone.
11. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
12. Variances run with the land.
13. The Board of Adjustment may not grant a use variance.
14. In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will:
 - (1) Mitigate any harmful effects of the variance; or
 - (2) Serve the purpose of the standard or requirement that is waived or modified.

ALPINE PLANNING COMMISSION AGENDA

**SUBJECT: Amendment to the Business Commercial Zoning Ordinance
(Auto Repair Shops, Storage Containers and Clarification)**

FOR CONSIDERATION ON: 4 February 2014

PETITIONER: City Council

ACTION REQUESTED BY PETITIONER: Review proposed amendment

**APPLICABLE STATUTE OR ORDINANCE: Section 3.1.9 (Amendments to
Zoning Ordinance)**

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

On January 21, 2014, the Planning Commission extensively discussed a potential amendment to the Business Commercial zone. They specifically worked on how the presence of both a residential and commercial structure on the same lot would work (ownership, subdividing, setbacks, etc.). The attached draft amendment does not reflect any changes that were discussed that night but a list of the ideas discussed and other considerations will be provided at the meeting so the Planning Commission can work on the potential amendment further.

The proposed amendment would also clarify what the setbacks are for residential structures that are within the Business Commercial zone. Currently the ordinance does not specify setbacks for dwelling structures. The amendment reflects the setbacks that the Alpine City staff currently requires when reviewing residential site plans within this zone. The setbacks are the same for dwelling structures within the TR-10,000 zone.

The banning of storage containers is also specifically addressed (See 3.7.8.5)

The Off-Street Parking and Home Occupation ordinances will also need to be amended to reflect the parking requirement for Auto Repair and the clarification that Auto Repair will not be permitted as a home occupation.

RECOMMENDED ACTION:

That the Planning Commission review the draft amendment and provide suggestions to prepare a final draft to be recommended to the City Council.

ARTICLE 3.7 BUSINESS/COMMERCIAL DISTRICT (B-C) (Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11)

3.7.1 LEGISLATIVE INTENT

The intent in establishing the B-C Business Commercial Zone is to provide an area in which the primary use of land is for retail and other commercial uses serving the immediate needs of Alpine residents and situated within an environment, which is safe and aesthetically pleasing. The zone is also intended to serve as the commercial core of the City.

The zone is characterized by a mixture of retail and service commercial uses such as stores, restaurants, office structures and a wide variety of specialty shops and is generally located adjacent to major transportation arteries.

Manufacturing, residential and other uses and other activities, which would be inconsistent with the use of the land for commercial activities are discouraged or not permitted within the zone.

The specific regulations considered necessary for the accomplishment of the intent of the zone are hereinafter set forth.

3.7.2 PERMITTED USES

The following uses of land shall be permitted upon compliance with the applicable standards and conditions set forth in this ordinance.

1. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building; also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment.
2. Office buildings and medical clinics.
3. Personal service establishments such as barber and beauty shops, shoe repair, laundries and similar establishments.
4. Automotive service establishments, including gasoline dispensing facilities, car washes, and parking, ~~but not including automotive repair establishments.~~
5. Recreational enterprises including but not limited to recreation centers, motion picture theaters, athletic clubs.
6. Funeral homes.
7. Single-unit detached dwellings when located on a lot in a recorded subdivision and subject to compliance with the applicable conditions within the zone.
8. Residential structures, provided that said structure existed as a residence prior to the effective date of this chapter. Also, customary residential accessory structures (i.e. swimming pools, detached garages, private greenhouses etc.) when appurtenant to and on the same lot as a residence.
9. ~~Ancillary~~ Residential structures ~~(i.e. Dwellings)~~ located within or on the same premises as a permitted or conditional commercial use. Both residential and commercial buildings will be considered main buildings and will be required to meet the main building setbacks when on the same premises. The property owner shall be responsible for all of the utilities and must retain ownership of all structures on the property. ~~and occupied by persons directly related to~~

~~such use in a caretaker or similar capacity).~~

10. Accessory uses and structures shall be permitted provided they are incidental to and do not substantially alter the character of the permitted principle use or structure. Such permitted accessory uses and structures include, but are not limited to, buildings such as garages, carports, equipment and supply storage buildings which are customarily used in conjunction with and incidental to a principle use or structure permitted in the B-C Zone.
11. Agriculture, including the raising of row crops, grains and fruits and the incidental pasturage of animals. See Section 3.21.9.
12. Other uses which are determined by the Planning Commission to be similar to and compatible with the foregoing uses and in harmony with the intent of the zone.
13. Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan by the Planning Commission.
14. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses, and upon approval of site plan by the Planning Commission.
15. Customary household pets.
16. The keeping and raising of animals and fowl, subject to the provisions of Article 3.21.9 of the Development Code.

