



## ALPINE CITY PLANNING COMMISSION MEETING

**NOTICE** is hereby given that the **PLANNING COMMISSION** of Alpine City, UT will hold a **Regular Meeting** at **Alpine City Hall**, 20 North Main, Alpine, Utah on **Tuesday, February 19, 2019 at 7:00 pm** as follows:

### I. GENERAL BUSINESS

- |                             |                    |
|-----------------------------|--------------------|
| A. Welcome and Roll Call:   | David Fotheringham |
| B. Prayer/Opening Comments: | Alan MacDonald     |
| C. Pledge of Allegiance:    | By Invitation      |

### II. PUBLIC COMMENT

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

### III. ACTION ITEMS

- A. Site Plan (Concept) Review – Car Dealership – Lonny Layton**  
Planning Commission will review a proposed concept site plan and provide feedback to applicant.
- B. Amendment to Article 3.1.11; 3.9.6; & 3.5.1 – Dwelling Clusters**  
Planning Commission will review proposed changes and make a recommendation to City Council.
- C. Amendment to Article 3.1.11; 3.2.9; 3.4.10; & 3.5.10 – Flag Lots**  
Planning Commission will review proposed changes and make a recommendation to City Council.

### IV. COMMUNICATIONS

### V. APPROVAL OF PLANNING COMMISSION MINUTES: February 5, 2019

### ADJOURN

Chairman David Fotheringham  
February 19, 2019

**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: Site Plan (Concept) Review – Car Dealership**

**FOR CONSIDERATION ON: 19 February 2019**

**PETITIONER: Lonny Layton**

**ACTION REQUESTED BY PETITIONER: Review proposed concept site plan and provide feedback.**

### **BACKGROUND INFORMATION:**

The petitioner is interested in putting a small car dealership on a lot within the Business/Commercial Zone. A proposed concept site plan has been prepared which shows building layout, parking, access, lighting and other intended uses for the lot.

The development code does not expressly outline “car dealership” or “car lot” as a permitted use within the Business/Commercial Zone. However, there is language within Article 3.7 which may be interpreted to allow for such a use.

Petitioner is asking that the Planning Commission review the proposed site plan and highlighted sections of the development code and provide feedback.

### **STAFF RECOMMENDATION:**

Review and make recommendations to the applicant.

MAIN STREET MOTORS  
SITE PLAN  
235 SOUTH MAIN STREET, ALPINE, UTAH



LEGEND ENGINEERING  
55 WEST 100 NORTH  
SALT LAKE CITY, UT 84102  
PHONE: 435-664-1286  
FAX: 435-664-1287

Project Number	Project Name	Project Manager	Project Status
1	Project A	John Doe	Completed
2	Project B	Jane Smith	In Progress
3	Project C	Mike Johnson	On Hold
4	Project D	Sarah Brown	Not Started
5	Project E	David White	Completed



- [illegible]

**SITE DATA**

LOT AREA:	23,852	SF (55 ACRES)
BUILDING AREA:	1,250	SF ± 5.2%
ASPHALT/CONCRETE AREA:	10,039	SF ± 44.6%
LANDSCAPE AREA:	11,993	SF ± 50.3%

ZONING: BC (BUSINESS COMMERCIAL)

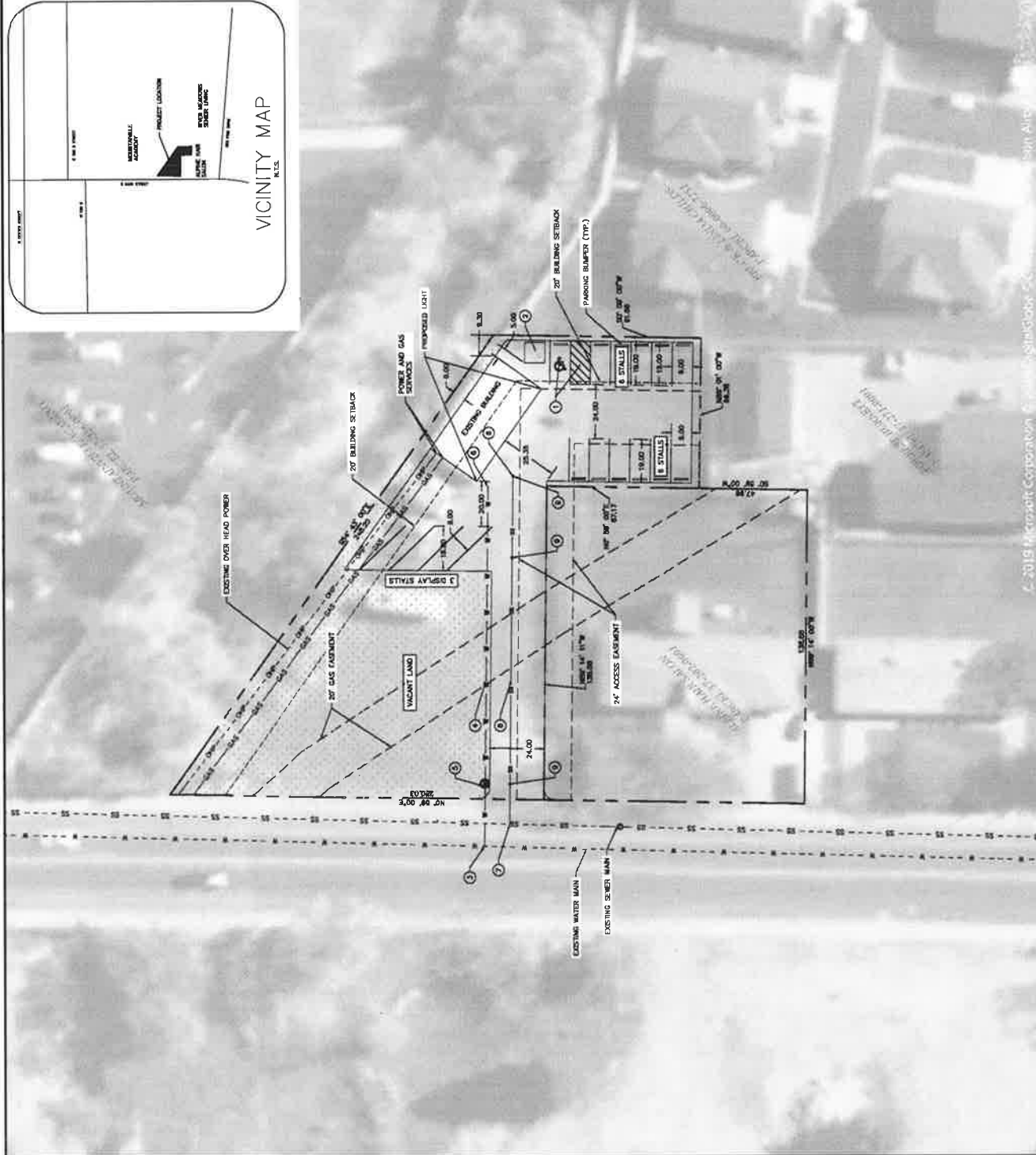
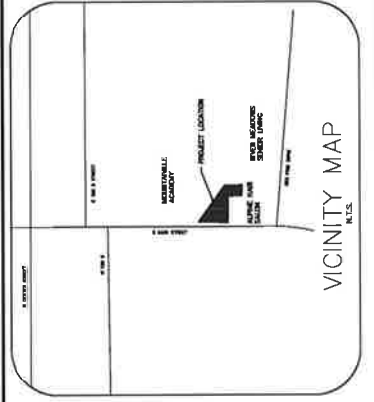
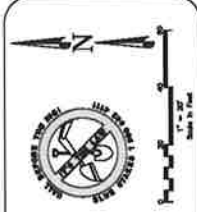
**PARKING TABULATION**  
TOTAL STALLS REQUIRED: (4 SPACES FOR EVERY 1,000 SF)  
 $1250 / 1000 = 1.25 \times 4 = 5$   
-5 STALLS REQUIRED  
TOTAL STALLS PROVIDED: 12 (1 ADA STALL)

## NOTES

3. ALL HANDRAIL STALLS AND RAMPS TO BE INSTALLED PER PLAN STANDARDS.
4. PROPOSED DUMPER LOCATION.
5. CONNECT TO EXISTING WATER MAIN PER CITY STANDARD DRAWING 17, DRAWING 27.
6. INSTALL 2" SDR-9 POLY WATERLINE PER CITY STANDARD DRAWING 17, DRAWING 27A.
7. INSTALL 2" WATER METER PER ALPINE CITY STANDARDS.
8. DO ALL UTILITIES 2' FROM BUILDING.
9. CONNECT TO EXISTING SEWER MAIN PER CITY STANDARD DRAWING 17A.
10. INSTALL 4" PVC SEWER LATERAL PER CITY STANDARD DRAWING 17, DRAWING 27A.
11. INSTALL 4" CLEAMOUT PER CITY STANDARD DRAWING 17, DRAWING 27A.

