



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, March 6, 2018 at 7:00 pm** as follows:

I. GENERAL BUSINESS

- | | |
|-----------------------------|--------------------|
| A. Welcome and Roll Call: | David Fotheringham |
| B. Prayer/Opening Comments: | Jane Griener |
| 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. Concept Plan Approval: Alpine View Estates – Griff Johnson

City Council has approved the proposed development as a PRD. The developer, Public Development Partners, is now seeking approval of the concept plan.

B. Development Code Review

Planning Commission will review Section 3.1, Zoning, of the Development Code, and possible updates and/or corrections will also be discussed.

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: February 20, 2018

ADJOURN

Chairman David Fotheringham
March 6, 2018

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 and on the Utah Public Meeting Notices website at www.utah.gov/pmn/index.html.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing: Alpine View Estates Subdivision (PRD)

FOR CONSIDERATION ON: 6 March 2018

PETITIONER: Griff Johnson

ACTION REQUESTED BY PETITIONER: Planning Commission approval of the proposed concept plan.

BACKGROUND INFORMATION:

The petitioner, Griff Johnson, has submitted a Concept Plan for the Alpine View Estates Subdivision (PRD), located west of 400 West Street and south of Lupine Drive with access off Blue Spruce Road and 400 West Street. The proposed subdivision would dedicate approximately 5.18 acres as open space and includes 19 lots on 19.30 acres, with lot sizes ranging from 0.46 acres to 0.88 acres. The development is in the CR-40,000 zone. City Council has approved this subdivision as a PRD.

STAFF RECOMMENDATION:

Approve the proposed concept plan.



Date: March 2, 2018

By: Austin Roy
City Planner

Subject: **Planning and Zoning Review**
Alpine View Estates Concept Plan
19 Lots on 19.30 Acres, CR-40,000 Zone

Background

The developer, Public Development Partners, has submitted a concept plan for the Alpine View Estates Subdivision, a Planned Residential Development, which would consist of 19 lots on 19.30 acres, with lots ranging in size from 0.46 acres to 0.88 acres. The proposed subdivision is located west of 400 West Street and south of Lupine Drive (Chatfield property) with access off Blue Spruce Road and 400 West Street. The proposed subdivision would dedicate approximately 5.18 acres as open space. The development is in the CR-40,000 (1 acre) zone.

Density

The Alpine View Estates concept plan meets all density requirements set forth in code based on the slope percentages for the project (see 3.9.5).

