

**ALPINE CITY
ORDINANCE 2024-18**

**AN ORDINANCE AMENDING SECTION 3.09.060 OF THE ALPINE
DEVELOPMENT CODE ALLOWING EXCEPTIONS TO THE REAR YARD
SETBACK IN PRD DESIGNATED SUBDIVISIONS.**

WHEREAS, the Alpine City Planning Commission has reviewed proposed amendments to sections 3.09.060 of the Alpine Development Code and held a public hearing on June 4th, 2024, pertaining to the proposed amendments;

WHEREAS, on June 4th, 2024, the Planning Commission made a favorable recommendation of the proposed amendments to the section 3.09.060 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 section 3.09.060 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** “3.09.060 Dwelling Clusters; Lot Size; Buildable Area; Setback” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.09.060 Dwelling Clusters; Lot Size; Buildable Area; Setback

1. All lots shall be located within a designated Dwelling Cluster. A project may contain more than one Dwelling Cluster. Each cluster shall contain not less than three (3) separate lots (except for developments having fewer than 3 lots for the entire development). Where a project contains land located within and outside the Sensitive Lands Overlay Zone, Dwelling Clusters will be located outside of the Sensitive Lands Overlay Zone, to the maximum extent possible. No portion of lots within a PRD shall be located on lands which are required to be designated as open space.
2. (Ord. 97-23: 9/24/97) The size of each individual lot shall conform to the following:

Minimum Lot Size

Zone District	Minimum Lot Size

CR-20,000	10,000 square feet*
CR-40,000	20,000 square feet*
CE-5	20,000 square feet*
CE-50	N/A

* Each zoning lot shall contain a minimum area outside the mapped 100 year flood plain areas and any storm water detention or retention basins that is equal to the minimum lot size.

3. (Ord 97-02, 2/25/97). Each individual lot shall contain at least one Designated Buildable Area of not less than five-thousand (5,000) square feet. All dwellings and other habitable structures and accessory buildings shall be located within the Designated Buildable Area.
 - a. Each Designated Buildable Area shall conform to the criteria for qualification as a "buildable area" as defined in this ordinance. Except that the Planning Commission may approve or require the placement of the Designated Buildable Area in a location within the lot which does not conform to one or more of the criteria for buildable area, upon a finding that the proposed Designated Buildable Area:
 - i. will more adequately accommodate subsequent development of the lot,
 - ii. will not constitute a potential hazard to life or property, and
 - iii. will serve to diminish the negative impact of subsequent development upon the lot or community (i.e. extraordinary construction of driveway access, mitigate visual intrusion of structure on ridge line).
 - b. The location of each Designated Buildable Area shall be designated upon the preliminary plan and shall also be identified and described on the final recorded plat, together with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area. Where a Designated Buildable Area is shown on a lot, the boundary of said area shall constitute the Designated Setback envelope applicable to the lot. Where an entire lot area qualifies as a Buildable Area no designation on the final plat shall be required.
 - c. Except as permitted pursuant to Part 3,a, any portion of a lot which has been graded to produce a percent of slope to qualify under the Buildable Area criteria shall be excluded from consideration as part of the Designated Buildable Area.
 - d. The Designated Buildable Area may be amended by the City Planner and City Engineer as long as the minimum setback requirements of the underlying zone are met. (Ord. 2004-13, 9/28/04)
4. Each dwelling in the project shall be setback from the property line in accordance with the setback lines as shown on the approved plat (Designated Setback Envelope). The

- Designated Setback Envelope shall be established in accordance with the following (setbacks are measured from the property line to the nearest foundation):
- a. Front Yard. The minimum front yard setback shall be thirty (30) feet.
 - b. Side Yard - Corner Lots. On corner lots, the side that faces onto a public street shall be not less than thirty (30) feet.
 - c. Side Yard – Interior Lots. The minimum side yard setbacks for interior lots shall be an aggregate of thirty (30) feet with no less than twelve (12) feet on a side.
 - d. Rear Yard. The minimum rear yard setback shall be thirty (30) feet. Upon the recommendation of the Planning Commission, the City Council may approve an exception to the rear yard setback for any individual lot within a PRD subdivision if the following requirements are met:
 - i. Only an uncovered deck or platform, attached to the principal building constructed above the ground level and is open to the sky, without any roof or overhead covering may encroach into the rear yard setback.
 - ii. The rear yard must be adjacent to the designated open space.
 - iii. No part of the uncovered deck or platform encroaches into any easement or, if it does, the applicant has obtained prior written approval from the easement holder.
 - iv. The uncovered deck or platform is setback a minimum of at least ten (10) feet from the rear property line.
 - v. The height of the uncovered deck or platform does not exceed ten (10 feet') measured from the average finished grade to the tallest point of the deck or platform including the railing.
 - e. This subsection is subject to the provisions of Utah Code Ann. § 10-9a-540, which shall govern in case of any conflict with this subsection.
5. 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) except in the CE-50 zone the height shall not exceed 25 feet. (See DCA 3.06.070 Part 1)

(Ord. No. 95-04, 2/28/95; Amended Ord. No. 95-28, 11/28/95; Ord No. 2001-10, 4/10/01; Ord. No. 2004-13, 9/28/04; Ord. No. 2011-04, 01/11/11; Ord. No. 2012-10, 12/11/12; Ord. No. 2014-14, 09/09/14; Ord. No. 2015-11, 07/28/15)

(Ord. No.
 95-04,
 2/28/95;
 Amended
 Ord. No. 95-
 28, 11/28/95;
 Ord No.
 2001-10,
 4/10/01; Ord.
 No. 2004-13,
 9/28/04; Ord.
 No. 2011-04,
 01/11/11;
 Ord. No.
 2012-10,
 12/11/12;
 Ord. No.
 2014-14,
 09/09/14;
 Ord. No.
 2015-11,
 07/28/15)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

June 11, 2024.

	AYE	NAY	ABSENT	ABSTAIN
Chrissy Hannemann	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____
Brent Rummler	_____	_____	_____	_____
Kelli Law	_____	_____	_____	_____

Presiding Officer

Attest



 Carla Merrill, Mayor, Alpine City

 DeAnn Parry, City Recorder, Alpine
 City