



## ALPINE CITY PLANNING COMMISSION MEETING

**NOTICE** is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold a **Public Meeting** on **Tuesday, May 4, 2021 at 7:00 pm at City Hall, 20 North Main Street, Alpine, Utah.**

The public may attend the meeting in person or view the meeting via the **Alpine City YouTube Channel**. A direct link to the channel can be found on the home page of the Alpine City website: [alpinecity.org](http://alpinecity.org)

### I. GENERAL BUSINESS

- A. Welcome and Roll Call: Jane Griener
- B. Prayer/Opening Comments: Jane Griener
- C. Pledge of Allegiance: John Mackay

### II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission. Comments may be submitted to [admin@alpinecity.org](mailto:admin@alpinecity.org) by 5:00 PM the day of the meeting or given in person at the meeting.

### III. ACTION ITEMS

#### A. Setback Exception – Alpine View Estates Lot 13 – Kyle Spencer

The Planning Commission will review the proposed exception and make a recommendation to the City Council.

#### B. Exception to Retaining Wall Ordinance – 79 S. Lone Peak Drive – Clair Merryweather

The Planning Commission will review the proposed exception and make a recommendation to the City Council.

#### C. Public Hearing – Ordinance 2021-10 Sign Content

The Planning Commission will hold a public hearing, review the proposed ordinance, and make a recommendation to the City Council.

#### D. Public Hearing – Ordinance 2021-11 Guest House Approval

The Planning Commission will hold a public hearing, review the proposed ordinance, and make a recommendation to the City Council.

### IV. COMMUNICATIONS

### V. APPROVAL OF PLANNING COMMISSION MINUTES: April 20, 2021

### ADJOURN

Chair Jane Griener  
May 3, 2021

**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 at Alpine City Hall, 20 North Main, Alpine, UT. It was also 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](http://www.alpinecity.org) and on the Utah Public Meeting Notices website at [www.utah.gov/pmn/index.html](http://www.utah.gov/pmn/index.html).

# PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

**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 vs. 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: Setback Exception – Alpine View Estates Lot 13**

**FOR CONSIDERATION ON: 4 May 2021**

**PETITIONER: Kyle Spencer representing Douglas Perry**

**ACTION REQUESTED BY PETITIONER: Approve the proposed setback exception.**

### **BACKGROUND INFORMATION:**

Due to the odd shape of Lot 13 of Alpine View Estates, an exception is being requested for the setbacks on the south and east sides of the lot. The Planning Commission approved the Preliminary Plat of Alpine View Estates with a 30-foot setback to the south and a 15-foot setback to the east. Subsequently, the owner of the lot has had a new home designed with those setbacks in mind. Article 3.01.110 of the Alpine City Development Code defines a Rear Yard as:

*“A space between the back wall of the nearest main building extending the full width of the lot and the lot line that is most distant from, and is most nearly parallel with, the front lot line.”*

and

*“The depth (or setback) of the rear yard is the minimum distance between the rear lot line and the rearmost part of the primary structure of the nearest main building at the foundation level.”*

Alpine View Estates is a Planned Residential Development (PRD), and as such, the City Council may grant exceptions for setbacks following a recommendation from Planning Commission and

*“...upon a finding that such exception is appropriate for the proper development of the lot and that the exception will not result in the establishment of a hazardous condition” (3.09.060.4.d).*

**Staff recommends that the proposed exception be granted on the basis that the proposed setbacks were shown and approved by the Planning Commission at Preliminary, and the lot borders open space where a reduced setback to the east would not directly impact a neighboring resident. Also, the exception would not result in the establishment of a hazardous condition.**

**STAFF RECOMMENDATION:**

Approve the setback exception as proposed.

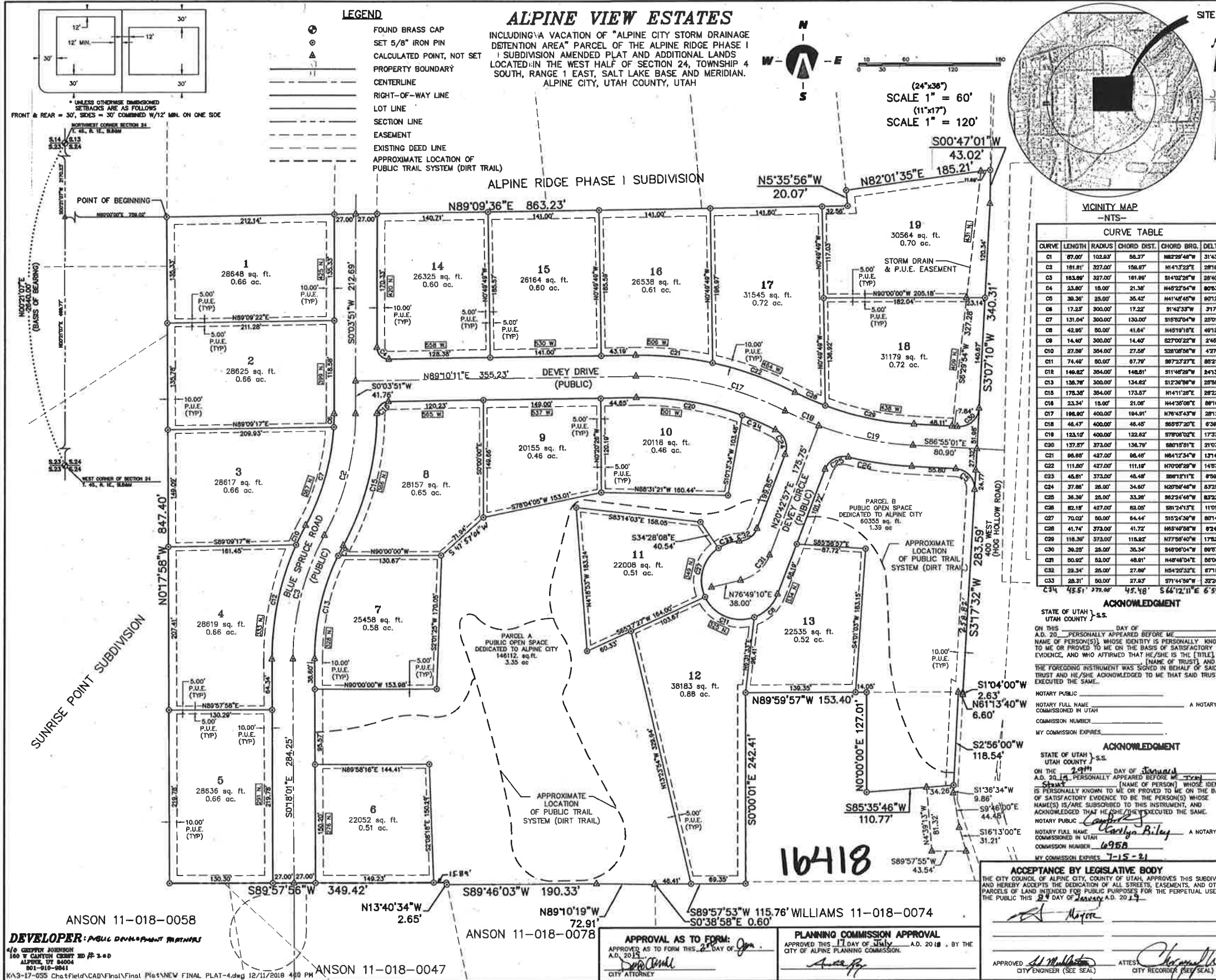
**SAMPLE MOTION TO APPROVE:**

I move to recommend that an exception be granted and that a 30-foot south side setback and a 15-foot east rear setback be approved for Lot 13 of Alpine View Estates as requested by the applicant.

**SAMPLE MOTION TO TABLE/DENY:**

I move to table/deny the setback exception based on the following:

- \*\*\*Insert Finding\*\*\*



**SURVEYOR'S CERTIFICATE**  
I, KENNETH E. BARNEY, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1953 AS AMENDED, CERTIFICATE NO. 172762. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND EASEMENTS, HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17, UTAH CODE ANNOTATED, 1953 AS AMENDED, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT EVERY EXISTING RIGHT-OF-WAY AND EASEMENT GRANT OF RECORD FOR UNDERGROUND FACILITIES, AS DEFINED IN SECTION 54-86-2, BY 2019 JUNE 30, 2019, IS ACCURATELY SHOWN ON THIS PLAT. I, KENNETH E. BARNEY, P.L., UTAH COUNTY RECORDER, 2019 JUN 30 2019 PM 5:07 BY K. BARNEY FOR ALPINE CITY (00048) 16418

**BOUNDARY DESCRIPTION**  
A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 24, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS:  
COMMENCING AT A BRASS MONUMENT MARKING THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE N.00°21'07"E ALONG THE SECTION LINE A DISTANCE OF 468.77 FEET AND EAST A DISTANCE OF 758.02 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING ALSO BEING A POINT ON THE EASTERLY BOUNDARY LINE OF SUNRISE POINT SUBDIVISION PHASE I SUBDIVISION, SAID POINT OF BEGINNING ALSO BEING THE SOUTHWEST CORNER OF LOT 3 ALPINE RIDGE PHASE I SUBDIVISION AS RECORDED AT THE UTAH COUNTY RECORDERS OFFICE;  
AND RUNNING THENCE N.89°09'36"E ALONG THE SOUTH BOUNDARY OF SAID ALPINE RIDGE PHASE I SUBDIVISION A DISTANCE OF 863.23 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF LOT 4 ALPINE RIDGE PHASE I SUBDIVISION, THENCE N.00°03'51"W A DISTANCE OF 20.07 FEET, THENCE N.82°01'35"E MORE OR LESS ALONG THE SOUTH LINE OF LOT 7 ALPINE RIDGE PHASE I SUBDIVISION A DISTANCE OF 185.21 FEET MORE OR LESS TO THE WESTERLY RIGHT-OF-WAY LINE OF 400 WEST STREET (HOLLOW HOLLOW ROAD); THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF 400 WEST STREET THE FOLLOWING SIX (6) COURSES: 1) S.00°47'01"W A DISTANCE OF 43.02 FEET; 2) THENCE S.03°07'10"W A DISTANCE OF 340.31 FEET; 3) THENCE S.03°17'32"W A DISTANCE OF 283.50 FEET; 4) THENCE S.01°04'00"W A DISTANCE OF 2.63 FEET; 5) THENCE N.61°13'40"W A DISTANCE OF 6.60 FEET; 6) THENCE S.02°56'00"W A DISTANCE OF 118.54 FEET; THENCE LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF 400 WEST STREET THENCE S.89°57'53"W A DISTANCE OF 110.77 FEET, THENCE N.00°00'00"E A DISTANCE OF 127.01 FEET, THENCE N.89°57'53"W A DISTANCE OF 103.40 FEET, THENCE S.00°00'01"E A DISTANCE OF 242.41 FEET, THENCE N.89°57'53"W A DISTANCE OF 118.78 FEET, THENCE S.00°38'58"E A DISTANCE OF 0.60 FEET; THENCE N.89°10'19"W A DISTANCE OF 72.91 FEET, THENCE S.89°46'03"W A DISTANCE OF 190.33 FEET, THENCE N.13°40'34"W A DISTANCE OF 2.65 FEET, THENCE S.89°57'56"W A DISTANCE OF 349.42 FEET MORE OR LESS TO THE EASTERLY LINE OF SAID SUNRISE POINT SUBDIVISION PHASE I; THENCE N.00°17'58"W ALONG SAID EASTERLY LINE OF SAID SUNRISE POINT SUBDIVISION PHASE I A DISTANCE OF 847.40 FEET TO THE POINT OF BEGINNING.  
CONTAINING 18.86 ACRES OR 826885 SQ FEET OF LAND MORE OR LESS.

**OWNER'S DEDICATION**  
KNOW ALL BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER(S) OF THE DESCRIBED TRACT OF LAND ABOVE, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO HEREINAFTER BE KNOWN AS: ALPINE VIEW ESTATES, DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND WARRANT, DEFEND, AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON THE DEDICATED STREETS WHICH WILL INTERFERE WITH THE CITY'S USE, OPERATION, AND MAINTENANCE OF THE STREETS AND DO FURTHER DEDICATE THE EASEMENTS AS SHOWN FOR THE USE BY ALL SUPPLIERS OF UTILITY OR OTHER NECESSARY SERVICES, IN WITNESS WHEREOF, WE HAVE HEREUNTO SET ASIDE OUR HANDS THIS DAY OF JANUARY, A.D. 2019.

**ACKNOWLEDGMENT**  
STATE OF UTAH } ss.  
UTAH COUNTY } ss.  
ON THE 29th DAY OF JANUARY, A.D. 2019, PERSONALLY APPEARED BEFORE ME, GRIFFIN JOHNSON, [NAME OF PERSON] WHOSE IDENTITY IS PERSONALLY KNOWN TO ME OR PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE, AND WHO AFFIRMED THAT HE/SHE IS THE [TITLE] MANAGER OF ALPINE VIEW ESTATES, LLC, [NAME OF LLC], LIMITED LIABILITY COMPANY, BY AUTHORITY OF ITS MEMBERS OR ITS ARTICLES OF ORGANIZATION, AND HE/SHE ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY COMPANY EXECUTED THE SAME.

