

**ALPINE CITY
ORDINANCE 2023-22**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLES 3.02.030, 3.03.030,
3.04.030, 3.05.030, 3.06.020, AND 3.07.030 OF THE ALPINE DEVELOPMENT CODE
PERTAINING TO LAND USE AUTHORITIES.**

WHEREAS, The Planning Commission held a public hearing on August 1st, 2023, pertaining to articles 3.02.030, 3.03.030, 3.04.030, 3.05.030, 3.06.020, and 3.07.030 of the Alpine City Development Code and

WHEREAS, on August 1st, 2023, the Planning Commission made a favorable recommendation of the proposed amendments to Articles 3.02.030, 3.03.030, 3.04.030, 3.05.030, 3.06.020, and 3.07.030 of the Alpine City Development Code and

WHEREAS, on August 22nd, 2023, the Alpine City Council deemed it in the best interest of Alpine City to amend Articles 3.02.030, 3.03.030, 3.04.030, 3.05.030, 3.06.020, and 3.07.030 of the Alpine City Development Code; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendments of Articles 3.02.030, 3.03.030, 3.04.030, 3.05.030, 3.06.020, and 3.07.030 of the Alpine City Development Code, held a public hearing, and forwarded a favorable recommendation to the City Council; and

WHEREAS, the Alpine City Council has reviewed the proposed amendment of Articles 3.02.030, 3.03.030, 3.04.030, 3.05.030, 3.06.020, and 3.07.030 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 Articles 3.02.030, 3.03.030, 3.04.030, 3.05.030, 3.06.020, and 3.07.030 of the Alpine City Development code will supersede previous sections of 3.02.030, 3.03.030, 3.04.030, 3.05.030, 3.06.020, and 3.07.030 the Alpine City Development Code as previously adopted.

SECTION 1: **AMENDMENT** “3.02.030 Conditional Uses” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.02.030 Conditional Uses

The following buildings, structures and uses of land may be allowed upon compliance with the standards and conditions set forth in this ordinance and after approval has been given by the designated review body.

1. Single family dwellings (conventional construction) when proposed for placement on a lot not in a recorded subdivision, subject to compliance with the applicable conditions within the zone and approval of a site plan by the Planning Commission.
2. Cemeteries;
3. Child care nurseries and group day-care centers;
4. Civic buildings;
5. Subdivision projects, subject to compliance with the applicable requirements of the subdivision ordinance.
6. Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan by the Planning Commission.
7. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses, and upon approval of site plan by the Planning Commission.
8. Accessory apartments, subject to the provisions of DCA 3.23.070 Part 1. (Ord. 94-06);
9. Home occupations, subject to the provisions of DCA 3.23.070 Part 3.
10. Schools, churches, hospitals (human care) and similar quasi public buildings subject to the approval of site plan by the Planning Commission.
11. Incidental Produce Stands, subject to the provisions of DCA 3.23.070 Part 4. (Ord. 96-05, 4/10/96)
12. Shooting Galleries, subject to the applicable provisions of MCA 9.17 .

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

SECTION 2: **AMENDMENT** “3.03.030 Conditional Uses” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.03.030 Conditional Uses

The following buildings, structures and uses of land may be allowed upon compliance with the standards and conditions set forth in this ordinance and after approval has been given by the designated review body. Additionally, no development will be allowed where any part of the zoning lot is above an elevation of 5350 feet mean sea level except as noted in DCA 3.12.

1. Single family dwellings (Conventional construction) when proposed for placement on a lot not in a recorded subdivision, subject to compliance with the applicable conditions within the zone and approval of a site plan by the Planning Commission.
2. Subdivisions projects, subject to compliance with the applicable requirements of the subdivision ordinance, except that: (a) where any portion of the area included within the subdivision shall lie within the territory designated within the Sensitive Lands

Overlay Zone (SLO zone) or (b) as the City may designate, the subdivision shall be developed only under the provisions of DCA 3.09 relating to Planned Residential Developments.

3. Planned Residential Developments (PRD), subject to compliance with the provisions of DCA 3.09.
4. Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan by the planning commission.
5. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses and upon approval of a site plan by the Planning Commission.
6. Home Occupations, subject to the provisions of DCA 3.23.070 Part 3.
7. Accessory Apartments, subject to the applicable provisions of DCA 3.23.070 Part 1.
8. Guest Houses, subject to the applicable provisions of DCA 3.23.070 Part 2.
9. Schools, churches, hospitals (human care) and similar quasi-public buildings subject to approval of a site plan by the planning commission.
10. Plant nurseries and tree farms, but not including retail sales of materials on site.
11. Civic Buildings
12. Incidental Produce Stands, subject to the provisions of DCA 3.23.070 Part 4. (Ord. 96-05, 4/10/96)
13. Shooting Galleries, subject to the applicable provisions of MCA 9.17 .