3.7.3 CONDITIONAL USES

The following buildings, structures and uses of land shall be permitted upon compliance with the requirements set forth in this Ordinance and after approval has been given by the designated reviewing agencies (Approval of other agencies or levels of government may be required.):

1. Planned Commercial Developments Projects which are designed, approved, constructed and maintained in accordance with the provisions of Article 3.10 Development Code.
2. Commercial Condominium Projects subject to the applicable provisions of law relating thereto.
3. Hotels and motels.
4. Schools, churches, hospitals (human care), nursing homes and other similar quasi-public buildings subject to approval by the Planning Commission.
5. Civic Buildings. (Ord. 95-10, 4/25/9)
6. Restaurants, provided that any such facility providing drive-up window service shall also include an area for inside service to patrons in an amount not less than fifty (50%) of the total floor area of the structure. In addition, the following shall apply to restaurants. (Ord. 97-05,5/27/97)
 1. A traffic analysis shall be provided as part of the conditional use application.
 2. The drive-up window and driveway shall be unobtrusive and be screened from the street by berming and landscaping.

3. Odors and noise shall be controlled as to not have an adverse impact on any nearby residential structures.
 4. Restaurants must comply with provisions of the sign ordinance.
 5. Restaurants must comply with the landscaping and design provisions in the B-C zone.
 6. Any drive-through window must be located on the side of the restaurant building which does not abut a public street and must be screened from the street side with berming and landscaping.
 7. Any drive-through window must have a stacking lane which will accommodate at least six cars off of the public street.
7. Single family dwellings (conventional construction) when proposed for placement on a lot not in a recorded subdivision, subject to compliance with the applicable conditions within the zone and approval of a site plan by the Planning Commission.
 8. Seasonal sales such as produce or Christmas trees provided a business license is obtained from Alpine City.
 9. Sexually-oriented businesses are a conditional use in the Business Commercial (BC) zone and are subject to the provisions of this chapter, including (Ord. 2010-07, 5/11/10):
 1. No sexually-oriented business shall be located within:
 - a. One thousand (1,000) feet of a school, day care facility, public park, library, and religious institution;
 - b. Four hundred (400) feet of any residential use (no matter which zoning district) or residential zoning boundary;
 - c. One thousand (1,000) feet of a liquor store; and
 - d. One thousand (1,000) feet of any other sexually-oriented business.

For the purposes of this section, distance shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the sexually-oriented business is located, and:

 - a. The closest property line of any school, day care facility, public park, library, and religious institution;
 - b. The nearest property line of any residential use or residential zone;
 - c. The nearest property line of any liquor store; and
 - d. The closest exterior wall of another sexually-oriented business.
 10. Home occupations, subject to the provisions of Section 3.23.7.3 of the Development Code.
 11. Accessory apartments, subject to the provisions of Section 3.23.7.1 of the Development Code.

12. Mechanical Automotive Repair Shops

1. Odors and noise shall be controlled as to not have an adverse impact on any nearby structures.
2. There shall be no more than 4 automobile bays.

3. [There shall be no automobiles on the property that are 90 days or more past the expiration of the State of Utah registration and automobiles shall not be stored on the property for more than 14 days.](#)
4. [Mechanical automotive repair shops shall comply with the regulations of the applicable entities including but not limited to the State of Utah, Timpanogos Service District, Lone Peak Fire Marshall, and Environmental Protection Agency.](#)
5. [Mechanical automotive repair shops must abut directly upon and have access to 200 North \(east of Main Street\), Main Street, or Canyon Crest Road within the Business Commercial zone.](#)
6. [Mechanical auto repair shops shall comply with the off-street parking requirements excepting there shall be no more than 2.5 parking spaces provided per bay.](#)
7. [Mechanical automotive repair shops shall conform to the provisions of the Gateway/Historic Zone \(Article 3.11\).](#)

3.7.4 AREA AND WIDTH REQUIREMENTS

3.7.4.1 Lot Occupied by a Dwelling Structure

1. Lot Size. The minimum lot area for a single-unit dwelling shall be 10,000 square feet (Amended by Ord. 94-06).
2. Lot Coverage. No lot within the BC Zone may have more than fifty (50) percent of its land area covered by buildings or other impervious material.
3. Lot Width. The minimum width of any lot for a dwelling shall be ninety (90) feet, measured at the required front yard set back line.

