



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold an **Electronic Public Meeting** on **Tuesday, February 2, 2021 at 7:00 pm.**

The public may view the meeting via the **Alpine City YouTube Channel**. A direct link to the channel can be found on the home page of the Alpine City website: alpinecity.org

Public Comment for a Public Hearing on the agenda may be submitted to admin@alpinecity.org by **5:00 pm the day of the meeting.**

I. GENERAL BUSINESS

- | | |
|-----------------------------|--------------|
| A. Welcome and Roll Call: | Jane Griener |
| B. Prayer/Opening Comments: | Ethan Allen |
| C. Pledge of Allegiance: | John MacKay |

II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission. Comments may be submitted to admin@alpinecity.org by 5:00 PM the day of the meeting.

III. ACTION ITEMS

A. Biennial Selection of Chair and Vice Chair

The Planning Commission will select a Chair and Vice Chair to serve for the next two years.

B. Ordinance 2021-06 Accessory Building Setback Exception Criteria

The Planning Commission will review the proposed ordinance and recommend edits.

C. Ordinance 2021-05 Animal Ordinance

The Planning Commission will review the proposed ordinance and make a recommendation to City Council.

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: January 19, 2020

ADJOURN

Chair Jane Griener
January 29, 2020

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION MEETINGS. If you need a special accommodation to participate in the meeting, please call the City Recorder's Office at 801-756-6347 ext. 5.

CERTIFICATION OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was posted at Alpine City Hall, 20 North Main, Alpine, UT. It was also sent by e-mail to The Daily Herald located in Provo, UT a local newspaper circulated in Alpine, UT. This agenda is also available on the City's web site at www.alpinecity.org and on the Utah Public Meeting Notices website at www.utah.gov/pmn/index.html.

PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

Please remember all public meetings and public hearings are now recorded.

- All comments **must** be recognized by the Chairperson and addressed through the microphone.
- When speaking to the Planning Commission, please stand, speak slowly and clearly into the microphone, and state your name and address for the recorded record.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversation with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become the property of the City.
- Please silence all cellular phones, beepers, pagers or other noise making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length, and avoiding repetition of what has already been said. Individuals may be limited to two minutes and group representatives may be limited to five minutes.
- Refrain from congregating near the doors or in the lobby area outside the council room to talk as it can be very noisy and disruptive. If you must carry on conversation in this area, please be as quiet as possible. (The doors must remain open during a public meeting/hearing.)

Public Hearing vs. Public Meeting

If the meeting is a **public hearing**, the public may participate during that time and may present opinions and evidence for the issue for which the hearing is being held. In a public hearing there may be some restrictions on participation such as time limits.

Anyone can observe a **public meeting**, but there is no right to speak or be heard there - the public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Election of Chair and Vice-Chair

FOR CONSIDERATION ON: 2 February 2021

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Elect a new Chair and Vice-Chair

BACKGROUND INFORMATION:

At the first meeting of each odd year the Planning Commission shall elect a new Chair and Vice-Chair. A person may be elected to serve consecutive terms as Chair. Planning Commission should nominate and vote on a new Chair and Vice-Chair to serve for a two year term.

2.02 Planning Commission

2.02.010 Establishment Of Planning Commission

2.02.020 Term Of Office

2.02.030 Organization

2.02.040 Duties And Powers

2.02.050 Additional Duties And Powers

2.02.010 Establishment Of Planning Commission

Pursuant to authority granted in Title 10-9a-301 UCA 1953, as amended, there is hereby created a Planning Commission. The Planning Commission shall consist of seven (7) members. The members shall be appointed by the Mayor with the advice and consent of the City Council.

Members shall be selected without respect to political affiliation. The legislative body may fix per diem compensation for the members of the Planning Commission, based on necessary and reasonable expenses and on meetings actually attended.

(Ord. 98-01:1/28/98, Amended by Ord. 2006-17, 11/14/06; Ord. 2009-03, 2/24/09; Ord. 2010-02, 2/09/10)

2.02.020 Term Of Office

Each member of the Planning Commission shall serve for a term of four (4) years or until his successor is appointed. The term of office for each member shall commence on the first day of January. The Mayor may remove any member of the Planning Commission for cause. The Planning Commissioner being removed may appeal to the City Council and may request a public hearing be held. Any vacancy occurring on said Commission by reason of death, resignation, removal or disqualification shall be filled in the same manner as an original appointment for the unexpired term.

(Ord. 98-01:1/28/98, Amended by Ord. 2006-17, 11/14/06; Ord. 2009-03, 2/24/09; Ord. 2010-02, 2/09/10)

(Amended by Ord. No. 2007-04, 4/10/07; Ord. 2010-02, 2/09/10)

2.02.030 Organization

1. At its first meeting in January of each odd year, the Planning Commission shall elect one of its members as Chair and a second member as Vice-Chair. The Chair shall serve for a term of two years and until a successor is chosen. A vacancy in the position of Chair or Vice-Chair shall be filled for the unexpired term by election at the next meeting of the Planning Commission. A person may be elected to serve consecutive terms as Chair.
2. The Chair shall preside at all meetings of the Planning Commission. In the absence of the Chair, the Vice-Chair shall preside. If both the Chair and Vice-Chair are absent, the Commission shall elect one of its members as Chair Pro-Tem to preside at that meeting.
3. Subject to the approval of the City Council, the Planning Commission shall adopt Rules of Procedure consistent with this Code for its own organization and for the transaction of business. Such rules shall not be inconsistent with any directive or instruction received from the City Council.
4. Meetings of the Planning Commission shall be held as frequently as the Commission deems advisable.
5. Reports of official acts and recommendations of the Planning Commission shall be made in

writing to the City Council and shall indicate how each member of the Commission voted with respect to such act or recommendation. Any member of the Commission may also make a concurring or dissenting report or recommendation to the City Council whenever he or she so desires.

(Ord. 98-01:1/28/98, Amended by Ord. 2006-17, 11/14/06; Ord. 2009-03, 2/24/09; Ord. 2010-02, 2/09/10)

2.02.040 Duties And Powers

The Planning Commission shall:

1. make a recommendation to the City Council for:
 - a. a general plan and amendments to the general plan;
 - b. land use ordinances, zoning maps, official maps, and amendments;
 - c. an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
 - d. an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
 - e. application processes that:
 - i. may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
 - ii. shall protect the right of each:
 - (1) applicant and third party to require formal consideration of any application by a land use authority;
 - (2) applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and
 - (3) participant to be heard in each public hearing on a contested application.
2. prepare and recommend a proposed ordinance to the City Council that regulates the subdivision of land; prepare and recommend or consider and recommend a proposed ordinance that amends the regulation of the subdivision of the land in the City.
3. have the authority to grant concept and preliminary approval for subdivisions that fully comply with Alpine City ordinances, and recommend final approval to the City Council for subdivisions that are in compliance.
4. review and make a recommendation to the City Council on site plans for buildings not located in an approved subdivision for compliance with Alpine City ordinances prior to the issuance of a building permit (see DCA 4.14 for more information).
5. as a land use authority, hear and decide applications for conditional use permits, other than administrative conditional uses (see DCA 3.23 for more information).
6. make a recommendation to the City Council for any extension and reconstruction of non-conforming buildings or buildings housing a non-conforming use (see DCA 3.22 for more information).

