

**ALPINE CITY
ORDINANCE 2022-03**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.02.050, 3.03.050,
3.04.050, 3.05.050, AND 3.06.040 OF THE ALPINE CITY DEVELOPMENT CODE
PERTAINING TO SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES
AND SWIMMING POOLS.**

WHEREAS, The Planning Commission held a public hearing on February 15, 2022, regarding proposed amendments to Article 3.02.050, 3.03.050, 3.04.050, 3.05.050, AND 3.06.040 of the Development Code; and

WHEREAS, on February 22, 2022, the Alpine City Council has deemed it in the best interest of Alpine City to amend the Development Code; 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 the Alpine City, in the State of Utah, as follows: The amendments to Article 3.02.050, 3.03.050, 3.04.050, 3.05.050, AND 3.06.040 will supersede Article 3.02.050, 3.03.050, 3.04.050, 3.05.050, AND 3.06.040 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **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. **Customary Residential Accessory Structures.** All Customary Residential Accessory Structures (henceforth referred to as Accessory Structures) shall be located in accordance with the setbacks and regulations outlined below. Accessory Structures that also meet the classification of Accessory Building shall require a building permit. Swimming pools have separate location requirements (see item b).
(Amended by Ord. No. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10)

a. **Accessory Structures.**

- i. **Setback from main building.** Accessory Structures 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.
- ii. **Side Setback - Corner Lot, Side Abutting a Street.** Accessory Structures shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
- iii. **Front Setback.** Accessory Structures shall be set back not less than forty (40) feet from the front property line.
- iv. **Side and Rear Setback - Interior Lot Line.** Accessory Structures 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:
 - (1) The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - (2) If the Accessory Structure is an Accessory Building, it shall contain no openings on the side contiguous to the lot line;
 - (3) No drainage from the roof will be discharged onto an adjacent lot;
 - (4) The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - (5) The Accessory Structure 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

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- (A) When utilities are present in an easement, the Accessory Structure 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.
 - (B) The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to the property, in the event an easement needs to be accessed.
- (6) The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
 - (7) If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;
 - (8) The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
 - (9) 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.
- b. **Swimming Pools.** All swimming pools require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools shall not be permitted in a recorded easement. Setbacks are measured from the wall of the pool to the property line.
- i. **Front Setback.** Swimming pools shall be set back not less than forty (40) feet from the front property line.
 - ii. **Side Setback – Corner Lot, Side Abutting a Street.** Swimming pools shall be set back not less than ten (10) feet from the side lot line which abuts on a street.
 - iii. **Side and Rear Setback - Interior Lot Line.** Swimming pools shall be set back not less than ten (10) feet from a side or rear lot line.

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

SECTION 2: 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. **Customary Residential Accessory Structures.** All Customary Residential Accessory Structures (henceforth referred to as Accessory Structures) shall be located in accordance with the setbacks and regulations outlined below. Accessory Structures that also meet the classification of Accessory Building shall require a building permit. Swimming pools have separate location requirements (see item b).
(Amended by Ord. No. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10)
 - a. **Accessory Structures.**
 - i. **Setback from Main Building.** Accessory Structures 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.
 - ii. **Side Setback - Corner Lot, Side Abutting a Street.** Accessory Structures shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
 - iii. **Front Setback.** Accessory Structures shall be set back not less than forty (40) feet from the front property line.
 - iv. **Side and Rear Setback - Interior Lot Line.** Accessory Structures 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:
 - (1) The Accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - (2) If the Accessory Structure is an Accessory Building, it shall

- contain no openings on the side contiguous to the lot line;
- (3) No drainage from the roof will be discharged onto an adjacent lot;
- (4) The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
- (5) The Accessory Structure 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

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- (A) When utilities are present in an easement, the Accessory Structure 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.
- (B) The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to the property, in the event an easement needs to be accessed.

- (6) The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
- (7) If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;
- (8) The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
- (9) 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.

b. **Swimming Pools.** All swimming pools require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools shall not be permitted in a recorded easement. Setbacks are measured from the wall of the pool to the property line.