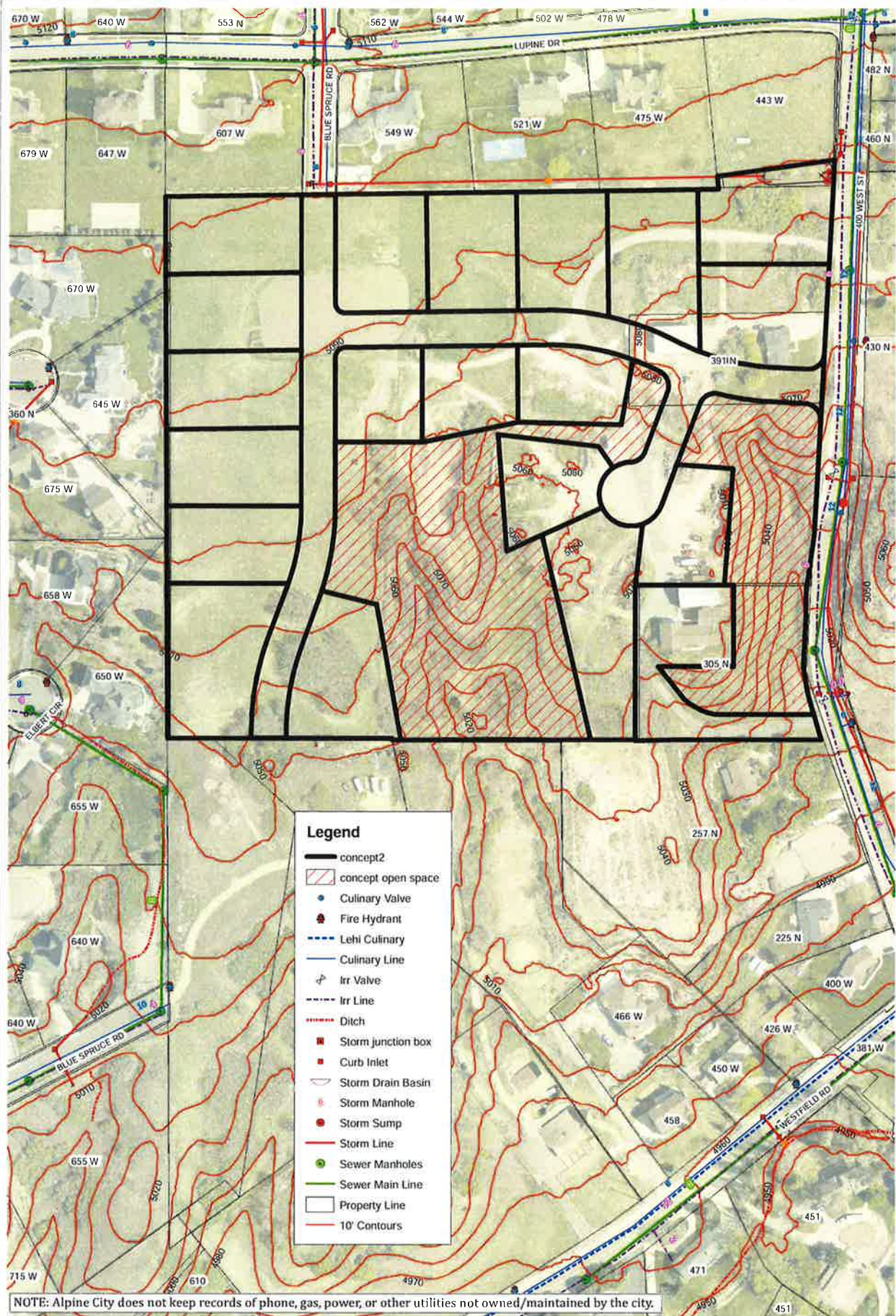
Water Source

Water rights shall be conveyed to the City in accordance with the provisions of Section 4.7.23 of the Alpine City Development Code as applicable.

RECOMMENDATION

The Planning and Zoning Department recommends approval of the proposed site plan provided the following items are addressed:

