

**ALPINE CITY
ORDINANCE 2023-01**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLES 3.01.110 3.02.030,
3.03.030 3.04.030, 3.05.030, 3.06.020, 3.07.030, AND 3.23 OF THE ALPINE CITY
DEVELOPMENT CODE PERTAINING TO CONDITIONAL USES**

WHEREAS, The Planning Commission held a public hearing on November 15, 2022, regarding proposed amendments to Articles 3.02.030, 3.03.030 3.04.030, 3.05.030, 3.06.020, 3.07.030, and 3.23 of the Alpine City Development Code; and

WHEREAS, on December 6, 2022, the Planning Commission recommended approval of proposed amendments to Articles 3.01.110, 3.02.030, 3.03.030 3.04.030, 3.05.030, 3.06.020, 3.07.030, and 3.23 of the Alpine City Development Code; and

WHEREAS, on January 10, 2023, the Alpine City Council has deemed it in the best interest of Alpine City to amend Articles 3.01.110, 3.02.030, 3.03.030 3.04.030, 3.05.030, 3.06.020, 3.07.030, and 3.23 of the Alpine City Development Code; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed amendments to Articles 3.01.110 3.02.030, 3.03.030 3.04.030, 3.05.030, 3.06.020, 3.07.030, and 3.23 of the Alpine City 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 Articles 3.01.110, 3.02.030, 3.03.030 3.04.030, 3.05.030, 3.06.020, 3.07.030, and 3.23 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 3.01.110, 3.02.030, 3.03.030 3.04.030, 3.05.030, 3.06.020, 3.07.030, and 3.23 of the Alpine City Development Code will supersede Articles 3.02.030, 3.03.030 3.04.030, 3.05.030, 3.06.020, 3.07.030, and 3.23 of the Alpine City Development Code as previously adopted.

SECTION 1: **AMENDMENT** “3.01.110 Definitions” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.01.110 Definitions

ACCESSORY APARTMENT. A subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping and sanitation facilities.

ACCESSORY BUILDING. A detached subordinate building, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use.

AGRICULTURE. The tilling of soil, the raising of crops, horticulture, the gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, commercial egg production, or similar uses.

APIARY. Any place where one (1) or more colonies of bees are located.

AVERAGE SLOPE OF LOT. The average slope of a lot, expressed as the percent of slope, to be determined via computer modeling. AutoCAD or ESRI products are acceptable programs to be used for determining the average slope of lot; any other program must be pre-approved by the City Engineer.

BEEKEEPING EQUIPMENT. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

BUILDABLE AREA. (Ord. 94-02, 2/8/94) A lot or portion thereof possessing all of the following physical characteristics:

1. The area contains no territory having a natural slope of twenty (20) percent or greater;
2. The area contains no territory which is located in any identified flood plain or within any recognized inundation zone, mud flow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
3. The engineering properties of the soil provide adequate structural support for the intended use;
4. The area does not possess any other recognized natural condition, which renders it unsafe for building purposes;
5. The area is within the building setback envelope as determined in accordance with the setback provisions of the zone; and
6. The area is readily capable of vehicular access from the adjacent public street over a driveway having a slope of not more than twelve (12) percent with no cut or fill greater than five feet as measured at the finished grade of the centerline alignment.

BUILDING. Any structure having a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

CIVIC BUILDING. A structure owned by the City and used for governmental purposes, including administrative buildings (City Hall) fire stations, police stations, libraries, but not including shop and repair facilities.

COLONY. Bees in a hive including queens, workers, or drones.

CONDITIONAL USE. A use of land that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CUSTOMARY RESIDENTIAL ACCESSORY STRUCTURE. A structure constructed on the same zoning lot as a dwelling and which is intended for the incidental and exclusive use of the residents of said dwelling, including but not limited to detached garages, carports, swimming pools, tennis courts, green houses, storage buildings, and satellite dishes.

DEVELOPMENT. Any change to a parcel of ground, which alters it from its natural state in any way. This includes clearing, excavation, grading, installation of any infrastructure or erection of any types of buildings.