- i. **Front Setback.** Swimming pools shall be set back not less than forty (40) feet from the front property line.
- ii. **Side Setback – Corner Lot, Side Abutting a Street.** Swimming pools shall be set back not less than ten (10) feet from the side lot line which abuts on a street.
- iii. **Side and Rear Setback - Interior Lot Line.** Swimming pools shall be set back not less than ten (10) feet from a side or rear lot line.

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

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. **Customary Residential Accessory Structures.** All Customary Residential Accessory Structures (henceforth referred to as Accessory Structures) shall be located in accordance with the setbacks and regulations outlined below. Accessory Structures that also meet the classification of Accessory Building shall require a building permit. Swimming pools have separate location requirements (see item b). (Amended by Ord. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10)
 - a. **Accessory Structures.**
 - i. **Setback from Main Building.** Accessory Structures 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.
 - ii. **Side Setback - Corner Lot, Side Abutting a Street.** Accessory Structures shall be set back not less than forty (40) feet from the side

lot line which abuts on a street.

- iii. **Front Setback.** Accessory Structures shall be set back not less than forty (40) feet from the front property line.
 - iv. **Side and Rear Setback - Interior Lot Line.** Accessory Structures 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:
 - (1) The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - (2) If the Accessory Structure is an Accessory Building, it shall contain no openings on the side contiguous to the lot line;
 - (3) No drainage from the roof will be discharged onto an adjacent lot;
 - (4) The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - (5) The Accessory Structure 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;
 - (A) When utilities are present in an Accessory Structure, 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.
 - (B) The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to the property, in the event an easement needs to be accessed.
 - (6) The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
 - (7) If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;
 - (8) The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
 - (9) 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.
- b. **Swimming Pools.** All swimming pools require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools shall

not be permitted in a recorded easement. Setbacks are measured from the wall of the pool to the property line.

- i. Front Setback. Swimming pools shall be set back not less than forty (40) feet from the front property line.
- ii. Side Setback – Corner Lot, Side Abutting a Street. Swimming pools shall be set back not less than ten (10) feet from the side lot line which abuts on a street.
- iii. Side and Rear Setback - Interior Lot Line. Swimming pools shall be set back not less than ten (10) feet from a side or rear lot 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. **Customary Residential Accessory Structures.** All Customary Residential

Accessory Structures (henceforth referred to as Accessory Structures) shall be located in accordance with the setbacks and regulations outlined below. Accessory Structures that also meet the classification of Accessory Building shall require a building permit. Swimming pools have separate location requirements (see item b).
(Amended by Ord. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10)

a. Accessory Structures.

- i. **Setback from Main Building.** Accessory Structures 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.
- ii. **Side Setback- Corner Lot, Side Abutting a Street.** Accessory Structures shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
- iii. **Front Setback.** Accessory Structures shall not be set back less than forty (40) feet from the front property line.
- iv. **Side and Rear Setback - Interior Lot Line.** Accessory Structures 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:
 - (1) The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - (2) The Accessory Structure contains no openings on the side contiguous to the lot line;
 - (3) No drainage from the roof will be discharged onto an adjacent lot;
 - (4) The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - (5) The Accessory Structure 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;
 - (A) When utilities are present in an easement, the Accessory Structure 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.
 - (B) The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to

the property, in the event an easement needs to be accessed.

- (6) The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
 - (7) If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;
 - (8) The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
 - (9) 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.
- b. **Swimming Pools.** All swimming pools require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools shall not be permitted in a recorded easement. Setbacks are measured from the wall of the pool to the property line.
- i. **Front Setback.** Swimming pools shall be set back not less than forty (40) feet from the front property line.
 - ii. **Side Setback – Corner Lot, Side Abutting a Street.** Swimming pools shall be set back not less than ten (10) feet from the side lot line which abuts on a street.
 - iii. **Side and Rear Setback - Interior Lot Line.** Swimming pools shall be set back not less than ten (10) feet from a side or rear lot 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:

AMENDMENT

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. **Customary Residential Accessory Structures.** (Amended by Ord. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10). All Customary Residential Accessory Structures (henceforth referred to as Accessory Structures) shall be located in accordance with the setbacks and regulations outlined below. Accessory Structures that also meet the classification of Accessory Building shall require a building permit. Swimming pools have separate location requirements (see item b).