**Northern ENGINEERING INC**  
ENGINEERING-LAND PLANNING CONSTRUCTION MANAGEMENT  
1040 E. 800 N. OREM, UTAH 84097 (801) 802-8992

**ALPINE VIEW ESTATES**  
INCLUDING A VACATION OF "ALPINE CITY STORM DRAINAGE DETENTION AREA" PARCEL OF THE ALPINE RIDGE PHASE I SUBDIVISION AMENDED PLAT AND ADDITIONAL LANDS  
LOCATED IN THE WEST HALF OF SECTION 24, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.  
ALPINE CITY, UTAH COUNTY, UTAH

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM THIS 29th DAY OF JANUARY, A.D. 2019, BY THE CITY ATTORNEY, [Signature]  
**PLANNING COMMISSION APPROVAL**  
APPROVED THIS 17th DAY OF JULY, A.D. 2018, BY THE CITY OF ALPINE PLANNING COMMISSION, [Signature]  
**ACCEPTANCE BY LEGISLATIVE BODY**  
THE CITY COUNCIL OF ALPINE CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS 29th DAY OF JANUARY, A.D. 2019.

ANSON 11-018-0058  
DEVELOPER: AGRI DEVELOPMENT PARTNERS  
410 GRIFFIN JOHNSON  
100 W CANYON CREST RD # 200  
ALPINE, UT 84004  
801-510-0941  
K:\3-17-055 ChatField\CAD\Final\Final Plat\NEW FINAL PLAT-4.dwg 12/17/2018 4:00 PM  
ANSON 11-018-0047

ANSON 11-018-0078  
ANSON 11-018-0074  
APPROVAL AS TO FORM: APPROVED AS TO FORM THIS 29th DAY OF JANUARY, A.D. 2019, BY THE CITY ATTORNEY, [Signature]  
PLANNING COMMISSION APPROVAL: APPROVED THIS 17th DAY OF JULY, A.D. 2018, BY THE CITY OF ALPINE PLANNING COMMISSION, [Signature]  
ACCEPTANCE BY LEGISLATIVE BODY: THE CITY COUNCIL OF ALPINE CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS 29th DAY OF JANUARY, A.D. 2019.

**NOTARY PUBLIC**  
NOTARY FULL NAME: [Name] A NOTARY COMMISSIONED IN UTAH  
COMMISSION NUMBER: [Number] MY COMMISSION EXPIRES: [Date]  
**NOTARY PUBLIC**  
NOTARY FULL NAME: [Name] A NOTARY COMMISSIONED IN UTAH  
COMMISSION NUMBER: [Number] MY COMMISSION EXPIRES: [Date]

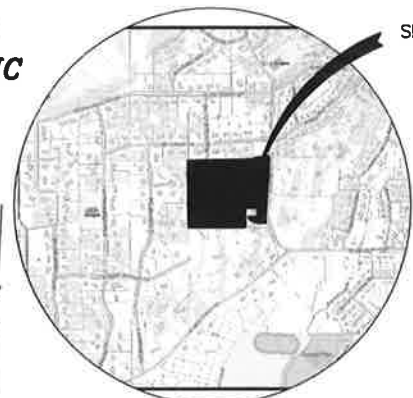
**SEALS**  
SURVEYOR'S SEAL: KENNETH E. BARNEY, P.L.  
NOTARY PUBLIC SEAL: GRIFFIN JOHNSON  
CITY-COUNTY ENGINEER SEAL: CAROLYN RILEY  
CLERK SEAL: JED KUHLESTEIN, P.E.  
COUNTY RECORDER SEAL: KENNETH E. BARNEY, P.L.



# LEGEND

- SET SUBDIVISION MONUMENT
- FOUND BRASS CAP
- SET 5/8" IRON PIN
- CALCULATED POINT, NOT SET
- PROPERTY BOUNDARY
- CENTERLINE

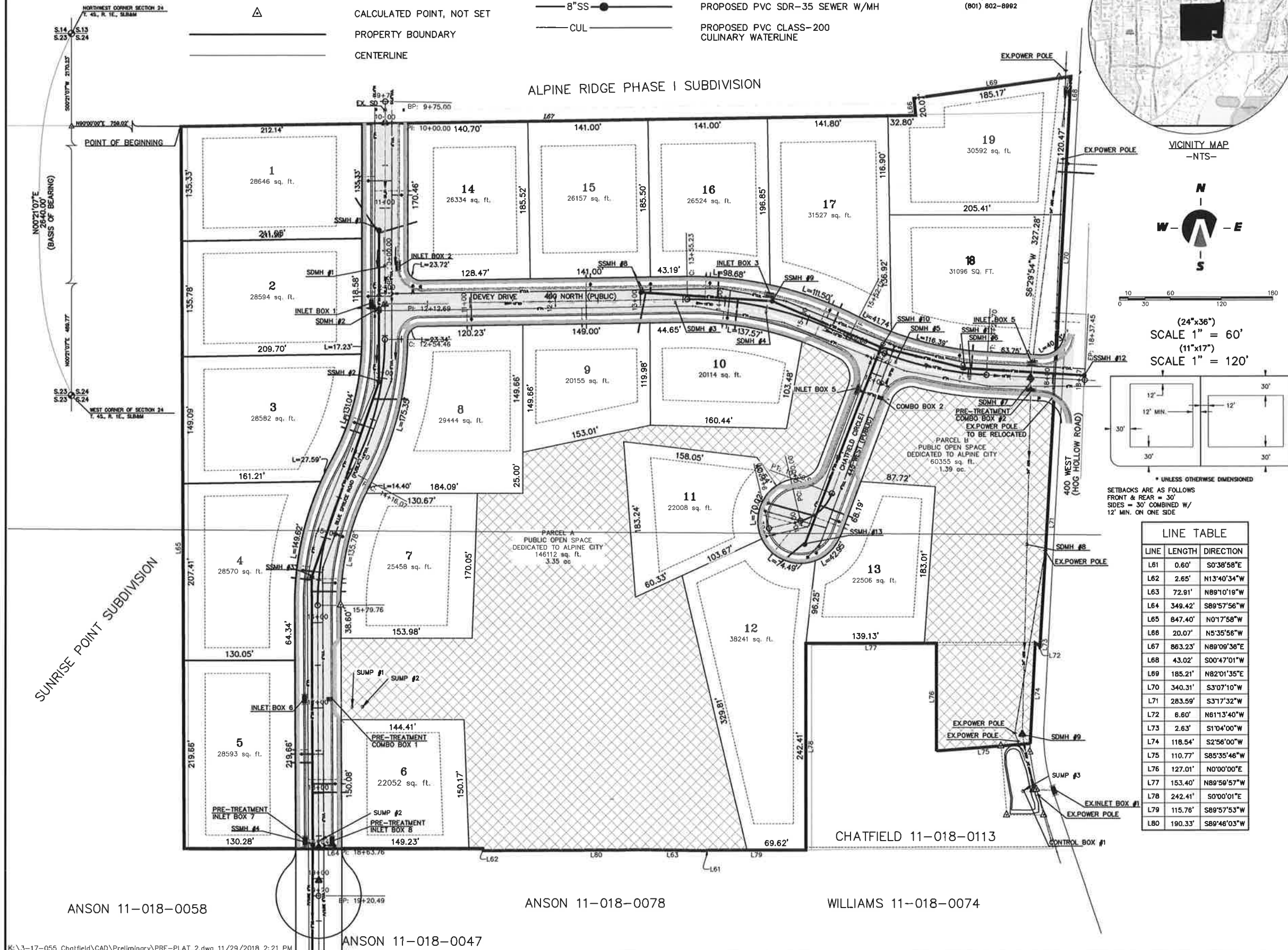
- EASEMENT
- EXISTING DITCH
- PROPOSED ADS STORM DRAIN W/WH
- PROPOSED PVC SDR-35 SEWER W/WH
- PROPOSED PVC CLASS-200 CULINARY WATERLINE



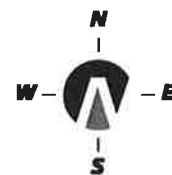
SITE



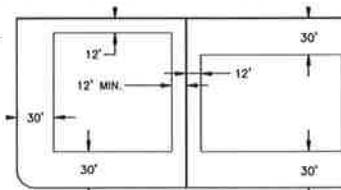
## ALPINE RIDGE PHASE I SUBDIVISION



VICINITY MAP  
-NTS-



(24"x36")  
SCALE 1" = 60'  
(11"x17")  
SCALE 1" = 120'



SETBACKS ARE AS FOLLOWS  
FRONT & REAR = 30'  
SIDES = 30' COMBINED W/  
12' MIN. ON ONE SIDE

### LINE TABLE

LINE	LENGTH	DIRECTION
L61	0.60'	S03°58'E
L62	2.65'	N13°40'34"W
L63	72.91'	N89°10'19"W
L64	349.42'	S89°57'56"W
L65	847.40'	N01°58'W
L66	20.07'	N5°35'56"W
L67	863.23'	N89°09'36"E
L68	43.02'	S00°47'01"W
L69	185.21'	N82°01'35"E
L70	340.31'	S3°07'10"W
L71	283.59'	S31°32'W
L72	8.60'	N81°13'40"W
L73	2.63'	S1°04'00"W
L74	118.54'	S2°58'00"W
L75	110.77'	S85°35'46"W
L76	127.01'	N0°00'00"E
L77	153.40'	N89°58'57"W
L78	242.41'	S0°00'01"E
L79	115.78'	S89°57'53"W
L80	190.33'	S89°48'03"W

### SURVEYOR'S CERTIFICATE

I, KENNETH E. BARNEY, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1953 AS AMENDED, CERTIFICATE NO. 172762. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS, AND EASEMENTS, HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17, UTAH CODE ANNOTATED, 1953 AS AMENDED, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT EVERY EXISTING RIGHT-OF-WAY AND EASEMENT GRANT OF RECORD FOR UNDERGROUND FACILITIES, AS DEFINED IN SECTION 54-8a-2, UTAH CODE ANNOTATED, 1953 AS AMENDED, AND FOR OTHER UTILITY FACILITIES, IS ACCURATELY DESCRIBED ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.



DATE \_\_\_\_\_ KENNETH E. BARNEY, P.L.S.

### BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE WEST HALF OF SECTION 24, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS:  
COMMENCING AT A BRASS MONUMENT MARKING THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE N.00°21'07"E ALONG THE SECTION LINE A DISTANCE OF 469.77 FEET AND EAST A DISTANCE OF 759.02 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING ALSO BEING A POINT ON THE EASTERLY BOUNDARY LINE OF SUNRISE POINT SUBDIVISION PHASE I SUBDIVISION, SAID POINT OF BEGINNING ALSO BEING THE SOUTHWEST CORNER OF LOT 3 ALPINE RIDGE PHASE I SUBDIVISION AS RECORDED AT THE UTAH COUNTY RECORDERS OFFICE;  
AND RUNNING THENCE N.89°09'36"E ALONG THE SOUTH BOUNDARY OF SAID ALPINE RIDGE PHASE I SUBDIVISION A DISTANCE OF 863.23 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF LOT 6 ALPINE RIDGE PHASE I SUBDIVISION, THENCE N.05°35'56"W A DISTANCE OF 20.07 FEET; THENCE N.82°01'35"E MORE OR LESS ALONG THE SOUTH LINE OF LOT 7 ALPINE RIDGE PHASE I SUBDIVISION A DISTANCE OF 185.21 FEET MORE OR LESS TO THE WESTERLY RIGHT-OF-WAY LINE OF 400 WEST (HOG HOLLOW ROAD); THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF 400 WEST STREET THE FOLLOWING EIGHT (8) COURSES: 1) S.00°47'01"W A DISTANCE OF 43.02 FEET; 2) THENCE S.03°07'10"W A DISTANCE OF 340.31 FEET; 3) THENCE S.03°17'32"W A DISTANCE OF 283.59 FEET; 4) THENCE S.01°04'00"W A DISTANCE OF 2.63 FEET; 5) THENCE N.81°13'40"W A DISTANCE OF 6.60 FEET; 6) THENCE S.02°58'00"W A DISTANCE OF 118.54 FEET; THENCE LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF 400 WEST STREET S.85°35'46"W A DISTANCE OF 110.77 FEET; THENCE N.00°00'00"E A DISTANCE OF 127.01 FEET; THENCE N.89°58'57"W A DISTANCE OF 135.40 FEET; THENCE S.00°00'01"E A DISTANCE OF 242.41 FEET; THENCE S.89°57'53"W A DISTANCE OF 115.78 FEET; THENCE S.03°38'58"E A DISTANCE OF 0.60 FEET; THENCE N.89°10'19"W A DISTANCE OF 72.91 FEET; THENCE S.89°48'03"W A DISTANCE OF 190.33 FEET; THENCE N.13°40'34"W A DISTANCE OF 2.65 FEET; THENCE S.89°57'56"W A DISTANCE OF 349.42 FEET MORE OR LESS TO THE EASTERLY LINE OF SAID SUNRISE POINT SUBDIVISION PHASE I; THENCE N.00°17'58"W ALONG SAID EASTERLY LINE OF SUNRISE POINT SUBDIVISION PHASE I A DISTANCE OF 847.40 FEET TO THE POINT OF BEGINNING.  
CONTAINING 18.96 ACRES OR 825865 SQ FEET OF LAND MORE OR LESS.

