

**ALPINE CITY  
ORDINANCE 2022-20**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 2.04; 2.04.010;  
2.04.020; 2.04.030; 3.01.090; 3.16.040; 3.31.030; 3.32.040; 4.01.030; AND 5.08 OF THE  
ALPINE CITY DEVELOPMENT CODE PERTAINING TO PUBLIC NOTICING.**

**WHEREAS**, The Planning Commission held a public hearing on June 7, 2022, regarding proposed amendments to Article 2.04; 2.04.010; 2.04.020; 2.04.030; 3.01.090; 3.16.040; 3.31.030; 3.32.040; 4.01.030; and 5.08 of the Development Code; and

**WHEREAS**, on June 21, 2022, the Planning Commission recommended approval of proposed amendments to Article 2.04; 2.04.010; 2.04.020; 2.04.030; 3.01.090; 3.16.040; 3.31.030; 3.32.040; 4.01.030; and 5.08 of the Development Code; and

**WHEREAS**, on June 28, 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 2.04; 2.04.010; 2.04.020; 2.04.030; 3.01.090; 3.16.040; 3.31.030; 3.32.040; 4.01.030; and 5.08 will supersede Article 2.04; 2.04.010; 2.04.020; 2.04.030; 3.01.090; 3.16.040; 3.31.030; 3.32.040; 4.01.030; and 5.08 as previously adopted. This ordinance shall take effect upon posting.

**SECTION 1:**        **ADOPTION** “2.04 Public Noticing” of the Alpine City Development Code is hereby *added* as follows:

**ADOPTION**

2.04 Public Noticing(*Added*)

**SECTION 2:**        **ADOPTION** “2.04.010 General Noticing” of the Alpine City Development Code is hereby *added* as follows:

**ADOPTION**

2.04.010 General Noticing(*Added*)

Notice of public hearings and public meetings on adoption or modification of land use regulation shall comply with Utah Code 10-9a-205.

10-9a-205

**SECTION 3:**        **ADOPTION** “2.04.020 Written Notice” of the Alpine City Development Code is hereby *added* as follows:

ADOPTION

2.04.020 Written Notice(*Added*)

**Written Notification of Property Owners.** At least (14) fourteen days prior to the public hearing held by the Planning Commission, the applicant shall submit to the Alpine City Planner a list of all property owners within five hundred (500) feet of the boundaries of the proposed zone change, along with stamped envelopes addressed to each of the property owners.

At least ten (10) days prior to the public hearing held by the Planning Commission, City staff will mail, in the envelopes provided by the applicant, written notification of the proposed change to all property owners within five hundred (500) feet of the boundaries of the proposed change. The written notification shall be required only for the first public hearing held by the Planning Commission. It shall not be required for any additional public hearings that may be held.

1. The written notification shall include the following information:
  - a. Current zoning and address or location of the property for which the change is proposed;
  - b. state the current zone in which the real property is located;
  - c. when applicable, state the proposed new zone for the real property;
  - d. provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;
  - e. when applicable, state that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment, state where the property owner should file the protest, and notify the property owner that each written objection filed with the municipality will be provided to the municipal legislative body;

- f. A description of the proposed change; and
- g. Date, time, and place of the public hearing.

**SECTION 4:**        **ADOPTION** “2.04.030 Sign” of the Alpine City Development Code is hereby *added* as follows:

A D O P T I O N

2.04.030 Sign(*Added*)

**Sign.** A sign shall be erected to give to give notice to passers-by. The sign shall be required only for the first public hearing held by the Planning Commission. It shall not be required for any additional public hearings that may be held. The sign shall be posted at a location designated by the Zoning Administrator.

- 1. The sign:
  - a. shall be at least 4 ft. (H) x 8 ft. (W);
  - b. shall be visible from the nearest public right of way; and
  - c. shall be posted at least ten(10) days prior to the public hearing.
- 2. The following information shall be on the sign:
  - a. Current zoning and address or location of the property for which the change is proposed;
  - b. A description of the proposed change; and
  - c. Date, time, and place of the public hearing.

**SECTION 5:**        **AMENDMENT** “3.16.040 Special Provisions” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.16.040 Special Provisions

- 1. All public parks in the City of Alpine as noted on the attached map, hereby made a portion of this Ordinance, are included in this Zone and are subject to all of the provisions of this Zone.
- 2. Land included in these parks shall not be materially changed, improved, altered, disposed of in any manner or used for any other purpose except after a recommendation of the Planning Commission following a public hearing and by a

super majority vote of the City Council (4 positive votes out of 5 City Council members are required). A material change shall include, but is not limited to, a change to the park's present and essential defining characteristics, creation of or improvement of roadways or parking lots within the park.

3. A public hearing for a material change shall be noticed per Article 2.04 of the Development Code.

(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)

**SECTION 6:**        **AMENDMENT** “5.08 Public Hearing” of the Alpine City Development Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.08 Public Hearing

If no protest is filed within the protest period or if the Boundary Commission approves the annexation after the protest is heard, the City Council may proceed to annex the property. Before acting on the annexation, the City Council shall hold a public hearing and provide notice. At least ten(10) days prior to such hearing notice of the time and place of the hearing and the location(s) shall be published in a newspaper of general circulation within the City and the area proposed for annexation. A sign shall also be posted to advertise the time and place of the public hearing per Article 2.04.030 of the Development Code.