3.7.4.2 Lot Occupied by an Office and Commercial Structure

There shall be no minimum lot area or width requirements except that an area sufficient to accommodate the structure, landscaped areas, minimum setback, required off-street parking, loading and unloading, vehicular ingress and egress shall be provided and maintained.

3.7.5 LOCATION REQUIREMENTS (Amended by Ord. 98-05, 3/10/98)

All buildings shall comply with the following setbacks:

1. Front setback shall be not less than thirty (30) feet from the property line on all streets. No portion of the setback area adjacent to a street shall be used for off-street parking.
2. In commercial developments adjacent to other commercial areas, the side yard and rear yard setbacks will be not less than 20 feet unless recommended by the Planning Commission and approved by the City Council where circumstances justify.
3. Where a commercial zone abuts a residential zone, the side yard and rear yard setbacks will be not less than 20 feet unless recommended by the Planning Commission and approved by the City Council where circumstances justify.

[4 A lot occupied by a dwelling structure shall comply with the setback requirements set forth in the TR-10,000 zone \(Section 3.2.5.1\).](#)

3.7.6 ACCESS REQUIREMENTS

Each lot shall abut directly upon and have access to a City street which is improved in accordance with City street improvement standards.

3.7.7 UTILITY REQUIREMENTS

3.7.7.1 Culinary Water. All dwellings and other structures to be used for human occupancy shall be served by the City's water system. The system serving the dwelling shall be capable of providing water to the dwelling at a volume sufficient for both culinary and fire fighting purposes and at a pressure of not less than forty (40) psi as determined by the City Engineer.

3.7.7.2 Domestic Sewage Disposal. All dwellings and other structures intended for human occupancy shall be served by the City's central sewage collection system.

3.7.8 SPECIAL PROVISIONS

1. Uses Within Buildings. All commercial activities and storage shall be conducted entirely within a fully enclosed building, except those uses deemed by the City to be customarily and appropriately conducted in the open, including, but not limited to, gasoline dispensing, plant nursery displays, temporarily parked automobiles in need of repair, temporary sale of Christmas trees, etc.
2. Site Plan to Be Approved For All New Commercial Uses. Prior to the establishment of a new commercial use or the construction of a new building, a site plan shall be submitted, reviewed and recommended by the Planning Commission and approved by the City Council. (Amended by Ord. 2004-13, 9/28/04).
3. Off-street Parking. Off -street parking area which requires backing from the off-street parking space onto the street right-of-way in order to exit shall not be permitted. All ingress and egress shall be by forward motion only.

All points of ingress and egress to a commercial use or off-street parking areas shall be as shown on the site plan and shall be located not less than forty (40) feet from any intersection of public streets.

All off-street parking areas shall be hard-surfaced and shall be bordered by a curb or other barrier.

The number of required parking spaces and other particulars about the design and construction of off-street parking shall conform to the provisions of Article 3.24 of this ordinance.

4. Trash Storage. Adequate facilities for the disposal of solid waste shall be provided. All containers for the temporary storage and disposal solid waste material shall be of a size, type and quantity approved by the City shall be maintained in a location as shown on the Site Plan.
5. Storage Containers. The permanent or long-term use of any portable unit, pod, or similar type of storage container is prohibited in this zone. Temporary use for moving must be approved by the city.

~~6.5-~~ Surface Water Drainage to be Retained On-site. All additional surface drainage generated as a result of development activity shall be disposed of on-site, as determined by the City

Engineer.

~~7.6.~~ Height of Buildings. The maximum height of any dwelling or other main building shall be thirty-four (34) feet, as determined in accordance with the provisions of Article 3.21.8 of the Development Code. (Ord. 96-15, 12/18/96).