- **Water source and/or water right requirements are met.**



ALPINE VIEW ESTATES CONCEPT

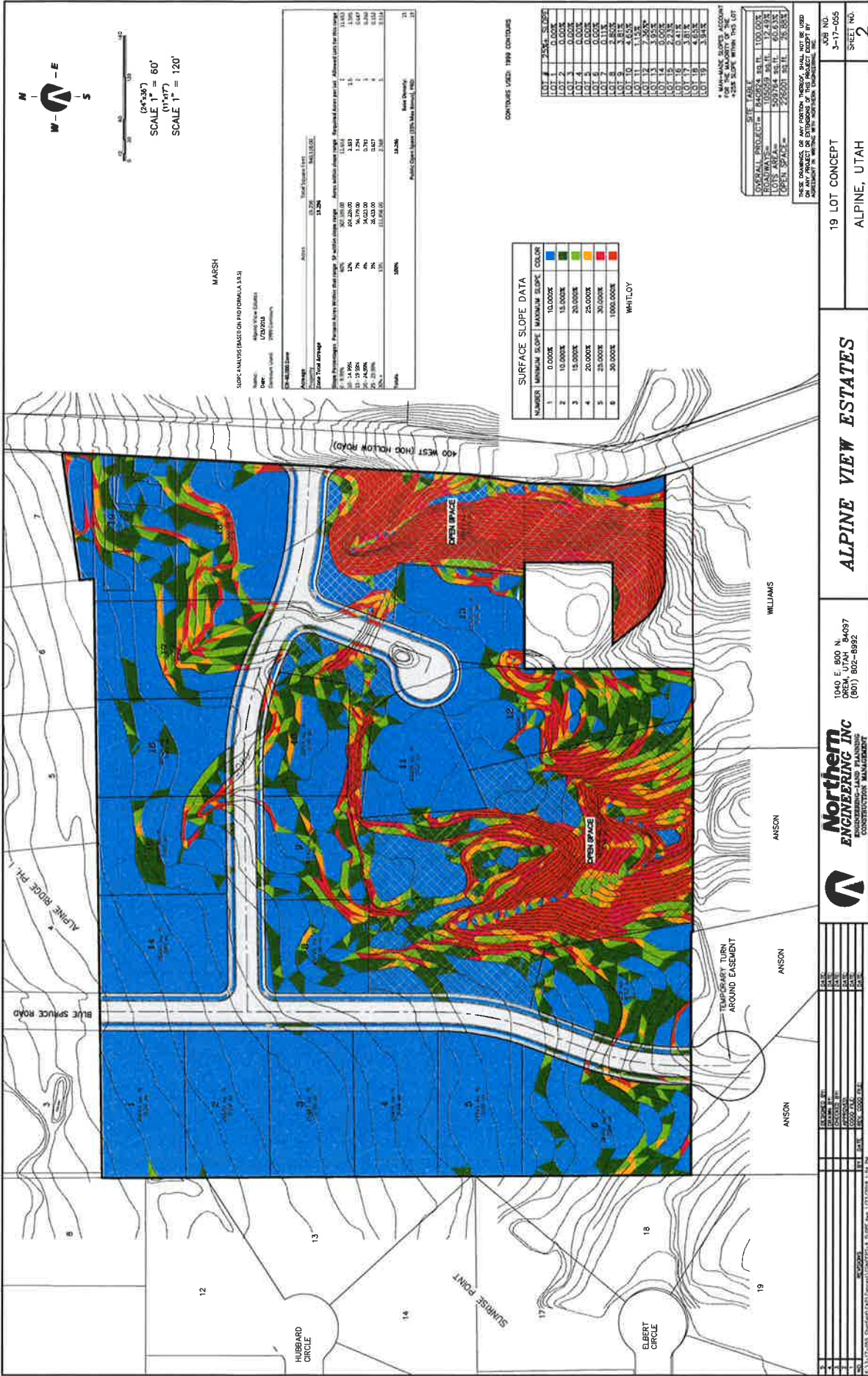




1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8892

ALPINE VIEW ESTATES

19 LOT CONCEPT
ALPINE, UTAH
SHEET NO. 2



MARSH

SLOPE ANALYSIS (BASED ON FORMULA 3A)

Name: Alpine View Estates
Date: 1/23/2018
City: Salt Lake City, UT 84103

Area	Area	Total Square Feet
1	13.225	13.225
2	13.225	13.225
3	13.225	13.225
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95	13.225	13.225
96	13.225	13.225
97	13.225	13.225
98	13.225	13.225
99	13.225	13.225
100	13.225	13.225

NUMBER	MINIMUM SLOPE	MAXIMUM SLOPE	COLOR
1	0.000%	10.000%	Blue
2	10.000%	15.000%	Green
3	15.000%	20.000%	Yellow
4	20.000%	25.000%	Orange
5	25.000%	30.000%	Red
6	30.000%	100.000%	White

WHITLOV

CONTOURS USED: 1999 CONTOURS

SITE TABLE	
OVERALL PROJECT	84,000.00
ROADWAY	10,000.00
OPEN SPACE	74,000.00

NOTE: THESE ARE NOT AVERAGE ELEVATIONS. THEY ARE USED FOR AVERAGE ELEVATION OF THIS PROJECT. DO NOT USE FOR ANY PROJECT OR ELEVATION OF THIS PROJECT. DO NOT USE FOR ANY PROJECT OR ELEVATION OF THIS PROJECT. DO NOT USE FOR ANY PROJECT OR ELEVATION OF THIS PROJECT.

