

**ALPINE CITY
ORDINANCE 2024-19**

**AN ORDINANCE AMENDING SECTION 3.23.060 OF THE ALPINE
DEVELOPMENT CODE ALLOWING STAFF TO ACT AS DESIGNATED LAND
USE AUTHORITY FOR HOME OCCUPATIONS WHEN CERTAIN CONDITIONS
ARE MET.**

WHEREAS, the Alpine City Planning Commission has reviewed proposed amendments to sections 3.23.060 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 3.23.060 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 3.23.060 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** “3.23.060 Review Conditions And Criteria For Certain Conditional Uses” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.23.060 Review Conditions And Criteria For Certain Conditional Uses

1. **Guest Houses** (Ord. 94-06, 5/24/94). Guest houses may be allowed as a conditional use, upon approval of the designated land use authority 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 principal 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.

2. **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 allowed as a conditional use, upon approval by the designated land use authority. 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.
- xvii. The City Planner or designee shall serve as the designated land use authority for home occupation applications meeting the following criteria:
 - (1) The application as proposed complies with all requirements and criteria for the home occupation as listed in this section.
 - (2) The home occupation must be conducted entirely within the dwelling or garage attached enclosed building on the property
 - (3) No customers or clients will visit designated location in connection to the home occupation.
 - (4) No additional employees, other than the residing family will be involved in the home occupation.
 - (5) No hazardous materials or chemicals will be used or stored on the property. The City Planner or designee may approve, approve with conditions, deny, or decline to consider the home occupation application in accordance with standards provided in this section. If the City Planner or designee declines to consider the application, the applicant may then seek approval from the Planning Commission. An applicant

may appeal all other decisions as provided in DCA 2.03.

- b. 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 as the designated land use authority may attach conditions to the granting of a home occupation consistent with the standards in this section 2.03.060.2 .
- 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, provided that (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.

3. **Produce Stands** (Ord 96-05, 4/10/96). Incidental Produce Stands may be allowed as a conditional use, upon approval by the designated land use authority 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 primarily on the premises.
 - b. Terms and Conditions.
 - i. Incidental Produce Stands are listed as a conditional use in the zone.
 - ii. The property includes a minimum of five (5) acres.
 - iii. Products offered for sale should be consistent with the definition of Produce Stands; see DC 3.01.110.
 - iv. The Produce stand shall provide sufficient off-street parking space to safely accommodate the anticipated level of patrons and employees. The required off-street parking shall be in addition to the spaces required to meet the parking requirements of the primary use.
 - v. 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. Additional signage may be approved for parking and other items not related to advertisement.
 - vi. An annual business license to operate the produce stand shall be

obtained from the City.

- vii. 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.

4. Shooting Ranges : Shooting Ranges may be permitted as a conditional use. All shooting ranges will be subject to compliance with Alpine City Code 9.17-Shooting Ranges and the following standards:

- a. All shooting ranges shall be located in a facility completely underground by a minimum of 10 inches from ceiling of the shooting range to the ground level, with walls and ceiling of steel, concrete or other material sufficiently thick to prevent any bullet or arrow from piercing it, and so arranged that there will be no danger from ricocheting or deflected pieces of bullet and have internal baffling installed so that the ammunition discharged will be completely contained within the shooting range.
- b. Indoor shooting ranges shall be constructed and insulated in such a manner that prevents sound from the discharge of firearms within the facility to exceed a maximum limit of sixty-five (65) dBA at the property line.
- c. Targets shall be placed before a backstop of steel or other material sufficiently thick to prevent any bullet or arrow from piercing it, and so arranged that there will be no danger from ricocheting or deflected pieces of bullet or arrow.
- d. All shooting ranges shall comply with all applicable laws, rules and regulations regarding lead contamination.
- e. Hours of operation shall be from 7:00 A.M. to 10:00 P.M. unless sound levels from the shooting range at the property line are forty (40) dBA or less. If forty (40) dBA or less sound levels are met, there shall be no limitation on hours of operation.
- f. A site plan shall be approved by the Lone Peak Chief of Police.
- g. All portions of the range shall be set back at a minimum of 12' from the nearest property line.
- h. The minimum lot size shall be 20,000 square feet.

(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

June 11, 2024.

	AYE	NAY	ABSENT	ABSTAIN
Chrissy Hannemann	<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"/>
Brent Rummmler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kelli Law	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Presiding Officer

Attest



Carla Merrill, Mayor, Alpine City



DeAnn Parry, City Recorder, Alpine City