a. **Accessory Structures.**

- i. **Setback from Main Building.** Accessory Structures 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.
- ii. **Side Setback - Corner Lot, Side Abutting a Street.** Accessory Structures shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
- iii. **Front Setback.** Accessory Structures shall be set back not less than forty (40) feet from the front property line.
- iv. **Side and Rear Setback - Interior Lot Line.** Accessory Structures 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:
 - (1) The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - (2) The Accessory Structure contains no openings on the side contiguous to the lot line;
 - (3) No drainage from the roof will be discharged onto an adjacent lot;
 - (4) The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - (5) The Accessory Structure 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;

(A) When utilities are present in an easement, the Accessory Structure 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.

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

(6) The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;

(7) The Accessory Structure will not exceed 200 square feet in size;

(8) The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and

(9) 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.

b. **Swimming Pools.** All swimming pools require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools shall not be permitted in a recorded easement. Setbacks are measured from the wall of the pool to the property line.

i. **Front Setback.** Swimming pools shall be set back not less than forty (40) feet from the front property line.

ii. **Side Setback – Corner Lot, Side Abutting a Street.** Swimming pools shall be set back not less than ten (10) feet from the side lot line which abuts on a street.

iii. **Side and Rear Setback - Interior Lot Line.** Swimming pools shall be set back not less than ten (10) feet from a side or rear lot line.

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

SECTION 6: AMENDMENT “3.02.060 Building Requirements” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.02.060 Building Requirements

1. **Height of Dwellings.** 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).
2. **Height of Customary Residential Accessory Structures.** The maximum height of any Accessory Structure 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.

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 an Accessory Structure as measured to the ridgeline shall be thirty (30) feet.

3. **Exceptions to Height Requirements.** 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.

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

SECTION 7: AMENDMENT “3.03.080 Building Requirements” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.03.080 Building Requirements

1. **Height of Dwellings.** 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)
2. **Height of Accessory Structures.** The maximum height of any Accessory Structure 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 ridgeline.

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 an Accessory Structure as measured to the ridgeline shall be thirty (30) feet.

3. **Exceptions to Height Requirements.** 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.

4. **Buildable Area Required.** (Ord. 97-02, 2/25/97)
- a. Each Zoning Lot shall contain at least one Designated Buildable Area of not less than five thousand (5,000) sq. ft. All dwellings and other habitable structures and accessory buildings shall be located within the Designated Buildable Area.
 - b. 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: (1) will more adequately accommodate subsequent development of the lot, and (2) will not constitute a potential hazard to life or property, and/or (3) will serve to diminish the negative impact of subsequent development upon the lot or community (i.e. extra-ordinary construction of driveway access, mitigate visual intrusion of structure on ridge line).
 - c. Where considered appropriate, the Planning Commission may require a subdivider to identify a Designated Building Area on one or more of the lots within a proposed subdivision. The location of each Designated Buildable Area shall be shown upon the preliminary plan and shall also be identified and described on the final plat, together with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area.
 - d. On any lot where a Designated Buildable Area is shown, the boundary of said area shall be deemed to constitute the setback requirements applicable to the lot. Where an entire lot area qualifies as a buildable area no designation on the final plat shall be required.
 - e. Except as permitted pursuant to Part 4,b, 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.

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

SECTION 8: **AMENDMENT** "3.04.080 Building Requirements" of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.04.080 Building Requirements

1. **Height of Dwellings.** 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).
2. **Height of Accessory Structures.** The maximum height of any Accessory Structure 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 ridgeline.

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 an Accessory Structure as measured to the ridgeline shall be thirty (30) feet.

3. **Exceptions to Height Requirements.** 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.
4. **Buildable Area Required** (Ord. 97-02, 2/25/97)
 - a. Each zoning lot shall contain at least one Designated Buildable Area of not less than five thousand (5,000) sq. ft. All dwellings and other habitable structures and accessory buildings shall be located within the Designated Buildable Area.
 - b. 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: (1) will more adequately accommodate subsequent development of the lot, and (2) will not constitute a potential hazard to life or property, and/or (3) will serve to diminish the negative impact of subsequent development upon the lot or community (i.e. extra-ordinary construction of driveway access, mitigate visual intrusion of structure on ridge line).
 - c. Where considered appropriate, the Planning Commission may require a subdivider to identify a Designated Building Area on one or more of the lots within a proposed subdivision. The location of each Designated Buildable Area shall be shown upon the preliminary plan and shall also be identified and described on the final plat, together with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area.
 - d. On any lot where a Designated Buildable Area is shown, the boundary of said area shall be deemed to constitute the setback requirements applicable to the lot. Where an entire lot area qualifies as a Buildable Area, no designation on

the final plat shall be required.