19 LOT CONCEPT		ALPINE VIEW ESTATES		1040 E 800 N, 840097 (801) 802-8932		Northern ENGINEERING INC CONSTRUCTION MANAGEMENT		JOB NO. 3-17-056 SHEET NO. 2	
ALPINE, UTAH									

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Development Code Review – Section 3.1 Zoning

FOR CONSIDERATION ON: 6 March 2018

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review and discuss possible updates to code.

BACKGROUND INFORMATION:

The Alpine City Planning Commission has decided to review the Development Code in 2018. The purpose is to 1) be better familiar with the city code, and 2) to review the code for errors, inconsistencies, needed updates.

STAFF RECOMMENDATION:

Review section 3.1 of the Development Code.

CHAPTER 3

ALPINE CITY ZONING ORDINANCE

ARTICLE 3.1 GENERAL PROVISIONS

- 3.1.1 SHORT TITLE.** This ordinance shall be known as The Alpine City Zoning Ordinance.
- 3.1.2 STATEMENT OF PURPOSE.** This ordinance is created and enacted to aid in the implementation of the Alpine City Comprehensive Plan, and to promote the health, safety and welfare of the inhabitants of Alpine City. The City of Alpine shall utilize powers granted to it by the Utah Code to accomplish the following:
1. Assure the proper use and management of the natural beauty and resources of Alpine City;
 2. Protect life and property from avalanche, flood and geologic hazard;
 3. Encourage a density of development that will be expressive of a satisfying community life, that will conserve natural resources, protect scenic values, and prevent traffic congestion;
 4. Encourage imaginative and innovative concepts in residential and commercial development that will perpetuate the visual character of Alpine, and result in economy in the provisions of municipal services.
- 3.1.3 CONFLICT WITH EXISTING ORDINANCES.** This ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, overlays or laws, but shall prevail notwithstanding such provisions, which are less restrictive.
- 3.1.4 EFFECT ON PREVIOUS ORDINANCES AND MAPS.** The existing ordinances covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this ordinance, including the attached map, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this ordinance, whether in same or in different language and this ordinance shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming. Any or all ordinances that are less restrictive or inconsistent with this ordinance are superseded by this ordinance.
- 3.1.5 ENFORCEMENT.** The Zoning Administrator and/or Building Inspector is authorized as the enforcing officer(s) for this ordinance, and will enforce all provisions, entering actions in court, if necessary, and his failure to do so shall not legalize any violations of such provisions. The City Council may, by resolution or ordinance, from time to time, entrust administration of this ordinances in whole or in part, to another officer of the local jurisdiction, without amendment to this ordinance.
- 3.1.6 BUILDING PERMITS.** Construction, alteration, repair, or removal of any building or structure or any part thereof, as provided or as restricted in this ordinance shall not be commenced except upon issuance of a building permit by the Building Inspector. The Building Inspector shall verify proper zoning.

3.1.6.1 Occupancy Permit. Land, buildings or premises in any zone shall hereafter be used only for a purpose permitted in such a zone and in accordance with the appropriate regulations. A permit of occupancy shall be issued by the Zoning Administrator to the effect that the use, building or premises conform to provisions of this and all related ordinances, regulations and requirements prior to occupancy, for any building erected, enlarged or altered structurally for the occupancy or use of any land. Such a permit is needed whenever use or character of any building or land is to be changed.

3.1.6.2 Inspection. The Zoning Administrator or Building Inspector is authorized to inspect or to have inspected all buildings and structures during the course of their construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this ordinance. The Zoning Administrator or any authorized employee of the City shall exercise the right to enter any building for the purpose of determining the use, or to enter premises for the purpose of determining compliance with this ordinance, provided that such right of entry is to be used only at reasonable hours. In no case shall entry be made to any occupied building in the absence of an owner or tenant thereof without written permission of an owner, or written order of a court of competent jurisdiction.