### OWNER'S DEDICATION

KNOWN ALL BY THESE PRESENTS THAT WE, I THE UNDERSIGNED OWNER(S) OF THE DESCRIBED TRACT OF LAND ABOVE, HAVING CAUSE THE SAME TO BE SUBDIVIDED INTO LOTS, AND STREETS TO HEREAFTER BE KNOWN AS: **ALPINE VIEW ESTATES**, DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND WARRANT, DEFEND, AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON THE DEDICATED STREETS WHICH WILL INTERFERE WITH THE CITY'S USE, OPERATION, AND MAINTENANCE OF THE STREETS AND DO FURTHER DEDICATE THE EASEMENTS AS SHOWN FOR THE USE BY ALL SUPPLIERS OF UTILITY OR OTHER NECESSARY SERVICES, IN WITNESS WHEREOF, WE HAVE HEREUNTO SET ASIDE OUR HANDS THIS DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

### ACKNOWLEDGMENT

STATE OF UTAH }  
UTAH COUNTY } s.s.  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ PERSONALLY APPEARED BEFORE ME \_\_\_\_\_ [NAME OF PERSON], WHOSE IDENTITY IS PERSONALLY KNOWN TO ME OR PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE, AND WHO AFFIRMED THAT HE/SHE IS THE [TITLE], OF \_\_\_\_\_ [NAME OF LLC], LIMITED LIABILITY COMPANY, BY AUTHORITY OF ITS MEMBERS OR ITS ARTICLES OF ORGANIZATION, AND HE/SHE ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY COMPANY EXECUTED THE SAME.  
NOTARY PUBLIC \_\_\_\_\_  
NOTARY FULL NAME \_\_\_\_\_ A NOTARY COMMISSIONED IN UTAH  
COMMISSION NUMBER \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

## ALPINE VIEW ESTATES PRELIMINARY PLAT

INCLUDING A VACATION OF "ALPINE CITY STORM DRAINAGE DETENTION AREA" PARCEL OF THE ALPINE RIDGE PHASE I SUBDIVISION AMENDED PLAT AND ADDITIONAL LANDS LOCATED IN THE WEST HALF OF SECTION 24, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN. ALPINE CITY, UTAH COUNTY, UTAH

### CITY ENGINEER

I HERBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

**DEVELOPER**  
GRIFFIN JOHNSON  
100 W CANYON CREST RD  
ALPINE, UT 84004  
801-910-0341

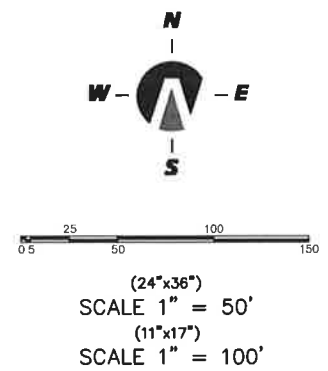
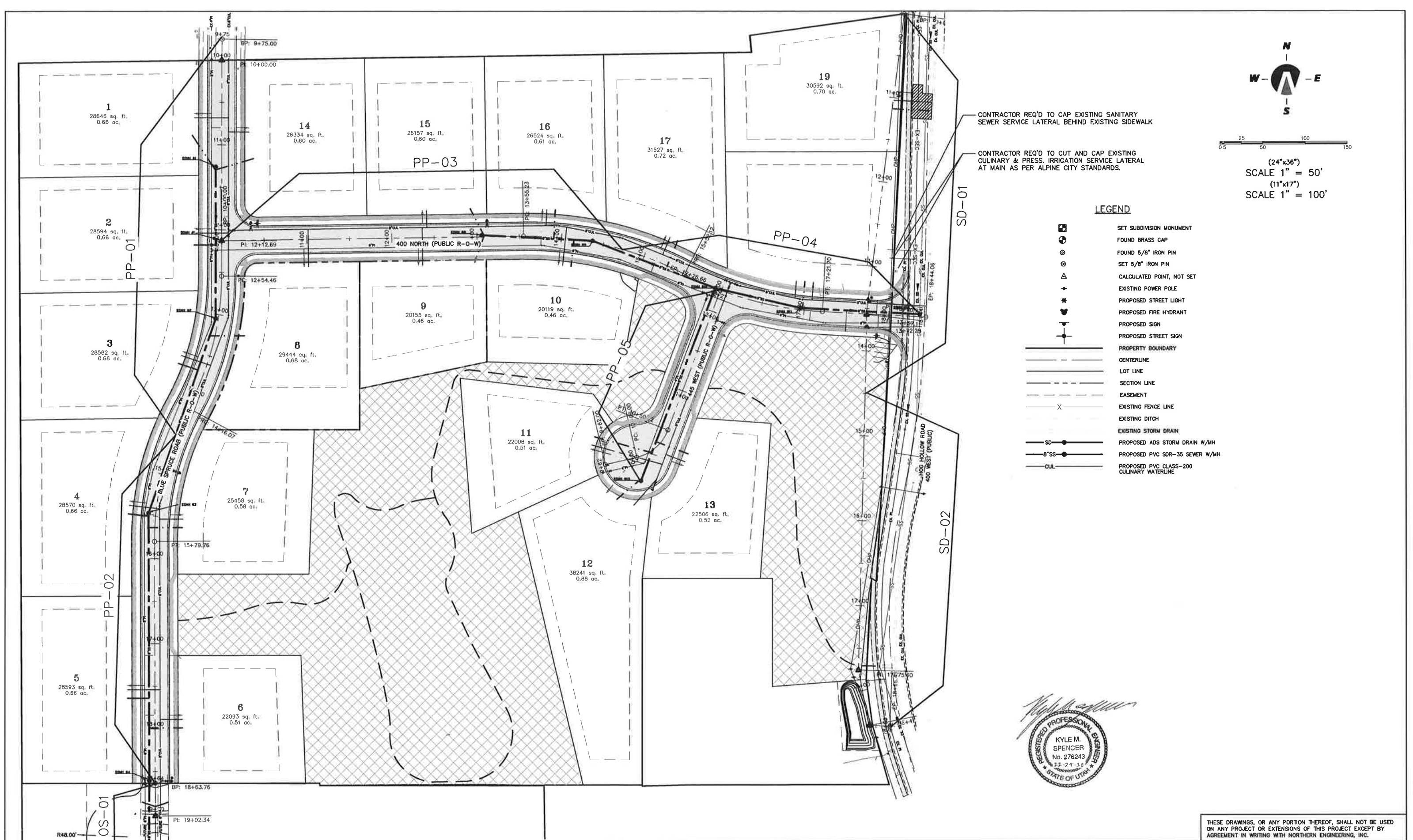
ALPINE CITY ENGINEER

ANSON 11-018-0058

ANSON 11-018-0078

WILLIAMS 11-018-0074

ANSON 11-018-0047



- LEGEND**
- SET SUBDIVISION MONUMENT
  - FOUND BRASS CAP
  - FOUND 5/8" IRON PIN
  - SET 5/8" IRON PIN
  - CALCULATED POINT, NOT SET
  - EXISTING POWER POLE
  - PROPOSED STREET LIGHT
  - PROPOSED FIRE HYDRANT
  - PROPOSED SIGN
  - PROPOSED STREET SIGN
  - PROPERTY BOUNDARY
  - CENTERLINE
  - LOT LINE
  - SECTION LINE
  - EASEMENT
  - EXISTING FENCE LINE
  - EXISTING DITCH
  - EXISTING STORM DRAIN
  - PROPOSED ADS STORM DRAIN W/MH
  - PROPOSED PVC SDR-35 SEWER W/MH
  - PROPOSED PVC CLASS-200 CULINARY WATERLINE



THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.

5	DESIGNED BY:	DATE:
4	DRAWN BY:	DATE:
3	CHECKED BY:	DATE:
2	APPROVED:	DATE:
1	COGO FILE:	DATE:
NO.	REVISIONS	BY DATE REV. COGO FILE:



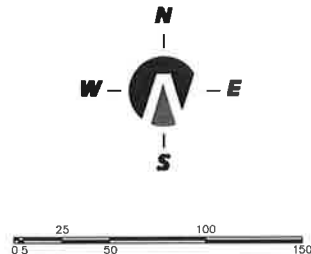
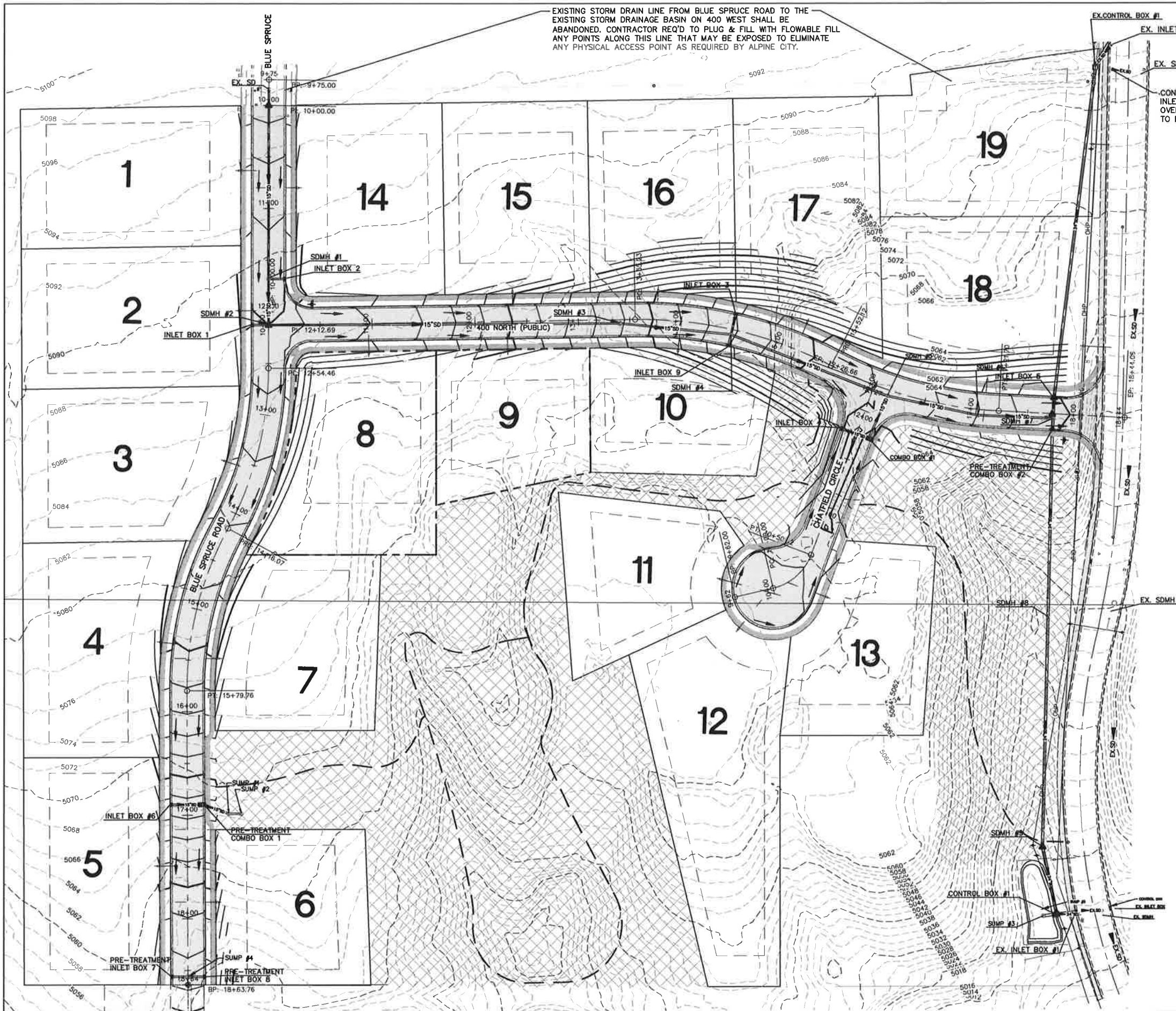
**Northern  
ENGINEERING INC**  
ENGINEERING-LAND PLANNING  
CONSTRUCTION MANAGEMENT

1040 E. 800 N.  
OREM, UTAH 84097  
(801) 802-8992

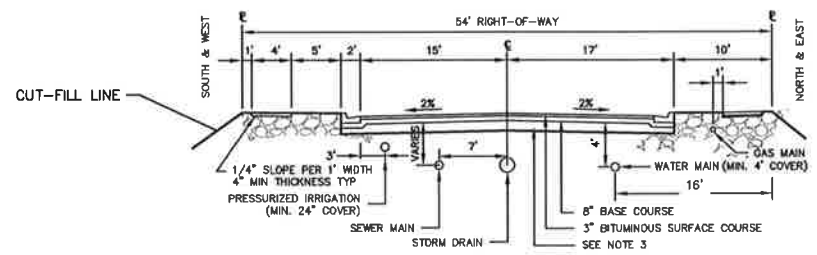
# ALPINE VIEW ESTATES

UTILITY & INDEX SHEET	JOB NO. 3-17-055
ALPINE, UTAH	SHEET NO. 4





(24"x36")  
SCALE 1" = 50'  
(11"x17")  
SCALE 1" = 100'



- NOTES:
1. WATER VALVES AND 5-INCH VALVE OPENING MUELLER FIRE HYDRANTS SHALL BE LOCATED AS APPROVED.
  2. NO WATER LINE SMALLER THAN 8-INCH DIA. SHALL BE INSTALLED WITHOUT APPROVAL OF CITY COUNCIL.
  3. IF SUBGRADE SOILS ARE AASHTO CLASS A-3, A-4, OR A-5, 10" OF IMPORTED A-1 SUBBASE MATERIAL WILL BE REQUIRED. FOR A-6 OR A-7 SUBGRADE SOILS, 12" OF A-1 SUBBASE MATERIAL WILL BE REQUIRED.
  4. CULINARY WATER MAINS SHALL BE ON THE NORTH AND EAST SIDES OF THE STREET. PRESSURIZED IRRIGATION AND SEWER LINES SHALL BE ON THE SOUTH AND WEST SIDES OF THE STREET.