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

SECTION 3: **AMENDMENT** “3.04.030 Conditional Uses” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.04.030 Conditional Uses

The following buildings, structures and uses of land may be allowed upon compliance with the standards and conditions set forth in this ordinance and after approval has been given by the designated review body. However, no development will be allowed where any part of the zoning lot is above an elevation of 5350 feet mean sea level except as noted in DCA 3.12.

1. Single family dwellings (Conventional construction) when proposed for placement on a lot not in a recorded subdivision, subject to compliance with the applicable conditions within the zone and approval of a site plan by the Planning Commission.
2. Subdivisions projects, subject to compliance with the applicable requirements of the subdivision ordinance, except that:
 - a. where any portion of the area included within the subdivision shall lie within

- the territory designated within the Sensitive Lands Overlay Zone (SLO zone)
or
- b. as the City may designate, the subdivision shall be developed only under the provisions of DCA 3.09 Code relating to Planned Residential Developments.
3. Planned Residential Developments (PRD), subject to compliance with the provisions of DCA 3.09.
 4. Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan by the planning commission.
 5. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses and upon approval of a site plan by the planning commission.
 6. Home Occupations, subject to the provisions of DCA 3.23.070 Part 3.
 7. Accessory Apartments, subject to the applicable provisions of DCA 3.23.060 Part 1.
 8. Guest Houses, subject to the applicable provisions of DCA 3.23.060 Part 2.
 9. Schools, Churches, Hospitals (Human Care) and similar quasi public buildings..
 10. Incidental Produce Stands, subject to the provisions of DCA 3.23.060 Part 4. (Ord 96-05, 4/10/96)
 11. Buildings and other structures for the storage and keeping of agricultural products and machinery.
 12. Plant nurseries and tree farms, but not doing retail sale of materials on site.
 13. Civic Buildings.
 14. Shooting Galleries, subject to the applicable provisions of MCA 9.17 .

(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** “3.05.030 Conditional Uses” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.05.030 Conditional Uses

The following buildings, structures, and uses of land may be allowed upon compliance with the provisions of this ordinance and after approval shall have been given from the designated review agency. However, no development will be allowed where any part of the zoning lot is above an elevation of 5350 feet mean sea level except as noted in DCA 3.12.

1. Single family dwellings (Conventional construction) when proposed for placement on a lot of record existing at the time of the territory is placed into the CE-5 Zone, or a lot within a Planned Residential Development, in either case, subject to compliance with

the applicable conditions within the zone and approval of a site plan by the Planning Commission.

2. Planned Residential Developments (PRD), subject to compliance with the provisions of DCA 3.09.
3. Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan by the Planning Commission.
4. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses and upon approval of a site plan by the Planning Commission.
5. Home Occupations, subject to the provisions of DCA 3.23.070 Part 3.
6. Accessory Apartments, subject to the applicable provisions of DCA 3.23.070 Part 1.
7. Guest Houses, subject to the applicable provisions of DCA 3.23.070 Part 2.
8. Park and recreation enterprises when owned and operated by a public agency.
9. Plant nurseries and tree farms, but not including retail sales of materials on site.
10. Incidental Produce Stands, subject to the provisions of DCA 3.23.070 Part 4. (Ord 96-05, 4/10/96)
11. Shooting Galleries, subject to the applicable provisions of MCA 9.17 .

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

SECTION 5: **AMENDMENT** “3.06.020 Conditional Uses” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.06.020 Conditional Uses

The following buildings, structures, and uses of land may be allowed upon compliance with the provisions of this ordinance and after approval shall have been given from the designated review agency.

1. Single family dwellings (Conventional construction) when proposed for placement on a lot of record existing at the time the territory is placed into the CE-50 Zone, or a lot within a Planned Residential Development, in either case, subject to compliance with the applicable conditions within the zone and approval of a site plan by the Planning Commission.
2. Planned Residential Developments (PRD), subject to compliance with the provisions of DCA 3.09.
3. Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan by the Planning Commission.

4. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses and upon approval of a site plan by the Planning Commission.
5. Home Occupations, subject to the provisions of DCA 3.23.070 Part 3.
6. Accessory Apartments, subject to the applicable provisions of DCA 3.23.070 Part 1.
7. Public and private park and recreation enterprises when approved by City Council.
8. Agricultural uses and animal rights as set forth in DCA 3.21.090 of the Supplementary Regulations .
9. Customary household pets.
10. Shooting Galleries, subject to the applicable provisions of MCA 9.17.