3.1.6.3 Site Plan Required. A detailed site plan, drawn to scale shall be filed with the Building Inspector as part of any application for a building permit. The site plan shall show where pertinent:

1. Scale and north arrow;
2. Lot Lines and their dimensions including existing boundary monuments;
3. Adjacent streets, roads, rights-of-way and easements;
4. Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, etc.);
5. Irrigation and/or drainage easements;
6. An indication of the average slope of the lot based upon application of the formula provided in Section 3.1.10.4.
7. Location, proposed construction and improvements, including location of all landscape elements and signs;
8. Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk location;
9. Necessary explanatory notes;
10. Name, address and telephone number of builder and owner; and,
11. The above, and any other information that may be requested by the Zoning Administrator or Building Inspector.
12. Show Setbacks and building height.
13. Attach a copy of the drainage plan and comply with the overall subdivision drainage plan.

3.1.6.4 Demolition of Homes. A demolition permit must be issued before any demolition takes place: (added by Ordinance 2004-13 on 9/28/04)

1. Demolition Permit must be reviewed by the City Engineer and may be referred to the Planning Commission.
2. All Utilities must be notified prior to the demolition.
3. Must comply with site plan requirements.
4. Notify and comply with the Utah Division of Air Quality.

3.1.7 USES PROHIBITED IN ZONES UNLESS SPECIFICALLY PERMITTED. (Ord. 94-02, 2/8/94, Ord. 2004-13, 9/28/04) Uses of land which are not expressly permitted within a zone are expressly prohibited therein, except as may be permitted by recommendation of the Planning Commission and approval of the City Council, pursuant to express authority given under terms of this Ordinance.

3.1.8 LICENSING. All departments, officials and public employees of Alpine City who are vested with duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance, and any such permit or license, if issued in conflict with the provisions of this ordinance shall be null and void.

3.1.9 AMENDMENTS TO THE ZONING ORDINANCE OR ZONING MAP (Amended by Ordinance 2000-03, 3/28/00; 2007-04, 4/10/07)

3.1.9.1 Amendments to the Zoning Ordinance

Amendments to the Zoning Ordinance may be initiated by the City Council, the Planning Commission, the staff, or by an owner of real property in the area included in the proposed amendment.

Amendments to the Zoning Ordinance:

1. Shall first be submitted to the Planning Commission for its review and recommendation.
2. The Planning Commission shall provide appropriate notice and hold a public hearing on proposed amendments to the zoning ordinance before making a recommendation to the City Council. The Planning Commission may hold additional public hearings if deemed necessary or appropriate by the Planning Commission.
3. The Planning Commission shall prepare and make a recommendation to the City Council on proposed amendments to the zoning ordinance that represents the Planning Commission's recommendation for regulating the use and development of land within all or any part of the area of the City.
4. The City Council shall consider each proposed amendment to the zoning ordinance recommended by the Planning Commission. The City Council shall have the option to hold a public hearing(s).
5. The City Council may adopt or reject amendments to the zoning ordinance either as proposed by the Planning Commission or after making any revisions the City Council considers appropriate.

3.1.9.2 Amendments to the Zoning Map (Zone Change)

Amendments to the Zoning Map may be initiated by the City Council, the Planning Commission, the staff, or by an owner of real property in the area included in the proposed amendment.

Any application to change the boundary of a zone shall include an accurate map or other sufficient legal description of the area proposed for change. Applicants shall submit ten (10) copies of all required documentation to the City Planner at least fourteen (14) days prior to the public hearing.

Amendments to the Zoning Map (Zone Change):

1. Shall first be submitted to the City Planner for its review before an applicant may apply to the Planning Commission.

2. If the applicant chooses to apply to the Planning Commission for a proposed zone change, the applicant shall pay the associated fee and the City Recorder shall set a public hearing for the Planning Commission on the proposed amendment to the zoning map, and shall provide appropriate notice for said public hearing. The public hearing shall be held before the Planning Commission may make a recommendation to the City Council. The Planning Commission may hold additional public hearings if deemed necessary or appropriate by the Planning Commission.
3. The Planning Commission shall prepare and make a recommendation to the City Council on each proposed amendment to the zoning map that comes before the Planning Commission.
4. The City Council shall consider each proposed amendment to the zoning map recommended by the Planning Commission. The City Council shall have the option to hold a public hearing(s) on the proposed zone change.
5. The City Council may approve or deny the proposed amendment to the zoning map, either as proposed by the Planning Commission or after making any revision the City Council considers appropriate.

