

**ALPINE CITY  
ORDINANCE 2021-06**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.03.050, 3.02.050,  
3.04.050, 3.05.050, AND 3.06.040 OF THE ALPINE CITY DEVELOPMENT CODE  
PERTAINING TO ACCESSORY STRUCTURE SETBACK EXCEPTION  
CRITERIA.**

**WHEREAS**, The Planning Commission held a public hearing on January 19, 2021, regarding proposed amendments to Article 3.03.050, 3.02.050, 3.04.050, 3.05.050, and 3.06.040 of the Development Code; and

**WHEREAS**, on January 26, 2021, the Alpine City Council has deemed it in the best interest of Alpine City to update the setback exception criteria for accessory buildings; 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 3.03.050 will supersede Article 3.03.050 as previously adopted. This ordinance shall take effect upon posting.

**SECTION 1:**        **AMENDMENT** “3.03.050 Setback Requirements (See Appendix For Drawing)” of the Alpine City Development Code is hereby *amended* as follows:

**AMENDMENT**

**3.03.050 Setback Requirements (See Appendix For Drawing)**

- 1. Dwellings and other Main Buildings.** All dwellings and other main buildings shall be setback from the lot boundary lines as follows:
  - a. **Front Yard.** The minimum front yard for all main dwelling structures shall be thirty (30) feet (measured from the front property line).
  - b. **Side Yard - Interior Lots.** For single-unit detached dwellings, main buildings shall be situated on the lot to allow for a side yard on each side of the main building the aggregate width of which shall be at least thirty (30) feet. Neither side yard shall be less than twelve (12) feet.
  - c. **Side Yard - Corner Lots.** On corner lots, the front, rear and side yard requirements shall be the same as above, except that the set back on any side that faces onto a public street shall be not less than thirty (30) feet.

- d. Rear Yard - Interior Lots. All main dwelling structures shall be set back from the rear property line a distance of not less than thirty (30) feet.
  - e. Rear Yard - Corner Lots. Rear yard set back for dwellings on corner lots shall be the same as that required for interior lots.
2. **Accessory Buildings.** All accessory buildings require a building permit and shall be located in accordance with the following: (Amended by Ord. No. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10)
- a. **Setback from Main Building.** Accessory buildings shall be set back not less than five (5) feet from the main building.  
Additionally, 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 not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot 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, unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City
- ;
- (1) When utilities are present in an easement, the building shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.
  - (2) The owner acknowledges that they bear all costs of moving a building, including damage to the property, in the event an easement needs to be accessed.
- vi. The building will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
  - vii. The building will not exceed 200 square feet in size;

- viii. The City Council may grant additional exceptions to the above conditions if the accessory building will be located adjacent to a non-residential property; and
- ix. No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

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

**SECTION 2: AMENDMENT “3.02.050 Setback Requirements (See Appendix For Drawing)”** of the Alpine City Development Code is hereby *amended* as follows:

### AMENDMENT

#### 3.02.050 Setback Requirements (See Appendix For Drawing)

##### 1. Dwellings and Other Main Buildings

- a. Front Yard. The minimum front yard for all main dwelling structures shall be thirty (30) feet (measured from the front property line).
- b. Side Yard Interior Lots. All dwellings shall be situated on the lot to allow for a side yard on each side of the main building the aggregate widths of which shall be at least twenty-two (22) feet. Neither side yard shall be less than ten (10) feet wide.
- c. Side Yard Corner Lots. On corner lots, the front and side yard requirements shall be the same as above, except that the side set back from the street for all buildings shall not be less than thirty (30) feet.
- d. Rear Yard Interior Lots. All main dwelling structures shall be set back from the rear property line a distance not less than twenty (20) feet.
- e. Rear Yard Corner Lots. All main dwelling structures shall be set back from the rear property line a distance of twenty (20) feet.

##### 2. Accessory Buildings. All accessory buildings require a building permit and shall be located in accordance with the following: (Amended by Ord. No. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10)

- a. Setback from main building. Accessory buildings shall be set back not less than five (5) feet from the main building. Additionally, 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 a two (2) foot 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, unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City

(1) When utilities are present in an easement, the building shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.

(2) The owner acknowledges that they bear all costs of moving a building, including damage to the property, in the event an easement needs to be accessed.

- vi. The building will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
- vii. The building will not exceed 200 square feet in size;
- viii. The City Council may grant additional exceptions to the above conditions if the accessory building will be located adjacent to a non-residential property; and
- ix. No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

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

**SECTION 3: AMENDMENT “3.04.050 Setback Requirements (See Appendix For Drawing)”** of the Alpine City Development Code is hereby *amended* as follows:

#### AMENDMENT

3.04.050 Setback Requirements (See Appendix For Drawing)

1. **Dwellings and other Main Buildings** (Ord. 97-02, 2/25/97). All dwellings and other main buildings shall be setback from the lot boundary lines as follows:
  - a. **Front Yard.** The minimum front yard for all main dwelling structures shall be

- thirty (30) feet (measured from the front property line).
- b. Side Yard - Interior Lots. For single-unit detached dwellings, main buildings shall be situated on the lot to allow for a side yard on each side of the main building the aggregate width of which shall be at least thirty (30) feet. Neither side yard shall be less than twelve (12) feet.
  - c. Side Yard - Corner Lots. On corner lots, the front, rear and side yard requirements shall be the same as above, except that the set back on any side that faces onto a public street shall be not less than thirty (30) feet.
  - d. Rear Yard - Interior Lots. All main dwelling structures shall be set back from the rear property line a distance of not less than thirty (30) feet.
  - e. Rear Yard - Corner Lots. Rear yard set back for dwellings on corner lots shall be the same as that required for interior lots.
2. **Accessory Buildings.** All accessory buildings require a building permit and shall be located in accordance with the following: (Amended by Ord. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10)
- a. **Setback from Main Building.** Accessory buildings shall be set back not less than five (5) feet from the main building.  
Additionally, 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 not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot 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, unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;
      - (1) When utilities are present in an easement, the building shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.