BLUE SPRUCE ROAD, 400 NORTH, 445 WEST  
-NTS-

Cut/Fill Summary

Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
EG-PILE-1	1.000	1.000	13317 Sq. Ft.	76649.18 Cu. Ft.	2.42 Cu. Ft.	76646.76 Cu. Ft.<Cut>
EG-PILE-2	1.000	1.000	6075 Sq. Ft.	31842.40 Cu. Ft.	2.96 Cu. Ft.	31839.44 Cu. Ft.<Cut>
EG-PILE-3	1.000	1.000	17921 Sq. Ft.	135712.40 Cu. Ft.	0.00 Cu. Ft.	135712.39 Cu. Ft.<Cut>
Totals			37314 Sq. Ft.	244203.97 Cu. Ft.	5.37 Cu. Ft.	244198.59 Cu. Ft.<Cut>



THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.

NO.	REVISIONS	BY	DATE	REV. COGO FILE
5				
4				
3				
2				
1				

DESIGNED BY:	DATE:
DRAWN BY:	DATE:
CHECKED BY:	DATE:
APPROVED:	DATE:
COGO FILE:	DATE:
REV. COGO FILE:	DATE:



**Northern**  
**ENGINEERING INC**  
ENGINEERING-LAND PLANNING  
CONSTRUCTION MANAGEMENT

1040 E. 800 N.  
OREM, UTAH 84097  
(801) 802-8992

<b>ALPINE VIEW ESTATES</b>		GRADING & DRAINAGE PLAN	JOB NO. 3-17-055
ALPINE, UTAH			SHEET NO. 5



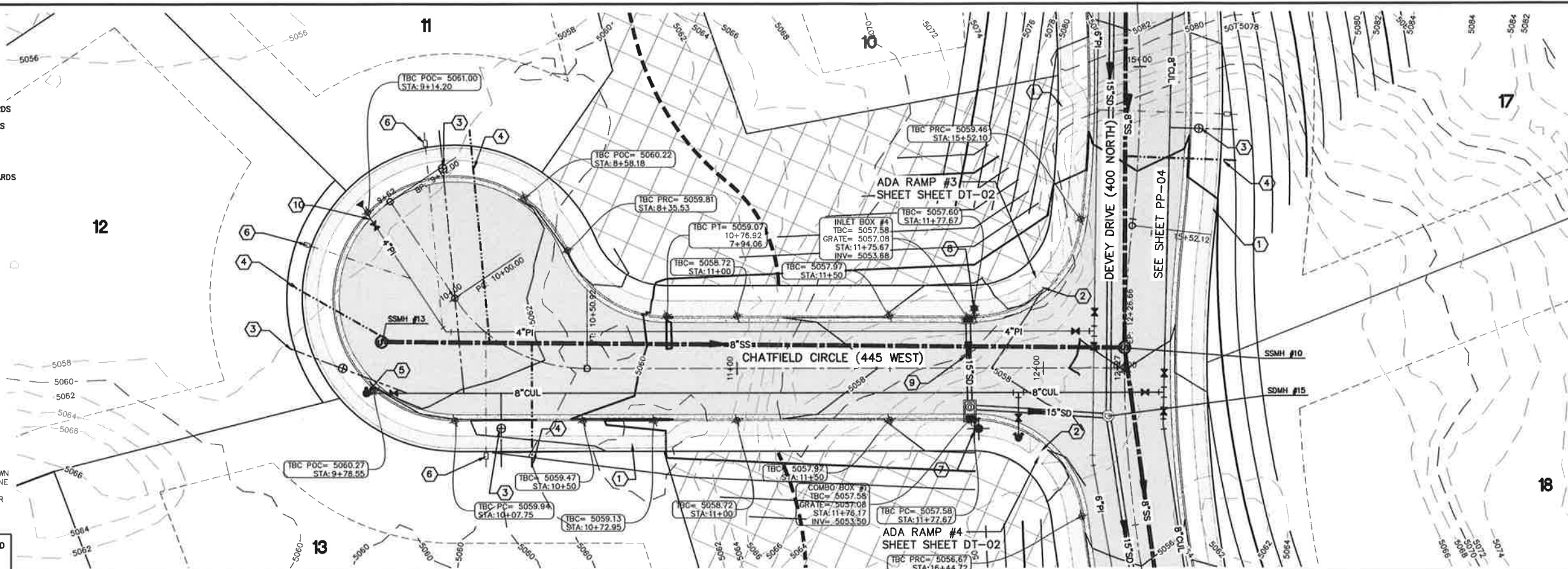
- 1) CONST. SIDEWALK AS PER CITY STANDARDS
- 2) CONST. HANDICAP RAMP AS PER CITY STANDARDS
- 3) CONST. WATER SERVICE & METER AS PER CITY STANDARDS
- 4) CONST. 4" SEWER LATERAL AS PER CITY STANDARDS
- 5) CONST. FIRE HYDRANT AS PER CITY STANDARDS
- 6) CONST. PRESSURE IRRIGATION LATERAL AS PER CITY STANDARDS
- 7) CONST. STOP SIGN W/ STREET SIGN AS PER CITY STANDARDS
- 8) CONST. STREET LIGHT AS PER CITY STANDARDS
- 9) CONST. 27.73 L.F. 15" RCP STORM DRAIN PIPE @ 0.50%
- 10) CONST. AIR RELEASE VALVE IN STREET AS PER CITY STANDARDS

#### NOTES TO CONTRACTOR:

- 1) CONTRACTOR TO FIELD VERIFY ALL EXISTING CURB & GUTTER, STORM DRAIN, CHANNEL CROSSINGS, & SEWER ELEVATIONS OR INVERTS PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER WHEN ELEVATIONS OR INVERTS DO NOT MATCH PLANS.
- 2) THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN APPROXIMATE LOCATIONS. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

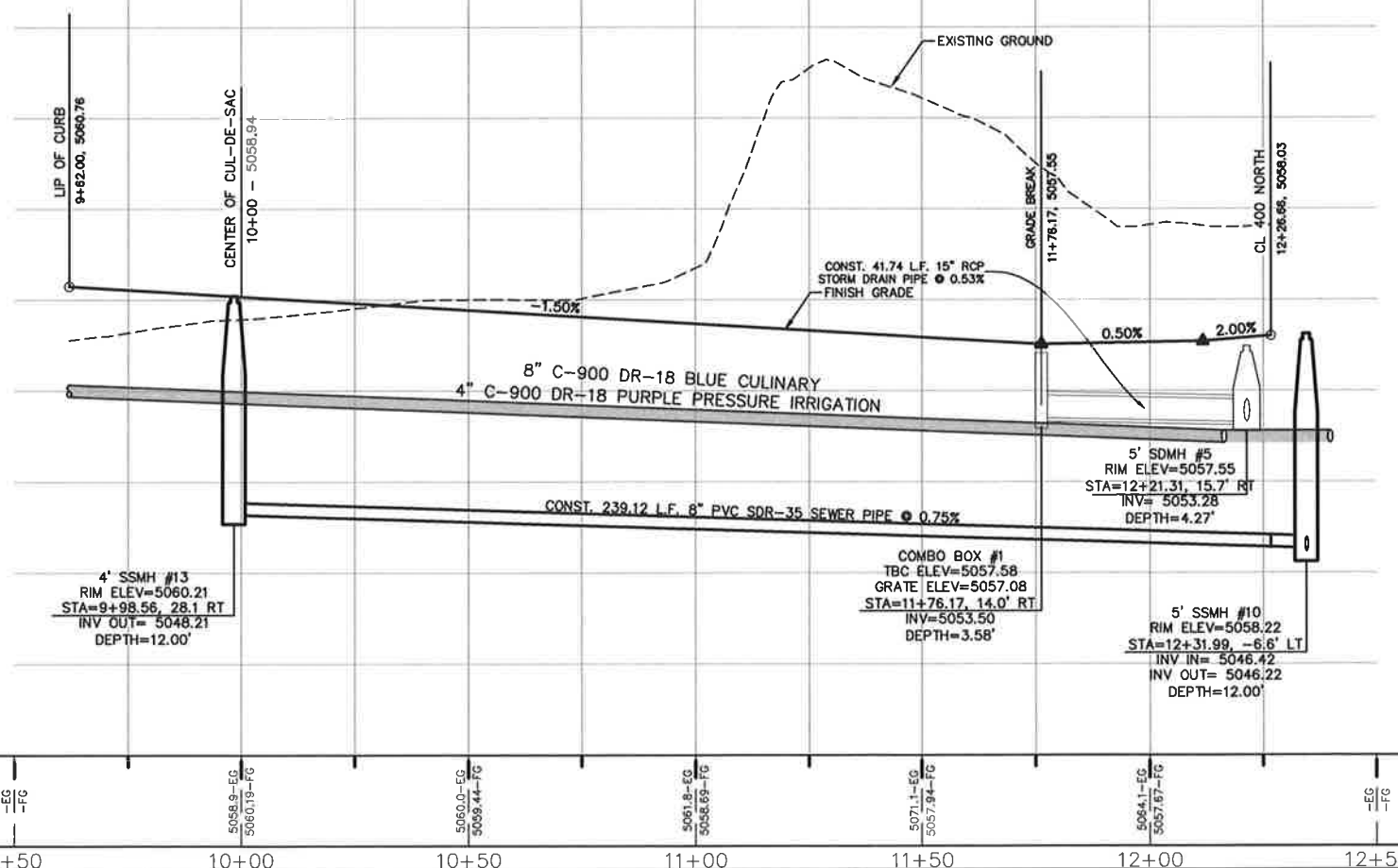
THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.

5075  
5070  
5065  
5060  
5055  
5050  
5045  
5040  
5035



(24"x36")  
HORIZONTAL 1" = 20'  
VERTICAL 1" = 5'

(11"x17")  
HORIZONTAL 1" = 40'  
VERTICAL 1" = 10'



5075  
5070  
5065  
5060  
5055  
5050  
5045  
5040  
5035

NO.	REVISIONS	BY	DATE	DESIGNED BY:	DATE:
5				DRAWN BY:	DATE:
4				CHECKED BY:	DATE:
3				APPROVED:	DATE:
2				CODG FILE:	DATE:
1				REV. CODG FILE:	DATE:



**Northern  
ENGINEERING INC**  
ENGINEERING-LAND PLANNING  
CONSTRUCTION MANAGEMENT

1040 E. 800 N.  
OREM, UTAH 84097  
(801) 802-8992

**ALPINE VIEW ESTATES**

PLAN & PROFILE 445 WEST

ALPINE, UTAH

JOB NO.  
3-17-055  
SHEET NO.  
**PP-05**

### **3.09.060 Dwelling Clusters; Lot Size; Buildable Area; Setback**

1. All lots shall be located within a designated Dwelling Cluster. A project may contain more than one Dwelling Cluster. Each cluster shall contain not less than three (3) separate lots (except for developments having fewer than 3 lots for the entire development). Where a project contains land located within and outside the Sensitive Lands Overlay Zone, Dwelling Clusters will be located outside of the Sensitive Lands Overlay Zone, to the maximum extent possible. No portion of lots within a PRD shall be located on lands which are required to be designated as open space.
2. (Ord. 97-23: 9/24/97) The size of each individual lot shall conform to the following:

#### **Minimum Lot Size**

Zone District	Minimum Lot Size
CR-20,000	10,000 square feet
CR-40,000	20,000 square feet
CE-5	20,000 square feet
CE-50	N/A

3. (Ord 97-02, 2/25/97). Each individual lot shall contain at least one Designated Buildable Area of not less than five-thousand (5,000) square feet. All dwellings and other habitable structures and accessory buildings shall be located within the Designated Buildable Area.
  - a. Each Designated Buildable Area shall conform to the criteria for qualification as a "buildable area" as defined in this ordinance. Except that the Planning Commission may approve or require the placement of the Designated Buildable Area in a location within the lot which does not conform to one or more of the criteria for buildable area, upon a finding that the proposed Designated Buildable Area:
    - i. will more adequately accommodate subsequent development of the lot,
    - ii. will not constitute a potential hazard to life or property, and
    - iii. will serve to diminish the negative impact of subsequent development upon the lot or community (i.e. extraordinary construction of driveway access, mitigate visual intrusion of structure on ridge line).
  - b. The location of each Designated Buildable Area shall be designated upon the preliminary plan and shall also be identified and described on the final recorded plat, together with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area. Where a Designated Buildable Area is shown on a lot, the boundary of said area shall constitute the Designated Setback envelope applicable to the lot. Where an entire lot area qualifies as a Buildable Area no designation on the final plat shall be required.
  - c. Except as permitted pursuant to Part 3,a, any portion of a lot which has been graded to produce a percent of slope to qualify under the Buildable Area criteria shall be excluded from consideration as part of the Designated Buildable Area.
  - d. The Designated Buildable Area may be amended by the City Planner and City Engineer

as long as the minimum setback requirements of the underlying zone are met. (Ord. 2004-13, 9/28/04)

4. Each dwelling in the project shall be setback from the property line in accordance with the setback lines as shown on the approved plat (Designated Setback Envelope). The Designated Setback Envelope shall be established in accordance with the following (setbacks are measured from the property line to the nearest foundation):
  - a. Front Yard. The minimum front yard setback shall be thirty (30) feet.
  - b. Side Yard - Corner Lots. On corner lots, the side that faces onto a public street shall be not less than thirty (30) feet.
  - c. Side Yard – Interior Lots. The minimum side yard setbacks for interior lots shall be an aggregate of thirty (30) feet with no less than twelve (12) feet on a side.
  - d. Rear Yard. The minimum rear yard setback shall be thirty (30) feet.

Subject to the prior recommendation of the Planning Commission, the City Council may approve an exception to the Designated Setback Envelope standards above for one or more lots within a PRD project, upon a finding that such exception is appropriate for the proper development of the lot and that the exception will not result in the establishment of a hazardous condition.

Where no designated building envelope is provided, the setbacks shall be the same as the minimum requirements within the underlying zone.