GENERAL NOTES:

1. NOTIFY BLUE THICKS PRIOR TO CONSTRUCTION.
2. CONTRACTOR TO VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITY LINES AND STRUCTURES PRIOR TO CONSTRUCTION.
3. ALL PROPOSED WATER LINES HAVE A MINIMUM OF 3' OF COVER ABOVE WATER AND STEEL DRAIN PIPES SHALL BE BACKFILLED WITH 12" MINIMUM DRAINAGE GRANULAR FILL.
4. ALL EXISTING DRAINAGE TO EXISTING STORM DRAIN, GUTTER, AND CURB SHALL REMAIN.
5. ALL EXISTING UTILITY LINES TO BE REPLACED IN KIND.
6. SEE UTILITY PLAN FOR CONSTRUCTION OF SEWER AND WATER LINES.
7. ALL WORK TO BE ACCORDING TO CITY STANDARDS.



### 3.07.020 Permitted Uses

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

1. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building; also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment.
2. Office buildings and medical clinics.
3. Personal service establishments such as barber and beauty shops, shoe repair, laundries and similar establishments.
4. Automotive service establishments, including gasoline dispensing facilities, car washes, and parking.
5. Recreational enterprises including but not limited to recreation centers, motion picture theaters, athletic clubs.
6. Funeral homes.
7. Single-unit detached dwellings when located on a lot in a recorded subdivision and subject to compliance with the applicable conditions within the zone.
8. Residential structures, provided that said structure existed as a residence prior to the effective date of this Chapter. Also, customary residential accessory structures (i.e. swimming pools, detached garages, private greenhouses etc.) when appurtenant to and on the same lot as a residence.
9. Residential structures located within or on the same premises as a permitted or conditional commercial use. Both residential and commercial buildings will be considered main buildings and will be required to meet the main building setbacks when on the same premises.
10. Accessory uses and structures shall be permitted provided they are incidental to and do not substantially alter the character of the permitted principle use or structure. Such permitted accessory uses and structures include, but are not limited to, buildings such as garages, carports, equipment and supply storage buildings which are customarily used in conjunction with and incidental to a principle use or structure permitted in the B-C Zone.
11. Agriculture, including the raising of row crops, grains and fruits and the incidental pasturage of animals. See DCA 3.21.090.
12. Other uses which are determined by the Planning Commission to be similar to and compatible with the foregoing uses and in harmony with the intent of the zone.
13. Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan by the Planning Commission.
14. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses, and upon approval of site plan by the Planning Commission.
15. Customary household pets.
16. The keeping and raising of animals and fowl, subject to the provisions of DCA 3.21.090.

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

### 3.07.080 Special Provisions

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

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

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

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

4. **Trash Storage.** Adequate facilities for the disposal of solid waste shall be provided. All containers for the temporary storage and disposal solid waste material shall be of a size, type and quantity approved by the City shall be maintained in a location as shown on the Site Plan.
5. **Storage Containers.** The use of any portable unit, pod, or similar type of storage container is prohibited in this zone unless approved by the city.
6. **Surface Water Drainage to be Retained On-site.** All additional surface drainage generated as a result of development activity shall be disposed of on-site, as determined by the City Engineer.
7. **Height of Buildings.** The maximum height of any dwelling or other main building shall be thirty-four (34) feet, as determined in accordance with the provisions of DCA 3.21.080. (Ord. 96-15, 12/18/96).
8. **Landscaping Required.** As a means of mitigating safety hazards or adverse visual impacts all areas of the site not devoted to buildings or off street parking shall be landscaped. The landscaped area shall be not less than twenty (20) percent of the total area of the site. In addition to all other plan elements, the site plan shall contain a landscape plan showing the location, type and initial size of all planting materials and other landscape features, and the location of the proposed sprinkler system.
9. **Design of Commercial Structures.** Commercial buildings shall comply with the following architectural design criteria. (Preliminary architectural design drawings of all building elevations shall be presented to the Planning Commission for review).
  1. The exterior of all commercial buildings shall be finished predominantly with wood and/or brick, stucco, stone or similar materials in accordance with guidelines in the Historical/Commercial/Residential Ordinance. Pitched roofs are preferred.
  2. The architectural styles of the business district should be consistent and harmonious.



The style of building design and trim should be compatible with the relatively uncomplicated rural, small town character of Alpine. Extremely irrelevant, contrived or inconsistent styles will be discouraged.

10. **Water Rights Conveyance Requirements.** Water rights shall be conveyed to the City in accordance with the provisions of DCA 3.21.070.
11. **Nuisances Prohibited.** No land or building shall be used in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard, noise, or vibration, smoke, dust, odor, or other form of air pollution; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to adversely affect the surrounding area or adjoining premises.
12. **Accessory Buildings.** All accessory buildings shall be located in accordance with the following (Ordinance 2002-13) (Amended by Ord. 2006-14, 9/12/06; Ord. 2010-03, 8/24/10):
  1. **Setback from main building.** Accessory buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building.
  2. **Side Setback - Corner Lot, Side Abutting a Street.** Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
  3. **Front Setback.** Accessory buildings shall be set back not less than forty (40) feet from the front property line.
  4. **Side and Rear Setback - Interior Lot Line.** Accessory buildings shall be set back no less than ten (10) feet from the rear lot line and five (5) feet from the side lot line, except that no minimum rear or side setback shall be required when all the following conditions are met:
    1. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
    2. The accessory building contains no openings on the side contiguous to the lot line;
    3. No drainage from the roof will be discharged onto an adjacent lot;
    4. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
    5. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement; and
    6. The building will not be taller than ten (10) feet to the top of the roof line.
  5. **Accessory Building Height.** The maximum height of any accessory building shall be twenty (20) feet as measured from the average finished grade of the ground surface adjacent to the foundation of the structure to the top of the ridge line.
    1. **Exceptions to the Height Requirement.** Chimneys, flag poles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height, provided that no such ancillary structure shall extend to a height in excess of fifteen (15) feet above the building.
    2. **Additional Accessory Building Height.** For every one (1) foot of additional height above twenty (20) feet, an additional two (2) feet of side yard and rear yard setback will be required. The maximum height of the accessory building as measured to the ridgeline shall be thirty (30) feet.
13. **Heliports.** The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

### **3.07 Business/Commercial Zone (B-C)**

#### **3.07.010 Legislative Intent**

#### **3.07.020 Permitted Uses**

#### **3.07.030 Conditional Uses**

#### **3.07.040 Area And Width Requirements**

#### **3.07.050 Location Requirements**

#### **3.07.060 Access Requirements**

#### **3.07.070 Utility Requirements**

#### **3.07.080 Special Provisions**

#### **3.07.010 Legislative Intent**

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

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

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

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

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

#### **3.07.020 Permitted Uses**

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

1. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building; also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment.
2. Office buildings and medical clinics.
3. Personal service establishments such as barber and beauty shops, shoe repair, laundries and similar establishments.
4. Automotive service establishments, including gasoline dispensing facilities, car washes, and parking.
5. Recreational enterprises including but not limited to recreation centers, motion picture theaters, athletic clubs.
6. Funeral homes.
7. Single-unit detached dwellings when located on a lot in a recorded subdivision and subject to compliance with the applicable conditions within the zone.
8. Residential structures, provided that said structure existed as a residence prior to the effective date of this Chapter. Also, customary residential accessory structures (i.e. swimming pools, detached garages, private greenhouses etc.) when appurtenant to and on the same lot as a residence.
9. Residential structures located within or on the same premises as a permitted or conditional commercial use. Both residential and commercial buildings will be considered main buildings and will be required to meet the main building setbacks when on the same premises.
10. Accessory uses and structures shall be permitted provided they are incidental to and do not substantially alter the character of the permitted principle use or structure. Such permitted accessory uses and structures include, but are not limited to, buildings such as garages, carports, equipment and supply storage buildings which are customarily used in conjunction with and incidental to a principle use or structure permitted in the B-C Zone.
11. Agriculture, including the raising of row crops, grains and fruits and the incidental pasturage of animals. See DCA 3.21.090.
12. Other uses which are determined by the Planning Commission to be similar to and compatible with the foregoing uses and in harmony with the intent of the zone.
13. Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan by the Planning Commission.
14. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses, and upon approval of site plan by the Planning Commission.
15. Customary household pets.
16. The keeping and raising of animals and fowl, subject to the provisions of DCA 3.21.090.