~~8.7.~~ Landscaping Required. As a means of mitigating safety hazards or adverse visual impacts all areas of the site not devoted to buildings or off street parking shall be landscaped. The landscaped area shall be not less than twenty (20) percent of the total area of the site. In addition to all other plan elements, the site plan shall contain a landscape plan showing the location, type and initial size of all planting materials and other landscape features, and the location of the proposed sprinkler system.

~~9.8.~~ Design of Commercial Structures. Commercial buildings shall comply with the following architectural design criteria. (Preliminary architectural design drawings of all building elevations shall be presented to the Planning Commission for review).

1. The exterior of all commercial buildings shall be finished predominantly with wood and/or brick, stucco, stone or similar materials in accordance with guidelines in the Historical/Commercial/Residential Ordinance. Pitched roofs are preferred.
2. The architectural styles of the business district should be consistent and harmonious. The style of building design and trim should be compatible with the relatively uncomplicated rural, small town character of Alpine. Extremely irrelevant, contrived or inconsistent styles will be discouraged.

~~10.9.~~ Water Rights Conveyance Requirements. Water rights shall be conveyed to the City in accordance with the provisions of Article 3.21.7 of the Development Code.

~~11.40.~~ Nuisances Prohibited. No land or building shall be used in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard, noise, or vibration, smoke, dust, odor, or other form of air pollution; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to adversely affect the surrounding area or adjoining premises.

~~12.44.~~ Accessory Buildings. All accessory buildings shall be located in accordance with the following (Ordinance 2002-13) (Amended by Ord. 2006-14, 9/12/06; Ord. 2010-03, 8/24/10):

1. Setback from main building. Accessory buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building.
2. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
3. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
4. Side and Rear Setback - Interior Lot Line. Accessory buildings shall be set back no less than ten (10) feet from the rear lot line and five (5) feet from the side lot line, except that no minimum rear or side setback shall be required when all the following conditions are met:
 - a. The accessory building is located more than twelve (12) feet from an existing

dwelling on the same or adjacent lot;

- b. The accessory building contains no openings on the side contiguous to the lot line;
 - c. No drainage from the roof will be discharged onto an adjacent lot;
 - d. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - e. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement; and
 - f. The building will not be taller than ten (10) feet to the top of the roof line.
5. Accessory Building Height. The maximum height of any accessory building shall be twenty (20) feet as measured from the average finished grade of the ground surface adjacent to the foundation of the structure to the top of the ridge line.
1. Exceptions to the Height Requirement. Chimneys, flag poles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height, provided that no such ancillary structure shall extend to a height in excess of fifteen (15) feet above the building.
 2. Additional Accessory Building Height. For every one (1) foot of additional height above twenty (20) feet, an additional two (2) feet of side yard and rear yard setback will be required. The maximum height of the accessory building as measured to the ridgeline shall be thirty (30) feet.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Amendment to the Off-Street Parking Ordinance

FOR CONSIDERATION ON: 4 February 2014

PETITIONER: Planning Commission

ACTION REQUESTED BY PETITIONER: Approve proposed amendment when auto repair shops are sufficiently addressed elsewhere.

APPLICABLE STATUTE OR ORDINANCE: Section 3.1.9 (Amendments to Zoning Ordinance)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

The proposed amendment would clearly define the parking requirement for mechanical automotive repair shops.

RECOMMENDED ACTION:

We recommend that Article 3.24 of the Development Code be amended as proposed so that the parking requirement for mechanical automotive repair shops is clearly defined.

ARTICLE 3.24 OFF-STREET PARKING (Amended Ord. 2006-14, 9/12/2006; Ord. 2008-06, 5/27/08; Ord. 2008-13, 8/26/08)