7. follow the appropriate procedures for public hearings and public meetings and shall give proper public notice as applicable.

(Ord. 98-01:1/28/98, Amended by Ord. 2006-17, 11/14/06; Ord. 2009-03, 2/24/09; Ord. 2010-02, 2/09/10)

2.02.050 Additional Duties And Powers

The Planning Commission:

1. May conduct hearings and meetings with interested property owners, officials and citizens in the process of carrying out its functions.

(Ord. 98-01:1/28/98, Amended by Ord. 2006-17, 11/14/06; Ord. 2009-03, 2/24/09; Ord. 2010-02, 2/09/10)

ALPINE CITY COUNCIL AGENDA

SUBJECT: Ordinance 2021-06: Accessory Building Setback Exception Criteria

FOR CONSIDERATION ON: 2 February 2021

PETITIONER: Residents of Alpine (Bingham, Cushing, and Strong Families)

ACTION REQUESTED BY PETITIONER: Review and approve the proposed ordinance.

BACKGROUND INFORMATION:

On January 5, 2021, the Bingham, Cushing, and Strong families spoke during the public comment portion of the Planning Commission meeting. They felt an amendment was needed to the accessory building setback exception ordinance and the maximum allowed height for structures receiving an exception. The Planning Commission discussed the item and told the residents they would hold a public hearing and put this on the agenda for the upcoming meeting.

The Planning Commission held a public hearing for the proposal on January 19, 2021, and recommended that the proposal be denied through the following motion:

***MOTION:** Ed Bush made motion to recommend that the Accessory Building Setback Exceptions be denied as proposed and that the ordinance be left as is. Sylvia Christiansen seconded the motion. There were 5 Ayes and 2 Nays (recorded below). The motion passed.*

Ayes

Sylvia Christiansen
Ed Bush
Ethan Allen
Alan MacDonald
Troy Slade

Nays

John MacKay
Jane Griener

On January 26, 2021, the City Council reviewed the proposal and decided that the City ordinance needs to be amended. Item was sent back to Planning Commission to draft language to allow for increased height and to allow structures to be built in an easement if they are moveable.

***MOTION:** Jason Thelin motioned that the council send back the proposal to the Planning Commission instructing them to do two things one look at the allowable height for accessory buildings and determine if a height of 12-feet 6-inches would be acceptable in Alpine City and second determine if movable accessory building would be allowable with in the setback and easements of a property. Greg Gordon seconded the motion. There were 4 Ayes and 1 Nays, as recorded below. The motion passed.*

Ayes

Lon Lott
Jessica Smuin
Greg Gordon
Jason Thelin

Nays

Carla Merrill

STAFF RECOMMENDATION:

Review the proposed ordinance recommend any edits necessary.

SAMPLE MOTION TO APPROVE:

I motion to recommend that the proposed amendment be approved as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I motion to recommend that the proposed amendment be approved with the following conditions/changes:

- ***Insert Finding***

SAMPLE MOTION TO TABLE:

I motion that the proposed amendment be tabled based on the following:

- ***Insert Finding***

**ALPINE CITY
ORDINANCE 2021-06**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.03.050, 3.02.050,
3.04.050, 3.05.050, AND 3.06.040 OF THE ALPINE CITY DEVELOPMENT CODE
PERTAINING TO ACCESSORY STRUCTURE SETBACK EXCEPTION
CRITERIA.**

WHEREAS, The Planning Commission held a public hearing on January 19, 2021, regarding proposed amendments to Article 3.03.050, 3.02.050, 3.04.050, 3.05.050, and 3.06.040 of the Development Code; and

WHEREAS, on January 26, 2021, the Alpine City Council has deemed it in the best interest of Alpine City to update the setback exception criteria for accessory buildings; 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 Alpine City, in the State of Utah, as follows: The amendments to Article 3.03.050 will supersede Article 3.03.050 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: AMENDMENT “3.03.050 Setback Requirements (See Appendix For Drawing)” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.03.050 Setback Requirements (See Appendix For Drawing)

- 1. Dwellings and other Main Buildings.** 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. **Accessory Buildings.** All accessory buildings shall be located in accordance with the following: (Amended by Ord. No. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10)
- a. Setback from Main Building. Accessory buildings 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.
 - b. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
 - c. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
 - d. Side and Rear Setback - Interior Lot Line. Accessory buildings 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 ~~no~~ a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:
 - i. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - ii. The accessory building contains no openings on the side contiguous to the lot line;
 - iii. No drainage from the roof will be discharged onto an adjacent lot;
 - iv. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - v. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the City and all utilities sign off that the easement is not be used; ~~and~~
 - vi. The building will not be taller than ~~ten-twelve (10-12)~~ feet six (6) inches to the top of the roof line.;
 - vii. The building does not require permanent attachment to the ground and can be moved or relocated within 24 hours;
 - viii. The building will not exceed 200 square feet in size; and
 - ix. The building will have no associated electrical, gas, plumbing, or mechanical equipment attached or running to it.

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

SECTION 2: AMENDMENT “3.02.050 Setback Requirements (See Appendix For Drawing)” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

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. Accessory Buildings. All accessory buildings shall be located in accordance with the following: (Amended by Ord. No. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10)

- a. Setback from main building. Accessory buildings 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.
- b. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
- c. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
- d. Side and Rear Setback - Interior Lot Line. Accessory buildings 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 ~~no~~ a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:
 - i. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - ii. The accessory building contains no openings on the side contiguous to the lot line;
 - iii. No drainage from the roof will be discharged onto an adjacent lot;

- iv. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
- v. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the City and all utilities sign off that the easement is not be used
;~~and~~
- vi. The building will not be taller than ~~ten~~ twelve (12) feet six (6) inches to the top of the roof line.;
- vii. The building does not require permanent attachment to the ground and can be moved or relocated within 24 hours;
- viii. The building will not exceed 200 square feet in size; and
- ix. The building will have no associated electrical, gas, plumbing, or mechanical equipment attached or running to it.

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

SECTION 3: AMENDMENT “3.04.050 Setback Requirements (See Appendix For Drawing)” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

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. **Accessory Buildings.** All accessory buildings shall be located in accordance with the following: (Amended by Ord. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10)

- a. Setback from Main Building. Accessory buildings 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.
- b. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
- c. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
- d. Side and Rear Setback - Interior Lot Line. Accessory buildings 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 ~~ten~~ a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:
 - i. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - ii. The accessory building contains no openings on the side contiguous to the lot line;
 - iii. No drainage from the roof will be discharged onto an adjacent lot;
 - iv. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - v. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement; ~~and~~ unless the City and all utilities sign off that the easement is not to be used;
 - vi. The building will not be taller than ~~ten~~ twelve (12) feet six (6) inches to the top of the roof line; vii. The building does not require permanent attachment to the ground and can be moved or relocated within 24 hours;
 - viii. The building will not exceed 200 square feet in size; and
 - ix. The building will have no associated electrical, gas, plumbing, or mechanical equipment attached or running to it.