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)



### **3.07.030 Conditional Uses**

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

1. Planned Commercial Developments Projects which are designed, approved, constructed and maintained in accordance with the provisions of DCA 3.10.
2. Commercial Condominium Projects subject to the applicable provisions of law relating thereto.
3. Hotels and motels.
4. Schools, churches, hospitals (human care), nursing homes and other similar quasi-public buildings subject to approval by the Planning Commission.
5. Civic Buildings. (Ord. 95-10, 4/25/9)
6. Restaurants, provided that any such facility providing drive-up window service shall also include an area for inside service to patrons in an amount not less than fifty (50%) of the total floor area of the structure. In addition, the following shall apply to restaurants. (Ord. 97-05, 5/27/97)
  - a. A traffic analysis shall be provided as part of the conditional use application.
  - b. The drive-up window and driveway shall be unobtrusive and be screened from the street by berming and landscaping.
  - c. Odors and noise shall be controlled as to not have an adverse impact on any nearby residential structures.
  - d. Restaurants must comply with provisions of the sign ordinance.
  - e. Restaurants must comply with the landscaping and design provisions in the B-C zone.
  - f. Any drive-through window must be located on the side of the restaurant building which does not abut a public street and must be screened from the street side with berming and landscaping.
  - g. Any drive-through window must have a stacking lane which will accommodate at least six cars off of the public street.
7. Single family dwellings (conventional construction) when proposed for placement on a lot not in a recorded subdivision, subject to compliance with the applicable conditions within the zone and approval of a site plan by the Planning Commission.
8. Seasonal sales such as produce or Christmas trees provided a business license is obtained from Alpine City.
9. Sexually-oriented businesses are a conditional use in the Business Commercial (BC) zone and are subject to the provisions of this chapter, including (Ord. 2010-07, 5/11/10):
  - a. No sexually-oriented business shall be located within:
    - i. One thousand (1,000) feet of a school, day care facility, public park, library, and religious institution;
    - ii. Four hundred (400) feet of any residential use (no matter which zoning district) or residential zoning boundary;
    - iii. One thousand (1,000) feet of a liquor store; and
    - iv. One thousand (1,000) feet of any other sexually-oriented business.

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

- (1) The closest property line of any school, day care facility, public park, library, and religious institution;
- (2) The nearest property line of any residential use or residential zone;
- (3) The nearest property line of any liquor store; and
- (4) The closest exterior wall of another sexually-oriented business.

10. Home occupations, subject to the provisions of DCA 3.23.070 Part 3.
11. Accessory apartments, subject to the provisions of DCA 3.23.070 Part 1.

## 12. Mechanical Automotive Repair Shops

- a. Odors and noise shall be controlled as to not have an adverse impact on any nearby structures.
- b. There shall be no more than 5 automobile bays.
- c. No automobiles shall be stored on the property for more than 14 days.
- d. Mechanical automotive repair shops shall comply with the regulations of the applicable entities including but not limited to the State of Utah, Timpanogos Service District, Lone Peak Fire Marshall, and Environmental Protection Agency.
- e. Mechanical automotive repair shops must abut directly upon and have access to Main Street (south of southern property line of the property located at 30 South Main Street) or Canyon Crest Road within the Business Commercial zone.
- f. Mechanical auto repair shops shall comply with the off-street parking requirements excepting there shall be no more than 3 parking spaces provided per bay.
- g. Mechanical automotive repair shops shall conform to the provisions of the Gateway/Historic Zone (DCA 3.11).

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

### HISTORY

Amended by Ord. [2018-01](#) on 2/27/2018

## **3.07.040 Area And Width Requirements**

### **1. Lot Occupied by a Dwelling Structure**

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

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

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

## **3.07.050 Location Requirements**

All buildings shall comply with the following setbacks:

1. Front setback shall be not less than thirty (30) feet from the property line on all streets. No portion of the setback area adjacent to a street shall be used for off-street parking.
2. In commercial developments adjacent to other commercial areas, the side yard and rear yard setbacks will be not less than 20 feet unless recommended by the Planning Commission and approved by the City Council where circumstances justify.
3. Where a commercial zone abuts a residential zone, the side yard and rear yard setbacks will be not less than 20 feet unless recommended by the Planning Commission and approved by the City Council where circumstances justify.
4. A lot occupied by a dwelling structure shall comply with the setback requirements set forth in the TR-10,000 zone (DCA 3.02.050 Part 1) unless recommended by the Planning Commission and approved by the City Council where circumstances justify.

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

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

## **3.07.060 Access Requirements**

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

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

## **3.07.070 Utility Requirements**

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

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

### **3.07.080 Special Provisions**

1. **Uses Within Buildings.** All commercial activities and storage shall be conducted entirely within a fully enclosed building, except those uses deemed by the City to be customarily and appropriately conducted in the open, including, but not limited to, gasoline dispensing, plant nursery displays, temporarily parked automobiles in need of repair, temporary sale of Christmas trees, etc.
2. **Site Plan to Be Approved For All New Commercial Uses.** Prior to the establishment of a new commercial use or the construction of a new building, a site plan shall be submitted, reviewed and recommended by the Planning Commission and approved by the City Council. (Amended by Ord. 2004-13, 9/28/04).
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All points of ingress and egress to a commercial use or off-street parking areas shall be as shown on the site plan and shall be located not less than forty (40) feet from any intersection of public streets.

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

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

4. **Trash Storage.** Adequate facilities for the disposal of solid waste shall be provided. All containers for the temporary storage and disposal solid waste material shall be of a size, type and quantity approved by the City shall be maintained in a location as shown on the Site Plan.
5. **Storage Containers.** The use of any portable unit, pod, or similar type of storage container is prohibited in this zone unless approved by the city.
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8. **Landscaping Required.** As a means of mitigating safety hazards or adverse visual impacts all areas of the site not devoted to buildings or off street parking shall be landscaped. The landscaped area shall be not less than twenty (20) percent of the total area of the site. In addition to all other plan elements, the site plan shall contain a landscape plan showing the location, type and initial size of all planting materials and other landscape features, and the location of the proposed sprinkler system.
9. **Design of Commercial Structures.** Commercial buildings shall comply with the following architectural design criteria. (Preliminary architectural design drawings of all building elevations shall be presented to the Planning Commission for review).
  - a. The exterior of all commercial buildings shall be finished predominantly with wood and/or brick, stucco, stone or similar materials in accordance with guidelines in the Historical/Commercial/Residential Ordinance. Pitched roofs are preferred.
  - b. The architectural styles of the business district should be consistent and harmonious. The style of building design and trim should be compatible with the relatively uncomplicated rural, small town character of Alpine. Extremely irrelevant, contrived or inconsistent styles will be discouraged.
10. **Water Rights Conveyance Requirements.** Water rights shall be conveyed to the City in accordance with the provisions of DCA 3.21.070.
11. **Nuisances Prohibited.** No land or building shall be used in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard, noise, or vibration, smoke, dust, odor, or other form of air pollution; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to adversely affect the surrounding area or adjoining premises.

