

**ALPINE CITY
ORDINANCE 2022-10**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.16.060 OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO NATURAL OPEN
SPACE.**

WHEREAS, The Planning Commission held a public hearing on May 3, 2022, regarding proposed amendments to Article 3.16.060 of the Development Code; and

WHEREAS, on May 10, 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 3.16.060 will supersede Article 3.16.060 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.16.060 Open Space Definitions” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.16.060 Open Space Definitions

Open Space is defined as any area where either commercial or residential building of structures is restricted or prohibited. Open Space may be either publicly or privately owned. City (public) ownership should be clearly indicated on plans and plats and recorded on deeds. Public open space encompasses all city parks and all city trails but not all city property. Private open space encompasses land retained open by conservation agreement in private ownership.

1. Privately-owned open space is retained through conservation agreements for the use and benefit of the owner or homeowner's association. Public access may be granted in designated areas. Improvement decisions are controlled by the owner in compliance with the City Master Plan, City ordinances, and any commitments made pursuant to annexation or development agreements. Use by the public is restricted to trails and roads.
2. Publicly-owned open space is retained for the use and benefit of the general public.

Improvement decisions are controlled by the City Council in compliance with the City Master Plan and City ordinances. The two types of publicly-owned open spaces are defined as follows:

a. Natural Open Space:

- i. Soil is left undisturbed;
- ii. Natural vegetation, whether or not native to the area, occupies the major visible aspect of the land;
- iii. Recreational improvements which are incidental to the natural area, such as trails, parking, bike stations, kiosks, and other similar improvements;
- iv. Construction and maintenance of City utilities shall be permitted; and/or
- v. Structures for the maintenance and operation of city business shall be conditionally approved.

b. Developed Open Space:

- i. Formal grading;
- ii. Landscaping, including grass areas, shrubbery, trees, and other plants requiring watering and other maintenance;
- iii. Recreational areas with sufficient parking;
- iv. Construction and maintenance of City utilities shall be permitted; and/or
- v. Structures for the maintenance and operation of city business shall be conditionally approved.

(Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

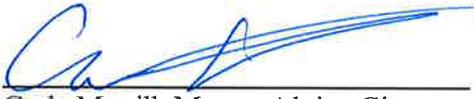
PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

May 10, 2022

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kelli Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Presiding Officer

Attest



Carla Merrill, Mayor, Alpine City



Bonnie Cooper, City Recorder Alpine City