(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 4: AMENDMENT “3.05.050 Setback Requirements (See Appendix For Drawing)” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.05.050 Setback Requirements (See Appendix For Drawing)

Same as required within the CR-40,000 Country Residential Zone or as set forth on the final plat of the Planned Residential development, as applicable.

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. **Accessory Buildings.** (Amended by Ord. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10) All accessory buildings shall be located in accordance with the following:
 - a. Setback from Main Building. Accessory buildings 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.
 - b. Side Setback- Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
 - c. Front Setback. Accessory buildings shall not be set back less than forty (40) feet from the front property line.
 - d. Side and Rear Setback - Interior Lot Line. Accessory buildings 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 ~~no~~ a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:
 - i. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - ii. The accessory building contains no openings on the side contiguous to the lot line;
 - iii. No drainage from the roof will be discharged onto an adjacent lot;
 - iv. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - v. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement; ~~and~~, unless the City and all utilities sign off that the easement is not to be used;

- vi. The building will not be taller than ~~ten~~twelve (12) feet six (6) inches to the top of the roof line;
- vii. The building does not require permanent attachment to the ground and can be moved or relocated within 24 hours;
- viii. The building will not exceed 200 square feet in size; and
- ix. The building will have no associated electrical, gas, plumbing, or mechanical equipment attached or running to it.

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

SECTION 5: AMENDMENT “3.06.040 Setback Requirements (See Appendix For Drawing)” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.06.040 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. **Accessory Buildings** (Amended by Ord. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10). All accessory buildings shall be located in accordance with the following:
 - a. Setback from Main Building. Accessory buildings 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.
 - b. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.

- c. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
- d. Side and Rear Setback - Interior Lot Line. Accessory buildings 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 ~~no~~ a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:
 - i. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - ii. The accessory building contains no openings on the side contiguous to the lot line;
 - iii. No drainage from the roof will be discharged onto an adjacent lot;
 - iv. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - v. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement; ~~and,~~ unless the City and all utilities sign off that the easement is not to be used;
 - vi. The building will not be taller than ~~ten-twelve (10-12)~~ feet six (6) inches to the top of the roof line;:
 - vii. The building does not require permanent attachment to the ground and can be moved or relocated within 24 hours;
 - viii. The building will not exceed 200 square feet in size; and
 - ix. The building will have no associated electrical, gas, plumbing, or mechanical equipment attached or running to it.

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

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Gregory Gordon	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Bonnie Cooper, City Recorder Alpine
City

**ALPINE CITY
ORDINANCE 2021-06**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.03.050, 3.02.050,
3.04.050, 3.05.050, AND 3.06.040 OF THE ALPINE CITY DEVELOPMENT CODE
PERTAINING TO ACCESSORY STRUCTURE SETBACK EXCEPTION
CRITERIA.**

WHEREAS, The Planning Commission held a public hearing on January 19, 2021, regarding proposed amendments to Article 3.03.050, 3.02.050, 3.04.050, 3.05.050, and 3.06.040 of the Development Code; and

WHEREAS, on January 26, 2021, the Alpine City Council has deemed it in the best interest of Alpine City to update the setback exception criteria for accessory buildings; 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 Alpine City, in the State of Utah, as follows: The amendments to Article 3.03.050 will supersede Article 3.03.050 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: AMENDMENT “3.03.050 Setback Requirements (See Appendix For Drawing)” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.03.050 Setback Requirements (See Appendix For Drawing)

- 1. Dwellings and other Main Buildings.** 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. **Accessory Buildings.** All accessory buildings shall be located in accordance with the following: (Amended by Ord. No. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10)
- a. Setback from Main Building. Accessory buildings 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.
 - b. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
 - c. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
 - d. Side and Rear Setback - Interior Lot Line. Accessory buildings 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:
 - i. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - ii. The accessory building contains no openings on the side contiguous to the lot line;
 - iii. No drainage from the roof will be discharged onto an adjacent lot;
 - iv. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - v. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the City and all utilities sign off that the easement is not be used;
 - vi. The building will not be taller than twelve (12) six (6) inchesfeet to the top of the roof line;
 - vii. The building does not require permanent attachment to the ground and can be moved or relocated within 24 hours;
 - viii. The building will not exceed 200 square feet in size; and
 - ix. The building will have no associated electrical, gas, plumbing, or mechanical equipment attached or running to it.

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

SECTION 2: **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. **Accessory Buildings.** All accessory buildings shall be located in accordance with the following: (Amended by Ord. No. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10)

- a. Setback from main building. Accessory buildings 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.
- b. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
- c. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
- d. Side and Rear Setback - Interior Lot Line. Accessory buildings 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:
 - i. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - ii. The accessory building contains no openings on the side contiguous to the lot line;
 - iii. No drainage from the roof will be discharged onto an adjacent lot;

- iv. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
- v. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the City and all utilities sign off that the easement is not be used
;
- vi. The building will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
- vii. The building does not require permanent attachment to the ground and can be moved or relocated within 24 hours;
- viii. The building will not exceed 200 square feet in size; and
- ix. The building will have no associated electrical, gas, plumbing, or mechanical equipment attached or running to it.

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

SECTION 3: AMENDMENT “3.04.050 Setback Requirements (See Appendix For Drawing)” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

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. **Accessory Buildings.** All accessory buildings shall be located in accordance with the following: (Amended by Ord. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10)

- a. Setback from Main Building. Accessory buildings 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.
- b. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
- c. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
- d. Side and Rear Setback - Interior Lot Line. Accessory buildings 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:
 - i. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - ii. The accessory building contains no openings on the side contiguous to the lot line;
 - iii. No drainage from the roof will be discharged onto an adjacent lot;
 - iv. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - v. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement unless the City and all utilities sign off that the easement is not to be used;
 - vi. The building will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
 - vii. The building does not require permanent attachment to the ground and can be moved or relocated within 24 hours;
 - viii. The building will not exceed 200 square feet in size; and
 - ix. The building will have no associated electrical, gas, plumbing, or mechanical equipment attached or running to it.

(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 4: AMENDMENT “3.05.050 Setback Requirements (See Appendix For Drawing)” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.05.050 Setback Requirements (See Appendix For Drawing)

Same as required within the CR-40,000 Country Residential Zone or as set forth on the final plat of the Planned Residential development, as applicable.

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. **Accessory Buildings.** (Amended by Ord. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10) All accessory buildings shall be located in accordance with the following:
 - a. Setback from Main Building. Accessory buildings 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.
 - b. Side Setback- Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
 - c. Front Setback. Accessory buildings shall not be set back less than forty (40) feet from the front property line.
 - d. Side and Rear Setback - Interior Lot Line. Accessory buildings 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:
 - i. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - ii. The accessory building contains no openings on the side contiguous to the lot line;
 - iii. No drainage from the roof will be discharged onto an adjacent lot;
 - iv. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - v. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the City and all utilities sign off that the easement is not to be used;

- vi. The building will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
- vii. The building does not require permanent attachment to the ground and can be moved or relocated within 24 hours;
- viii. The building will not exceed 200 square feet in size; and
- ix. The building will have no associated electrical, gas, plumbing, or mechanical equipment attached or running to it.