12. **Accessory Buildings.** All accessory buildings shall be located in accordance with the following (Ordinance 2002-13) (Amended by Ord. 2006-14, 9/12/06; Ord. 2010-03, 8/24/10):
- a. Setback from main building. Accessory buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building.
  - b. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
  - c. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
  - d. Side and Rear Setback - Interior Lot Line. Accessory buildings shall be set back no less than ten (10) feet from the rear lot line and five (5) feet from the side lot line, except that no minimum rear or side setback shall be required when all the following conditions are met:
    - i. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
    - ii. The accessory building contains no openings on the side contiguous to the lot line;
    - iii. No drainage from the roof will be discharged onto an adjacent lot;
    - iv. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
    - v. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement; and
    - vi. The building will not be taller than ten (10) feet to the top of the roof line.
  - e. Accessory Building Height. The maximum height of any accessory building shall be twenty (20) feet as measured from the average finished grade of the ground surface adjacent to the foundation of the structure to the top of the ridge line.
    - i. Exceptions to the Height Requirement. Chimneys, flag poles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height, provided that no such ancillary structure shall extend to a height in excess of fifteen (15) feet above the building.
    - ii. Additional Accessory Building Height. For every one (1) foot of additional height above twenty (20) feet, an additional two (2) feet of side yard and rear yard setback will be required. The maximum height of the accessory building as measured to the ridgeline shall be thirty (30) feet.
13. **Heliports.** The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT:** Amendment to Ordinance – Dwelling Clusters – Article 3.1.11; Article 3.9.6 & Article 3.5.1

**FOR CONSIDERATION ON:** 19 February 2019

**PETITIONER:** Staff

**ACTION REQUESTED BY PETITIONER:** Review proposed changes and make a recommendation to City Council.

### **BACKGROUND INFORMATION:**

Staff is proposing to add a definition for “Dwelling Cluster” to the development code and replace the phrase “designated development cluster” with the newly defined term throughout the development code. The proposed change is intended to minimize subjectivity in interpreting the development code.

### **STAFF RECOMMENDATION:**

Review and recommend approval of amendment to Article 3.1.11; Article 3.9.6; and Article 3.5.1 of the Development Code.

**ALPINE CITY  
ORDINANCE 2019-02**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.09.060; 3.01.110; AND  
3.05.010 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO DWELLING  
CLUSTERS**

**WHEREAS**, The City council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to allow minor subdivisions to be approved administratively; and

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

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

**NOW THEREFORE**, be it ordained by the Alpine City Council that: The amendments to Article 3.09.060; 3.01.110; and 3.05.010 contained in the attached document will supersede Article 3.9.6 ; 3.1.11; and 3.5.1 as previously adopted. This ordinance shall take effect upon posting.

**SECTION 1:**        **AMENDMENT** “3.09.060 Dwelling Clusters; Lot Size; Buildable Area; Setback” of the Alpine City Municipal Code is hereby *amended* as follows:

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

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

1. All lots, dwelling, habitable structures, and accessory buildings shall be located within a designated ~~development~~ Dwelling Cluster. A project may contain more than one ~~development~~ 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, ~~development~~ 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.
- 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:
    - will more adequately accommodate subsequent development of the lot,
    - will not constitute a potential hazard to life or property, and
    - 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).
  - 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. Each Designated Buildable Area on any lot shall be clustered with at least 2 other Designated Buildable Areas on neighboring lots, thus forming a ~~designated development~~ eDwelling Cluster.
  - 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.
  - 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.
  - 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)

**SECTION 2:**        **AMENDMENT** “3.01.110 Definitions” of the Alpine City Municipal Code is hereby *amended* as follows:

## A M E N D M E N T

### 3.01.110 Definitions

**ACCESSORY APARTMENT.** A subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping and sanitation facilities.

**ACCESSORY BUILDING.** A detached subordinate building, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use.

**AGRICULTURE.** The tilling of soil, the raising of crops, horticulture, the gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, commercial egg production, or similar uses.

**APIARY.** Any place where one (1) or more colonies of bees are located.

**AVERAGE SLOPE OF LOT.** The average slope of a lot, expressed as the percent of slope, to be determined via computer modeling. AutoCAD or ESRI products are acceptable programs to be used for determining the average slope of lot; any other program must be pre-approved by the City Engineer.

**BEEKEEPING EQUIPMENT.** Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

**BUILDABLE AREA.** (Ord. 94-02, 2/8/94) A lot or portion thereof possessing all of the following physical characteristics:

1. The area contains no territory having a natural slope of twenty (20) percent or greater;
2. The area contains no territory which is located in any identified flood plain or within any recognized inundation zone, mud flow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
3. The engineering properties of the soil provide adequate structural support for the intended use;
4. The area does not possess any other recognized natural condition, which renders it unsafe for building purposes;
5. The area is within the building setback envelope as determined in accordance with the setback provisions of the zone; and
6. The area is readily capable of vehicular access from the adjacent public street over a driveway having a slope of not more than twelve (12) percent with no cut or fill greater than five feet as measured at the finished grade of the centerline alignment.

**BUILDING.** Any structure having a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

**CIVIC BUILDING.** A structure owned by the City and used for governmental purposes, including administrative buildings (City Hall) fire stations, police stations, libraries, but not including shop and repair facilities.

**COLONY.** Bees in a hive including queens, workers, or drones.

**CONDITIONAL USE.** A use of land that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

**CUSTOMARY RESIDENTIAL ACCESSORY STRUCTURE.** A structure constructed on the same zoning lot as a dwelling and which is intended for the incidental and exclusive use of the residents of said dwelling, including but not limited to detached garages, carports, swimming pools, tennis courts, green houses, storage buildings, and satellite dishes.

**DEVELOPMENT.** Any change to a parcel of ground, which alters it from its natural state in any way. This includes clearing, excavation, grading, installation of any infrastructure or erection of any types of buildings.

**DWELLING CLUSTER.** A group of three or more Lots whose Buildable Areas are located no more than 2 times the minimum distance of the closest two Buildable Areas, with a maximum distance of 300~~100~~ feet for the furthest Buildable~~ing~~ Area within the Dwelling Cluster.

**DWELLING UNIT.** One or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit. See also Dwelling, Single Family.

**DWELLING, MULTIPLE-UNIT.** A building arranged to be occupied by two (2) or more families, the structure having two (2) or more attached dwelling units.

**DWELLING, SINGLE FAMILY.** A building arranged or designed to include only one (1) dwelling unit occupied by one (1) family, including extended living areas or an accessory apartment which may be approved as provided elsewhere in this Code.

**FAMILY.** An individual or two (2) or more persons related by blood, marriage, adoption, or guardianship; or a group of not more than four (4) persons, (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities. "Family" does not exclude the care of foster children.

**FENCES.** A fence shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs with the purpose of preventing passage or view across a boundary or lot line. (Ord. 2004-13, 9/28/04)

1. Privacy fences are structures where the field of vision through the fence is less than 50%.
2. Open-style fences are structures where the field of vision through the fence is 50% or greater.

**FLAG LOT.** A lot with less frontage in the front part of the lot (flag pole) than required for the zone within which it is located, and the rear portion of the lot (flag) is wider than ~~than~~ the front portion. Also, any lot whose lot width at any point in the flag portion of the lot is less than 50 percent of the flag pole portion of the lot.

**FRONTAGE.** The width of the lot or parcel of land measured at the required front setback-line.

**GARAGE/CARPORT (PRIVATE).** A structure for the parking or temporary storage of automobiles, but which does not involve commercial repairing or storage.

**GEOLOGIC HAZARD.** A hazard inherent in the surface or subsurface of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to movement, failure, or shifting of earth.

**GROUP LIVING ARRANGEMENT.** A group living or congregate living arrangement where groups of more than four unrelated persons live together in a single dwelling unit, including, but not limited to, a batching apartment, boarding house, Congregate Living Unit, Assisted Living Facility, Nursing Care Facility, Residential Facility for Persons With a Disability, dormitory, student housing, fraternity, club, institutional group, half-way house, or similar group living or congregate living arrangement.

**GUEST HOUSE.** An accessory building constructed on the same zoning lot as the principle Single-Unit dwelling to be used for temporary occupancy.

**HANDICRAFT PRODUCTION.** Production of an individual's one-of-a-kind objects for sale on the site.

**HELICOPTER.** A manned aircraft in which lift, flight and landing is achieved by means of one or more power-driven horizontal propellers.

