

**ALPINE CITY
ORDINANCE 2023-05**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.07.080 OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO SETBACK
EXCEPTIONS FOR ACCESSORY STRUCTURES IN THE BUSINESS
COMMERCIAL ZONE.**

WHEREAS, The Planning Commission held a public hearing on February 7th, 2023, regarding proposed amendments to Article 3.07.080 of the Alpine City Development Code; and

WHEREAS, on February 7th, 2022, the Planning Commission recommended approval of proposed amendments to Article 3.07.080 of the Alpine City Development Code; and

WHEREAS, on February 28th, 2023, the Alpine City Council has deemed it in the best interest of Alpine City to amend Article 3.07.080 of the Alpine City Development Code; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed amendments to Article 3.07.080 of the Alpine City 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 Article 3.07.080 of the Alpine City 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 3.07.080 of the Alpine City Development Code will supersede Article 3.07.080 of the Alpine City Development Code as previously adopted.

SECTION 1: **AMENDMENT** “3.07.080 Special Provisions” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.07.080 Special Provisions

1. **Uses Within Buildings.** All commercial activities and storage shall be conducted entirely within a fully enclosed building, except those uses deemed by the City to be customarily and appropriately conducted in the open, including gasoline dispensing, plant nursery displays, temporarily parked automobiles in need of repair, and temporary sale of Christmas trees.
2. **Site Plan to Be Approved For All New Commercial Uses.** Prior to the

establishment of a new commercial use or the construction of a new building, a site plan shall be submitted, reviewed and recommended by the Planning Commission and approved by the City Council. (Amended by Ord. 2004-13, 9/28/04).

3. **Off-street Parking.** Off-street parking area which requires backing from the off-street parking space onto the street right-of-way in order to exit shall not be permitted. All ingress and egress shall be by forward motion only.

All points of ingress and egress to a commercial use or off-street parking areas shall be as shown on the site plan and shall be located not less than forty (40) feet from any intersection of public streets.

All off-street parking areas shall be hard-surfaced and shall be bordered by a curb or other barrier.

The number of required parking spaces and other particulars about the design and construction of off-street parking shall conform to the provisions of DCA 3.24.

4. **Trash Storage.** Adequate facilities for the disposal of solid waste shall be provided. All containers for the temporary storage and disposal solid waste material shall be of a size, type and quantity approved by the City shall be maintained in a location as shown on the Site Plan.
5. **Storage Containers.** The use of any portable unit, pod, or similar type of storage container is prohibited in this zone unless approved by the city.
6. **Surface Water Drainage to be Retained On-site.** All additional surface drainage generated as a result of development activity shall be disposed of on-site, as determined by the City Engineer.
7. **Height of Buildings.** 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).
8. **Landscaping Required.** As a means of mitigating safety hazards or adverse visual impacts all areas of the site not devoted to buildings or off street parking shall be landscaped. The landscaped area shall be not less than twenty (20) percent of the total area of the site. In addition to all other plan elements, the site plan shall contain a landscape plan showing the location, type and initial size of all planting materials and other landscape features, and the location of the proposed sprinkler system.
9. **Design of Commercial Structures.** Commercial buildings shall comply with the following architectural design criteria. (Preliminary architectural design drawings of all building elevations shall be presented to the Planning Commission for review).
 - a. The exterior of all commercial buildings shall be finished predominantly with wood and/or brick, stucco, stone or similar materials in accordance with guidelines in the Historical/Commercial/Residential Ordinance. Pitched roofs are preferred.

- b. The architectural styles of the business district should be consistent and harmonious. The style of building design and trim should be compatible with the relatively uncomplicated rural, small town character of Alpine. Extremely irrelevant, contrived or inconsistent styles will be discouraged.
10. **Water Rights Conveyance Requirements.** Water rights shall be conveyed to the City in accordance with the provisions of DCA 3.21.070.
 11. **Nuisances Prohibited.** No land or building shall be used in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard, noise, or vibration, smoke, dust, odor, or other form of air pollution; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to adversely affect the surrounding area or adjoining premises.
 12. **Customary Accessory Structures. All Customary 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.** (Ordinance 2002-13) (Amended by Ord. 2006-14, 9/12/06; Ord. 2010-03, 8/24/10):
 - a. **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.
 - 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 no 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; and
 - vi. The building will not be taller than twelve (12) feet six (6) inches to the top of the roof line.

e. Accessory Building Height. The maximum height of any accessory building 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.

- i. Exceptions to the Height Requirement. 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.
- ii. Additional Accessory Building Height. 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 the accessory building as measured to the ridgeline shall be thirty (30) feet.

13. **Heliports.** The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.

14. **Short Term Rentals.** Short Term Rentals are prohibited.

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

2/28/2023

	AYE	NAY	ABSENT	ABSTAIN
Gregory Gordon	✓	_____	_____	_____
Jason Thelin	✓	_____	_____	_____
Jessica Smuin	✓	_____	_____	_____
Lon Lott	✓	_____	_____	_____
Kelli Law	✓	_____	_____	_____

Presiding Officer

Attest


Carla Merrill, Mayor, Alpine City


Bonnie Cooper, City Recorder, Alpine City