3.1.9.2.1 Written Notification of Property Owners. At least (14) fourteen days prior to the public hearing held by the Planning Commission, the applicant for an amendment to the zone map shall submit to the Alpine City Planner a list of all property owners within five hundred (500) feet of the boundaries of the proposed zone change, along with stamped envelopes addressed to each of the property owners.

At least seven (7) days prior to the public hearing held by the Planning Commission, City staff will mail, in the envelopes provided by the applicant, written notification of the requested zone change with the following information:

1. Address or location of the property for which a zone change is requested;
2. The current zoning designation and proposed zoning;
3. Name of the property owner;
4. Number of acres; and
5. Date, time, and place of the public hearing at which the zone change will be considered.

The written notification shall be required only for the first public hearing held by the Planning Commission. It shall not be required for any additional public hearings that may be held.

3.1.9.2.2 Sign. In addition to the mailing, the property owner shall erect a sign of sufficient durability, and print and size quality that is reasonably calculated to give notice to passers-by. The sign shall be required only for the first public hearing held by the Planning Commission. It shall not be required for any additional public hearings that may be held.

The sign:

1. shall be 4 ft. (H) x 8 ft. (W);
2. is to be raised no more than six (6) feet in height from the ground;
3. shall be posted five (5) feet inside the property line in a visible location on the property proposed for the zone change; and
4. shall be posted at least fourteen (14) days prior to the public hearing at which the zone change will be presented to the Planning Commission.

The following information shall be on the sign:

1. Current zoning of the property and proposed zoning;
2. Number of acres; and
3. Date, time, and place of the first public hearing at which the zone change will be considered by the Planning Commission.

3.1.10 OFFICIAL ZONE MAP. The location and boundaries of each of the zones are shown on the Official Zone Map of Alpine City, Utah - (Revised by Ord. 94-02: 2/8/94). Said Map is hereby declared to be an official record and a part of this Ordinance and said Official Zone Map and all notations, reference and other information shown thereon shall be as much a part of this Ordinance as if the matters and other information set forth by said map were fully described herein. Said Official Zone Map shall be identified by the signature of the Mayor of the City, attested to by the City Recorder, and placed in the office of the City Recorder. Whenever such amendments or changes are made in zone boundaries, such amendments or changes shall be made by the City Recorder on the Official Zone Map promptly.

No changes of any nature shall be made in the Official Zone Map except in conformity with the procedure set forth under Section 3.1.8 of this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided in this Ordinance.

Regardless of the existence of purported copies of the Official Zone Map, which may from time to time be made or published, the Official Zone Map, which shall be located in the office of the City Recorder shall be the final authority in determining current status.

3.1.10.1 Boundaries of Zones. Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply:

1. Where the indicated boundaries on the zone map are approximately street or alley lines, said street or alley shall be construed to be the zone boundaries.
2. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zone boundaries unless otherwise indicated.
3. Where land has not been subdivided into lots and blocks, the zone boundaries shall be determined by use of the scale of measurement shown on the map.

3.1.10.2 Declaration. In establishing the zones, the boundaries thereof, and other regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to compatibility with the General Plan, suitability of the land for particular uses, and the character and intent of the zone; with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

3.1.11 DEFINITIONS (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)

1. **ACCESSORY APARTMENT.** A subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping and sanitation facilities.
2. **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.
3. **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.