- e. Except as permitted pursuant to Part 4,b, 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.

(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 9: **AMENDMENT** “3.05.080 Building Requirements” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.05.080 Building Requirements

1. **Height of Dwellings.** 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)
2. **Height of Accessory Structures.** The maximum height of any Accessory Structure 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 ridgeline.

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 an Accessory Structure as measured to the ridgeline shall be thirty (30) feet.

3. **Exceptions to Height Requirements.** 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.
4. **Buildable Area Required** (Ord 97-02, 2/25/97)
 - a. Each lot shall contain at least one Designated Buildable Area of not less than five thousand (5,000) sq. ft. All dwellings and other habitable structures and accessory buildings shall be located within the Designated Buildable Area.
 - b. 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: (1) will more adequately accommodate subsequent development of the lot, and (2) will not constitute a potential

hazard to life or property, and/or (3) will serve to diminish the negative impact of subsequent development upon the lot or community (i.e. extra-ordinary construction of driveway access, mitigate visual intrusion of structure on ridge line).

- c. Where considered appropriate, the Planning Commission may require a subdivider to identify a Designated Building Area on one or more of the lots within a proposed subdivision. The location of each Designated Buildable Area shall be shown upon the preliminary plan and shall also be identified and described on the final plat, together with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area.
- d. On any lot where a Designated Buildable Area is shown, the boundary of said area shall be deemed to constitute the setback requirements applicable to the lot. Where an entire lot area qualifies as a buildable area, no designation on the final plat shall be required.
- e. Except as permitted pursuant to Part 4,b, 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.

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

SECTION 10: **AMENDMENT** “3.06.070 Building Requirements” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.06.070 Building Requirements

1. **Height of Dwellings.** The maximum height of any dwelling or other main building shall not exceed twenty-five (25) feet in height from the lowest elevation of finished or natural grade, whichever is most restrictive, to the top of the structure, nor will it be placed on any ridge line or protrude against the skyline when viewed from any major roadway in Alpine classified as collector or greater in intensity, as determined in accordance with the provisions of the Hillside Protection Ordinance, DCA 3.15. (Ord. 98-10, 8/28/98)
2. **Height of Accessory Structures.** The maximum height of any Accessory Structure 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 ridgeline.

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 an

Accessory Structure as measured to the ridgeline shall be thirty (30) feet.

3. **Exceptions to Height Requirements.** 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.
4. **Buildable Area Required (Ord 97-02, 2/25/97)**
 - a. Each lot shall contain at least one Designated Buildable Area of not less than five thousand (5,000) sq. ft. All dwellings and other habitable structures and accessory buildings shall be located within the Designated Buildable Area.
 - b. 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: (1) will more adequately accommodate subsequent development of the lot; and (2) will not constitute a potential hazard to life or property; and/or (3) will serve to diminish the negative impact of subsequent development upon the lot or community (i.e. extra-ordinary construction of driveway access, mitigate visual intrusion of structure on ridge line).
 - c. Where considered appropriate, the Planning Commission may require a subdivider to identify a Designated Building Area on one or more of the lots within a proposed subdivision. The location of each Designated Buildable Area shall be shown upon the preliminary plan and shall also be identified and described on the final plat, together with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area.
 - d. On any lot where a Designated Buildable Area is shown, the boundary of said area shall be deemed to constitute the setback requirements applicable to the lot. Where an entire lot area qualifies as a buildable area, no designation on the final plat shall be required.
 - e. Except as permitted pursuant to Part 4,b, 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.

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

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL FEBRUARY 22, 2022.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	<u>X</u>	<u> </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>
Kelli Law	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest

Carla Merrill, Mayor, Alpine City

Bonnie Cooper, City Recorder Alpine City

