

**ALPINE CITY
ORDINANCE 2021-09**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.22.070 OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO THE EXTENSION
AND/OR RECONSTRUCTION OF A NON-CONFORMING BUILDING WITH
RELATION TO PORCHES AND COVERED STRAIRS.**

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the Non-Conforming Buildings and Uses ordinance with regards to the addition of porches or covered stairs; and

WHEREAS, On March 16, 2021, the Planning Commission recommended approval of the proposed porch addition with the condition that the porch foundation be moved to conform to the guidelines of the setback ordinance; and

WHEREAS, On March 23, 2021, the City Council moved to send the item back to planning commission with the instruction to modify the ordinance to allow for porches and external covered stairs on non-conforming structures to be allowed within the existing setback at the time of the original build and shall be approved by city staff; and

WHEREAS, On April 20, 2021, the Planning Commission recommended approval of the proposed Ordinance 2021-09 Non-Conforming Porches and Stairs with changes: 1) Clean up the language as Staff sees fit.

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 the Alpine City, in the State of Utah, as follows: The amendments to Article 3.22.070 contained in the attached document will supersede Article 3.22.070 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.22.070 Extension (Enlargement) And Reconstruction Of Non-Conforming Buildings; Conditions” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.22.070 Extension (Enlargement) And Reconstruction Of Non-Conforming Buildings; Conditions

A non-conforming building or structure or a building housing a non-conforming use may be extended or enlarged or reconstructed, subject to the prior approval by the City Council, after recommendation of the Planning Commission and such compliance with the following:

1. The proposed extension or replacement shall be located entirely on the same lot or parcel as the present non-conforming structure and will conform with all current setback and location requirements.
2. The applicant shall submit a detail site plan showing the location of existing and proposed structures on the site and in the vicinity, existing lot boundaries, roads, driveways, parking areas, utilities and other significant features on the site and in the immediate vicinity.
3. A finding made by a majority vote of the Council that:
 - a. The proposed enlargement or extension will not significantly alter the character of the building or use or its impact upon the area.
 - b. The building or use, if extended, will not have the effect of diminishing the value of property or the quality of living environment of adjacent properties.
 - c. The proposed enlargement will not significantly increase the number of vehicles or pedestrians, or result in the establishment or increase of a safety hazard to the area.
 - d. The proposed enlargement will not result in the establishment of a condition incompatible with the neighborhood area and the stated objective of the zone in which it is located.

The Council may attach such conditions to its approval as are necessary to adequately protect the property and uses in the surrounding territory and the intent of the zone, including but not limited to, the providing of off-street parking access ways, landscaping features and additional setback of structures.

Porches and external covered stairs shall be permitted within setbacks so long as they do not extend beyond the original setbacks of the non-conforming structure (i.e. the setbacks from the time of the original build), and may be approved at a staff level.

(Amended by Ordinance 2015-03 on 03/24/15)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

4/27/2021

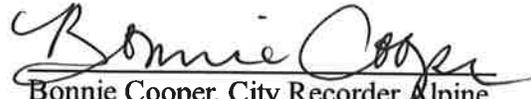
	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carla Merrill	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gregory Gordon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jason Thelin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jessica Smuin	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Presiding Officer

Attest



Troy Stout, Mayor, Alpine City



Bonnie Cooper, City Recorder Alpine
City