DWELLING CLUSTER. A Group of three (3) or more single-unit detached Dwellings whose respective Buildable Areas are located no more than 400 feet from one Buildable Area to the next closest Buildable Area as measured from the midpoint of each Buildable Area.

DWELLING UNIT. One or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit. See also Dwelling, Single Family.

DWELLING, MULTIPLE-UNIT. A building arranged to be occupied by two (2) or more families, the structure having two (2) or more attached dwelling units.

DWELLING, SINGLE FAMILY. A building arranged or designed to include only one (1) dwelling unit occupied by one (1) family, including extended living areas or an accessory apartment which may be approved as provided elsewhere in this Code.

ELECTRIC BICYCLE (CLASS 1). bicycle equipped with an electric motor that: has a power output of not more than 750 watts; has fully operational pedals on permanently affixed cranks; is fully operational as a bicycle without the use of the electric motor; provides assistance only when the rider is pedaling; and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour. For the purpose of City ordinances, shall not be considered a motorized vehicle.

EXPOSED FACE OF RETAINING WALL. The part of a retaining wall that is above ground and visible. An exposed face of a retaining wall shall be considered visible from the nearest public right of way when the alignment of the wall is within 60 degrees of parallel to the nearest public right of way.

FAMILY. An individual or two (2) or more persons related by blood, marriage, adoption, or guardianship; or a group of not more than four (4) persons, (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities. "Family" does not exclude the care of foster children.

FENCES. A fence shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs with the purpose of preventing passage or view across a boundary or lot line. (Ord. 2004-13, 9/28/04)

1. Privacy fences are structures where the field of vision through the fence is less than 50%.
2. Open-style fences are structures where the field of vision through the fence is 50% or greater.

FRONTAGE. The width of the lot or parcel of land measured at the required front setback-line.

GARAGE/CARPORT (PRIVATE). A structure for the parking or temporary storage of automobiles, but which does not involve commercial repairing or storage.

GEOLOGIC HAZARD. A hazard inherent in the surface or subsurface of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to movement, failure, or shifting of earth.

GROUP LIVING ARRANGEMENT. A group living or congregate living arrangement where groups of more than four unrelated persons live together in a single dwelling unit, including, but not limited to, a batching apartment, Congregate Living Unit, Assisted Living Facility, Nursing Care Facility, Residential Facility for Persons With a Disability, dormitory, student housing, fraternity, club, institutional group, half-way house, or similar group living or congregate living arrangement.

GUEST HOUSE. An accessory building constructed on the same zoning lot as the principle Single-Unit dwelling to be used for temporary occupancy.

HANDICRAFT PRODUCTION. Production of an individual's one-of-a-kind objects for sale on the site.

HELICOPTER. A manned aircraft in which lift, flight and landing is achieved by means of one or more power-driven horizontal propellers.

HELIPORT. An area on land or upon a building or structure set aside and used for the landing or takeoff of helicopters or other manned rotary wing aircrafts capable of vertical takeoff or landing.

HIVE. A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.

HOME OCCUPATION. Any gainful occupation, service, profession or similar activity conducted in a consistent and ongoing manner within a dwelling. Business activity consisting primarily of the sale of goods produced elsewhere on the premises (i.e. retail sales establishment) shall not qualify as a home occupation.

HOBBY BEEKEEPER. A person who owns or has charge of eight (8) or fewer hives of bees.

HONEYBEE. The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted to a residence and kept for company or pleasure, such as dogs, cats, fish and canaries. Household pets do not include inherently or potentially dangerous animals or fowl, or those normally considered agricultural livestock.

IMPERVIOUS MATERIAL. Matter that is impenetrable as by moisture.

LIGHT TRESPASS. Light from an artificial source which can be measured on a neighboring property, and subject to the foregoing, the maximum allowed vertical illuminance at any point on the plane of the property line is 0.1 foot-candles.

LOT. A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale of land resulting from the division of a larger tract into smaller units. Lots shall be generally rectangular in nature, and shall have no more than five sides without an exception being recommended by the Planning Commission and approved by the City Council; the front of a property, located at the front right of way, does not count against this requirement.

LOT, CORNER. Shall mean a lot located at the junction of and fronting on two (2) or more intersecting streets.