**HELIPORT.** An area on land or upon a building or structure set aside and used for the landing or takeoff of helicopters or other manned rotary wing aircrafts capable of vertical takeoff or landing.

**HIVE.** A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

**HOME OCCUPATION.** Any gainful occupation, service, profession or similar activity conducted in a consistent and ongoing manner within a dwelling. Business activity consisting primarily of the sale of goods produced elsewhere on the premises (i.e. retail sales establishment) shall not qualify as a home occupation.

**HOBBY BEEKEEPER.** A person who owns or has charge of eight (8) or fewer hives of bees.

**HONEYBEE.** The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

**HOUSEHOLD PETS.** Animals or fowl ordinarily permitted to a residence and kept for company or pleasure, such as dogs, cats, fish and canaries. Household pets do not include inherently or potentially dangerous animals or fowl, or those normally considered agricultural livestock.

**IMPERVIOUS MATERIAL.** Matter that is impenetrable as by moisture.

**LOT.** A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale of land resulting from the division of a larger tract into smaller units.

**LOT, CORNER.** Shall mean a lot located at the junction of and fronting on two (2) or more intersecting streets.

**MOBILE HOME.** A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailer or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building Code and which are finished with exterior building material that is typical of permanent residential buildings.

**NON-CONFORMING USE.** A building or structure, or portion thereof, or use of a building or land which does not conform to use regulations for the district in which it is situated, but which is in conformity with said regulations, if any, at the time of its establishment.

**OFF STREET PARKING.** An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.

**OFFICE, PROFESSIONAL.** A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and for license, are qualified to perform services of a professional nature, and where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

**OPEN SPACE.** The use of land which leaves soil generally undisturbed and upon which natural vegetation, whether or not native to the area, occupies the major visible aspect of the land.

**PERMITTED USE.** A use of land for which no conditional use permit is required.

**PUBLIC USE.** A use operated or supervised exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative and service facilities, and public utilities.

**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.



**REASONABLE ACCOMMODATION.** A reasonable change in any rule, policy, practice, or service necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling when compared to similarly-situated persons or groups.

**RECREATION, PUBLIC.** Recreation facilities operated by a public agency and open to the public with or without a fee.

**RESIDENCE.** A dwelling unit where an individual or family is actually domiciled at a given point in time and not a place of temporary sojourn or transient visit. Temporary sojourn or transient visit shall be thirty (30) days or less.

**RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY.** A residence in which no more than eight (8) unrelated persons with a disability resides and which is:

1. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
2. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.

**RETAINING WALL.** Any structure designed to resist the lateral displacement of soil or other materials. Examples include block walls, rock walls, concrete walls and segmented walls. A retaining wall is not considered a fence.

**SIGN.** Any device for visual communication to the public displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs, to be viewed from out-of-doors, but not including a flag, badge, or ensign of any government or government agency.

**STREET, PUBLIC.** A thoroughfare which has been dedicated and accepted by proper public authority (or abandoned to the public) or a thoroughfare not less than twenty-four (24) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.

**STRUCTURE.** Anything constructed, the use of which requires fixed location upon the ground, or attached to something having a fixed location upon the ground, and which creates an impervious material on or above the ground; definition includes "building."

**YARD.** A required space on a lot other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

**YARD, FRONT.** A space between the front of the main building on a lot and the front lot line or line of an abutting street or right-of-way and extending across the full width of a lot. The depth (or setback) of the front yard is the minimum distance between the front lot line, and the front-most part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches, and decks).

**YARD, REAR.** 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. If the rear lot line is less than ten feet (10') in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten foot (10') line parallel to the front line, lying wholly within the lot for the purpose of establishing the minimum rear yard. 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.

(Primary structure includes overhangs, porches and decks. See drawing in Appendix A). (Ord. 2004-13, 9/28/04)

**YARD, SIDE.** A yard that is neither a front yard nor a rear yard. The depth (or setback) of the side yard is the minimum distance between the side lot line and the nearest part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks).

**ZONING LOT** (Ord. 94-02, 2/8/94). A lot or parcel of land which:

1. Meets all area (lot size), frontage (width), setback (yard), and other zoning requirements applicable within the zone in which it is located;
2. Abuts upon and has direct access to a street which has been dedicated to the City or otherwise accepted by the City as a City Street;
3. Is served by the minimum level of improvements required for issuance of a building permit or for which the construction of the minimum level of improvements is secured through the posting of a performance guarantee; and
4. Is shown as a separate lot on the final plat of a subdivision or similar development, which has been approved in accordance with the applicable ordinance, or is legally exempted from compliance with said ordinance. A parcel which is part of an unapproved or illegal subdivision shall not qualify as a zoning lot.

(Amended by Ord. 2004-14 on 9/28/04; Ord. 2009-16, 10/13/09; Ord. 20011-06, 03/08/11; Ord. 2011-12, 10/25/11; Ord. 2014-11, 6/24/14; Ord. 2015-02, 02/10/15; Ord. 2015-07, 05/26/15)

**SECTION 3:        AMENDMENT** "3.05.010 Legislative Intent And Public Purpose" of the Alpine City Municipal Code is hereby *amended* as follows:

#### A M E N D M E N T

##### 3.05.010 Legislative Intent And Public Purpose

The CE-5 Zone consists primarily of the more mountainous areas of the City which, because of the presence of steep slopes, unique soil characteristics, wild fire hazard or similar natural condition are considered environmentally sensitive.

It is the intent and purpose of the City Council in establishing the zone to set minimum standards for the use of land within the zone and to establish guidelines for development activities thereon which recognize and balance the following:

1. The need to preserve sensitive environmental conditions;
2. The need to mitigate potentially unsafe conditions in the area and prevent development that might increase hazards due to such conditions;
3. The rights of property owners to the reasonable use and enjoyment of their land; and,
4. The need to preserve a healthy, safe and aesthetic living environment for occupants of the zone and the surrounding community.

It is anticipated that uses in the zone will be limited to one-family dwellings in naturalistic settings with associated personal uses and structures. Such uses will be permitted in those portions of the zone which are most suitable for development activity (~~development cluster~~ Dwelling Cluster areas) interspersed with large and undisturbed open space areas.

(Ord. 95-28, 11/28/95)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL JANUARY 09, 2019.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

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

\_\_\_\_\_  
Charmayne G. Warnock, City  
Recorder Alpine City

## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT:** Amendment to Ordinance – Flag Lots – Article 3.1.11; Article 3.2.9;  
Article 3.3.10; Article 3.4.10 and Article 3.5.10

**FOR CONSIDERATION ON:** 19 February 2019

**PETITIONER:** Staff

**ACTION REQUESTED BY PETITIONER:** Review proposed changes and  
make a recommendation to City  
Council.

### **BACKGROUND INFORMATION:**

Staff is proposing to add a definition for flag lots to the development code in order to better regulate these types of lots within the City.

### **STAFF RECOMMENDATION:**

Review and recommend approval of amendment to Article 3.1.11; Article 3.2.9;  
Article 3.3.10; Article 3.4.10 and Article 3.5.10 of the Development Code.

**ALPINE CITY  
ORDINANCE 2019-03**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.02.090; 3.03.100; 3.04.100  
AND 3.05.100 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO FLAG  
LOTS, PRIVATE DRIVEWAYS AND SHARED DRIVEWAYS.**

**WHEREAS**, The City council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to allow minor subdivisions to be approved administratively; and

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

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

**NOW THEREFORE**, be it ordained by the Alpine City Council that: The amendments to Article 3.02.090; 3.03.100; 3.04.100; and 3.05.100 contained in the attached document will supersede Article 3.2.9; 3.3.10; 3.4.10; and 3.5.10 as previously adopted. This ordinance shall take effect upon posting.

**SECTION 1:**        **AMENDMENT** “3.02.090 Special Provisions” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E   A M E N D M E N T

3.02.090 Special Provisions

1. **Heliports.** The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.

(Ord. 2015-02, 02/10/15)

A F T E R   A M E N D M E N T

3.02.090 Special Provisions

1. **Heliports.** The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.
2. **Flag Lots.** Flag Lots, as outlined in definitions, are prohibited in the TR-10,000 Zone.