4. **APIARY.** Any place where one (1) or more colonies of bees are located.
5. **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.
6. **BEEKEEPING EQUIPMENT.** Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.
7. **BUILDABLE AREA.** (Ord. 94-02, 2/8/94) A lot or portion thereof possessing all of the following physical characteristics:
 - a. The area contains no territory having a natural slope of twenty (20) percent or greater;
 - b. 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;
 - c. The engineering properties of the soil provide adequate structural support for the intended use;
 - d. The area does not possess any other recognized natural condition, which renders it unsafe for building purposes;
 - e. The area is within the building setback envelope as determined in accordance with the setback provisions of the zone; and
 - f. 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.
8. **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.
9. **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.
10. **COLONY.** Bees in a hive including queens, workers, or drones.
11. **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.
12. **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.
13. **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.
14. **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.
15. **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.

16. **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.
17. **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.
18. **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)
 - a Privacy fences are structures where the field of vision through the fence is less than 50%.
 - b. Open-style fences are structures where the field of vision through the fence is 50% or greater.
19. **FRONTAGE.** The width of the lot or parcel of land measured at the required front setback-line.
20. **GARAGE/CARPORT (PRIVATE).** A structure for the parking or temporary storage of automobiles, but which does not involve commercial repairing or storage.
21. **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.
22. **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.
23. **GUEST HOUSE.** An accessory building constructed on the same zoning lot as the principle Single-Unit dwelling to be used for temporary occupancy.
24. **HANDICRAFT PRODUCTION.** Production of an individual's one-of-a-kind objects for sale on the site.
25. **HELICOPTER.** A manned aircraft in which lift, flight and landing is achieved by means of one or more power-driven horizontal propellers.
26. **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.
27. **HIVE.** A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.
28. **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.

29. **HOBBY BEEKEEPER.** A person who owns or has charge of eight (8) or fewer hives of bees.
30. **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.
31. **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.
32. **IMPERVIOUS MATERIAL.** Matter that is impenetrable as by moisture.
33. **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.
34. **LOT, CORNER.** Shall mean a lot located at the junction of and fronting on two (2) or more intersecting streets.
33. **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.
34. **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.
35. **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.
36. **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.
37. **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.
38. **PERMITTED USE.** A use of land for which no conditional use permit is required.
39. **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.

40. **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.
41. **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.
42. **RECREATION, PUBLIC.** Recreation facilities operated by a public agency and open to the public with or without a fee.
43. **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.
44. **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:
- A. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
 - B. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.
45. **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.
46. **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.
47. **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.
48. **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."
49. **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.
50. **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).
51. **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)

52. **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).

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

- a. Meets all area (lot size), frontage (width), setback (yard), and other zoning requirements applicable within the zone in which it is located;
- b. 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;
- c. 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
- d. 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.

3.1.12 FEES AND CHARGES (Ord. 94-02, 2/8/94). All costs for the processing of applications for zone changes, subdivision reviews, conditional use approvals, Board of Adjustment rulings, and similar actions required under the terms of this ordinance shall be borne by the applicant. The City Council may, by resolution, establish fees for the processing of such applications and the administration of this ordinance and provide for the assessment and collection thereof.

3.1.13 CRITERIA FOR DETERMINING LOT WIDTH AND AREA REQUIREMENTS (Ord. 97-02, 2/25/97; Amended by Ord. 2009-11, 07/14/09)

General criteria for determining setback requirements:

1. All set backs are to be measured to the foundation of the building.
2. An abutting fire place (up to two feet), bay window (up to two feet) and uncovered steps to basement shall not be included in set back measurement.
3. An uncovered patio or deck less than (18) eighteen inches in height from ground surface shall be allowed within ten (10) feet of the rear property line.

3.1.13.1 Lot Width. For purposes of determining compliance with the lot width requirements, the measurement of lot width shall be made along a line situated parallel to the front lot line at the minimum front setback.

In the instance of a lot where more than seventy five percent (75%) of the front lot line abuts upon a cul-de-sac or curve in the adjacent street, having a radius of less than eighty (80) feet, the width of lot shall be measured along a line which is at right angle to the point of tangency of said curve, at the approximate mid-point of the abutting front lot line, and at distance of from the front lot line equal to the front setback for the zone.