MOBILE HOME. A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailer or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building Code and which are finished with exterior building material that is typical of permanent residential buildings.

NON-CONFORMING USE. A building or structure, or portion thereof, or use of a building or land which does not conform to use regulations for the district in which it is situated, but which is in conformity with said regulations, if any, at the time of its establishment.

OFF STREET PARKING. An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.

OFFICE, PROFESSIONAL. A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and for license, are qualified to perform services of a professional nature, and where storage of goods and sale of merchandise is minimal and secondary to performance of the service.

OUTDOOR LIGHTING. External lighting on a building or a property and any other artificial illumination of a property.

OUTDOOR RECREATION AREAS. Areas of a property used for recreation purposes, including but not limited to: soccer fields, sports courts, swimming pools, tennis courts, pickleball courts, basketball courts, sports fields, arenas, and other areas of recreation.

OWNER OCCUPANT. means, except as set forth in Subsection (3) of this definition:

1. an individual who:
 - a. possesses, as shown by a recorded deed, fifty (50) percent or more ownership in a dwelling unit; and
 - b. occupies the dwelling unit with a bonafide intent to make it his or her primary residence; or
2. an individual who:
 - a. is a trustor of a family trust which:
 - i. possesses fee title ownership to a dwelling unit;
 - ii. was created for estate planning purposes by one (1) or more trustors of the trust; and
 - b. occupies the dwelling unit owned by the family trust with a bonafide intent to make it his or her primary residence. Each living trustor of the trust shall so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit shall nevertheless be the domicile of the trustor during the trustor's temporary absence.
3. A person who meets the requirements of Subsections (1) and (2) of this definition shall not be deemed an owner occupant if the property on which the dwelling unit is located has more than one (1) owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.
 - a. A claim that a person is not an owner occupant may be rebutted only by documentation, submitted to the Planning and Zoning Department, showing that the person who occupies the dwelling unit has a bona fide intent to make the dwelling unit his or her primary residence as indicated by the following documents which show such person:
 - i. is listed as a primary borrower on documents for any loan presently applicable to the property where the dwelling unit is located;
 - ii. has claimed all income, deductions, and depreciation from the property on his or her tax returns for the previous year;

- iii. is the owner listed on all rental documents and agreements with tenants who occupy the dwelling unit, including any accessory apartment;
 - iv. is the owner listed on all insurance, utility, appraisal, or other contractual documents related to the property; and
 - v. is a full-time resident of Utah for Utah State income tax purposes.
- b. Any person who claims to be an owner of the dwelling unit, but who does not occupy it, shall provide documentation to the Planning and Zoning Department which shows such person:
- i. has not claimed any income, tax deduction, or depreciation for the property on the person's tax returns for the previous year;
 - ii. is not listed as an owner on any rental document or agreement with any tenant who occupies the dwelling unit, including any accessory apartment; and
 - iii. is not listed as an owner on any insurance, utility, appraisal, or a agreement related to the property.
- c. Any person, or group of persons, who fails, upon request of the Planning and Zoning Department, to provide any of the documents set forth in Subsections (3)(a) or (3)(b) of this definition or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit shall mean for the purpose of this Title that such person or persons shall not be deemed an "owner occupant" of the dwelling unit in question.

OPEN SPACE. The use of land which leaves soil generally undisturbed and upon which natural vegetation, whether or not native to the area, occupies the major visible aspect of the land.

PERMITTED USE. A use of land for which no conditional use permit is required.

PRIMARY USE. The main use to which the premises is devoted and the primary purpose for which the premises exists. An ancillary use's square footage shall not exceed the primary use's square footage.

PRODUCE STANDS. Any temporary or permanent structure, used for the sale of agricultural products, that is sited on the lot on which the majority of products being offered for sale have been grown. The agriculture products offered for sale must be primarily fresh whole fruits and or vegetables. Certain animal products may also be sold as part of the produce stand, these are limited to fresh eggs, raw milk, fresh cheese, fresh yogurt, raw honey, honeycomb, and bees wax.

PUBLIC USE. A use operated or supervised exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative and service facilities, and public utilities.