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

SECTION 5: AMENDMENT “3.06.040 Setback Requirements (See Appendix For Drawing)” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.06.040 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. **Accessory Buildings** (Amended by Ord. 2006-14, 9/12/06; Ord. No. 2010-03, 8/24/10). All accessory buildings shall be located in accordance with the following:
 - a. Setback from Main Building. Accessory buildings 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.
 - b. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.

- c. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
- d. Side and Rear Setback - Interior Lot Line. Accessory buildings 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:
 - i. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - ii. The accessory building contains no openings on the side contiguous to the lot line;
 - iii. No drainage from the roof will be discharged onto an adjacent lot;
 - iv. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - v. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the City and all utilities sign off that the easement is not to be used;
 - vi. The building will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
 - vii. The building does not require permanent attachment to the ground and can be moved or relocated within 24 hours;
 - viii. The building will not exceed 200 square feet in size; and
 - ix. The building will have no associated electrical, gas, plumbing, or mechanical equipment attached or running to it.

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

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Gregory Gordon	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Bonnie Cooper, City Recorder Alpine
City



Proposal for

Alpine City

Development Code: 3.03.050.2.vi
Setback Requirements Accessory Buildings

Code Proposed for Update

- ❖ Development Code
 - ❖ 3.03.050.2.vi Setback Requirements
 - ❖ 2. Accessory Buildings
 - ❖ vi. The building will not be taller than ten (10) ft to the top of the roof line

Purpose of Proposal - Why?

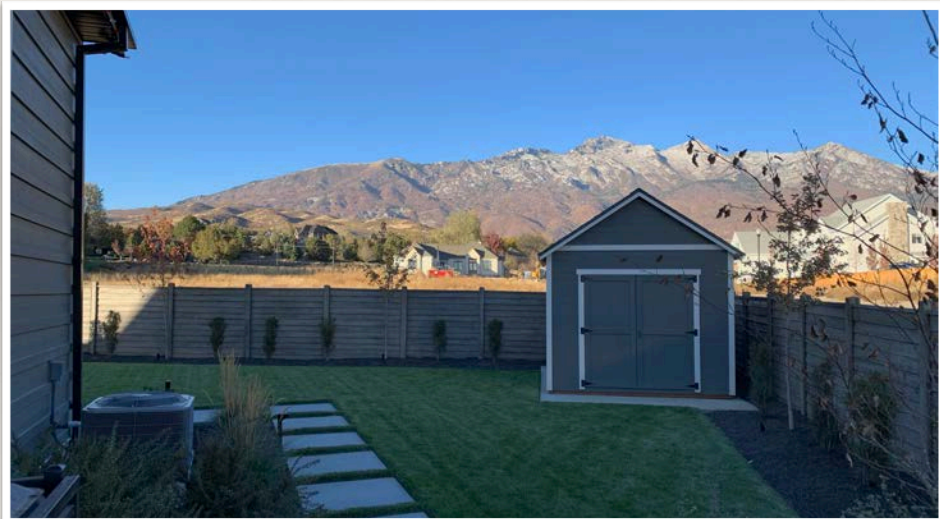
- ❖ Received notice on our tool shed constructed over 1 yr ago that we had unknowingly violated 1 of the 6 sub sections to Accessory Buildings code, specific to height
- ❖ Reconstruction to meet code would diminish visual appeal and functionality for potentially hundreds of residents in city as well as require thousands of dollars in additional costs
- ❖ Update would put more closely in-line with surrounding cities such as Highland, American Fork and Lehi as well as not obstruct any more views than already allowed
- ❖ Allow current and new residents to maximize yard space and build reasonable custom sheds, while still maintaining appeal and views for neighbors



Strong (12' 3")



Cushing (11' 8")



Bingham (11' 4")

Research Observations

- ❖ Drive through of Alpine of only a few hours resulted in observation of 100+ potential violations = standard practice for years
- ❖ Neighboring city's codes:
 - ❖ American Fork 17.4.201: no height stipulation
 - ❖ Highland 3-4209: none if under 200 sq. ft
 - ❖ Lehi 26.040: only requires 16" setback
- ❖ Custom shed builders such as Wright Sheds standard shed sizes are 12 ft+ and have installed 100's of sheds, most of which over this height the last few years in Alpine