5. The maximum height of any dwelling or other main building shall be thirty-four (34) feet, as determined in accordance with the provisions of DCA 3.21.080, (Ord. 96-15, 12/18/96) except in the CE-50 zone the height shall not exceed 25 feet. (See DCA 3.06.070 Part 1)

(Ord. No. 95-04, 2/28/95; Amended Ord. No. 95-28, 11/28/95; Ord No. 2001-10, 4/10/01; Ord. No. 2004-13, 9/28/04; Ord. No. 2011-04, 01/11/11; Ord. No. 2012-10, 12/11/12; Ord. No. 2014-14, 09/09/14; Ord. No. 2015-11, 07/28/15)

#### HISTORY

Amended by Ord. [2019-02](#) on 4/23/2019

## ALPINE PLANNING COMMISSION AGENDA

**SUBJECT:** Exception to Retaining Wall Ordinance – 79 S. Lone Peak Drive

**FOR CONSIDERATION ON:** 4 May 2021

**PETITIONER:** Clair Merryweather, Resident of Alpine City

**ACTION REQUESTED BY PETITIONER:** Approve an exception to the Retaining Wall Ordinance.

### BACKGROUND INFORMATION:

Mr. Clair Merryweather is seeking an exception to the Retaining Wall Ordinance. Specifically, he would like to be able to place a two-tiered retaining wall closer together than the ordinance permits. Each tier of the wall would not exceed four (4) feet in height. The proposed gap between walls would be three (3) feet measured from the front face of the lower wall to the front face of the upper wall. The ordinance requires a two (2) foot gap between walls and is measured from the back edge of the lower wall to the front face of the upper wall.

According to 3.32.020.1 of the Alpine City Development Code exceptions may be granted to the Retaining Wall Ordinance:

*“The City Council may grant an exception from these standards. Prior to the City Council considering the exception, the City Engineer shall submit a written recommendation to the Planning Commission. The recommended exception shall be based on generally accepted engineering practices. The Planning Commission shall review the recommendation and advise the City Council as to whether or not the exception should or should not be granted.”*

**Engineering recommends approval of the request for the owner to build a tiered retaining wall system (rock or verti-block) spaced three (3) feet apart, as measured from the front faces of each wall. No wall can be taller than four (4) in exposed height when complete.**

### STAFF RECOMMENDATION:

Approve the exception to the Retaining Wall Ordinance as outlined in the sample motion.

### SAMPLE MOTION TO APPROVE:

I move to recommend approval of the request for the owner to build a tiered retaining wall system (rock or verti-block) spaced three (3) feet apart, as measured from the front faces of each wall. No wall can be taller than four (4) in exposed height when complete.

### SAMPLE MOTION TO TABLE/DENY:

I move table/deny the proposed exception based on the following:

- \*\*\*Insert Finding\*\*\*



# Memo



**To:** Alpine City Planning Commission  
**From:** Jed Muhlestein, P.E.  
City Engineer  
**Date:** April 30, 2021  
**Subject:** Exception Request to ADC 3.32 – Retaining Walls  
79 S Lone Peak, Clair Merryweather

Mr. Merryweather lives at 79 S Lone Peak drive and hopes to build a small tiered retaining wall system to expand the useful area of his yard. He hopes to build the walls a little closer to each other than what ordinance allows. He is proposing to build the walls such that the front face of the top wall would be three (3) feet away from the front face of the lower wall. At this time, he is unsure if he'll build a rock wall or verti-block wall. Both walls would be less than four (4) feet tall which are typically exempt from needing a building permit. The exemptions specifically state that the walls must be at least two (2) feet apart though, and that is what he is requesting an exemption from ordinance on.

The ordinance does allow for exemptions to be made:

*“3.32.020 Exceptions From DCA 3.32*

*The City Council may grant an exception from these standards. Prior to the City Council considering the exception, the City Engineer shall submit a written recommendation to the Planning Commission. The recommended exception shall be based on generally accepted engineering practices. The Planning Commission shall review the recommendation and advise the City Council as to whether or not the exception should or should not be granted.”*

The requested three (3) foot face-to-face measurement conflicts with ordinance, which states:

*“Double tiered retaining walls less than four feet in exposed height per wall and which have front slopes and back slopes of each wall no steeper than or equal to 10H:1V within ten feet of the walls, 2 foot spacing between front face of the upper wall and back edge of the lower wall;”*  
(ADC 3.32.030.2.c)

Alpine City Engineering  
20 North Main • Alpine, Utah 84004  
Phone/Fax: (801) 763-9862  
E-mail: jed@alpinecity.org

This statement is listed under the “Building Permit Exemptions” sections of the ordinance which pertains to walls smaller than four (4) feet tall.

It is also worth mentioning that the slopes in front and back of the walls would be less than 10H:1V, as ordinance mentions. These walls do not need a building permit, they only need an exception from ordinance to be placed slightly closer together.

The 2-foot spacing requirement was included in the ordinance for aesthetics; it was to allow for plantings to be placed between tiered walls. In this situation, if verti-block walls are used, they are designed with a depression in the top block to plant vegetation. See photo to the right. If the owner can place plantings in the top of the wall, aesthetics can occur and therefore the requirement for another two (2) feet of space for plantings shouldn't be needed.



If a rock wall is built, the top rock of a four (4) foot tall rock retaining wall is generally 12”-18” in diameter. If the City allowed the requested three (3) foot face-to-face measurement to occur, that would leave 18” of space between the walls for plantings. Those are the two walls the owner is currently considering but what if he changed his mind to a concrete retaining wall? A concrete wall, four (4) feet or less in height, is typically 8”-10” wide. If he used a concrete wall with the same requested spacing, the space between the walls would be 26”-28” wide (more than ordinance calls for).

Staff checked with Taylor Geotechnical, the firm which helped write the City's retaining wall ordinance, and verified that the 2-foot spacing was for aesthetics. Both Staff and Taylor Geotechnical felt that the intent of the ordinance would be met with the owner's request for more narrow spacing.

**Engineering recommends approval of the request for the owner to build a tiered retaining wall system (rock or verti-block) spaced three (3) feet apart, as measured from the front faces of each wall. No wall can be taller than four (4) in exposed height when complete.**

April 30, 2021

TO: Austin 'Roy  
City Planner  
Alpine City, Utah

Please consider an exception to the separation requirements to the retainer wall ordinance that the horizontal setback distance be measured from the front of the lower wall instead of the back.

Thank you for considering this request.

Clair T Merryweather  
79 South Lone Peak Dr.  
Alpine, Utah 84004  
(801) 477-7553  
ctmerrywx@hotmail.com

A handwritten signature in blue ink that reads "Clair T Merryweather". The signature is written in a cursive, flowing style.

## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT: Public Hearing – Ordinance 2021-10 Sign Content**

**FOR CONSIDERATION ON: 4 May 2021**

**PETITIONER: Staff**

**ACTION REQUESTED BY PETITIONER: Review and approve the proposed ordinance.**

### **BACKGROUND INFORMATION:**

Current City code regulates signs based on the content of the sign. Utah Code permits cities to regulate signs based on type (physical type of sign) and location, but cities cannot regulate the content of signs. For example, a city may regulate temporary signs and what types of properties they are permitted on, but the city cannot discriminate temporary signs based on their content. So, if one temporary sign were a political sign and another was for a private soccer league and yet another was for window cleaning, all would be allowed if temporary signs are permitted in that area. However, if temporary signs were not allowed in that area, then none of the above examples could be permitted.

Staff recommends updating the Sign Ordinance to be consistent with State requirements.

### **STAFF RECOMMENDATION:**

Review the proposed ordinance, hold a public hearing, and recommend approval of the proposed ordinance.

### **SAMPLE MOTION TO APPROVE:**

I move to recommend that Ordinance 2021-10 be approved as proposed.

### **SAMPLE MOTION TO APPROVE WITH CONDITIONS:**

I move to recommend that Ordinance 2021-10 be approved with the following conditions/changes:

- \*\*\*Insert Finding\*\*\*

### **SAMPLE MOTION TO TABLE/DENY:**

I move that Ordinance 2021-10 be tabled/denied based on the following:

- \*\*\*Insert Finding\*\*\*



**ALPINE CITY  
ORDINANCE 2021-10**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.25.050, 3.25.060, 3.25.080, 3.25.100, 3.25.110, 3.25.120, 3.25.130, AND 3.25.140 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO THE CONTENT OF SIGNS.**

**WHEREAS**, The Planning Commission held a public hearing on May 4, 2021, regarding proposed amendments to Article 3.25.050, 3.25.060, 3.25.080, 3.25.100, 3.25.110, 3.25.120, 3.25.130, and 3.25.140 of the Development Code; and

**WHEREAS**, on May 11, 2021, the Alpine City Council has deemed it in the best interest of Alpine City to update the Sign Ordinance; 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 Council of the Alpine City, in the State of Utah, as follows: The amendments to Article 3.25.050, 3.25.060, 3.25.080, 3.25.100, 3.25.110, 3.25.120, 3.25.130, and 3.25.140 will supersede Article 3.25.050, 3.25.060, 3.25.080, 3.25.100, 3.25.110, 3.25.120, 3.25.130, and 3.25.140 as previously adopted. This ordinance shall take effect upon posting.

**SECTION 1:**        **AMENDMENT** “3.25.080 Commercial Building Signs” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.25.080 ~~Commercial Building Signs~~ Permanent Signs in the Business Commercial Zone

**SECTION 2:**        **AMENDMENT** “3.25.120 Public, Quasi-Public, And School Signs” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.25.120 Permanent Signs Located on Public, Quasi-Public, ~~And or~~ School ~~Signs~~ Properties

**SECTION 3:            AMENDMENT** “3.25.050 Definitions” of the Alpine City Development Code is hereby *amended* as follows:

## AMENDMENT

### 3.25.050 Definitions

Community or Civic Event: A public event that is of interest to the community as a whole rather than the promotion of any product, or commercial goods or services.

Height: The vertical distance measured from the ground level to the highest point of the sign including sign supports.

Public Property: Any property owned by a governmental entity.

Quasi Public-~~Use~~: A ~~use operated by a~~ private non-profit educational, religious, recreational, charitable or philanthropic institution, having the primary purpose of serving the general public, such as churches, private schools, hospitals, ~~and similar uses~~ etc.

Sight Triangle: The area formed by connecting the corner of the property to points thirty-five (35) feet back along each property line abutting the street, or as per AASHTO policy on geometric design of highways and streets regarding safe sight distances.

Sign: Sign shall mean and include a display of an advertising message, usually written, including an announcement, declaration, demonstration, product reproduction, illustration, insignia, surface or space erected or maintained in view of the observer thereof primarily for identification, advertisement, or promotion of the interest of any person, entity, product, or service, and visible from outdoors. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, flags, ornaments or other features used to draw the attention of observers.

~~Sign, Activity Sponsor: Signs advertising an individual, business, corporation, or other entity that sponsors sports, such as Alpine Youth Baseball.~~

Sign, A-frame: A two-sided sign which is self-supporting, easily moved, and not permanently attached to the ground or any structure or building (shaped similar to the graphic shown in Figure 3.25.5.7).

Figure 3.25.5.7



Sign, Construction/Development: A temporary sign placed on a ~~site-identifying~~ a new construction/development site, ~~the contractor, builder, and/or financial institution; and may include a plat map, project marketing sign, and real estate information.~~ The sign shall be placed only on the site for which it provides information.

Sign, Directional: Temporary, off-premise sign giving directions.

~~Sign, Election and Political: A temporary sign announcing, promoting, or drawing attention to any candidate(s) seeking public office in a forthcoming election; or signs announcing, promoting, or discouraging political issues.~~

Sign, Electronic: A sign that flashes, blinks, revolves or is otherwise in motion; or a sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. This definition includes an electronic message display terminal, screen, or monitor used to receive or provide information, advertise a good or service, or promote an event.

~~Sign, For-Profit Community Event: Temporary signs advertising community events that are sponsored by a for-profit business.~~

Sign, Free-Standing (Monument): A sign that is supported by one or more uprights or braces which are fastened to or embedded in the ground or a foundation in the ground, and is not attached to any building or wall.

~~Sign, Neighborhood Information: A sign that is located entirely on private property and is designed to provide information or notifications to local residents regarding neighborhood events, meetings, or issues.~~

Sign, Outdoor: Any wood, metal, glass, stone, concrete, or painting on any surface that is designed for outdoor advertising, identification, or directional purposes, and is placed on the ground or attached to any tree, wall, fence, post, or building structure. Outdoor signs may be temporary or permanent.

Sign, Portable: Any sign that can be moved from place to place and is not permanently affixed to the ground or building.

Sign, Real Estate: A temporary sign advertising the sale, rental, or lease of the premises, part of the premises, or lot on which the sign is displayed.

Signs, Regulatory: A range of signs used to indicate or reinforce traffic laws, regulations, or requirements which apply either at all times or at specified times or places upon a street or highway, the disregard of which may constitute a violation.

Sign, Temporary: A sign which is intended for use during a specified, limited time.

