

**ALPINE CITY
ORDINANCE 2022-05**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.23.070 OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO REQUIREMENTS FOR
ACCESSORY APARTMENTS.**

WHEREAS, The Planning Commission held a public hearing on February 15, 2022, regarding proposed amendments to Article 3.23.070 of the Development Code; and

WHEREAS, on February 22, 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 3.23.070 will supersede Article 3.23.070 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.23.070 Review Conditions And Criteria For Certain Conditional Uses” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.23.070 Review Conditions And Criteria For Certain Conditional Uses

1. **Accessory Apartments** (Amended by Ord. 95-04, 02/28/95; 2004-13, 09/28/04; 2009-12, 07/14/09). An accessory apartment shall be considered a subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping, and sanitation facilities. Accessory apartments may be permitted as a conditional use, upon approval of the City Planner and Building Official. Approval shall be subject to the following:
 - a. Accessory apartments are listed as a conditional use within the zone.
 - b. Accessory apartments shall be permitted only in owner-occupied single-unit detached dwellings.
 - i. Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the

temporary absence and meets the following criteria:

- (1) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - (2) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
 - (3) Owner occupancy shall have the meaning set forth in Article 3.01.110, Alpine City Development Code.
 - (4) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.
- c. A maximum of one (1) accessory apartment shall be permitted in each owner occupied single-unit detached dwelling.
 - d.
 - e. A single-unit detached dwelling with an accessory apartment shall provide not less than four (4) off-street parking spaces. Parking spaces may include garage and driveway space. At least one (1) space shall be designated for the accessory apartment.
 - f. The accessory apartment shall comply with all size and access specifications of the International Residential and Building Codes.
 - g. Accessory apartments shall have at least one (1) separate entrance from the main dwelling accessible from outside. The entrance shall be located on the side or rear of the main dwelling.
 - h. A single-unit detached dwelling containing an accessory apartment shall have not more than one (1) meter for each water, gas and electric utility service, and the meter shall be in the name of the owner.
 - i. All construction and remodeling to accommodate the accessory apartment shall be in accordance with the International Residential and Building Codes in effect at the time of construction or remodeling.
 - j. Any person constructing or causing the construction of a residence that has an accessory apartment or any person remodeling or causing the remodeling of a residence for an accessory apartment, or any person desiring to provide an accessory apartment within a single-unit detached dwelling, shall obtain an Accessory Apartment Permit from the Building Department. Such permit shall be in addition to any building permits that may be necessary.
2. **Guest Houses** (Ord. 94-06, 5/24/94). Guest houses may be permitted as a conditional use, upon approval of the City Council and subject to compliance with the following:
- a. Guest Houses are listed as a conditional use within the zone.
 - b. The lot or parcel upon which the guesthouse is proposed to be placed shall have a lot area of not less than five (5) acres.
 - c. The guesthouse shall be located not less than 30 ft. to the rear of the primary dwelling and not closer than twelve (12) ft. to any side or rear property line.

- d. The water and sewer service shall be the same as for the principle dwelling.
 - e. The hookup fees for a single-unit dwelling with a guest house shall be one and one-half (1 and 1/2) times the rate for a single family dwelling.
 - f. The guesthouse shall be an integral part of the site plan for the principle dwelling and attendant lot area. Vehicular access to the guest house shall be over the same driveway as for the primary dwelling, unless a secondary driveway can be accessed from another public right of way.
 - g. Prior to approval, a site plan showing the proposed location of the guesthouse and provision for utilities, vehicular access and other standards and conditions shall be submitted and approved by the Planning Commission.
 - h. Any person desiring to construct a guest house shall convey to the City water rights in the amount of 1/2 acre foot.
3. **Home Occupations** (Ord. 95-04, 2/28/95. Amended Ord. 08-18, 12/16/08; Ord. 2009- 14, 9/22/09; Ord. 2010-07, 5/11/10; Ord. 2010-11, 10/12/10; Ord. 2013-04, 3/12/13; Ord. 2014-06, 3/25/14; Ord. 2016-23, 11/09/16). Home occupations may be permitted as a conditional use, upon review of Staff and approval by the City Planner. If the City Planner determines that the home occupation may create significant impacts, approval from the Planning Commission may be required. All home occupations will be subject to compliance with the following:
- a. Terms and Conditions.
 - i. Home occupations are listed as a conditional use in the zone.
 - ii. The home occupation is conducted entirely within the livable area of a dwelling or attached garage. Business outdoor activities such as swimming lessons, tennis lessons, horseback riding lessons or other similar activities as determined by the Planning Commission may be considered as a home occupation.
 - iii. The business activity of the Home Occupation carried out on the premises shall be conducted only by members of the residing family, except that not more than one person, not a member of the residing family, may be engaged in the conduct of the home occupation if such person is utilized in the capacity of a support function.
 - iv. The home occupation does not involve the use of any accessory buildings or yard space for storage outside of the dwelling or attached garage.
 - v. The home occupation shall contain no facilities for the display of goods. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.
 - vi. No commercial vehicles shall be stored at the premises except one delivery truck which does not exceed 12,000 gvw rated capacity.
 - vii. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.

