

**ORDINANCE NO. 2018-01**

**AN ORDINANCE ADOPTING AN AMENDMENT TO THE ALPINE CITY  
DEVELOPMENT CODE, SECTION 3.7.3 CONDITIONAL USES IN THE BC ZONE  
RELATING TO MECHANICAL AUTOMOTIVE REPAIR**

**WHEREAS**, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance regarding mechanical automotive repair shops to permit five (5) auto repair bays; 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 Amendment to Section 3.7.3 document will supersede Section 3.7.3 as previously adopted.

This Ordinance shall take effect upon posting.

Passed and dated this 27th day of February 2018.



Troy Stout, Mayor

**ATTEST:**



Charmayne G. Warnock, Recorder



**ARTICLE 3.7 BUSINESS/COMMERCIAL DISTRICT (B-C)** (Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

**3.7.1 LEGISLATIVE INTENT**

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

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

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

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

**3.7.2 PERMITTED USES**

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

1. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building; also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment.
2. Office buildings and medical clinics.
3. Personal service establishments such as barber and beauty shops, shoe repair, laundries and similar establishments.
4. Automotive service establishments, including gasoline dispensing facilities, car washes, and parking.
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

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

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

  - a. The closest property line of any school, day care facility, public park, library, and religious institution;
  - b. The nearest property line of any residential use or residential zone;
  - c. The nearest property line of any liquor store; and
  - d. The closest exterior wall of another sexually-oriented business.
10. Home occupations, subject to the provisions of Section 3.23.7.3 of the Development Code.
11. Accessory apartments, subject to the provisions of Section 3.23.7.1 of the Development Code.
12. Mechanical Automotive Repair Shops (Ord. No. 2014-04 and Ord. No 2018-01)
  1. Odors and noise shall be controlled as to not have an adverse impact on any nearby structures.
  2. There shall be no more than five (5) automobile bays.
  3. No automobiles shall be stored on the property for more than 14 days.
  4. Mechanical automotive repair shops shall comply with the regulations of the applicable entities including but not limited to the State of Utah, Timpanogos Service

### 3.7.7 UTILITY REQUIREMENTS

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

### 3.7.8 SPECIAL PROVISIONS

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

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

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

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

4. Trash Storage. Adequate facilities for the disposal of solid waste shall be provided. All containers for the temporary storage and disposal solid waste material shall be of a size, type and quantity approved by the City shall be maintained in a location as shown on the Site Plan.
5. Storage Containers. The 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 Article 3.21.8 of the Development Code. (Ord. 96-15, 12/18/96).
8. Landscaping Required. As a means of mitigating safety hazards or adverse visual impacts all

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