3.1.13.2 Lot Area. For purposes of determining compliance with lot area requirements, the area shall include all territory within the boundaries of the lot, including any area devoted to easements, and any territory adjacent or within the boundary of the lot previously conveyed or proposed for conveyance to the City by the owner for use as an urban trail. This does not apply to a Planned Residential Development.

**ALPINE CITY PLANNING COMMISSION MEETING AT
Alpine City Hall, 20 North Main, Alpine, Utah
February 20, 2018**

I. GENERAL BUSINESS

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

Chairman: David Fotheringham

Commission Members: Bryce Higbee, Alan MacDonald, David Fotheringham, Jane Griener, John Gubler, Sylvia Christiansen

Staff: Austin Roy, Jed Muhlestein, Marla Fox

Others: Ed Bush

A. Prayer/Opening Comments: John Gubler

B. Pledge of Allegiance: Ed Bush

II. PUBLIC COMMENT

There were no public comments.

III. ACTION ITEMS

A. Review of the Development Code

David Fotheringham requested that the Planning Commission and staff review the Development Code and see if any adjustments needed to be made.

Austin Roy said the Fire Chief had informed him that the City no longer uses the Unified Fire Code, so the Development Code would need to be changed to reflect the change. The City would be following the International Fire Code.

The Planning Commission began by reviewing the sections of the Development Code that outlined the duties, responsibilities, and authorities of the Planning Commission. Included with those items were the election process for a Chair and Co-Chair and how meetings were to be conducted. The Planning Commission desired to implement a three-minute limit to public comments.

The Planning Commission read the section stating the intent and purpose of the Development Code, and they discussed whether this section could be used as a base for their decision making. They felt that this language allowed the Planning Commission to make a "judgement call" when an application threatened the health, safety, and welfare of the citizens.

Ed Bush, a resident, argued that the language in the Purpose section shouldn't be used as a motivator to deny an application.

The Planning Commission then reviewed the section of the Development Code involving the requirements for subdivision and site plan applications. The current language required that the

1 applicant provide 15 paper copies of the application documents, and Austin Roy said this was no
2 longer necessary. He suggested that they reduce the number to two copies, because those could
3 be sent to the Planning Commission and City Council Members digitally. The Planning
4 Commission agreed to the change.

5
6 David Fotheringham requested that Austin Roy make the changes discussed during the meeting
7 and bring the Development Code back to the Planning Commission for review.

8
9 Sylvia Christiansen initiated a discussion about the definitions of “mobile homes” and
10 “manufactured homes”. She explained that the US Department of Housing and Urban
11 Development (HUD) had changed their definitions in 1976, and the Alpine City Code definitions
12 were outdated.

13 14 **IV.COMMUNICATIONS**

15 Austin Roy explained that the City’s Municipal Code had previously been available online in one
16 large file. Recently, the City hired a company called Municipal Code Online to put the Alpine
17 City Development Code and Municipal Code online in a new format that would make it easier
18 for residents to find information. He showed an example of how the code could be searched
19 under the new format.

20
21 Sylvia Christiansen reported that there was a caucus meeting on March 20th that would interfere
22 with the Planning Commission meeting. The Commission agreed to cancel their meeting on that
23 night.

24 25 **V. APPROVAL OF PLANNING COMMISSION MINUTES: February 6, 2018**

26 **MOTION:** John Gubler moved to approve the Planning Commission Minutes for February 6,
27 2018, with the following changes:

- 28
29 1. The sentence on page 3, lines 34 and 35, be removed.
30 2. Corrections made to Sylvia Christiansen’s last name throughout the document.

31
32 Bryce Higbee seconded the motion. The motion passed with 6 Ayes and 0 Nays. Bryce Higbee,
33 Alan MacDonald, David Fotheringham, Jane Griener, John Gubler and Sylvia Christiansen all
34 voted Aye.

35 36 **ADJOURN**

37 David Fotheringham stated that the Planning Commission had covered all the items on the
38 agenda and adjourned the meeting at 8:10 p.m.