Apple Creek Circle



Coventry Lane

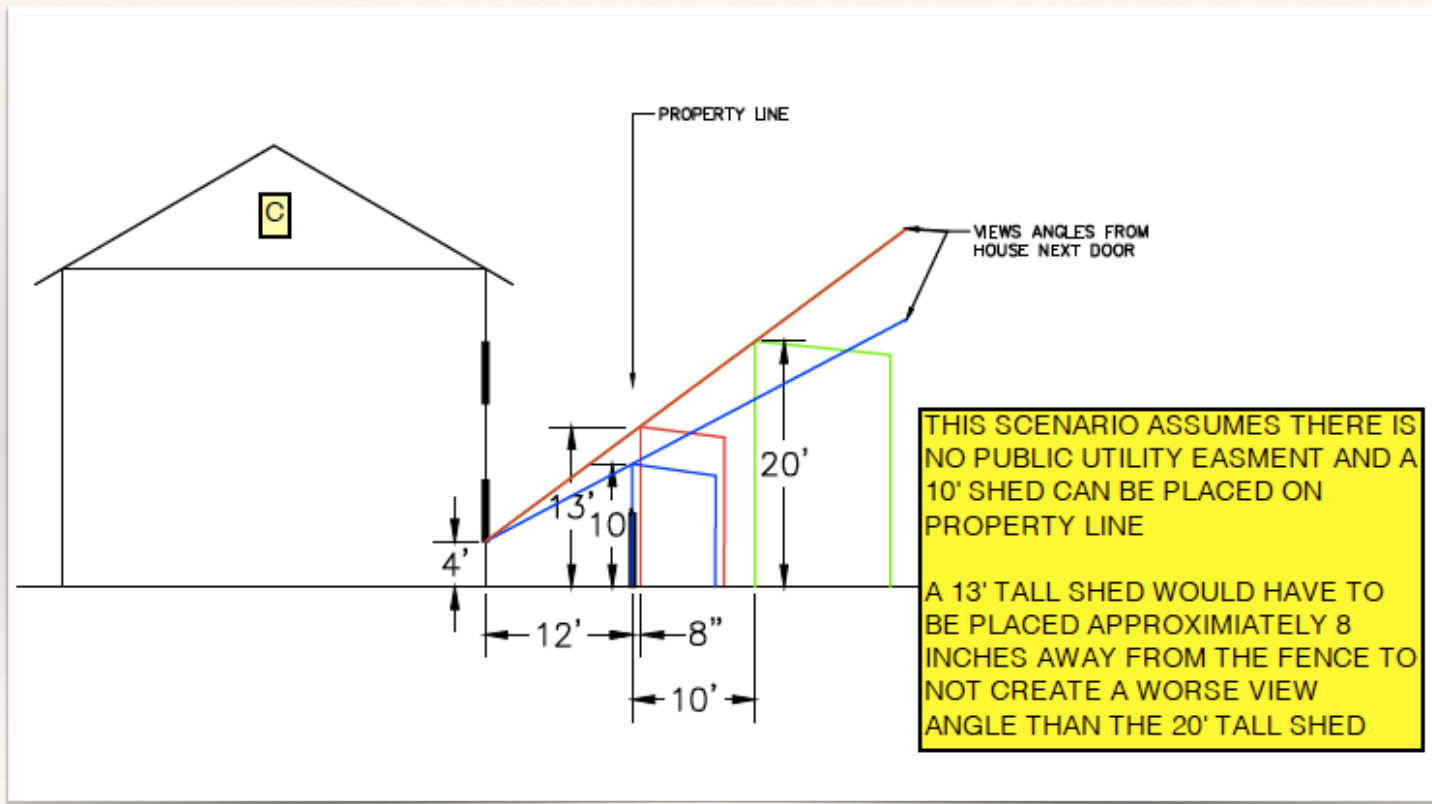


Heritage Circle

Possible Sub Section “vi” Replacement Proposal

- ❖ The accessory building will not be more than 12’ 6” tall to top of roofline
- ❖ *Recommend City evaluate incorporating additional and potentially more effective means of educating residents and contractors (new resident or contractor packet, etc.) as to “why” and reason behind specific codes as well as to help residents and contractors to be more informed*

View Angle Analysis



- ❖ Based on rendering a shed 13' or less greater than 8" from fence line creates no worse view than permitted 20' shed with 10' setback

Permit / Easement Clarification

- ❖ Building Permits
 - ❖ Specific to those sheds of 200 sq ft or more
- ❖ Utility Easement
 - ❖ Exception if less than 200 sq ft and on flatwork (concrete pad) as well as moveable (no footing / foundation)

Benefits to Alpine City

- ❖ Resident who have fallen short under this violation for years (with no complaint from surrounding lots) will not have to be served with a code infraction = less city time / expenditures
- ❖ Residents are able to continue to build reasonable, appealing structures to house their lawn / misc equipment = beautifies city
- ❖ Help contractors, builders, and designers understand rules and regulations better to assist homeowners and clients
- ❖ Residents are happy = city is happy :-)

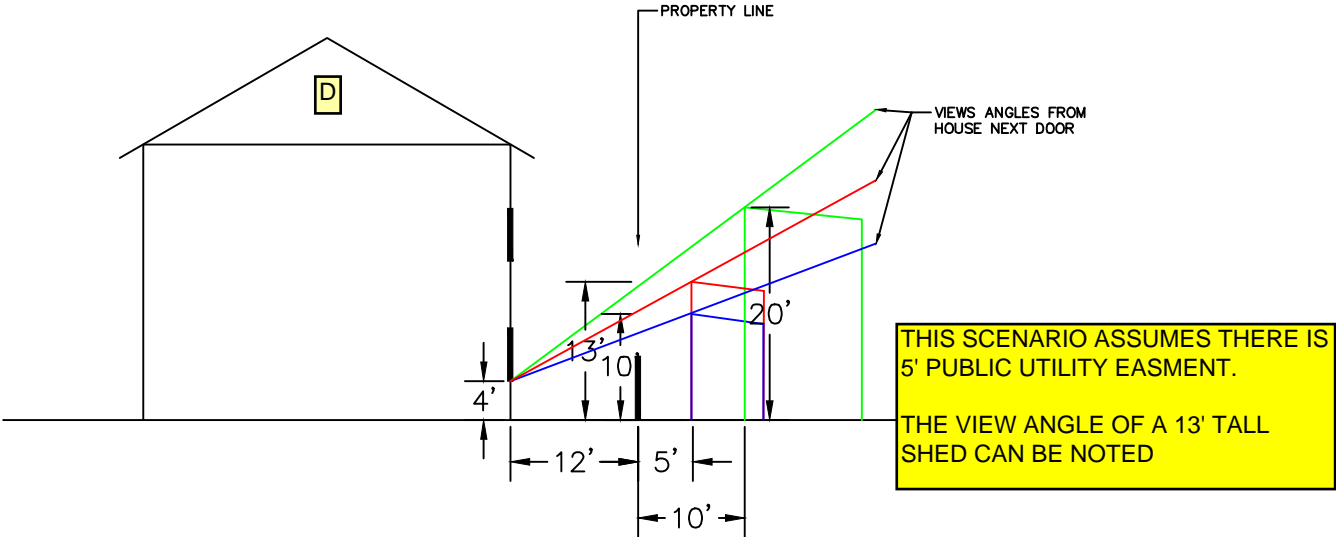
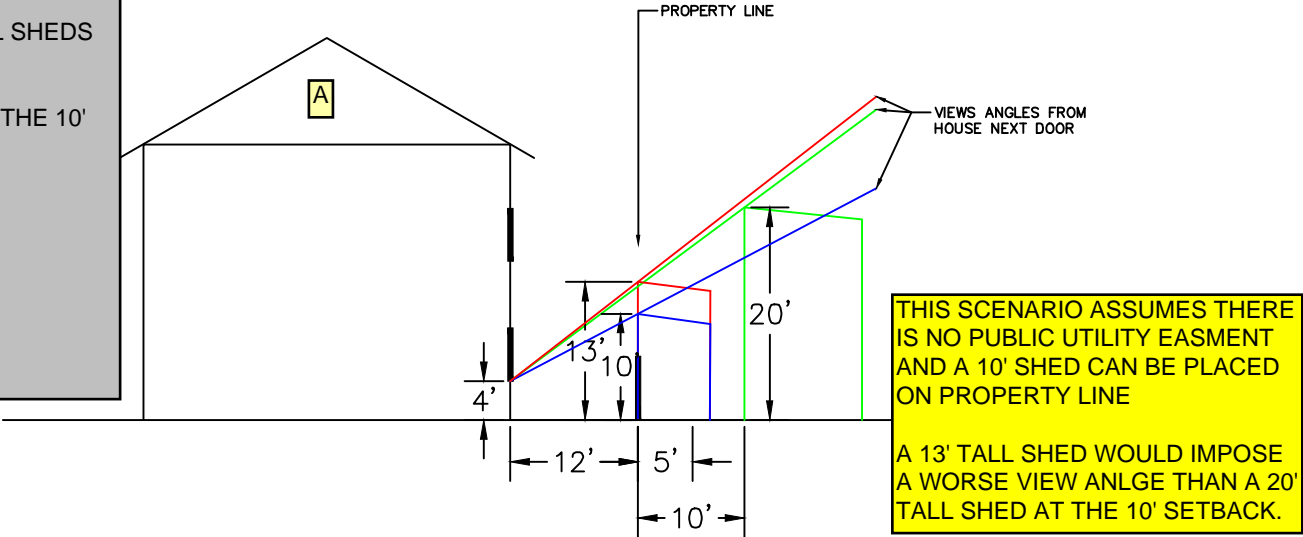
RED COLORED SHAPE REPRESENTS A 13' TALL SHED AS PROPOSED