(Ord. 2015-02, 02/10/15)

**SECTION 2:**        **AMENDMENT** “3.03.100 Special Provisions” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E   A M E N D M E N T

3.03.100 Special Provisions

1. **Heliports.** The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.

(Ord. 95-24, 11/14/95; Ord. 2014-11, 6/24/14)

A F T E R   A M E N D M E N T

3.03.100 Special Provisions

1. **Heliports.** The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.
2. **Flag Lots.** Flag Lots, as outlined in definitions, are prohibited in the CR-20,000 Zone.

(Ord. 95-24, 11/14/95; Ord. 2014-11, 6/24/14)

**SECTION 3:**        **AMENDMENT** “3.04.100 Special Provisions” of the Alpine City Municipal Code is hereby *amended* as follows:

B E F O R E   A M E N D M E N T

3.04.100 Special Provisions

1. **Heliports.** The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.

(CR-1 Created by Ord. 91-01, 4/9/91 and amended by Ord. 95-04, 2/3/95; Ord. 2014-11, 6/24/14)

A F T E R   A M E N D M E N T

3.04.100 Special Provisions

1. **Heliports.** The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.



2. **Flag Lots.** Flag Lots, as outlined in definitions, are prohibited in the CR-40,000 Zone.

(CR-1 Created by Ord. 91-01, 4/9/91 and amended by Ord. 95-04, 2/3/95; Ord. 2014-11, 6/24/14)

**SECTION 4:**        **AMENDMENT** “3.05.100 Special Provisions” of the Alpine City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

3.05.100 Special Provisions

1. **Heliports.** The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.

(Ord. 95-28, 11/28/95)

AFTER AMENDMENT

3.05.100 Special Provisions

1. **Heliports.** The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.
2. **Flag Lots.** Flag Lots, as outlined in definitions, are prohibited in the CE-5 Zone.

(Ord. 95-28, 11/28/95)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

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

\_\_\_\_\_  
Charmayne G. Warnock, City  
Recorder Alpine City

**ALPINE CITY  
ORDINANCE 2019-02**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.09.060; 3.01.110; AND  
3.05.010 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING TO DWELLING  
CLUSTERS**

**WHEREAS**, The City council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to allow minor subdivisions to be approved administratively; and

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

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

**NOW THEREFORE**, be it ordained by the Alpine City Council that: The amendments to Article 3.09.060; 3.01.110; and 3.05.010 contained in the attached document will supersede Article 3.9.6 ; 3.1.11; and 3.5.1 as previously adopted. This ordinance shall take effect upon posting.

**SECTION 1:**        **AMENDMENT** “3.09.060 Dwelling Clusters; Lot Size; Buildable Area; Setback” of the Alpine City Municipal Code is hereby *amended* as follows:

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

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

1. All lots, dwelling, habitable structures, and accessory buildings shall be located within a designated ~~development~~ Dwelling Cluster. A project may contain more than one ~~development~~ 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, ~~development~~ 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.
- 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:
    - will more adequately accommodate subsequent development of the lot,
    - will not constitute a potential hazard to life or property, and
    - 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).
  - 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. Each Designated Buildable Area on any lot shall be clustered with at least 2 other Designated Buildable Areas on neighboring lots, thus forming a ~~designated development~~ eDwelling Cluster.
  - 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.
  - 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.
  - 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)

**SECTION 2:**        **AMENDMENT** “3.01.110 Definitions” of the Alpine City Municipal Code is hereby *amended* as follows:

## A M E N D M E N T

### 3.01.110 Definitions

**ACCESSORY APARTMENT.** A subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping and sanitation facilities.

**ACCESSORY BUILDING.** A detached subordinate building, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use.

**AGRICULTURE.** The tilling of soil, the raising of crops, horticulture, the gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, commercial egg production, or similar uses.

**APIARY.** Any place where one (1) or more colonies of bees are located.

**AVERAGE SLOPE OF LOT.** The average slope of a lot, expressed as the percent of slope, to be determined via computer modeling. AutoCAD or ESRI products are acceptable programs to be used for determining the average slope of lot; any other program must be pre-approved by the City Engineer.

**BEEKEEPING EQUIPMENT.** Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

**BUILDABLE AREA.** (Ord. 94-02, 2/8/94) A lot or portion thereof possessing all of the following physical characteristics:

1. The area contains no territory having a natural slope of twenty (20) percent or greater;
2. The area contains no territory which is located in any identified flood plain or within any recognized inundation zone, mud flow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
3. The engineering properties of the soil provide adequate structural support for the intended use;
4. The area does not possess any other recognized natural condition, which renders it unsafe for building purposes;
5. The area is within the building setback envelope as determined in accordance with the setback provisions of the zone; and
6. The area is readily capable of vehicular access from the adjacent public street over a driveway having a slope of not more than twelve (12) percent with no cut or fill greater than five feet as measured at the finished grade of the centerline alignment.

**BUILDING.** Any structure having a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

**CIVIC BUILDING.** A structure owned by the City and used for governmental purposes, including administrative buildings (City Hall) fire stations, police stations, libraries, but not including shop and repair facilities.

**COLONY.** Bees in a hive including queens, workers, or drones.

**CONDITIONAL USE.** A use of land that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

**CUSTOMARY RESIDENTIAL ACCESSORY STRUCTURE.** A structure constructed on the same zoning lot as a dwelling and which is intended for the incidental and exclusive use of the residents of said dwelling, including but not limited to detached garages, carports, swimming pools, tennis courts, green houses, storage buildings, and satellite dishes.

**DEVELOPMENT.** Any change to a parcel of ground, which alters it from its natural state in any way. This includes clearing, excavation, grading, installation of any infrastructure or erection of any types of buildings.

**DWELLING CLUSTER.** A group of three or more Lots whose Buildable Areas are located no more than 2 times the minimum distance of the closest two Buildable Areas, with a maximum distance of 300~~100~~ feet for the furthest Buildable~~ing~~ Area within the Dwelling Cluster.

**DWELLING UNIT.** One or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit. See also Dwelling, Single Family.

**DWELLING, MULTIPLE-UNIT.** A building arranged to be occupied by two (2) or more families, the structure having two (2) or more attached dwelling units.

**DWELLING, SINGLE FAMILY.** A building arranged or designed to include only one (1) dwelling unit occupied by one (1) family, including extended living areas or an accessory apartment which may be approved as provided elsewhere in this Code.

**FAMILY.** An individual or two (2) or more persons related by blood, marriage, adoption, or guardianship; or a group of not more than four (4) persons, (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities. "Family" does not exclude the care of foster children.

**FENCES.** A fence shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs with the purpose of preventing passage or view across a boundary or lot line. (Ord. 2004-13, 9/28/04)

1. Privacy fences are structures where the field of vision through the fence is less than 50%.
2. Open-style fences are structures where the field of vision through the fence is 50% or greater.

**FLAG LOT.** A lot with less frontage in the front part of the lot (flag pole) than required for the zone within which it is located, and the rear portion of the lot (flag) is wider than ~~than~~ the front portion. Also, any lot whose lot width at any point in the flag portion of the lot is less than 50 percent of the flag pole portion of the lot.

**FRONTAGE.** The width of the lot or parcel of land measured at the required front setback-line.

**GARAGE/CARPORT (PRIVATE).** A structure for the parking or temporary storage of automobiles, but which does not involve commercial repairing or storage.

**GEOLOGIC HAZARD.** A hazard inherent in the surface or subsurface of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to movement, failure, or shifting of earth.

**GROUP LIVING ARRANGEMENT.** A group living or congregate living arrangement where groups of more than four unrelated persons live together in a single dwelling unit, including, but not limited to, a batching apartment, boarding house, Congregate Living Unit, Assisted Living Facility, Nursing Care Facility, Residential Facility for Persons With a Disability, dormitory, student housing, fraternity, club, institutional group, half-way house, or similar group living or congregate living arrangement.

**GUEST HOUSE.** An accessory building constructed on the same zoning lot as the principle Single-Unit dwelling to be used for temporary occupancy.

**HANDICRAFT PRODUCTION.** Production of an individual's one-of-a-kind objects for sale on the site.

**HELICOPTER.** A manned aircraft in which lift, flight and landing is achieved by means of one or more power-driven horizontal propellers.