- viii. Home occupation signs shall be limited to one (1) identification nameplate, not larger in area than two (2) square feet fastened to the home, and one (1) sign, not larger in area than one (1) square foot, fastened to the side of the mailbox structure at or below the level of the mail box. No off-site advertising signs shall be permitted.
 - ix. The home occupation shall not occupy an area not more than the equivalent of twenty-five percent (25%) of the livable area of the dwelling or 1000 square feet, whichever is less. The livable area does not include the garage.
 - x. The home occupation shall obtain a business license from the City.
 - xi. The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire or explosion. Activities of the home occupation shall not decrease safety to the structure or occupants of the dwelling or adjacent dwellings.
 - xii. The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is discernible outside the dwelling.
 - xiii. The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and, in the opinion of the Planning Commission, the activities of the home occupation will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the Planning Commission.
 - xiv. A sexually-oriented business shall not be a home occupation.
 - xv. An automotive repair business shall not be a home occupation.
 - xvi. If the home occupation will have customers/clients coming to the home as part of the business, an inspection(s) of the business portion of the home is required to determine compliance with zoning, building, and life safety requirements. When no customers/clients will be coming to the home as part of the business, the applicant shall be required to submit the home business self fire inspection form.
- b. Commission May Attach Conditions. In order to achieve the objectives of this Code and to protect the health, safety and quality of life in the community the Planning Commission or City Planner may attach conditions to the granting of a home occupation consistent with the standards hereinabove stated.
- c. Continuing Obligation - Business License Required. All home occupations shall be operated in compliance with the conditions herein above set forth and any conditions which may be attached as part of the approval. Upon approval of a home occupation the applicant shall be eligible to acquire a business license to operate. Issuance of the Business License shall be conditioned upon continued performance of the conditions of approval and said license shall be

refused or revoked upon failure of the owner and/or operator to maintain or operate the home occupation in accordance therewith.

The approval shall be valid for the remainder of the year in which it is first granted. Thereafter the approval will be extended for successive one year periods, commencing on January 1 of the calendar year, or such other date as the Council or City Planner may from time to time establish as the effective date for business licenses, provided (1) that the home occupation remains substantially the same as initially approved and (2) that the home occupation has remained active as evidenced by the acquisition of a valid business license for the previous year.

4. **Produce Stands** (Ord 96-05, 4/10/96). Incidental Produce stands may be permitted as a conditional use, upon approval by the Planning Commission and subject to compliance with the following:
 - a. Intent. The Intent and purpose of this Part is to allow the operation of incidental produce stands which supply the local market with needed food and farm products produced on the premises.
 - b. Terms and Conditions.
 - i. Incidental Produce Stands are listed as a conditional use in the zone.
 - ii. Only plants, animals, or parts thereof which are products of the subject lot shall be offered for sale.
 - iii. The Produce stand shall provide sufficient off-street parking space to safely accommodate the anticipated level of patrons. The required off-street parking shall be in addition to the spaces required to meet the parking requirements of the primary use.
 - iv. Each produce stand shall be entitled to one sign. Said sign shall have not more than thirty-two (32) sq. ft. of sign area and shall advertise only products of the lot. The sign shall not extend into the road right-of-way.
 - v. An annual business license to operate the produce stand shall be obtained from the City.
 - vi. The application shall include a detailed site plan showing the location of all dwellings and other buildings on the site and also all facilities and areas intended for use in the production, processing, storage and sales of the products intended to be offered for sale on the premises.

(Ord. 94-06, 5/24/94; Amended by Ord. 2004-13, 9/28/04)
(Amended by Ordinance 2005-21 on 12/20/05)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL FEBRUARY 22, 2022.

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

Presiding Officer

Attest



Carla Merrill, Mayor, Alpine City



Bonnie Cooper, City Recorder Alpine
City