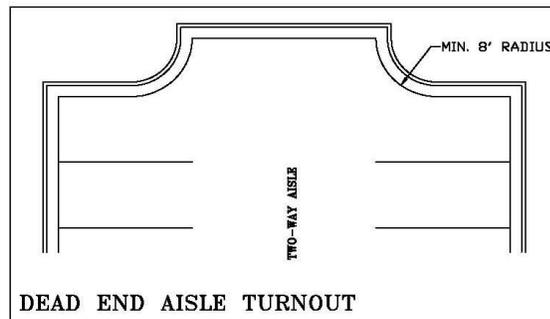
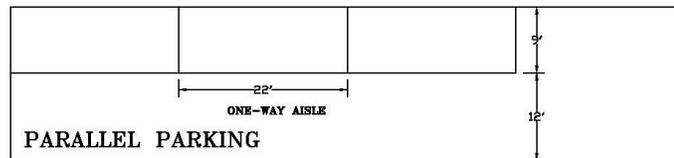
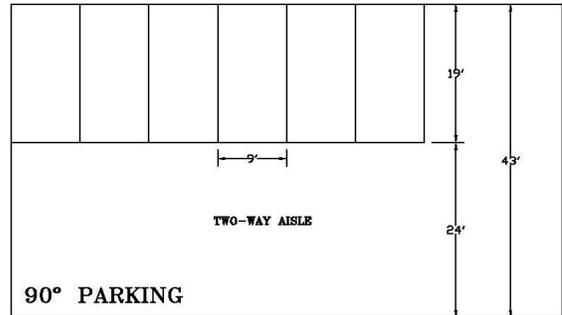
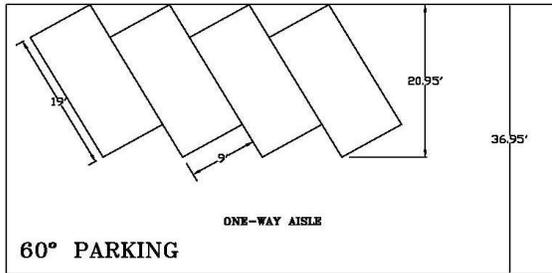
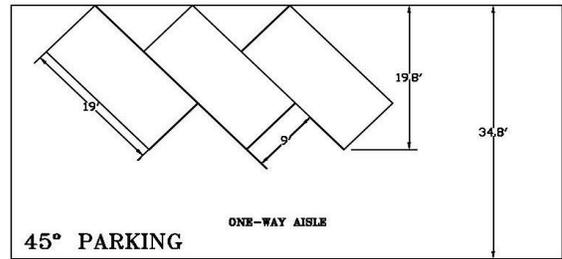
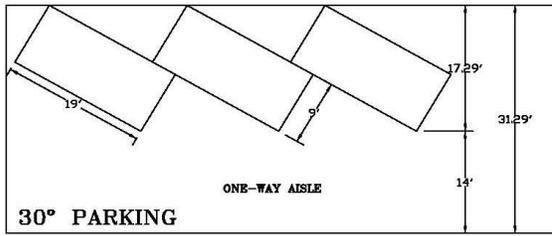
3.24.1 REQUIREMENT. Except as may be provided elsewhere in this ordinance, parking lot lighting and parking with adequate provisions for ingress and egress by standard-sized automobiles shall be provided at the time of construction, or if any of the following occur:

- (a) the building is enlarged or increased in capacity; or
- (b) there is a change of commercial use of the building.

The City's current off-street parking ordinance shall be met for the proposed use, including parking lot lighting requirements. The required off-street parking shall be a continuing obligation of the property owner so long as the use requiring vehicle parking continues. It shall be unlawful for any owner of any commercial building or use to discontinue or dispense with the required vehicle parking without providing another vehicle parking area on-site, which meets the requirements of this Chapter.

3.24.2 PARKING LOT CHARACTERISTICS. Each parcel of land developed for off-street parking in response to the requirements of this chapter shall provide the following characteristics:

1. Paving. Each lot shall be paved with an all weather surface material (asphalt or concrete), and be maintained in good condition and kept in an unobstructed and usable condition at all times. Responsibility for maintenance of the lot shall rest with the property owner. The lot shall provide adequate access to a street or alley.
2. Wheel Stops. Off-street parking shall be designed with wheel stops or curbing. Wheel stops shall be located in a manner so as to prevent any portion of the parked vehicle from extending over a property line or sidewalk. Manufactured wheel stops are preferred. All curbing shall be maintained in a functional and safe condition.
3. Striping. All off-street parking shall be striped to clearly show required parking spaces. Striping shall be maintained in functional condition. Striping shall be at least three (3) inches wide and shall consist of white or yellow paint designed for this purpose.
4. Grading. Parking lots shall be graded for proper drainage with surface water diverted in such a way as to keep the parking area free of accumulated water or ice.
5. Parking Lot Lighting. A lighting plan provided by the applicant shall be reviewed and approved by the City Engineer. Lots shall be illuminated with standards arranged so as to reflect light away from any adjoining residential buildings. Parking lot lights shall be fully shielded to direct light downward in order to decrease light pollution.
6. Parking Lot Dimensions and Size of Parking Spaces. See diagram below. (next page)



7. Accessible Parking Spaces. All accessible parking spaces shall meet the requirements of the ADA Standards for Accessible Design (28 CFR Part 36).
8. Oil separators. Oil separators and other pollution control devices may be required to minimize storm water pollution, as recommended by the City Engineer.
9. Screening. The sides and rear of any off-street parking area that adjoins a residence or residential zone shall be required to be screened by a masonry wall or solid visual barrier fence.