- (2) The owner acknowledges that they bear all costs of moving a building, including damage to the property, in the event an easement needs to be accessed.
- vi. The building will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
- vii. The building will not exceed 200 square feet in size; The City Council may grant additional exceptions to the above conditions if the accessory building will be located adjacent to a non-residential property; and
- viii. No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

(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 “3.05.050 Setback Requirements (See Appendix For Drawing)” of the Alpine City Development Code is hereby *amended* as follows:**

#### AMENDMENT

#### 3.05.050 Setback Requirements (See Appendix For Drawing)

Same as required within the CR-40,000 Country Residential Zone or as set forth on the final plat of the Planned Residential development, as applicable.

1. **Dwellings and other Main Buildings** (Ord. 97-02, 2/25/97). All dwellings and other main buildings shall be setback from the lot boundary lines as follows:
  - a. **Front Yard.** The minimum front yard for all main dwelling structures shall be thirty (30) feet (measured from the front property line).
  - b. **Side Yard - Interior Lots.** For single-unit detached dwellings, main buildings shall be situated on the lot to allow for a side yard on each side of the main building the aggregate width of which shall be at least thirty (30) feet. Neither side yard shall be less than twelve (12) feet.
  - c. **Side Yard - Corner Lots.** On corner lots, the front, rear and side yard requirements shall be the same as above, except that the set back on any side that faces onto a public street shall be not less than thirty (30) feet.
  - d. **Rear Yard - Interior Lots.** All main dwelling structures shall be set back from the rear property line a distance of not less than thirty (30) feet.
  - e. **Rear Yard - Corner Lots.** Rear yard set back for dwellings on corner lots shall be the same as that required for interior lots.
2. **Accessory Buildings.** (Amended by Ord. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10) All accessory buildings require a building permit and shall be located in

accordance with the following:

- a. **Setback from Main Building.** Accessory buildings shall be set back not less than five (5) feet from the main building.  
Additionally, 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 not be set back less than forty (40) feet from the front property line.
- d. **Side and Rear Setback - Interior Lot Line.** Accessory buildings shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot 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, unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;
    - (1) When utilities are present in an easement, the building shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.
    - (2) The owner acknowledges that they bear all costs of moving a building, including damage to the property, in the event an easement needs to be accessed.
  - vi. The building will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
  - vii. The building will not exceed 200 square feet in size; The City Council may grant additional exceptions to the above conditions if the accessory building will be located adjacent to a non-residential property; and
  - viii. No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

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

**SECTION 5: AMENDMENT** “3.06.040 Setback Requirements (See Appendix For Drawing)” of the Alpine City Development Code is hereby *amended* as follows:

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

**3.06.040 Setback Requirements (See Appendix For Drawing)**

- 1. Dwellings and other Main Buildings (Ord. 97-02, 2/25/97).** All dwellings and other main buildings shall be setback from the lot boundary lines as follows:
  - a. **Front Yard.** The minimum front yard for all main dwelling structures shall be thirty (30) feet (measured from the front property line).
  - b. **Side Yard - Interior Lots.** For single-unit detached dwellings, main buildings shall be situated on the lot to allow for a side yard on each side of the main building the aggregate width of which shall be at least thirty (30) feet. Neither side yard shall be less than twelve (12) feet.
  - c. **Side Yard - Corner Lots.** On corner lots, the front, rear and side yard requirements shall be the same as above, except that the set back on any side that faces onto a public street shall be not less than thirty (30) feet.
  - d. **Rear Yard - Interior Lots.** All main dwelling structures shall be set back from the rear property line a distance of not less than thirty (30) feet.
  - e. **Rear Yard - Corner Lots.** Rear yard set back for dwellings on corner lots shall be the same as that required for interior lots.
- 2. Accessory Buildings (Amended by Ord. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10).** All accessory buildings require a building permit and shall be located in accordance with the following:
  - a. **Setback from Main Building.** Accessory buildings shall be set back not less than five (5) feet from the main building.  
Additionally, 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 not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot 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, unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;
    - (1) When utilities are present in an easement, the building shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.
    - (2) The owner acknowledges that they bear all costs of moving a building, including damage to the property, in the event an easement needs to be accessed.
  - vi. The building will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
  - vii. The building will not exceed 200 square feet in size;
  - viii. The City Council may grant additional exceptions to the above conditions if the accessory building will be located adjacent to a non-residential property; and
  - ix. No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

(Ord. 98-23,11-24-98)

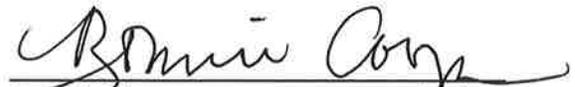
PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL MARCH 09, 2021.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Lon Lott	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Carla Merrill	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>      </u>
Gregory Gordon	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Jason Thelin	<u>      </u>	<u>  X  </u>	<u>      </u>	<u>      </u>
Jessica Smuin	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

Presiding Officer

Attest

  
Troy Stout, Mayor, Alpine City

  
Bonnie Cooper, City Recorder Alpine  
City



**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

In accordance with Utah Code §10-3-711, I hereby certify that the foregoing Ordinance was duly passed and published or posted at:

- 1)  
on the above referenced dates.

Attest

  
Bonnie Cooper, City Recorder, Alpine  
City

