

**ALPINE CITY
ORDINANCE 2023-28**

**AN ORDINANCE AMENDING CHAPTER 3.02.050 AND 3.04.050 OF THE ALPINE
DEVELOPMENT CODE PERTAINING TO SETBACKS ON CORNER LOTS FOR
ACCESSORY STRUCTURES.**

WHEREAS, the Alpine City Planning Commission has reviewed proposed amendments to Section 3.02.050 and 3.04.050 of the Alpine Development Code and held a public hearing on November 7th, 2023, pertaining to the proposed amendments;

WHEREAS, on November 7th, 2023, the Planning Commission made a favorable recommendation of the proposed amendments to Articles 3.02.050 and 3.04.050 of the Alpine Development Code;

WHEREAS, the Alpine City Council has reviewed the proposed amendments and deems it in the best interest of the health, safety, and welfare of Alpine City and its residents to amend Articles 3.02.050 and 3.04.050 of the Alpine Development Code.

NOW THEREFORE, be it ordained by the Council of the Alpine City, in the State of Utah, as follows:

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. except that a two (2) foot minimum side setback may be allowed if the conditions outlined in section iv 1-8 can be met. A fence will also be required along the side yard property abutting a street as a condition for decreased side yard setbacks on a corner lot
- 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;
 - (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** “3.04.050 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. except that a two (2) foot minimum side setback may be allowed if the conditions outlined in section iv 1-8 can be met. A fence will also be required along the side yard property abutting a street as a condition for decreased side yard setbacks on a corner lot.
- 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)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

11 | 14 | 2023

	AYE	NAY	ABSENT	ABSTAIN
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>
Lon Lott	<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