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)

**SECTION 4:**        **AMENDMENT** “3.25.060 Prohibitions” of the Alpine City Development Code is hereby *amended* as follows:

#### AMENDMENT

##### 3.25.060 Prohibitions

1. For the purposes of this ordinance, all commercial outdoor advertising commonly referred to as billboards or off-premise signs, except those expressly permitted, are prohibited.
2. Signs shall not be placed on any public property, unless expressly permitted, and shall not be attached to public utility poles.
3. Non-permanently affixed signs and off-premise commercial signs, except as expressly permitted.
4. Temporary commercial signs are prohibited, except as outlined in DCA 3.25.140.
5. Signs that flash, blink, revolve or are otherwise in motion are expressly prohibited, except as permitted in DCA 3.25.090.
6. Flags, banners, streamers and the like are not allowed to be used as signs or for purposes to gain attention, except as expressly permitted in DCA 3.25.140.
7. ~~Off premises "Garage Sale" signs or similar signs.~~

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)

**SECTION 5:**        **AMENDMENT** “3.25.100 Election And Political Signs” of the Alpine City Development Code is hereby *amended* as follows:



## AMENDMENT

### 3.25.100 Election And Political Signs

1. ~~Temporary election and political signs shall not exceed twelve (12) square feet in area and shall not exceed a height of six (6) feet. Temporary political and election signs shall be placed only on private property, with the permission of the property owner. Property owners shall determine the location of the sign. A permit shall not be required for temporary political or election signs. (Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)~~

**SECTION 6:** **AMENDMENT** “3.25.110 Home Occupation Signs” of the Alpine City Development Code is hereby *amended* as follows:

## AMENDMENT

### ~~3.25.110 Home Occupation Signs~~ Permanent Signs in Residential Zones

~~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 side of the mailbox structure at or below the level of the mailbox. No off-site ~~advertising~~ signs shall be permitted.

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)

**SECTION 7:** **AMENDMENT** “3.25.130 Real Estate And Construction/Development Signs” of the Alpine City Development Code is hereby *amended* as follows:

## AMENDMENT

### 3.25.130 Real Estate And Construction/Development Signs

1. Temporary signs ~~designed to advertise or promote~~ for real estate and construction/developments ~~properties~~ shall be approved, constructed, erected, and maintained in accordance with all applicable provisions outlined in the Alpine City Sign Ordinance, including placement and location.
2. For ~~Temporary~~ Construction/Development Signs, ~~the following shall apply:~~
  - a. A permit shall be required.
  - b. Signs shall not exceed thirty-two (32) square feet in size, including

- background;
  - c. Signs shall not exceed a height of six (6) feet;
  - d. Only two (2) signs will be allowed within each subdivision or development that has received final plat approval and met all the requirements for plat recordation;
  - e. Only two (2) signs per subdivision shall be allowed regardless of the number of phases in the subdivision; and
  - f. The signs shall be placed on private property within the subdivision and shall be at least ten (10) feet apart.
3. For ~~lots with~~ temporary Real Estate Signs in a residential ~~use zone~~, ~~temporary signs~~ the following shall apply:
- a. A permit shall not be required.
  - b. ~~May be erected to advertise the sale, rent, or lease of property on which the sign is located, and to advertise the builder of the home;~~
  - c. Shall be limited to two (2) signs per lot;
  - d. Shall not exceed an area of eight (8) square feet per sign, including signs and headers;
  - e. Shall not exceed a height of four (4) feet;
  - f. Shall be set back so all portions of the sign are at least three (3) feet behind the sidewalk or three (3) feet behind the curb if there is not a sidewalk;
  - g. Signs shall be at least ten (10) feet apart; and
4. Off-premise real estate signs are not allowed.
5. For temporary Real Estate ~~s~~Signs in the Business eCommercial ~~z~~Zones ~~that advertise the sale, rent, or lease of property on which the sign is located~~, the following shall apply:
- a. A permit shall be required.
  - b. Signs shall not exceed thirty-two (32) square feet in size, including background;
  - c. Signs shall not exceed a height of six (6) feet;
  - d. More than one (1) tenant may advertise on the sign;
  - e. Two (2) signs per complex will be allowed;
  - f. Signs shall be at least ten (10) feet apart;
  - g. If the current use of the property is residential, the regulations of Part 3 shall apply even if the property could be converted to a commercial use, and

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)

**SECTION 8:            AMENDMENT “3.25.140 Temporary Signs” of the Alpine City Development Code is hereby *amended* as follows:**

## AMENDMENT

### 3.25.140 Temporary Signs

Banners are permitted to be used as temporary signs and shall follow all applicable regulations. Banners and temporary signs attached to buildings are permitted and shall follow all applicable regulations including DCA 3.25.080 Part 3. A-frame signs, or equivalent, are permissible and shall not exceed a height of four (4) feet and a width of three (3) feet and shall comply with all applicable regulations. As indicated in DCA 3.25.060, off-premise commercial signs are prohibited, except as expressly permitted.

1. ~~Business Signs.~~ For Temporary Signs in the Business Commercial Zone, the following shall apply:
  - a. A permit shall be required.
  - b. Temporary business signs shall comply with all applicable regulations of the sign ordinance including, but not limited to DCA 3.25.020, DCA 3.25.030, DCA 3.25.040, DCA 3.25.060, DCA 3.25.070, and DCA 3.25.080.
  - c. Grand Opening Period.
    - i. Temporary signs ~~announcing the initial opening of a business, or the relocation, or change of ownership of an existing business~~ may be allowed within the first year of operations for a period not to exceed 45 calendar days. The signs must be removed at the end of the 45 day period.
    - ii. No more than two (2) signs shall be allowed per location, including businesses located within a planned commercial development. Signs shall be placed at least twenty (20) feet apart.
  - d. ~~Special Promotion~~ Other Periods.
    - i. ~~A business may apply for three (3) special promotion periods during the calendar year. Each period may not exceed fourteen (14) days. These periods may run consecutively~~ Temporary Signs shall be permitted for up to three (3) period fourteen (14) day periods per year.
    - ii. No more than two (2) signs shall be allowed per location, including businesses located within a planned commercial development. Signs shall be placed at least twenty (20) feet apart.
2. ~~Community or Civic Event Signs. The following shall apply:~~  
~~A permit shall be required. Signs shall be permitted for no more than fourteen (14) days. Signs, including headers and supports shall not exceed an area of twenty-four (24) square feet. Signs shall not exceed a height of six (6) feet. Sign placement is on a first come first serve basis at City-approved locations. Alpine City must approve the sign and the event as a community event in order to use banners or other means to advertise the community event that are not in conflict with this ordinance. Placement of each sign shall require the approval of Alpine City, and shall comply with DCA 3.25.020. All other Temporary Community or Civic Event signs are prohibited.~~
3. ~~Business Community Event Signs. The following shall apply:~~  
~~A permit shall be required. Signs shall be permitted for no more than fourteen (14) days. Signs, including headers and supports, shall not exceed an area of twenty-four (24) square feet. Signs shall not exceed a height of four (4) feet. No more than two (2)~~

~~signs shall be allowed per location, including businesses located within a Planned Commercial Development. Signs shall be placed at least twenty (20) feet apart. Alpine City must approve the sign and the event as a community event in order for the business to use banners or other means to advertise the community event that are not in conflict with this ordinance. Alpine City shall use the following definition when determining whether the event is a community event: A community event includes special occasions, such as anniversary, thank you, customer appreciation, get to know the neighborhood, religious, charitable, civic or festive occurrences, or in celebration of some event of national, state, or civic significance or in honor of a visit from a person or persons of note. It is specifically prohibited to incorporate in any event sign decorations advertising of a commercial nature.~~

4. ~~Church, Home Owners Association & School Information Signs.~~ For Temporary Signs in residential zones, the following shall apply:
  - a. A permit shall not be required.
  - b. Signs shall be permitted for no more than fourteen (14) days.
  - c. Signs shall be placed on private property.
  - d. Be limited to two (2) signs ~~per block per event~~.
  - e. Shall not exceed an area of twelve (12) square feet per sign, including signs and headers.
  - f. Signs shall not exceed a height of four (4) feet.
5. ~~Activity Sponsor Signs. The following shall apply: A permit shall not be required. Signs may be erected one (1) week before the start of Alpine Days and must be removed within two (2) days after the end of Alpine Days. Businesses in the commercial zone may use temporary signs for promotional and community events in order to create a festive nature in the downtown area. Such signs shall be in accordance with this ordinance and with the following guidelines: A permit shall not be required. Signs, including off-premise commercial signs of activity sponsors, may be included as part of a City approved sports facility. Sponsor logos shall constitute a maximum of 25% of a scoreboard. Scoreboards and outfield signs shall be removed to winter storage or covered with fitted weather protectors during the off-season. Size: Signs shall not exceed twenty-four (24) square feet in size (including background and supports). Alpine City may use flags, banners, streamers and the like as signs for Alpine Days.~~
6. ~~Alpine Days. During the annual Alpine Days Celebration, businesses in the commercial zone shall comply with the following:~~

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)



PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Lon Lott	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Gregory Gordon	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Troy Stout, Mayor, Alpine City

\_\_\_\_\_  
Bonnie Cooper, City Recorder Alpine  
City

**ALPINE CITY  
ORDINANCE 2021-10**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.25.050, 3.25.060, 3.25.080, 3.25.100, 3.25.110, 3.25.120, 3.25.130, AND 3.25.140 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO THE CONTENT OF SIGNS.**

**WHEREAS**, The Planning Commission held a public hearing on May 4, 2021, regarding proposed amendments to Article 3.25.050, 3.25.060, 3.25.080, 3.25.100, 3.25.110, 3.25.120, 3.25.130, and 3.25.140 of the Development Code; and

**WHEREAS**, on May 11, 2021, the Alpine City Council has deemed it in the best interest of Alpine City to update the Sign Ordinance; 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 Council of the Alpine City, in the State of Utah, as follows: The amendments to Article 3.25.050, 3.25.060, 3.25.080, 3.25.100, 3.25.110, 3.25.120, 3.25.130, and 3.25.140 will supersede Article 3.25.050, 3.25.060, 3.25.080, 3.25.100, 3.25.110, 3.25.120, 3.25.130, and 3.25.140 as previously adopted. This ordinance shall take effect upon posting.

**SECTION 1:**        **AMENDMENT** “3.25.080 Commercial Building Signs” of the Alpine City Development Code is hereby *amended* as follows:

**A M E N D M E N T**

3.25.080 Permanent Signs in the Business Commercial Zone

**SECTION 2:**        **AMENDMENT** “3.25.120 Public, Quasi-Public, And School Signs” of the Alpine City Development Code is hereby *amended* as follows:

**A M E N D M E N T**

3.25.120 Permanent Signs Located on Public, Quasi-Public, or School Properties

**SECTION 3:        AMENDMENT** “3.25.050 Definitions” of the Alpine City Development Code is hereby *amended* as follows:

## AMENDMENT

### 3.25.050 Definitions

Community or Civic Event: A public event that is of interest to the community as a whole rather than the promotion of any product, or commercial goods or services.

Height: The vertical distance measured from the ground level to the highest point of the sign including sign supports.

Public Property: Any property owned by a governmental entity.

Quasi Public: A private non-profit educational, religious, recreational, charitable or philanthropic institution, having the primary purpose of serving the general public, such as churches, private schools, hospitals, etc.

Sight Triangle: The area formed by connecting the corner of the property to points thirty-five (35) feet back along each property line abutting the street, or as per AASHTO policy on geometric design of highways and streets regarding safe sight distances.

Sign: Sign shall mean and include a display of an advertising message, usually written, including an announcement, declaration, demonstration, product reproduction, illustration, insignia, surface or space erected or maintained in view of the observer thereof primarily for identification, advertisement, or promotion of the interest of any person, entity, product, or service, and visible from outdoors. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, flags, ornaments or other features used to draw the attention of observers.

Sign, A-frame: A two-sided sign which is self-supporting, easily moved, and not permanently attached to the ground or any structure or building (shaped similar to the graphic shown in Figure 3.25.5.7).

Figure 3.25.5.7



Sign, Construction/Development: A temporary sign placed on a new construction/development site.. The sign shall be placed only on the site for which it provides information.

Sign, Directional: Temporary, off-premise sign giving directions.

Sign, Electronic: A sign that flashes, blinks, revolves or is otherwise in motion; or a sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. This definition includes an electronic message display terminal, screen, or monitor used to receive or provide information, advertise a good or service, or promote an event.

Sign, Free-Standing (Monument): A sign that is supported by one or more uprights or braces which are fastened to or embedded in the ground or a foundation in the ground, and is not attached to any building or wall.

Sign, Outdoor: Any wood, metal, glass, stone, concrete, or painting on any surface that is designed for outdoor advertising, identification, or directional purposes, and is placed on the ground or attached to any tree, wall, fence, post, or building structure. Outdoor signs may be temporary or permanent.

Sign, Portable: Any sign that can be moved from place to place and is not permanently affixed to the ground or building.

Sign, Real Estate: A temporary sign advertising the sale, rental, or lease of the premises, part of the premises, or lot on which the sign is displayed.

Signs, Regulatory: A range of signs used to indicate or reinforce traffic laws, regulations, or requirements which apply either at all times or at specified times or places upon a street or highway, the disregard of which may constitute a violation.

Sign, Temporary: A sign which is intended for use during a specified, limited time.

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)

**SECTION 4:**        **AMENDMENT** “3.25.060 Prohibitions” of the Alpine City Development Code is hereby *amended* as follows:

## AMENDMENT

### 3.25.060 Prohibitions

1. For the purposes of this ordinance, all commercial outdoor advertising commonly

referred to as billboards or off-premise signs, except those expressly permitted, are prohibited.

2. Signs shall not be placed on any public property, unless expressly permitted, and shall not be attached to public utility poles.
3. Non-permanently affixed signs and off-premise commercial signs, except as expressly permitted.
4. Temporary commercial signs are prohibited, except as outlined in DCA 3.25.140.
5. Signs that flash, blink, revolve or are otherwise in motion are expressly prohibited, except as permitted in DCA 3.25.090.
6. Flags, banners, streamers and the like are not allowed to be used as signs or for purposes to gain attention, except as expressly permitted in DCA 3.25.140.
- 7.

