

**ALPINE CITY  
ORDINANCE 2019-21**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.09.040 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING SLOPE REQUIREMENTS FOR PLANNED RESIDENTIAL DEVELOPMENTS.**

**WHEREAS**, The Alpine City Council has deemed it in the best interest of Alpine City to amend the slope requirements for Planned Residential Developments; and

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

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

**NOW THEREFORE**, be it ordained by the Council of Alpine City, in the State of Utah, as follows: The amendments to Article 3.09.040 contained in the attached document will supersede Article 3.09.040 as previously adopted. This ordinance shall take effect upon posting.

**SECTION 1:**        **AMENDMENT** "3.09.040 Open Space" of the Alpine City Municipal Code is hereby *amended* as follows:

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

**3.09.040 Open Space**

1. A portion of each project area shall be set aside and maintained as designated open space. The minimum amount of a project area to be set aside as designated open space shall be as set forth in the following schedule:

**Minimum Open Space Required**

Zone District	Minimum % of Total Project Area Required as Open Space
CR-20,000	25%
CR-40,000	25%
CE-5	50%
CE-50	50%

2. The designated open space areas may include natural open space, (applicable to steep hillside, wetland, flood plain area etc.) and developed useable open space areas, or a combination thereof.
3. Notwithstanding the minimum open space requirements set forth under Part 1, the designated open space area shall include and contain all 100 year flood plain areas, defined floodways, all avalanche and rock fall hazard areas, all areas having a slope of twenty five (25) percent or greater (less the areas defined below), or any other area of known significant physical hazard for development.
  - a. Up to 15% of an individual lot may contain ground having a slope of more than 25%.
  - b. Once a Concept Plan has been approved by the Planning Commission, lot lines of the approved concept plan may be adjusted by the City Engineer to square up the lot by straightening and eliminating multiple segmented property lines.
4. The designated open space area shall be maintained so that its use and enjoyment as open space are not diminished or destroyed. The City will have sole discretion in determining if open space is held in private or public ownership. To assure that all designated open space area will remain as open space, the applicants/owners shall:
  - a. Dedicate or otherwise convey title to the open space area to the City for open space purposes;
  - b. Convey ownership of the open space area to the homeowners association established as part of the approval of the PRD or to an independent open space preservation trust organization approved by the City.

In the event this alternative is used, the developer shall also execute an open space preservation easement or agreement with the City, the effect of which shall be to prohibit any excavating, making additional roadways, installing additional utilities, constructing any dwellings or other structures, or fencing or conducting or allowing the conduct of any activity which would alter the character of the open space area from that initially approved, without the prior approval of the City. The appropriate method for insuring preservation shall be as determined by the City at the time of development approval; or

  - c. A combination of Part 4,a and Part 4,b.
5. Where the proposed open space includes developed or useable space or facilities (tennis courts, pavilions, swimming pools) intended for the use by project residents, the organizational documents shall include provisions for the assessment of adequate fees and performance guarantees required to secure the construction of required improvements including the costs of installation of all landscaping and common amenities.
6. A detailed landscaping plan showing the proposed landscape treatment of all portions of the project proposed to be developed as, useable, common open space shall be submitted as part of the submittal documents.

(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)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

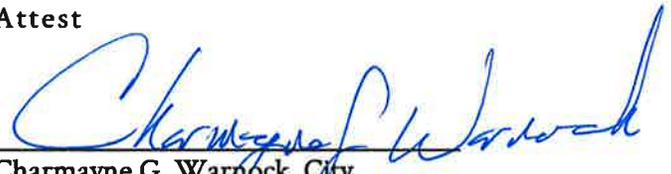
October 22, 2019.

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

Presiding Officer

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

Attest

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