10. Landscaping. All off-street parking areas shall be landscaped and permanently maintained as required by Section 3.7.8.7.

11. Off-Street Loading. Every building or use receiving or distributing materials or merchandise by truck shall provide and maintain on the same lot as the building or use adequate off-street loading space(s).

3.24.3 SPECIFIC REQUIREMENT FOR EACH LAND USE. Required off-street parking shall be provided for each use as listed below. Requirements shall be calculated on total square footage of building space. In calculating the required parking for any given use, if the number of required parking ends in a fraction, the number shall be rounded up to the next whole number. Parking for uses not specifically listed below shall be provided in the same ratio as the use most nearly approximating the characteristics of the unlisted use, as determined by the Planning Commission.

Parking shall be provided as follows, with spaces based upon one or a combination of the uses listed:

USE	OFF-STREET PARKING REQUIREMENT
Residential Uses Single-unit Dwelling Multiple-unit Dwelling Single Dwelling with Accessory Apartment	Two (2) parking spaces Two (2) parking spaces per unit Three (3) parking spaces
Intensive retail commercial shops selling directly to the public	Four and one-half (4.5) spaces for each 1,000 sq. ft.
Less intensive commercial businesses such as furniture, appliance, and lumber sales	Three and one-half (3.5) spaces for each 1,000 sq. ft.
Offices and personal services	Four (4) spaces for every 1,000 sq. ft.
Restaurants, dining rooms	One (1) space for every four (4) seats.
Auditoriums, theaters, assembly halls, amphitheaters, art centers	One (1) space for every (3) seats.
Commercial recreation	Two (2) spaces for every 1,000 sq. ft.
Industrial and wholesale establishments	One (1) space for every two (2) employees on the largest shift.
Mortuary	One (1) space for every three hundred (300) sq. ft.
Hospitals and civic buildings	Determined by specific review.
Shopping centers, or complexes of rentable commercial space	At least four (4) spaces per 1,000 sq. ft.
Churches, house of worship, reception center	Thirteen and one-half (13.5) spaces for every 1,000 sq. ft. for buildings 20,000 sq. ft. or less. Eleven (11) spaces for every 1,000 sq. ft. for buildings 20,001 sq. ft. or more.

Schools	<p>Parking for schools serving grades below Kindergarten shall provide parking at a rate of 2 stalls per employee.</p> <p>Parking for schools serving grades K-9 shall provide parking at a rate of 0.20 stalls per person (total of students and staff)</p> <p>Parking for schools serving grades 10 and above shall provide parking at a rate of 0.50 stalls per person (total of students and staff)</p>
Mechanical Automotive Repair Shops	No more than two and one-half (2.5) parking spaces provided per bay (no more than 4 bays).

3.24.4 REDUCTION OF EXCEPTION TO OFF-STREET PARKING REQUIREMENTS. Requests to ~~reduce~~ [for an exception to the](#) off-street parking requirement(s) may be recommended by the Planning Commission and approved by the City Council, if the Applicant shows:

1. The unique nature of the existing or proposed land use, or an unusually large number of pedestrian or transit trips, below-normal parking demands will be generated.
2. A reduced number of off-street parking spaces will meet the demands of the proposed use without increasing traffic or on-street parking problems in adjacent areas and neighborhoods.

3.24.5 LOCATION OF REQUIRED OFF-STREET PARKING. All required off-street parking spaces shall be located on-site on the same lot as the use or building it serves, unless otherwise recommended by the Development Review Committee (DRC), the Planning Commission, and approved by the City Council.