(Ord. 97-01 7/27/97)

**SECTION 7:**        **AMENDMENT** “3.31.030 Property Within A Recorded Subdivision” of the Alpine City Development Code is hereby *amended* as follows:

#### AMENDMENT

##### 3.31.030 Property Within A Recorded Subdivision

If any property included in a proposed boundary line adjustment is located within a recorded subdivision, the boundary line adjustment must be done by plat amendment and will require the notification and approval of all applicable utilities. In addition to the provisions below, the plat amendment shall comply with Utah State Code.

1. The applicant(s) shall meet with the City Planner and City Engineer to review the proposed boundary line adjustment prior to submitting an application.

2. The applicant(s) shall have all of the property included surveyed by a surveyor licensed to do such work in the State of Utah and shall have a plat amendment prepared.
3. If there is no change of use or change of zone for any of the property included, the City Planner and City Engineer may approve the application.
  - a. The applicant(s) shall submit the following materials to the City Planner for review:
    - i. Three (3) D (22x34) size copies,
    - ii. Four (4) 11x17 copies,
    - iii. An electronic copy in a format specified by City Staff,
    - iv. A completed boundary line adjustment application, and
    - v. Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted and the fee is paid.

- b. The City Planner and City Engineer shall review the application for compliance with the Alpine City General Plan and all applicable City ordinances. If the City Planner or City Engineer determines that the application complies with all applicable requirements, they shall approve the application. If the City Planner or City Engineer determines that the proposed boundary line adjustment would violate local ordinances and regulations, no further review of the application shall be made. A new application shall be required to reinitiate the process.
4. If there is a change of use or change of zone for any of the property included, the application must be reviewed by the Planning Commission and City Council. A public hearing shall be held and noticed per Article 2.04 of the Development Code.
  - a. When the City Planner and City Engineer determines that the application is ready for Planning Commission review, the applicant(s) shall submit the following information to the City Planner fourteen (14) days prior to a regularly scheduled Planning Commission meeting:
    - i. Two (2) D (22x34) size copies,
    - ii. Fourteen (14) 11x17 copies,
    - iii. An electronic copy in a format specified by City Staff,
    - iv. A completed boundary line adjustment application, and
    - v. Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted and the fee is paid.

- b. The application shall be reviewed by the Planning Commission for compliance with the Alpine City General Plan and all applicable City ordinances. If the Planning Commission determines that the proposed boundary line adjustment complies with all applicable requirements, it shall

make a favorable recommendation to the City Council.

If the Planning Commission determines that the proposed boundary line adjustment would violate local ordinances and regulations, no further review of the proposed boundary line adjustment shall be made by the Planning Commission. A new application shall be required to reinitiate the boundary line adjustment process.

- c. The City Council shall review the application at a regularly scheduled meeting. If the City Council determines that the proposed boundary line adjustment complies with all applicable requirements, it shall approve the proposed boundary line adjustment.

(Ord. No. 2011-02, 01/11/11)

**SECTION 8:**            **AMENDMENT** “3.31.040 Property Outside An Approved, Recorded Subdivision” of the Alpine City Development Code is hereby *amended* as follows:

#### AMENDMENT

##### 3.31.040 Property Outside An Approved, Recorded Subdivision

If all of the property included in a proposed boundary line adjustment is not located in an approved, recorded subdivision, boundary lines may be adjusted through the use of legal descriptions following the process outlined below.

1. The applicant(s) shall meet with the City Planner and City Engineer to review the proposed boundary line adjustment prior to submitting an application.
2. The applicant(s) shall have all of the property included surveyed by a surveyor licensed to do such work in the State of Utah.
3. If there are any recorded easements located on any of the properties, the applicant(s) shall notify the appropriate entity and obtain their approval and submit documentation of approval to Alpine City.
4. If there is no change of use or change of zone for any of the property included, the City Planner and City Engineer may approve the application.
  - a. The applicant(s) shall submit the following materials to the City Planner for review:
    - i. Two (2) copies of before and after legal descriptions of the properties;
    - ii. Two (2) copies drawn to scale showing the properties before and after the adjustment,
    - iii. An electronic copy in a format specified by staff,

- iv. A completed boundary line adjustment application, and
- v. Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted and fee is paid.

- b. The City Planner and City Engineer shall review the application for compliance with the Alpine City General Plan and all applicable City ordinances. If the City Planner or City Engineer determines that the application complies with all applicable requirements, they shall approve the application. If the City Planner or City Engineer determines that the proposed boundary line adjustment would violate local ordinances and regulations, no further review of the application shall be made. A new application shall be required to reinitiate the process.
5. If there is a change of use or change of zone for any of the property included, the application must be reviewed by the Planning Commission and City Council. A public hearing shall be held and noticed per Article 2.04 of the Development Code.
- a. When the City Planner and City Engineer determines that the proposed boundary line adjustment is ready for Planning Commission review, the applicant shall submit the following to the City Planner fourteen (14) days prior to a regularly scheduled Planning Commission meeting:
    - i. Fourteen (14) copies of before and after legal descriptions of the properties,
    - ii. Fourteen (14) copies drawn to scale showing the properties before and after the adjustment,
    - iii. An electronic copy in a format specific by City Staff,
    - iv. A completed boundary line adjustment application, and
    - v. Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted and fee is paid.