BLUE AND GREEN SHAPES REPRESENT 10' AND 20' TALL SHEDS RESPECTIVELY

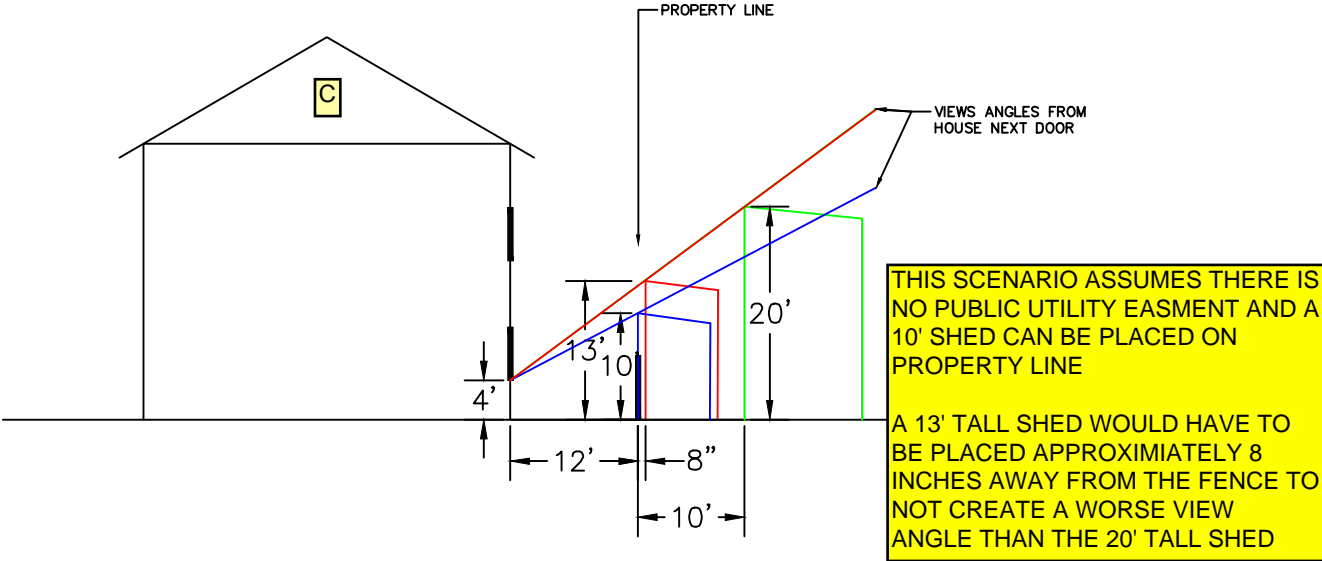
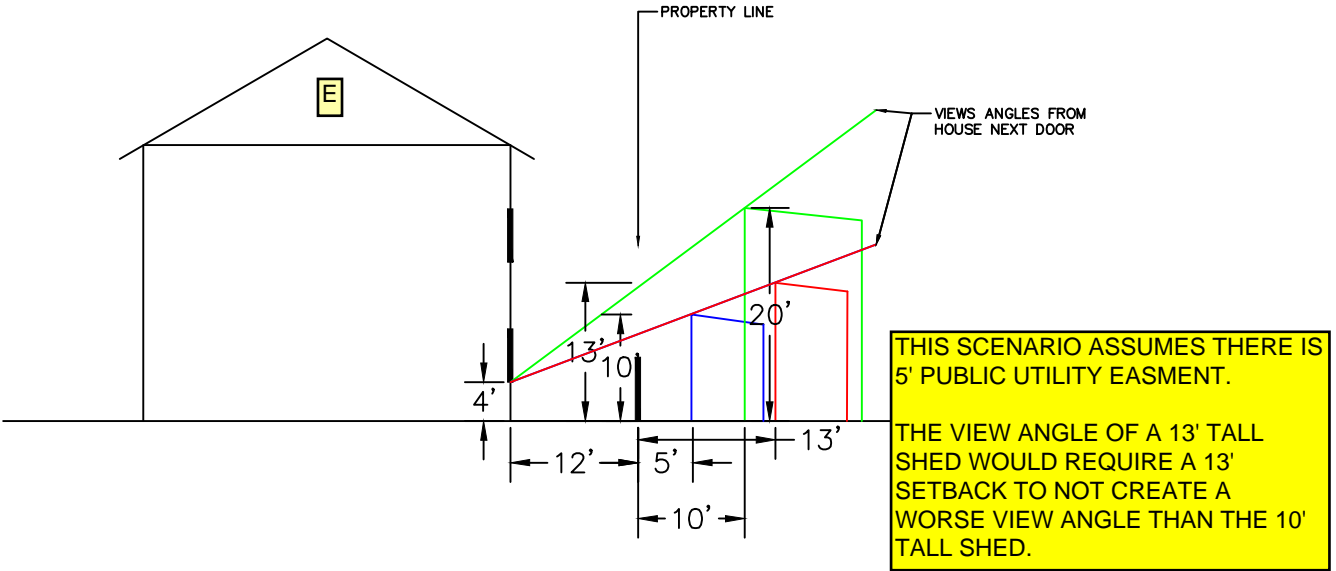
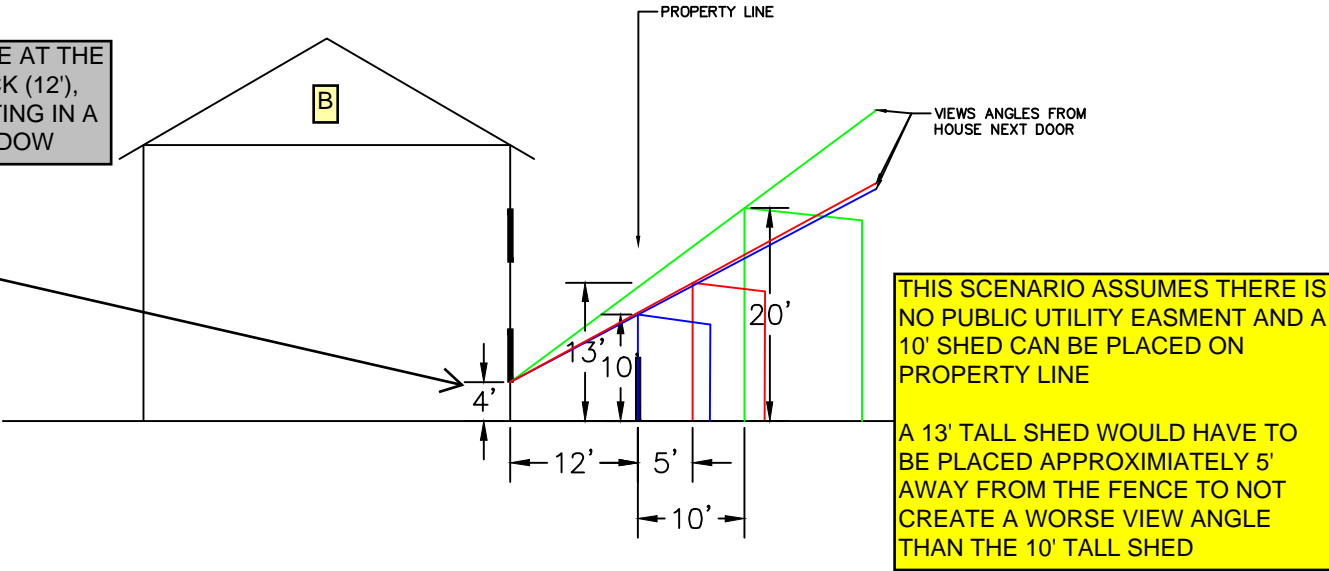
20' TALL SHED IS SHOWN AT THE 10' SIDE SETBACK