**HELIPORT.** An area on land or upon a building or structure set aside and used for the landing or takeoff of helicopters or other manned rotary wing aircrafts capable of vertical takeoff or landing.

**HIVE.** A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

**HOME OCCUPATION.** Any gainful occupation, service, profession or similar activity conducted in a consistent and ongoing manner within a dwelling. Business activity consisting primarily of the sale of goods produced elsewhere on the premises (i.e. retail sales establishment) shall not qualify as a home occupation.

**HOBBY BEEKEEPER.** A person who owns or has charge of eight (8) or fewer hives of bees.

**HONEYBEE.** The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

**HOUSEHOLD PETS.** Animals or fowl ordinarily permitted to a residence and kept for company or pleasure, such as dogs, cats, fish and canaries. Household pets do not include inherently or potentially dangerous animals or fowl, or those normally considered agricultural livestock.

**IMPERVIOUS MATERIAL.** Matter that is impenetrable as by moisture.



**LOT.** A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale of land resulting from the division of a larger tract into smaller units.

**LOT, CORNER.** Shall mean a lot located at the junction of and fronting on two (2) or more intersecting streets.

**MOBILE HOME.** A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailer or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building Code and which are finished with exterior building material that is typical of permanent residential buildings.

**NON-CONFORMING USE.** A building or structure, or portion thereof, or use of a building or land which does not conform to use regulations for the district in which it is situated, but which is in conformity with said regulations, if any, at the time of its establishment.

**OFF STREET PARKING.** An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.

**OFFICE, PROFESSIONAL.** A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and for license, are qualified to perform services of a professional nature, and where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

**OPEN SPACE.** The use of land which leaves soil generally undisturbed and upon which natural vegetation, whether or not native to the area, occupies the major visible aspect of the land.

**PERMITTED USE.** A use of land for which no conditional use permit is required.

**PUBLIC USE.** A use operated or supervised exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative and service facilities, and public utilities.

**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.

**REASONABLE ACCOMMODATION.** A reasonable change in any rule, policy, practice, or service necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling when compared to similarly-situated persons or groups.

**RECREATION, PUBLIC.** Recreation facilities operated by a public agency and open to the public with or without a fee.

**RESIDENCE.** A dwelling unit where an individual or family is actually domiciled at a given point in time and not a place of temporary sojourn or transient visit. Temporary sojourn or transient visit shall be thirty (30) days or less.

**RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY.** A residence in which no more than eight (8) unrelated persons with a disability resides and which is:

1. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
2. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.

**RETAINING WALL.** Any structure designed to resist the lateral displacement of soil or other materials. Examples include block walls, rock walls, concrete walls and segmented walls. A retaining wall is not considered a fence.

**SIGN.** Any device for visual communication to the public displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs, to be viewed from out-of-doors, but not including a flag, badge, or ensign of any government or government agency.

**STREET, PUBLIC.** A thoroughfare which has been dedicated and accepted by proper public authority (or abandoned to the public) or a thoroughfare not less than twenty-four (24) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.

**STRUCTURE.** Anything constructed, the use of which requires fixed location upon the ground, or attached to something having a fixed location upon the ground, and which creates an impervious material on or above the ground; definition includes "building."

**YARD.** A required space on a lot other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

**YARD, FRONT.** A space between the front of the main building on a lot and the front lot line or line of an abutting street or right-of-way and extending across the full width of a lot. The depth (or setback) of the front yard is the minimum distance between the front lot line, and the front-most part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches, and decks).

**YARD, REAR.** 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. If the rear lot line is less than ten feet (10') in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten foot (10') line parallel to the front line, lying wholly within the lot for the purpose of establishing the minimum rear yard. 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.

(Primary structure includes overhangs, porches and decks. See drawing in Appendix A). (Ord. 2004-13, 9/28/04)

**YARD, SIDE.** A yard that is neither a front yard nor a rear yard. The depth (or setback) of the side yard is the minimum distance between the side lot line and the nearest part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks).

**ZONING LOT** (Ord. 94-02, 2/8/94). A lot or parcel of land which:

1. Meets all area (lot size), frontage (width), setback (yard), and other zoning requirements applicable within the zone in which it is located;
2. Abuts upon and has direct access to a street which has been dedicated to the City or otherwise accepted by the City as a City Street;
3. Is served by the minimum level of improvements required for issuance of a building permit or for which the construction of the minimum level of improvements is secured through the posting of a performance guarantee; and
4. Is shown as a separate lot on the final plat of a subdivision or similar development, which has been approved in accordance with the applicable ordinance, or is legally exempted from compliance with said ordinance. A parcel which is part of an unapproved or illegal subdivision shall not qualify as a zoning lot.

(Amended by Ord. 2004-14 on 9/28/04; Ord. 2009-16, 10/13/09; Ord. 20011-06, 03/08/11; Ord. 2011-12, 10/25/11; Ord. 2014-11, 6/24/14; Ord. 2015-02, 02/10/15; Ord. 2015-07, 05/26/15)

**SECTION 3:        AMENDMENT** "3.05.010 Legislative Intent And Public Purpose" of the Alpine City Municipal Code is hereby *amended* as follows:

#### A M E N D M E N T

##### 3.05.010 Legislative Intent And Public Purpose

The CE-5 Zone consists primarily of the more mountainous areas of the City which, because of the presence of steep slopes, unique soil characteristics, wild fire hazard or similar natural condition are considered environmentally sensitive.

It is the intent and purpose of the City Council in establishing the zone to set minimum standards for the use of land within the zone and to establish guidelines for development activities thereon which recognize and balance the following:

1. The need to preserve sensitive environmental conditions;
2. The need to mitigate potentially unsafe conditions in the area and prevent development that might increase hazards due to such conditions;
3. The rights of property owners to the reasonable use and enjoyment of their land; and,
4. The need to preserve a healthy, safe and aesthetic living environment for occupants of the zone and the surrounding community.

It is anticipated that uses in the zone will be limited to one-family dwellings in naturalistic settings with associated personal uses and structures. Such uses will be permitted in those portions of the zone which are most suitable for development activity (~~development cluster~~ Dwelling Cluster areas) interspersed with large and undisturbed open space areas.

(Ord. 95-28, 11/28/95)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL JANUARY 09, 2019.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Lon Lott	_____	_____	_____	_____
Kimberly Bryant	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Ramon Beck	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____

Presiding Officer

Attest

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

\_\_\_\_\_  
Charmayne G. Warnock, City  
Recorder Alpine City

## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT:** Planning Commission Minutes February 5, 2019

**FOR CONSIDERATION ON:** 19 February 2019

**PETITIONER:** Staff

**ACTION REQUESTED BY PETITIONER:** Approve Minutes.

### **BACKGROUND INFORMATION:**

Minutes from the February 19, 2019 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**  
**February 5, 2019**

**I. GENERAL BUSINESS**

**A. Welcome and Roll Call:** The meeting was called to order at 7:00 pm by Chairman David Fotheringham. The following were present and constituted a quorum:

Chairman: Dave Fotheringham

Commission Members: Bryce Higbee, Alan MacDonald, John Gubler, Sylvia Christiansen

Excused: Jane Griener

Staff: Austin Roy, Marla Fox, Jed Muhlestein

Others: Steve McArthur, Marcus Watkins

**B. Prayer/Opening Comments:** John MacKay

**C. Pledge of Allegiance:** Jed Muhlestein

**II. PUBLIC COMMENT**

There were no public comments.

**III. ACTION ITEMS**

**A. Plat Amendment – Goeckeritz Plat C – Quinn Goeckeritz**

The property owner has applied for a boundary line adjustment between two lots that they already own. Property is located at 289 S. High Bench Road, on approximately 2.45 acres, in the CR20-000 zone, with lots ranging in size from 0.46 acres to 1.97 acres. One of the lots is in a recorded subdivision and would require that the boundary line adjustment be done via plat amendment.

This boundary line adjustment/plat amendment is only coming to Planning Commission for recommendation because of the right-of-way dedication that must be approved by City Council. Otherwise it would have been approved at a Staff level as a minor subdivision.

In 2001, Goeckeritz Estates Subdivision was created, a minor subdivision with two lots. In 2012, the plat was amended, Goeckeritz Estates Plat B, and the northern boundary line of Lot 1 was adjusted. Now the property owner would like to make further adjustments and dedicate a right-of-way to the City.