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

SECTION 6: **AMENDMENT** “3.07.030 Conditional Uses” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.07.030 Conditional Uses

The following buildings, structures and uses of land shall be allowed upon compliance with the requirements set forth in this Ordinance and after approval has been given by the designated reviewing agencies (Approval of other agencies or levels of government may be required.):

1. Planned Commercial Developments Projects which are designed, approved, constructed and maintained in accordance with the provisions of DCA 3.10.
2. Commercial Condominium Projects subject to the applicable provisions of law relating thereto.
3. Schools, churches, hospitals (human care), nursing homes and other similar quasi-public buildings subject to .
4. Civic Buildings. (Ord. 95-10, 4/25/9)
5. Restaurants, provided that any such facility providing drive-up window service shall also include an area for inside service to patrons in an amount not less than fifty (50%) of the total floor area of the structure. In addition, the following shall apply to restaurants. (Ord. 97-05, 5/27/97)
 - a. A traffic analysis shall be provided as part of the conditional use application.
 - b. The drive-up window and driveway shall be unobtrusive and be screened from the street by berming and landscaping.
 - c. Odors and noise shall be controlled as to not have an adverse impact on any nearby residential structures.
 - d. Restaurants must comply with provisions of the sign ordinance.

- e. Restaurants must comply with the landscaping and design provisions in the B-C zone.
 - f. Any drive-through window must be located on the side of the restaurant building which does not abut a public street and must be screened from the street side with berming and landscaping.
 - g. Any drive-through window must have a stacking lane which will accommodate at least six cars off of the public street.
6. Single family dwellings (conventional construction) when proposed for placement on a lot not in a recorded subdivision, subject to compliance with the applicable conditions within the zone and approval of a site plan by the Planning Commission.
 7. Seasonal sales such as produce or Christmas trees provided a business license is obtained from Alpine City.
 8. Sexually-oriented businesses are a conditional use in the Business Commercial (BC) zone and are subject to the provisions of this chapter, including (Ord. 2010-07, 5/11/10):
 - a. No sexually-oriented business shall be located within:
 - i. One thousand (1,000) feet of a school, day care facility, public park, library, and religious institution;
 - ii. Four hundred (400) feet of any residential use (no matter which zoning district) or residential zoning boundary;
 - iii. One thousand (1,000) feet of a liquor store; and
 - iv. One thousand (1,000) feet of any other sexually-oriented business.

For the purposes of this section, distance shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the sexually-oriented business is located, and:

- (1) The closest property line of any school, day care facility, public park, library, and religious institution;
 - (2) The nearest property line of any residential use or residential zone;
 - (3) The nearest property line of any liquor store; and
 - (4) The closest exterior wall of another sexually-oriented business.
9. Home occupations, subject to the provisions of DCA 3.23.070 Part 3.
 10. Accessory apartments, subject to the provisions of DCA 3.23.070 Part 1.
 11. Mechanical Automotive Repair Shops
 - a. Odors and noise shall be controlled as to not have an unreasonable adverse impact on nearby structures and/or property.
 - b. There shall be no more than 5 automobile bays.
 - c. No automobiles shall be stored on the property for more than 14 days.
 - d. Mechanical automotive repair shops shall comply with the regulations of the applicable entities including but not limited to the State of Utah, Timpanogos

Service District, Lone Peak Fire Marshal, and Environmental Protection Agency.

- e. Mechanical automotive repair shops must abut directly upon and have access to Main Street (south of southern property line of the property located at 30 South Main Street) or Canyon Crest Road within the Business Commercial zone.
- f. Mechanical auto repair shops shall comply with the off-street parking requirements excepting there shall be no more than six (6) parking spaces provided per bay. An additional 10 parking spaces may be allowed exclusively for employee use. No off-street parking spaces shall be located within fifteen (15) feet of the property line closest to Main Street.
- g. Mechanical automotive repair shops shall conform to the provisions of the Gateway/Historic Zone (DCA 3.11).

12. Dog Kennels/Boarding Facilities

- a. Odors and noise shall be controlled as to not have an unreasonable adverse impact on nearby structures and/or property.
- b. Dogs shall be kept primarily indoors, with the exception of short periods of time for the dogs to exercise, relieve themselves, go on walks, etc.
- c. Shall have no more than twenty (20) individual dog kennel runs, with total dogs not to exceed 1.2 times the number of kennel runs.
- d. No more than one dog shall share a kennel run without the owner's permission.
- e. Facility shall be sound proofed, and include an indoor dog run.
- f. Shall comply with City off-street parking requirements.
- g. Shall provide daily disposal of all animal feces and wastes.
- h. Shall conform to the provisions of the Gateway/Historic Zone (DCA 3.11).
 - i. There shall be adequate and effective means of control of insects and rodents at all times, such control shall be carefully monitored.
 - j. Operator shall bear full responsibility for recapturing and controlling any escaped animal.
- k. Must have an active DVM relationship to immediately treat a sick or injured animal requiring medical attention.
- l. Facility shall be located not less than one hundred fifty (150) feet from the nearest neighboring dwelling structure.

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

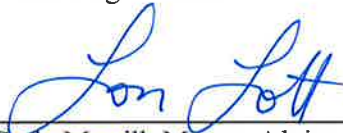
PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

8/22/23

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

Presiding Officer

Attest



~~Carla Merrill~~, Mayor, Alpine City
Lon Lott Protem



Bonnie Cooper, City Recorder, Alpine
City