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)

**SECTION 5:**        **AMENDMENT** “3.25.100 Election And Political Signs” of the Alpine City Development Code is hereby *amended* as follows:

#### AMENDMENT

##### 3.25.100 Election And Political Signs

1.

**SECTION 6:**        **AMENDMENT** “3.25.110 Home Occupation Signs” of the Alpine City Development Code is hereby *amended* as follows:

#### AMENDMENT

##### Permanent Signs in Residential Zones

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 side of the mailbox structure at or below the level of the mailbox. No off-site signs shall be permitted.

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)

**SECTION 7:            AMENDMENT** “3.25.130 Real Estate And Construction/Development Signs” of the Alpine City Development Code is hereby *amended* as follows:

## AMENDMENT

### 3.25.130 Real Estate And Construction/Development Signs

1. Temporary signs for real estate and construction/development properties shall be approved, constructed, erected, and maintained in accordance with all applicable provisions outlined in the Alpine City Sign Ordinance, including placement and location.
2. For temporary Construction/Development ,theThe following shall apply:
  - a. A permit shall be required.
  - b. Signs shall not exceed thirty-two (32) square feet in size, including background;
  - c. Signs shall not exceed a height of six (6) feet;
  - d. Only two (2) signs will be allowed within each subdivision or development that has received final plat approval and met all the requirements for plat recordation;
  - e. Only two (2) signs per subdivision shall be allowed regardless of the number of phases in the subdivision; and
  - f. The signs shall be placed on private property within the subdivision and shall be at least ten (10) feet apart.
3. For temporary Real Estate Signs in a residentialzone use,thetemporaryfollowing shall applysigns:
  - a. A permit shall not be required.
  - b.
  - c. Shall be limited to two (2) signs per lot;
  - d. Shall not exceed an area of eight (8) square feet per sign, including signs and headers;
  - e. Shall not exceed a height of four (4) feet;
  - f. Shall be set back so all portions of the sign are at least three (3) feet behind the sidewalk or three (3) feet behind the curb if there is not a sidewalk;
  - g. Signs shall be at least ten (10) feet apart; and
4. Off-premise real estate signs are not allowed.
5. For temporary Real Estate Signs in the Business Commercial Zone the following shall apply:
  - a. A permit shall be required.
  - b. Signs shall not exceed thirty-two (32) square feet in size, including background;



- c. Signs shall not exceed a height of six (6) feet;
- d. More than one (1) tenant may advertise on the sign;
- e. Two (2) signs per complex will be allowed;
- f. Signs shall be at least ten (10) feet apart;
- g. If the current use of the property is residential, the regulations of Part 3 shall apply even if the property could be converted to a commercial use, and

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)

**SECTION 8:**            **AMENDMENT** “3.25.140 Temporary Signs” of the Alpine City Development Code is hereby *amended* as follows:

## AMENDMENT

### 3.25.140 Temporary Signs

Banners are permitted to be used as temporary signs and shall follow all applicable regulations. Banners and temporary signs attached to buildings are permitted and shall follow all applicable regulations including DCA 3.25.080 Part 3. A-frame signs, or equivalent, are permissible and shall not exceed a height of four (4) feet and a width of three (3) feet and shall comply with all applicable regulations. As indicated in DCA 3.25.060, off-premise commercial signs are prohibited, except as expressly permitted.

1. For Temporary Signs in the Business Commercial Zone, the following shall apply:
  - a. A permit shall be required.
  - b. Temporary business signs shall comply with all applicable regulations of the sign ordinance including, but not limited to DCA 3.25.020, DCA 3.25.030, DCA 3.25.040, DCA 3.25.060, DCA 3.25.070, and DCA 3.25.080.
  - c. Grand Opening Period.
    - i. Temporary signs be allowed within the first year of operations for a period not to exceed 45 calendar days. The signs must be removed at the end of the 45 day period.
    - ii. No more than two (2) signs shall be allowed per location, including businesses located within a planned commercial development. Signs shall be placed at least twenty (20) feet apart.
  - d. Other Periods.
    - i. Temporary Signs shall be permitted for up to three (3) period fourteen (14) day periods per year.
    - ii. No more than two (2) signs shall be allowed per location, including businesses located within a planned commercial development. Signs shall be placed at least twenty (20) feet apart.

- 2.
- 3.
4. For Temporary Signs in residential zones, the following shall apply:
  - a. A permit shall not be required.
  - b. Signs shall be permitted for no more than fourteen (14) days.
  - c. Signs shall be placed on private property.
  - d. Be limited to two (2) signs.
  - e. Shall not exceed an area of twelve (12) square feet per sign, including signs and headers.
  - f. Signs shall not exceed a height of four (4) feet.
- 5.
- 6.

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Lon Lott	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Gregory Gordon	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Troy Stout, Mayor, Alpine City

\_\_\_\_\_  
Bonnie Cooper, City Recorder Alpine City

## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT: Public Hearing – Ordinance 2021-11 Guest House Approval**

**FOR CONSIDERATION ON: 4 May 2021**

**PETITIONER: Staff**

**ACTION REQUESTED BY PETITIONER: Review and approve the proposed ordinance.**

### **BACKGROUND INFORMATION:**

The City recently adopted a new ordinance to allow exceptions to be granted for additional large animals on lots over 5-acres in size. In being consistent with this change, staff is recommending that guest houses, a conditional use on lots over 5-acres in size, be approved by City Council as well. The idea being that all exceptions, and special uses on large lots should be approved by a single entity for consistency sake.

Staff recommends that the conditional use of guest houses be approved by the City Council.

### **STAFF RECOMMENDATION:**

Review the proposed ordinance, hold a public hearing, and make a recommendation to approve.

### **SAMPLE MOTION TO APPROVE:**

I move to recommend that Ordinance 2021-11 be approved as proposed.

### **SAMPLE MOTION TO APPROVE WITH CONDITIONS:**

I move to recommend that Ordinance 2021-11 be approved with the following conditions/changes:

- \*\*\*Insert Finding\*\*\*

### **SAMPLE MOTION TO TABLE/DENY:**

I move that Ordinance 2021-11 be tabled/denied based on the following:

- \*\*\*Insert Finding\*\*\*

**ALPINE CITY  
ORDINANCE 2021-11**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.23.070 OF THE  
ALPINE CITY DEVELOPMENT CODE PERTAINING TO THE APPROVAL OF  
GUEST HOUSES.**

**WHEREAS,** The Planning Commission held a public hearing on May 4, 2021, regarding proposed amendments to Article 3.23.070 of the Development Code; and

**WHEREAS,** on May 11, 2021, the Alpine City Council has deemed it in the best interest of Alpine City to update the Guest House ordinance; 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 Council of the Alpine City, in the State of Utah, as follows: The amendments to Article 3.23.070 will supersede Article 3.23.070 as previously adopted. This ordinance shall take effect upon posting.

**SECTION 1:**        **AMENDMENT** “3.23.070 Review Conditions And Criteria For Certain Conditional Uses” of the Alpine City Development Code is hereby *amended* as follows:

**AMENDMENT**

**3.23.070 Review Conditions And Criteria For Certain Conditional Uses**

1. **Accessory Apartments** (Amended by Ord. 95-04, 02/28/95; 2004-13, 09/28/04; 2009-12, 07/14/09). An accessory apartment shall be considered a subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping, and sanitation facilities. Accessory apartments may be permitted as a conditional use, upon approval of the City Planner and Building Official. Approval shall be subject to the following:
  - a. Accessory apartments are listed as a conditional use within the zone.
  - b. Accessory apartments shall be permitted only in owner-occupied single-unit detached dwellings.
    - i. Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the temporary absence and meets the following criteria:

- (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
    - (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
    - (3) Owner occupancy shall have the meaning set forth in Article 3.01.110, Alpine City Development Code.
    - (4) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.
  - c. A maximum of one (1) accessory apartment shall be permitted in each owner occupied single-unit detached dwelling.
  - d. Accessory apartments shall be permitted only in a basement, above an attached garage, or on the main floor limiting it to twenty-five percent (25%) of the main floor.
  - e. A single-unit detached dwelling with an accessory apartment shall provide not less than four (4) off-street parking spaces. Parking spaces may include garage and driveway space. At least one (1) space shall be designated for the accessory apartment.
  - f. The accessory apartment shall contain no less than 300 square feet of living area and shall comply with all size and access specifications of the International Residential and Building Codes.
  - g. Accessory apartments shall have at least one (1) separate entrance from the main dwelling accessible from outside. The entrance shall be located on the side or rear of the main dwelling.
  - h. A single-unit detached dwelling containing an accessory apartment shall have not more than one (1) meter for each water, gas and electric utility service, and the meter shall be in the name of the owner.
  - i. All construction and remodeling to accommodate the accessory apartment shall be in accordance with the International Residential and Building Codes in effect at the time of construction or remodeling.
  - j. Any person constructing or causing the construction of a residence that has an accessory apartment or any person remodeling or causing the remodeling of a residence for an accessory apartment, or any person desiring to provide an accessory apartment within a single-unit detached dwelling, shall obtain an Accessory Apartment Permit from the Building Department. Such permit shall be in addition to any building permits that may be necessary.
2. **Guest Houses** (Ord. 94-06, 5/24/94). Guest houses may be permitted as a conditional use, upon approval of the ~~Planning Commission~~City Council and subject to compliance with the following:
- a. Guest Houses are listed as a conditional use within the zone.
  - b. The lot or parcel upon which the guesthouse is proposed to be placed shall have a lot area of not less than five (5) acres.

- c. The guesthouse shall be located not less than 30 ft. to the rear of the primary dwelling and not closer than twelve (12) ft. to any side or rear property line.
  - d. The water and sewer service shall be the same as for the principle dwelling.
  - e. The hookup fees for a single-unit dwelling with a guest house shall be one and one-half (1 and 1/2) times the rate for a single family dwelling.
  - f. The guesthouse shall be an integral part of the site plan for the principle dwelling and attendant lot area. Vehicular access to the guest house shall be over the same driveway as for the primary dwelling.
  - g. Prior to approval, a site plan showing the proposed location of the guesthouse and provision for utilities, vehicular access and other standards and conditions shall be submitted and approved by the Planning Commission.
  - h. Any person desiring to construct a guest house shall convey to the City water rights in the amount of 1/2 acre foot.
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; Ord. 2014-06, 3/25/14; Ord. 2016-23, 11/09/16). Home occupations may be permitted as a conditional use, upon review of Staff and approval by the City Planner. If the City Planner 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:
- a. Terms and Conditions.
    - i. Home occupations are listed as a conditional use in the zone.
    - ii. The home occupation is conducted entirely within the livable area of a dwelling or attached garage. Business outdoor activities such as swimming lessons, tennis lessons, horseback riding lessons or other similar activities as determined by the Planning Commission may be considered as a home occupation.
    - iii. 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.
    - iv. The home occupation does not involve the use of any accessory buildings or yard space for storage outside of the dwelling or attached garage.
    - v. 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.
    - vi. No commercial vehicles shall be stored at the premises except one delivery truck which does not exceed 12,000 gvw rated capacity.
    - vii. 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.
    - viii. 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.

- ix. The home occupation shall not occupy an area not more than the equivalent of twenty-five percent (25%) of the livable area of the dwelling or 1000 square feet, whichever is less. The livable area does not include the garage.
  - x. The home occupation shall obtain a business license from the City.
  - xi. 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.
  - xii. 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.
  - xiii. 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.
  - xiv. A sexually-oriented business shall not be a home occupation.
  - xv. An automotive repair business shall not be a home occupation.
  - xvi. 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.
- b. 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 City Planner may attach conditions to the granting of a home occupation consistent with the standards hereinabove stated.
- c. 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 City Planner 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.

4. **Produce Stands** (Ord 96-05, 4/10/96). Incidental Produce stands may be permitted as a conditional use, upon approval by the Planning Commission and subject to compliance with the following:

- a. Intent. The Intent and purpose of this Part is to allow the operation of incidental produce stands which supply the local market with needed food and farm products produced on the premises.
- b. Terms and Conditions.
  - i. Incidental Produce Stands are listed as a conditional use in the zone.
  - ii. Only plants, animals, or parts thereof which are products of the subject lot shall be offered for sale.
  - iii. The Produce stand shall provide sufficient off-street parking space to safely accommodate the anticipated level of patrons. The required off-street parking shall be in addition to the spaces required to meet the parking requirements of the primary use.
  - iv. Each produce stand shall be entitled to one sign. Said sign shall have not more than thirty-two (32) sq. ft. of sign area and shall advertise only products of the lot. The sign shall not extend into the road right-of-way.
  - v. An annual business license to operate the produce stand shall be obtained from the City.
  - vi. The application shall include a detailed site plan showing the location of all dwellings and other buildings on the site and also all facilities and areas intended for use in the production, processing, storage and sales of the products intended to be offered for sale on the premises.

(Ord. 94-06, 5/24/94; Amended by Ord. 2004-13, 9/28/04)

(Amended by Ordinance 2005-21 on 12/20/05)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Lon Lott	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Gregory Gordon	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Troy Stout, Mayor, Alpine City

\_\_\_\_\_  
Bonnie Cooper, City Recorder Alpine  
City

**ALPINE CITY  
ORDINANCE 2021-11**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.23.070 OF THE  
ALPINE CITY DEVELOPMENT CODE PERTAINING TO THE APPROVAL OF  
GUEST HOUSES.**

**WHEREAS**, The Planning Commission held a public hearing on May 4, 2021, regarding proposed amendments to Article 3.23.070 of the Development Code; and

**WHEREAS**, on May 11, 2021, the Alpine City Council has deemed it in the best interest of Alpine City to update the Guest House ordinance; 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 Council of the Alpine City, in the State of Utah, as follows: The amendments to Article 3.23.070 will supersede Article 3.23.070 as previously adopted. This ordinance shall take effect upon posting.