QUASI PUBLIC USE. A use operated by a private non-profit educational, religious, recreational, charitable or philanthropic institution, having the primary purpose of serving the general public, such as churches, private schools, hospitals and similar uses.

REASONABLE ACCOMMODATION. A reasonable change in any rule, policy, practice, or service necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling when compared to similarly-situated persons or groups.

RECREATION, PUBLIC. Recreation facilities operated by a public agency and open to the public with or without a fee.

RESIDENCE. A dwelling unit where an individual or family is actually domiciled at a given point in time and not a place of temporary sojourn or transient visit. Temporary sojourn or transient visit shall be thirty (30) days or less.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY. A residence in which no more than eight (8) unrelated persons with a disability resides and which is:

1. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
2. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.

RETAINING WALL. Any structure designed to resist the lateral displacement of soil or other materials. Examples include block walls, rock walls, concrete walls and segmented walls. A retaining wall is not considered a fence.

SHORT TERM RENTAL. Temporary lodging or place of stay that is rented (including but not limited to: hotels, motels, bed and breakfast, boarding houses, etc.) for a period of thirty (30) consecutive days or less.

SIGN. Any device for visual communication to the public displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs, to be viewed from out-of-doors, but not including a flag, badge, or ensign of any government or government agency.

STREET, PUBLIC. A thoroughfare which has been dedicated and accepted by proper public authority (or abandoned to the public) or a thoroughfare not less than twenty-four (24) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed, the use of which requires fixed location upon the ground, or attached to something having a fixed location upon the ground, and which creates an impervious material on or above the ground; definition includes "building."

YARD. A required space on a lot other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

YARD, FRONT. A space between the front of the main building on a lot and the front lot line or line of an abutting street or right-of-way and extending across the full width of a lot. The depth (or setback) of the front yard is the minimum distance between the front lot line, and the front-most part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches, and decks).

YARD, REAR. A space between the back wall of the nearest main building extending the full width of the lot and the lot line that is most distant from, and is most nearly parallel with, the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten foot (10') line parallel to the front line, lying wholly within the lot for the purpose of establishing the minimum rear yard. The depth (or setback) of the rear yard is the minimum distance between the rear lot line and the rearmost part of the primary structure of the nearest main building at the foundation level.

(Primary structure includes overhangs, porches and decks. See drawing in Appendix A). (Ord. 2004-13, 9/28/04)

YARD, SIDE. A yard that is neither a front yard nor a rear yard. The depth (or setback) of the side yard is the minimum distance between the side lot line and the nearest part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks).

ZONING LOT (Ord. 94-02, 2/8/94). A lot or parcel of land which:

1. Meets all area (lot size), frontage (width), setback (yard), and other zoning requirements applicable within the zone in which it is located;
2. Abuts upon and has direct access to a street which has been dedicated to the City or otherwise accepted by the City as a City Street;
3. Is served by the minimum level of improvements required for issuance of a building permit or for which the construction of the minimum level of improvements is secured through the posting of a performance guarantee; and
4. Is shown as a separate lot on the final plat of a subdivision or similar development, which has been approved in accordance with the applicable ordinance, or is legally exempted from compliance with said ordinance. A parcel which is part of an unapproved or illegal subdivision shall not qualify as a zoning lot.

(Amended by Ord. 2004-14 on 9/28/04; Ord. 2009-16, 10/13/09; Ord. 20011-06, 03/08/11; Ord. 2011-12, 10/25/11; Ord. 2014-11, 6/24/14; Ord. 2015-02, 02/10/15; Ord. 2015-07, 05/26/15)

SECTION 2: **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 and subject to approval by the Planning Commission.

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

SECTION 3: **AMENDMENT** “3.03.030 Conditional Uses” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

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 and subject to approval by the Planning Commission.

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

SECTION 4: **AMENDMENT** “3.04.030 Conditional Uses” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

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 3.23.070 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 by the Planning Commission.
10. Incidental Produce Stands, subject to the provisions of DCA 3.23.070 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 and subject to approval by the Planning Commission.