10' TALL SHED IS SHOWN IN DIFFERENT LOCATIONS FOR COMPARISON

13' TALL SHED IS SHOWN IN DIFFERENT LOCATIONS FOR COMPARISON



VIEW ANGLE IS FROM A HOME AT THE MINIMUM SIDE YARD SETBACK (12'), ASSUMING A PERSON IS SITTING IN A CHAIR BY THEIR LOWER WINDOW



ACCESSORY BUILDING CODE COMPARISON

	<u>Side Yard Setback</u>	<u>With Restrictions, allows building within setback</u>	<u>Allows Building within PUE</u>	<u>Max height</u>
<u>Alpine</u>	10'	YES	NO	20' @ 10' setback 10' within setback
<u>Lehi</u>	Same as main building	YES	NO	not specified
<u>American Fork</u>	5'	YES	NO	not specified
<u>Highland</u>	10'	NO	not specified	25'

AMERICAN FORK

Side and rear setback—Interior lot line. Accessory buildings shall be set back not less than five feet from the lot line, except that no minimum side setback shall be required when all the following conditions are met:

1. The accessory building is located more than twelve feet from an existing dwelling on the same or an adjacent lot.
2. The accessory building contains 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 building shall have fire resistive walls rated at one hour or more.
5. The building will not be placed on land designated as a utility easement.

(No height regulations for accessory buildings.)

HIGHLAND

Structure. Anything constructed or erected which requires location on the ground, but not including a tent or automobile.

3-4204 Location Requirements

Buildings and structures on lots within the R 1 20 Zone shall be located as follows:

1. All dwellings and other main buildings and structures shall be set back not less than thirty (30) feet from the front lot line.
2. All dwellings and other main buildings and structures shall have a combined side yard of not less than twenty-five (25) feet, with no structure closer than ten (10) feet from either side lot line ; provided, however, on nonconforming lots of record all dwellings and main building shall be set back not less than ten (10) feet from either side lot line and the combined total distance of the two side setbacks shall not be less than twenty-four (24) feet.
3. All dwellings and other main buildings and structures shall be set back not less than thirty (30) feet from the rear lot line.
4. Notwithstanding any provision of this Section to the contrary, the following additional requirements shall apply to corner lots:
 1. All dwellings and other main buildings shall be set back not less than thirty (30) feet from the side lot line which abuts on a street.
 2. The side setback required for the interior side of such lots shall be that required by paragraph (2) of this Section.
5. Anything structurally attached to the home such as a foundation wall, deck requiring a building permit (covered or uncovered), or covered patio (unless cantilevered) shall be considered part of the main dwelling.

Height. No accessory building shall be erected to a height greater than twenty-five feet (25') from grade.

LEHI

Side Yards. The location of all accessory buildings and structures shall be as follows:

1. Agriculture, Residential, Mixed Use and Planned Community Districts.

- (a) All accessory buildings and structures shall maintain the side yard required for the principal building, except that accessory buildings and structures located either at least six (6) feet to the rear of the principal building or have a minimum 10 foot setback from the principal building may have a minimum side yard of sixteen (16) inches, provided the accessory building or structure complies with the requirements of the International Building Code and International Fire Code.
- (b) Accessory buildings and structures shall not be located closer than 12 feet to a dwelling on an adjacent lot or property and shall not be located within any required utility easement(s).

Rear Yards. The location of accessory buildings and structures shall be as follows:

1. Agriculture, Residential, Mixed Use and Planned Community Districts.

- (a) Accessory buildings and structures shall maintain the rear yard requirements for the principle structure as identified in Table 05- 040-A, but may be located within sixteen (16) inches of the rear property line provided that the accessory building or structure is not subject to the requirements of Section 12-080 of this Code and it meets all the applicable requirements of the International Building Code and the International Fire Code; except that accessory buildings and structures located in the rear yards of corner lots, located adjacent to the side yard of an adjacent lot shall not be closer than ten (10) feet to the rear property line and is not located within any required utility easement(s).

The maximum height of an accessory building shall be according to the following table:

Zone District Classification	Max. bld. Height
TH-5, A-5, A-1, RA-1(>22,000 sq. ft.), R-1-22	28 ft.
RA-1 (< 22,000 sq. ft.), R-1-15, R-1-12, R-1-10, R-1-8, R-2, R-2.5, R-3, MU, PC, RC, all other non-residential zones.	24 ft.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Ordinance 2021-05 Animal Ordinance

FOR CONSIDERATION ON: 2 February 2021

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review the proposed ordinance and make a recommendation.

BACKGROUND INFORMATION:

The current code allows for a maximum of 5 horses or cows on any given lot. One horse or cow is permitted on a lot of 10,000 square feet, and additional horses or cows for every additional 10,000 square feet. However, no more than 5 horses or cows no matter how large the lot.

This item was tabled by Planning Commission so a comparison could be done to what other neighboring communities are doing. Included in the packet are the ordinances for large animals in Lehi, Highland, American Fork, and Draper.

Staff is proposing that the number of horses or cows on a lot be limited by the size of the lot and not a set limit.

STAFF RECOMMENDATION:

Review the proposed ordinance and make a recommendation to City Council.

SAMPLE MOTION TO APPROVE:

I motion to recommend that Ordinance 2021-05 be approved as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I motion to recommend that Ordinance 2021-05 be approved with the following conditions/changes:

- ***Insert Finding***

SAMPLE MOTION TO TABLE/DENY:

I motion that Ordinance 2021-05 be tabled/denied based on the following:

- ***Insert Finding***

**ALPINE CITY
ORDINANCE 2021-05**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.21.090 OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO FARM ANIMAL AND
AGRICULTURAL REGULATIONS.**

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the animal and agricultural regulations ordinance with regards to the maximum number of horses allowed on a property; 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 Alpine City, in the State of Utah, as follows: The amendments to Article 3.21.090 contained in the attached document will supersede Article 3.21.090 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: AMENDMENT “3.21.090 Farm Animal And Agricultural Regulations” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.21.090 Farm Animal And Agricultural Regulations

Animal and fowl allowed in the City of Alpine shall be used only for family food production or the enjoyment and convenience of the owner, and shall be subject to the regulations of the State Health Department and the City of Alpine. The following regulations shall apply in all zones:

1. **Horses/cows.** One horse or cow, and suckling offspring up to 6 months, shall be permitted on a 10,000 square foot lot, plus one animal for each additional 10,000 square feet. ~~There shall be a maximum of five (5) animals per lot.~~
2. **Pigs.** One pig, and suckling offspring up to 6 months, shall be permitted on a 10,000 square foot lot, plus one more pig for an additional 10,000 square feet. There shall be a maximum of two (2) pigs regardless of lot size.
3. **Goats/sheep.** One goat or sheep, and suckling offspring up to 6 months, shall be permitted on a 10,000 square foot lot or two goats or sheep on a 20,000 square foot lot, plus two additional sheep or goats for each additional 10,000 square feet with a maximum of ten sheep or goats.
4. **Other animals.** Exotic animals or animals not mentioned above may be permitted after

review and recommendation by the Planning Commission and approval by the City Council.