**SECTION 1:**        **AMENDMENT** “3.23.070 Review Conditions And Criteria For Certain Conditional Uses” of the Alpine City Development Code is hereby *amended* as follows:

**AMENDMENT**

**3.23.070 Review Conditions And Criteria For Certain Conditional Uses**

1. **Accessory Apartments** (Amended by Ord. 95-04, 02/28/95; 2004-13, 09/28/04; 2009-12, 07/14/09). An accessory apartment shall be considered a subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping, and sanitation facilities. Accessory apartments may be permitted as a conditional use, upon approval of the City Planner and Building Official. Approval shall be subject to the following:
  - a. Accessory apartments are listed as a conditional use within the zone.
  - b. Accessory apartments shall be permitted only in owner-occupied single-unit detached dwellings.
    - i. Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the

temporary absence and meets the following criteria:

- (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
    - (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
    - (3) Owner occupancy shall have the meaning set forth in Article 3.01.110, Alpine City Development Code.
    - (4) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.
  - c. A maximum of one (1) accessory apartment shall be permitted in each owner occupied single-unit detached dwelling.
  - d. Accessory apartments shall be permitted only in a basement, above an attached garage, or on the main floor limiting it to twenty-five percent (25%) of the main floor.
  - e. A single-unit detached dwelling with an accessory apartment shall provide not less than four (4) off-street parking spaces. Parking spaces may include garage and driveway space. At least one (1) space shall be designated for the accessory apartment.
  - f. The accessory apartment shall contain no less than 300 square feet of living area and shall comply with all size and access specifications of the International Residential and Building Codes.
  - g. Accessory apartments shall have at least one (1) separate entrance from the main dwelling accessible from outside. The entrance shall be located on the side or rear of the main dwelling.
  - h. A single-unit detached dwelling containing an accessory apartment shall have not more than one (1) meter for each water, gas and electric utility service, and the meter shall be in the name of the owner.
  - i. All construction and remodeling to accommodate the accessory apartment shall be in accordance with the International Residential and Building Codes in effect at the time of construction or remodeling.
  - j. Any person constructing or causing the construction of a residence that has an accessory apartment or any person remodeling or causing the remodeling of a residence for an accessory apartment, or any person desiring to provide an accessory apartment within a single-unit detached dwelling, shall obtain an Accessory Apartment Permit from the Building Department. Such permit shall be in addition to any building permits that may be necessary.
2. **Guest Houses** (Ord. 94-06, 5/24/94). Guest houses may be permitted as a conditional use, upon approval of the City Council and subject to compliance with the following:
- a. Guest Houses are listed as a conditional use within the zone.
  - b. The lot or parcel upon which the guesthouse is proposed to be placed shall

have a lot area of not less than five (5) acres.

- c. The guesthouse shall be located not less than 30 ft. to the rear of the primary dwelling and not closer than twelve (12) ft. to any side or rear property line.
- d. The water and sewer service shall be the same as for the principle dwelling.
- e. The hookup fees for a single-unit dwelling with a guest house shall be one and one-half (1 and 1/2) times the rate for a single family dwelling.
- f. The guesthouse shall be an integral part of the site plan for the principle dwelling and attendant lot area. Vehicular access to the guest house shall be over the same driveway as for the primary dwelling.
- g. Prior to approval, a site plan showing the proposed location of the guesthouse and provision for utilities, vehicular access and other standards and conditions shall be submitted and approved by the Planning Commission.
- h. Any person desiring to construct a guest house shall convey to the City water rights in the amount of 1/2 acre foot.

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; Ord. 2014-06, 3/25/14; Ord. 2016-23, 11/09/16). Home occupations may be permitted as a conditional use, upon review of Staff and approval by the City Planner. If the City Planner 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:

- a. Terms and Conditions.
  - i. Home occupations are listed as a conditional use in the zone.
  - ii. The home occupation is conducted entirely within the livable area of a dwelling or attached garage. Business outdoor activities such as swimming lessons, tennis lessons, horseback riding lessons or other similar activities as determined by the Planning Commission may be considered as a home occupation.
  - iii. 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.
  - iv. The home occupation does not involve the use of any accessory buildings or yard space for storage outside of the dwelling or attached garage.
  - v. 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.
  - vi. No commercial vehicles shall be stored at the premises except one delivery truck which does not exceed 12,000 gvw rated capacity.
  - vii. 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.

- viii. 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.
  - ix. The home occupation shall not occupy an area not more than the equivalent of twenty-five percent (25%) of the livable area of the dwelling or 1000 square feet, whichever is less. The livable area does not include the garage.
  - x. The home occupation shall obtain a business license from the City.
  - xi. 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.
  - xii. 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.
  - xiii. 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.
  - xiv. A sexually-oriented business shall not be a home occupation.
  - xv. An automotive repair business shall not be a home occupation.
  - xvi. 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.
- b. 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 City Planner may attach conditions to the granting of a home occupation consistent with the standards hereinabove stated.
- c. 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 City Planner 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.

4. **Produce Stands** (Ord 96-05, 4/10/96). Incidental Produce stands may be permitted as a conditional use, upon approval by the Planning Commission and subject to compliance with the following:
- a. Intent. The Intent and purpose of this Part is to allow the operation of incidental produce stands which supply the local market with needed food and farm products produced on the premises.
  - b. Terms and Conditions.
    - i. Incidental Produce Stands are listed as a conditional use in the zone.
    - ii. Only plants, animals, or parts thereof which are products of the subject lot shall be offered for sale.
    - iii. The Produce stand shall provide sufficient off-street parking space to safely accommodate the anticipated level of patrons. The required off-street parking shall be in addition to the spaces required to meet the parking requirements of the primary use.
    - iv. Each produce stand shall be entitled to one sign. Said sign shall have not more than thirty-two (32) sq. ft. of sign area and shall advertise only products of the lot. The sign shall not extend into the road right-of-way.
    - v. An annual business license to operate the produce stand shall be obtained from the City.
    - vi. The application shall include a detailed site plan showing the location of all dwellings and other buildings on the site and also all facilities and areas intended for use in the production, processing, storage and sales of the products intended to be offered for sale on the premises.

(Ord. 94-06, 5/24/94; Amended by Ord. 2004-13, 9/28/04)  
(Amended by Ordinance 2005-21 on 12/20/05)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Lon Lott	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Gregory Gordon	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Troy Stout, Mayor, Alpine City

\_\_\_\_\_  
Bonnie Cooper, City Recorder Alpine  
City

## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT:** Planning Commission Minutes April 20, 2021

**FOR CONSIDERATION ON:** 4 May 2021

**PETITIONER:** Staff

**ACTION REQUESTED BY PETITIONER:** Approve Minutes

**BACKGROUND INFORMATION:**

Minutes from the April 20, 2021 Planning Commission Meeting.

**STAFF RECOMMENDATION:**

Review and approve the Planning Commission Minutes.

**ALPINE CITY PLANNING COMMISSION MEETING**  
**Alpine City Hall, 20 North Main, Alpine, UT**  
**April 20, 2021**

**I. GENERAL BUSINESS**

**A. Welcome and Roll Call:** The meeting was called to order at 7:00 p.m. by Chairwoman Jane Griener. The following were present and constituted a quorum:

Chairwoman: Jane Griener

Commission Members: Alan MacDonald, John MacKay, Ed Bush, Sylvia Christiansen, Troy Slade

Excused: Ethan Allen

Staff: Austin Roy, Jed Muhlestein, Marla Fox

**B. Prayer/Opening Comments:** Alan MacDonald

**C. Pledge of Allegiance:** Ed Bush

**II. PUBLIC COMMENT**

No Comments.

**III. ACTION ITEMS**

**A. Public Hearing – Concept – Cherrypoint Subdivision**

City Planner Austin Roy said Cherrypoint consists of 2 lots on 6.121 acres. The development is located at approximately 1528 N Grove Drive, and in the CR 40,000 zone. The concept plan shows a division of the “Pete Christensen” property into two lots.

The property on which the Cherrypoint subdivision is proposed is currently one large lot with a single-family home on it. The property has been owned by Pete Christensen for many years and was just recently sold to Josh James, who is now seeking to subdivide the lot.

Austin Roy said Josh James wants to create a new lot to build a new home for Mr. Christensen. The lots meet the minimum criteria for building lots.

Jed Muhlestein said we want to make sure the streets meet the right-of-way plan. This plan will need to dedicate a little bit of right-of-way to meet the minimum road width. A forty-one-foot right-of-way has been approved in this area when the development is approved at Final Plat.

Sewer, culinary water, and pressurized irrigation is already in the street ready to be connected to. This property does not fall in any hazard area so we should not require a Geotech report. We will require a Geotech soils report. The Concept Plan would keep the existing home and utilities on Lot 1.

Ed Bush asked if widening the road would eat into the existing homes setbacks. Jed Muhlestein said he would look into it.

Jane Griener asked if sidewalk, curb and gutter will be required. Jed Muhlestein said it will be required when the second lot is developed. Funds will be taken for lot 1 to hold until lot 2 is developed to help pay for the improvements.

Jane Griener opened the Public Hearing. There were no comments and Jane Griener closed the Public Hearing.

**MOTION:** Commission Member Ed Bush moved to approve of the Concept Plan for the Cherrypoint subdivision as proposed.

Sylvia Christiansen seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

**Ayes:**

Alan MacDonald  
Ed Bush  
John MacKay  
Jane Griener  
Sylvia Christiansen  
Troy Slade

**Nays:**

**B. Public Hearing – Ordinance 2021-09 Non-Conforming Porches and Stairs**

City Planner Austin Roy said on March 16, 2021, the Planning Commission reviewed a request from the Caron family to approve the proposed extension of the front porch of their home located at 1031 East 300 North, Alpine, Utah. The Planning Commission reviewed the request and made a recommendation to approve the proposed extension with the condition "...that the porch foundation be moved to conform to the guidelines of the setback ordinance."

On March 23, 2021, the City Council reviewed the proposal and recommendation from the Planning Commission. After some discussion, the City Council felt an amendment to the Development Code was needed and the City Council made the following motion:

***Motion:*** Jason Thelin moved to send back to planning commission with the instruction to modify the ordinance to allow for porches and external covered stairs on non-conforming structures to be allowed within the existing setback at the time of the original build and shall be approved by city staff. Greg Gordon Seconded the motion. There were 5 Ayes and 0 Nay, as recorded below. The motion passed unanimously.

**Ayes**

**Nays**

Carla Merrill

Jessica Smuin

Greg Gordon

Jason Thelin

Lon Lott

Austin Roy said the City Council said these porched and external covered stairs can be approved at a staff level with no need to come to Planning Commission and City Council approval.

Jane Griener opened the Public Hearing.

Chris Hill, contractor, said that his client is not extending the square footage of their home but said some people might put storage under the porch.

Jane Griener closed the Public Hearing.

Austin Roy said a foundation would need to be poured for a porch so we wouldn't care if storage is in the foundation space because that wouldn't change the footprint.

The Planning Commission had a discussion about verbiage and punctuation of the ordinance.

Ed Bush said he is not interested in changing the ordinance at all. He said he thinks the City is going to get in trouble if we accommodate every homeowner when they have a need. He said it seems like we are changing the ordinance every time a homeowner has a problem. He said that is what the variance process is for and thinks residents should go through that process instead of us changing the ordinances.

Jane Griener said ordinances should reviewed and changed if they don't serve current needs of the residents.

Alan MacDonald said we've been instructed by the City Council to change the ordinance, so it seems like our hands are tied and we have been instructed to work with staff to change the ordinance.

Jane Griener said we are required to hold a Public Hearing and we have been asked to amend the ordinance, but we can send it back to the City Council with a denial if we don't like it.

Austin Roy said the Planning Commission has the power to make any recommendation they see fit.

Austin Roy said the variance process has a very specific set of criteria which consists of 5 different area. The hardest criteria to meet is if the project is self-imposed. He said the variance process gives everyone the right to have their project looked at by another body. Ordinance changes have to be approved by the Mayor and two Council members to go through the process.

**MOTION:** Commission Member Sylvia Christiansen moved to recommend approval of the proposed Ordinance 2021-09 Non-Conforming Porches and Stairs with changes:

1. Clean up the language as Staff sees fit.

John MacKay seconded the motion. There were 5 Ayes and 1 Nays (recorded below). The motion passed.

**Ayes:**

Jane Griener  
John MacKay  
Sylvia Christiansen  
Troy Slade  
Alan MacDonald

**Nays:**

Ed Bush



1  
2  
3 **IV. COMMUNICATIONS**

4 Ed Bush asked if we still needed to take action of garages and lighting. Austin Roy said they have been  
5 put on the back burner because of other pressing issues. He said they will be brought back at another  
6 time.  
7

8 **V. APPROVAL OF PLANNING COMMISSION MINUTES:** March 16, 2021  
9

10 **MOTION:** John MacKay moved to approve the minutes for March 16, 2021 with corrections.

11 Ed Bush seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed  
12 unanimously.  
13

14 **Ayes:**

15 Jane Griener  
16 Ed Bush  
17 John MacKay  
18 Sylvia Christiansen  
19 Troy Slade  
20 Alan MacDonald  
21

**Nays:**

None

22 **MOTION:** Sylvia Christiansen moved to adjourn the meeting.

23 Alan Macdonald seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion  
24 passed unanimously.  
25

26 **Ayes:**

27 Jane Griener  
28 Ed Bush  
29 Troy Slade  
30 John MacKay  
31 Sylvia Christiansen  
32 Alan MacDonald  
33

**Nays:**

None

34 The meeting was adjourned at 8:17 p.m.