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

A M E N D M E N T

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 and subject to approval by the Planning Commission.

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

SECTION 6: **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 or as approved by City Council.
9. Customary household pets.
10. Shooting Galleries, subject to the applicable provisions of MCA 9.17 and subject to approval by the Planning Commission.

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

SECTION 7: **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 approval by the Planning Commission.
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 3 parking spaces provided per bay.
 - 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)

SECTION 8: AMENDMENT “3.23.030 Conditional Use Standards Of Review” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.23.030 Conditional Use Standards Of Review

Alpine City may allow a conditional use in any zone in which the particular use is designated as a conditional use in the use regulations of this ordinance.

The City shall not issue a conditional use permit unless the City Administrator or his designee, in the case of an administrative conditional use, or the Planning Commission, for all other conditional uses, concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditionals uses, as well as the specific standards for the use.

1. **General Review Criteria.** An applicant for conditional use in the zone must demonstrate:
 - a. The application complies with all applicable provisions of this Chapter, state and federal law;
 - b. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
 - c. The use is not detrimental to the public health, safety and welfare;
 - d. The use is consistent with Alpine City General Plan as amended;
 - e. Traffic conditions are not adversely affected by the proposed use;
 - f. There is sufficient utility capacity;
 - g. There is sufficient emergency vehicle access;
 - h. The location and design of off-street parking as well as compliance with off-street parking standards;
 - i. A plan for fencing, screening and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
 - j. Exterior lighting that complies with the lighting standards of the zone;
 - k. Within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.
2. **Specific Review Criteria for Certain Conditional Uses.** In addition to the foregoing, the Planning Commission or the City Administrator/designee must evaluate

the applicant's compliance with each of the listed criteria under the specific use when considering whether to approve, deny or conditionally approve an application for conditional uses.

(Amended by Ordinance 2005-21 on 12/20/05)

SECTION 9: **AMENDMENT** "3.23.040 Permit Revocation" of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.23.040 Permit Revocation

1. The City Council may revoke the conditional use permit of any person upon a finding that the holder of the permit has failed to comply with any of the conditions imposed at the time the permit was issued. The City Council shall send notice of revocation to the permit holder and the permit holder shall immediately cease any use of the property which was based on the conditional use permit.
2. If the City revokes any permit under this section, the permit holder shall have the right to appeal the revocation of the permit. The holder must file the appeal with the City Recorder within fifteen (15) days of the notice that the City has revoked the conditional use permit.
3. Upon receipt of the appeal, the Hearing Officer shall fix a reasonable time for the hearing of the appeal. The City shall give notice to supply the permit holder of the time, date and place of the hearing at least ten (10) days before the hearing. At the hearing, the permit holder shall have the right to be heard on the revocation.

(Amended by Ordinance 2005-21 on 12/20/05)

SECTION 10: **REPEAL** "3.23.060 Time Limit" of the Alpine City Development Code is hereby *repealed* as follows:

REPEAL

~~3.23.060 Time Limit~~ (*Repealed*)

1. A conditional use permit for temporary uses may be issued for a maximum period of six (6) months, with renewals at the direction of the Planning Commission for not more than three (3) successive periods thereafter.
2. Action authorized by a conditional use permit must commence within one (1) year of the time the permit was issued. If the permit holder has not commenced action under

the permit within this time, the permit shall expire and the holder must apply for a new permit. The Planning Commission may grant an extension for good cause shown. Only one extension may be granted and the maximum extension shall be six (6) months. In order to obtain an extension, the permit holder must apply for an extension in writing before the expiration of the original permit. The application must be submitted to the City Recorder and the application must describe the cause for requesting the extension.

(Amended by Ordinance 2005-21 on 12/20/05)

SECTION 11: AMENDMENT “3.23.070 Review Conditions And Criteria For Certain Conditional Uses” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

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 allowed 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 allowed 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 gvwt 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 allowed 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 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.

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

SECTION 12: **EFFECTIVE DATE** This Ordinance shall take effect upon posting.

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

11/16/23

	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Presiding Officer

Attest


Carla Merrill, Mayor, Alpine City


Bonnie Cooper, City Recorder, Alpine
City