- b. The application shall be reviewed by the Planning Commission for compliance with the Alpine City General Plan and all applicable City ordinances. If the Planning Commission determines that the proposed boundary line adjustment complies with all applicable requirements, it shall make a favorable recommendation to the City Council.

If the Planning Commission determines that that proposed boundary line adjustment would violate local ordinances and regulations, no further review of the proposed boundary line adjustment shall be made by the Planning Commission. A new application shall be required to reinitiate the boundary line adjustment process.

- c. The City Council shall review the application at a regularly scheduled

meeting. If the City Council determines that the proposed boundary line adjustment complies with all applicable requirements, it shall approve the proposed boundary line adjustment.

(Ord. No. 2011-02, 01/11/11)

**SECTION 9:**        **ADOPTION** “4.01.030 Right Of Way” of the Alpine City Development Code is hereby *added* as follows:

#### ADOPTION

##### 4.01.030 Right Of Way(*Added*)

The acquisition or vacation of public right of way shall be subject to a recommendation from Planning Commission and approval by City Council. The Planning Commission shall hold a public hearing regarding the proposed acquisition or vacation and shall be noticed per Article 2.04 of the Development Code.

**SECTION 10:**        **AMENDMENT** “3.01.090 Amendments To The Zoning Ordinance Or Zoning Map” of the Alpine City Development Code is hereby *amended* as follows:

#### AMENDMENT

##### 3.01.090 Amendments To The Zoning Ordinance Or Zoning Map

1. **Amendments to the Zoning Ordinance.** Amendments to the Zoning Ordinance may be initiated by the City Council, the Planning Commission, the staff, or by an owner of real property in the area included in the proposed amendment.

Amendments to the Zoning Ordinance:

- a. Shall first be submitted to the Planning Commission for its review and recommendation.
- b. The Planning Commission shall provide appropriate notice and hold a public hearing on proposed amendments to the zoning ordinance before making a recommendation to the City Council. The Planning Commission may hold additional public hearings if deemed necessary or appropriate by the Planning Commission.
- c. The Planning Commission shall prepare and make a recommendation to the City Council on proposed amendments to the zoning ordinance that represents

the Planning Commission's recommendation for regulating the use and development of land within all or any part of the area of the City.

- d. The City Council shall consider each proposed amendment to the zoning ordinance recommended by the Planning Commission. The City Council shall have the option to hold a public hearing(s).
- e. The City Council may adopt or reject amendments to the zoning ordinance either as proposed by the Planning Commission or after making any revisions the City Council considers appropriate.

**2. Amendments to the Zoning Map (Zone Change).** Amendments to the Zoning Map may be initiated by the City Council, the Planning Commission, the staff, or by an owner of real property in the area included in the proposed amendment.

Any application to change the boundary of a zone shall include an accurate map or other sufficient legal description of the area proposed for change. Applicants shall submit ten (10) copies of all required documentation to the City Planner at least fourteen (14) days prior to the public hearing.

Amendments to the Zoning Map (Zone Change):

- a. Shall first be submitted to the City Planner for its review before an applicant may apply to the Planning Commission.
- b. If the applicant chooses to apply to the Planning Commission for a proposed zone change, the applicant shall pay the associated fee and the City Recorder shall set a public hearing for the Planning Commission on the proposed amendment to the zoning map, and shall provide appropriate notice for said public hearing. The public hearing shall be held before the Planning Commission may make a recommendation to the City Council. The Planning Commission may hold additional public hearings if deemed necessary or appropriate by the Planning Commission.
- c. The Planning Commission shall prepare and make a recommendation to the City Council on each proposed amendment to the zoning map that comes before the Planning Commission.
- d. The City Council shall consider each proposed amendment to the zoning map recommended by the Planning Commission. The City Council shall have the option to hold a public hearing(s) on the proposed zone change.
- e. The City Council may approve or deny the proposed amendment to the zoning map, either as proposed by the Planning Commission or after making any revision the City Council considers appropriate.

**3. Written Notification of Property Owners.**

See Article 2.04.020

**4. Sign.**

See Article 2.04.030

(Amended by Ordinance 2000-03, 3/28/00; 2007-04, 4/10/07)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

6/28/22.

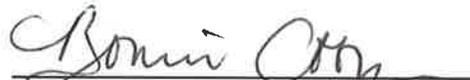
	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Lon Lott	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Gregory Gordon	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Jason Thelin	<u>      </u>	<u>      </u>	<u>✓</u>	<u>      </u>
Jessica Smuin	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>
Kelli Law	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>

Presiding Officer

Attest



Carla Merrill, Mayor, Alpine City



Bonnie Cooper, City Recorder Alpine City