Austin Roy said the purpose of the new lot is for a single dwelling and said the lot is just over 20,000 square feet and meets the size requirement and it has the proper frontage of 110 feet. Austin Roy said this is usually handled on an administrative level and Jed Muhlestein said because there will be a right-of-way dedication, it has to be approved by the Planning Commission and City Council. Jed Muhlestein showed the dedicated portion on a map to the City and said the City will maintain it.

Jed Muhlestein said we will need new services for Lot 2, a bond prior to them recording, and meet the water policy before recording. There are minor redlines on the plat but those have been corrected.

**MOTION:** Bryce Higbee moved to recommend approval of the proposed Goeckeritz Estates Plat C Amendment with the following conditions:

1. Developer provide an engineer's cost estimate
2. Developer meet the water policy

John Gubler seconded. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

**Ayes:**

Bryce Higbee  
 Alan MacDonald  
 John MacKay  
 David Fotheringham  
 John Gubler  
 Sylvia Christiansen

**Nays:**

None

**B. Major Subdivision Final Plat Review – North Point Plat D – Marcus Watkins**

Austin Roy said North Point View Preliminary was approved back in 2004 and the way it was approved was that they could come back for Final whenever they wanted to; there was no expiration on that. Normally you have to finalize within a certain time frame, but that was not the case with this subdivision.

Austin Roy said the Developer came in last year and did a three lot addition to this subdivision and that was approved and finished with a new road installed. He said this will be the last plat of the North Point View Subdivision. He said the developer is seeking approval for North Point View Plat D, which consists of 7 lots on 3.96 acres. Lots Range in size from 0.46 to 0.57 acres (20,0028 to 24,970 square feet). Plat D is located in the CR-20,000 zone.

Austin Roy said all lots meet the width and area requirements and are proposed for single residential homes. He said there are a few structures on the south end of the property that would need to be removed or provide a bond prior to getting approval because they interfere with the setbacks and will not be able to remain on the property.

Jed Muhlestein said the streets and frontage improvements meet the ordinance. The water, pressurized irrigation and sewer connections will come from the intersection they built last summer. He said there are two things that were brought to the forefront during the review. One is the existing Northfield Ditch that runs around the outer edge of the property. The ordinance requires that any time you have a development on or near the property of the development, the development is required to pipe the ditch through the property. Jed Muhlestein said this was brought to the attention of the Developer and they did give us a draft of a design to pipe the ditch. At this time, as part of the motion, the Developer will need to bring a design to be reviewed and approved for piping the Northfield Ditch that Lehi Irrigation and the City can sign off on. Jed

Muhlestein said this needs to be done prior to this coming back to City Council because City Council can't approve something that we don't know if Lehi Irrigation is going to agree to or not.

Jed Muhlestein said the second issue is there is an existing well on the property that has a bunch of rocks stuck in it. The State requirements will require the well to be sealed prior to development and the City will require it as well to protect our aquifer from contamination. Jed Muhlestein said the Developer will need to address redlines on the plat and plans and meet the water policy.

**MOTION:** John MacKay moved to recommend approval of the proposed Plat Amendment – North Pointe View Plat D Subdivision with the following conditions:

1. Bring a design to be reviewed and approved for piping the Northfield Ditch that Alpine City Engineering and Lehi Irrigation can sign off on. This is something that needs to be done prior to City Council approval
2. Developer seal the existing well on Lot 29 during construction
3. Developer address redlines on the plat and plans
4. Developer meet the water policy
5. Developer remove all buildings that will conflict with future property lines, or provide a bond to do so prior to recording the plat

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

**Ayes:**

Bryce Higbee  
 Alan MacDonald  
 John MacKay  
 David Fotheringham  
 John Gubler  
 Sylvia Christiansen

**Nays:**

None

**C. Major Subdivision Final Plat Review – Conrad's Landing Plat C – Steve McArthur**

The developer is seeking final approval for Conrad's Landing Plat C, which consists of 7 lots on 4.19 acres. Lots Range in size from 0.46 to 0.60 acres (20,0058 to 26,046 square feet). Plat C is located in the CR-20,000 zone.

Austin Roy said all the lots meet the width and area requirements and said this will be a residential development which is consistent with the zone. There are existing structures that will need to be removed or a bond provided for the removal of them before the plat could be recorded.

Austin Roy said one of the lots will be double fronted and on the plat it will have to be shown that there is no access on the Alpine Highway side. Austin Roy said the ordinance states that double fronted lots shall be landscaped by the Developer or property owner. The City would expect to see some landscaping on the lot that fronts Alpine Highway.



Austin Roy said the plans show a detention basin and an easement, so that may limit what they can do with the landscaping. Bryce Higbee asked if we could put the Alpine City sign on this easement and Jed Muhlestein said he brings up a good point because this property is within twenty feet of where the sign used to be. Austin Roy said the easement is owned by the Metropolitan Water District and they are very strict with what they want to do here.

Alan MacDonald what area would the homeowner be responsible to maintain because they would most likely put up a fence. Jed Muhlestein said they would be responsible for the five foot strip between their property line and the sidewalk. He showed some examples of what the City would like done.

Jed Muhlestein said they have the correct right-of-way and frontage improvements proposed where they need to have them specifically on the lot just discussed. He said there is no sidewalk currently on the lot that fronts Sunset Drive but their plans do show frontage improvements there to put the sidewalk in.

Jed Muhlestein showed on a map the intersection where they will get their water and PI secondary water services from. He said they originally proposed to run the sewer straight out and tie into the existing sewer manhole that's in Alpine Highway. Jed Muhlestein showed on a map green lines and said they denote Metropolitan Water Property and said he found out through the review process that in order to even enter their property, the City would incur land use fees. He said we don't know what those fees are but we do have that same situation in other parts of town and know they are substantial. The developer proposed an alternative plan to bring the sewer to the north and connect into Sunset Drive which would be a win for the City so we wouldn't incur those fees. Alan MacDonald asked what substantial meant and Jed Muhlestein said in the tens of thousands each year.

Jed Muhlestein said by changing the route of the sewer, it may require two lots to pump their sewer to the gravity system in the street. He said staff will need time to review and approve the sewer design. He said having ejector pumps on a single lot is not uncommon and these would just be the basement.

Jed Muhlestein said the Developer would have to meet the water policy prior to recording, and redlines on the plat and plans need to be corrected.

**MOTION:** Bryce Higbee moved to recommend approval of the proposed Conrad's Landing Plat C Final Plat with the following conditions:

1. Developer provide an alternate design for the sewer line for review prior to City Council
2. Developer address redlines on the plat and plans
3. Developer meet the water policy
4. Developer remove all buildings that will conflict with future property lines or provide a bond to do so prior to recording the plat
5. The back of Lot 304, a double frontage lot, be landscaped where possible and as permitted given possible limitations due to the easement and storm drain pond

6. Developer work with the City to install the Alpine City sign and to have the City maintain the surrounding area.

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

**Ayes:**

**Nays:**

Bryce Higbee

None

Alan MacDonald

John MacKay

David Fotheringham

John Gubler

Sylvia Christiansen

**IV. Communications**

David Fotheringham talked about process and procedures when making motions and when it's appropriate to have a discussion and how to make a counter motion. Sylvia Christiansen said she likes to ask questions and have a discussion because it helps her decide how she's going to vote. Austin Roy said the Planning Commission can make up to three motions; he said there will be an opportunity to talk about the motion. Alan MacDonald said to get the motion on the table and then talk about the particulars. He also said he likes the sample motions and feels they are very helpful. David Fotheringham said he thought it would be a good idea to come up with some procedures and get them in writing.

The Planning Commission thanked John Gubler for his service as this is his last meeting.

**V. APPROVAL OF PLANNING COMMISSION MINUTES: January 15, 2019**

**MOTION:** Bryce Higbee moved to approve the minutes for January 15, 2019 with changes made by Jed Muhlestein

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

**Ayes:**

**Nays:**

Bryce Higbee

None

Alan MacDonald

John MacKay

David Fotheringham

John Gubler

Sylvia Christiansen

The meeting was adjourned at 7:45 pm.