

**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 shall be located within a designated Dwelling Cluster. A project may contain more than one Dwelling Cluster. Each cluster shall contain not less than three (3) separate lots (except for developments having fewer than 3 lots for the entire development). Where a project contains land located within and outside the Sensitive Lands Overlay Zone, Dwelling Clusters will be located outside of the Sensitive Lands Overlay Zone, to the maximum extent possible. No portion of lots within a PRD shall be located on lands which are required to be designated as open space.

2. (Ord. 97-23: 9/24/97) The size of each individual lot shall conform to the following:

Minimum Lot Size

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

3. (Ord 97-02, 2/25/97). Each individual lot shall contain at least one Designated Buildable Area of not less than five-thousand (5,000) square feet. All dwellings and other habitable structures and accessory buildings shall be located within the Designated Buildable Area.
- a. Each Designated Buildable Area shall conform to the criteria for qualification as a "buildable area" as defined in this ordinance. Except that the Planning Commission may approve or require the placement of the Designated Buildable Area in a location within the lot which does not conform to one or more of the criteria for buildable area, upon a finding that the proposed Designated Buildable Area:
 - i. will more adequately accommodate subsequent development of the lot,
 - ii. will not constitute a potential hazard to life or property, and
 - iii. will serve to diminish the negative impact of subsequent development upon the lot or community (i.e. extraordinary construction of driveway access, mitigate visual intrusion of structure on ridge line).
 - b. The location of each Designated Buildable Area shall be designated upon the preliminary plan and shall also be identified and described on the final recorded plat, together with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area. Where a Designated Buildable Area is shown on a lot, the boundary of said area shall constitute the Designated Setback envelope applicable to the lot. Where an entire lot area qualifies as a Buildable Area no designation on the final plat shall be required.
 - c. Except as permitted pursuant to Part 3,a, any portion of a lot which has been graded to produce a percent of slope to qualify under the Buildable Area criteria shall be excluded from consideration as part of the Designated Buildable Area.
 - d. The Designated Buildable Area may be amended by the City Planner and City Engineer as long as the minimum setback requirements of the underlying zone are met. (Ord. 2004-13, 9/28/04)
4. Each dwelling in the project shall be setback from the property line in accordance with the setback lines as shown on the approved plat (Designated Setback Envelope). The Designated Setback Envelope shall be established in accordance with the following (setbacks are measured from the property line to the nearest foundation):
- a. Front Yard. The minimum front yard setback shall be thirty (30) feet.

- b. Side Yard - Corner Lots. On corner lots, the side that faces onto a public street shall be not less than thirty (30) feet.
- c. Side Yard – Interior Lots. The minimum side yard setbacks for interior lots shall be an aggregate of thirty (30) feet with no less than twelve (12) feet on a side.
- d. Rear Yard. The minimum rear yard setback shall be thirty (30) feet.

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

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

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

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

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 (3) or more single-unit detached Dwellings whose respective Buildable Areas are located no more than 400 feet from one Buildable Area to the next closest Buildable Area as measured from the midpoint of each Buildable Area.

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.

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. Lots shall be generally rectangular in nature, and shall have no more than five sides without an exception being recommended by the Planning Commission and approved by the City Council; the front of a property, located at the front right of way, does not count against this requirement.

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 (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.

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

Presiding Officer



 Troy Stout, Mayor, Alpine City

Attest



 Charmayne G. Warnock, City
 Recorder Alpine City