1. Off-street parking is prohibited in all access ways, fire lanes, or similar areas not designated for parking purposes. These areas shall be posted with "No Parking" signs and/or other means.
2. No portion of the setback area adjacent to a street shall be used for off-street parking unless recommended by the Gateway Historic Committee and Planning Commission, and approved by the City Council.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Amendment to the Conditional Use Ordinance regarding Home Occupations

FOR CONSIDERATION ON: 4 February 2014

PETITIONER: Planning Commission

ACTION REQUESTED BY PETITIONER: Approve proposed amendment when auto repair shops are sufficiently addressed elsewhere.

APPLICABLE STATUTE OR ORDINANCE: Section 3.1.9 (Amendments to Zoning Ordinance)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

The proposed amendment would prohibit mechanical automotive repair shops from being a home occupation.

RECOMMENDED ACTION:

We recommend that Section 3.23.7.3 of the Development Code be amended as proposed so that mechanical automotive repair shops are prohibited from being a home occupation.

3.23.7.3

Home Occupations (Ord. 95-04, 2/28/95. Amended Ord. 08-18, 12/16/08; Ord. 2009-14, 9/22/09; Ord. 2010-07, 5/11/10; Ord. 2010-11, 10/12/10; Ord. 2013-04, 3/12/13). Home occupations may be permitted as a conditional use, upon review of Staff and approval by the DRC. If the DRC determines that the home occupation may create significant impacts, approval from the Planning Commission may be required. All home occupations will be subject to compliance with the following:

1. Terms and Conditions.

- (1) Home occupations are listed as a conditional use in the zone.
- (2) The home occupation is conducted entirely within the living area of a dwelling or attached garage
- (3) The business activity of the Home Occupation carried out on the premises shall be conducted only by members of the residing family, except that not more than one person, not a member of the residing family, may be engaged in the conduct of the home occupation if such person is utilized in the capacity of a support function.
- (4) The home occupation does not involve the use of any accessory buildings or yard space for storage or activities outside of the dwelling.
- (5) The home occupation shall contain no facilities for the display of goods. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.
- (6) No commercial vehicles shall be stored at the premises except one delivery truck which does not exceed 12,000 gvw rated capacity.
- (7) The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.
- (8) Home occupation signs shall be limited to one (1) identification nameplate, not larger in area than two (2) square feet fastened to the home, and one (1) sign, not larger in area than one (1) square foot, fastened to the side of the mailbox structure at or below the level of the mail box. No off-site advertising signs shall be permitted.
- (9) The Home Occupation shall occupy an area not more than the equivalent of twenty-five percent (25%) of the ground floor area of the dwelling or 500 square feet, whichever is less. If there is more than one (1) home occupation in a home, the total square footage of the home occupations combined shall not exceed twenty-five (25%) of the ground floor area of the dwelling or 500 square feet, whichever is less.
- (10) The home occupation shall obtain a business license from the City.
- (11) The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire or explosion. Activities of the home occupation shall not decrease safety to the structure or occupants of the dwelling or adjacent dwellings.
- (12) The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is

discernible outside the dwelling.

- (13) The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and, in the opinion of the Planning Commission, the activities of the home occupation will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the Planning Commission.
- (14) A sexually-oriented business [or a mechanical automotive repair shop](#) shall not be a home occupation.
- (15) If the home occupation will have customers/clients coming to the home as part of the business, an inspection(s) of the business portion of the home is required to determine compliance with zoning, building, and life safety requirements. When no customers/clients will be coming to the home as part of the business, the applicant shall be required to submit the home business self fire inspection form.

2. Commission May Attach Conditions.

In order to achieve the objectives of this Code and to protect the health, safety and quality of life in the community the Planning Commission or DRC may attach conditions to the granting of a home occupation consistent with the standards hereinabove stated.

3. Continuing Obligation - Business License Required.

All home occupations shall be operated in compliance with the conditions herein above set forth and any conditions which may be attached as part of the approval. Upon approval of a home occupation the applicant shall be eligible to acquire a business license to operate. Issuance of the Business License shall be conditioned upon continued performance of the conditions of approval and said license shall be refused or revoked upon failure of the owner and/or operator to maintain or operate the home occupation in accordance therewith.

The approval shall be valid for the remainder of the year in which it is first granted. Thereafter the approval will be extended for successive one year periods, commencing on January 1 of the calendar year, or such other date as the Council or DRC may from time to time establish as the effective date for business licenses, provided (1) that the home occupation remains substantially the same as initially approved and (2) that the home occupation has remained active as evidenced by the acquisition of a valid business license for the previous year.