5. **Animal enclosures.** Barns, stables, corrals, pens, coops and runs for the keeping of animals and fowl are allowed provided such uses are located at least seventy-five (75) feet from any neighboring dwelling. Animal enclosures may be located closer than seventy-five (75) feet to the animal owner's home. Such facilities shall be maintained in a clean and inoffensive condition. A fence around the perimeter of the parcel is not considered an enclosure.
6. **Fur bearing animals.** The raising of fur bearing animals shall require review and recommendation by the Planning Commission and approval of the City Council.
7. **Slope.** On lots greater than twenty (20) percent average slope, the type and extent of agricultural use shall require review and recommendation by the Planning Commission and approval by the City Council.
8. **Additional animals.** Conditional approval for additional animals may be granted by the City Council upon recommendation by the Planning Commission.
9. **Pre-existing rights.** In instances where a new dwelling is built within seventy-five feet of an existing animal enclosure, the animal owner shall have a pre-existing right and shall not be required to move the animals or enclosure. If the animal enclosure is removed, the right is abandoned. If a new enclosure were built, the property owner would have to comply under the new ordinance.
10. **Beekeeping**
 - a. Purpose. The purpose of this section is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.
 - b. Hives.
 - i. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.
 - ii. Hives shall be placed at least five (5) feet from any property line; provided, however, that this requirement may be waived in writing by the adjoining property owner.
 - c. Beekeeper Registration. Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah State Code, as amended.
 - d. Flyways. A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located within fifteen (15) feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height shall be established and maintained around the hive except as needed to allow access. Such flyway, if located along the property line or within five (5) feet of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly

to an elevation of at least six (6) feet above ground level over property lines in the vicinity of the apiary.

- e. Water. Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

(Ord. 2002-05, Amended Ord. 2007- 15; Ord. 2011-12, 10/25/11)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Gregory Gordon	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Bonnie Cooper, City Recorder Alpine City

**ALPINE CITY
ORDINANCE 2021-05**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.21.090 OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO FARM ANIMAL AND
AGRICULTURAL REGULATIONS.**

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the animal and agricultural regulations ordinance with regards to the maximum number of horses allowed on a property; 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 Alpine City, in the State of Utah, as follows: The amendments to Article 3.21.090 contained in the attached document will supersede Article 3.21.090 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: AMENDMENT “3.21.090 Farm Animal And Agricultural Regulations” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.21.090 Farm Animal And Agricultural Regulations

Animal and fowl allowed in the City of Alpine shall be used only for family food production or the enjoyment and convenience of the owner, and shall be subject to the regulations of the State Health Department and the City of Alpine. The following regulations shall apply in all zones:

1. **Horses/cows.** One horse or cow, and suckling offspring up to 6 months, shall be permitted on a 10,000 square foot lot, plus one animal for each additional 10,000 square feet.
2. **Pigs.** One pig, and suckling offspring up to 6 months, shall be permitted on a 10,000 square foot lot, plus one more pig for an additional 10,000 square feet. There shall be a maximum of two (2) pigs regardless of lot size.
3. **Goats/sheep.** One goat or sheep, and suckling offspring up to 6 months, shall be permitted on a 10,000 square foot lot or two goats or sheep on a 20,000 square foot lot, plus two additional sheep or goats for each additional 10,000 square feet with a maximum of ten sheep or goats.
4. **Other animals.** Exotic animals or animals not mentioned above may be permitted after

review and recommendation by the Planning Commission and approval by the City Council.

5. **Animal enclosures.** Barns, stables, corrals, pens, coops and runs for the keeping of animals and fowl are allowed provided such uses are located at least seventy-five (75) feet from any neighboring dwelling. Animal enclosures may be located closer than seventy-five (75) feet to the animal owner's home. Such facilities shall be maintained in a clean and inoffensive condition. A fence around the perimeter of the parcel is not considered an enclosure.
6. **Fur bearing animals.** The raising of fur bearing animals shall require review and recommendation by the Planning Commission and approval of the City Council.
7. **Slope.** On lots greater than twenty (20) percent average slope, the type and extent of agricultural use shall require review and recommendation by the Planning Commission and approval by the City Council.
8. **Additional animals.** Conditional approval for additional animals may be granted by the City Council upon recommendation by the Planning Commission.
9. **Pre-existing rights.** In instances where a new dwelling is built within seventy-five feet of an existing animal enclosure, the animal owner shall have a pre-existing right and shall not be required to move the animals or enclosure. If the animal enclosure is removed, the right is abandoned. If a new enclosure were built, the property owner would have to comply under the new ordinance.
10. **Beekeeping**
 - a. Purpose. The purpose of this section is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.
 - b. Hives.
 - i. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.
 - ii. Hives shall be placed at least five (5) feet from any property line; provided, however, that this requirement may be waived in writing by the adjoining property owner.
 - c. Beekeeper Registration. Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah State Code, as amended.
 - d. Flyways. A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located within fifteen (15) feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height shall be established and maintained around the hive except as needed to allow access. Such flyway, if located along the property line or within five (5) feet of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly

to an elevation of at least six (6) feet above ground level over property lines in the vicinity of the apiary.

- e. Water. Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

(Ord. 2002-05, Amended Ord. 2007- 15; Ord. 2011-12, 10/25/11)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Lon Lott	_____	_____	_____	_____
Carla Merrill	_____	_____	_____	_____
Gregory Gordon	_____	_____	_____	_____
Jason Thelin	_____	_____	_____	_____
Jessica Smuin	_____	_____	_____	_____

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Bonnie Cooper, City Recorder Alpine City

TABLE 12.240
TABLE OF ANIMAL RIGHTS - MAXIMUM NUMBER OF ALLOWED ANIMALS
(Adopted 11/13/12; Amended 7/28/15; 9/13/16)

ZONING DISTRICT	PROPERTY REQUIREMENTS	MAXIMUM NUMBER OF ALLOWED ANIMALS			
		Maximum is cumulative for Category One, Two and Three animals ²			
		CATEGORY ONE (Cattle)	CATEGORY TWO (Horses, donkeys, mules, burros)	CATEGORY THREE (Goats, sheep, pigs, llamas)	CATEGORY FOUR (Chicken, ducks, pheasants, rabbits, pigeons, hawks, dogs, cats)
TH-5, A-5, A-1, RA-1	5+ Acres	No limit*	No limit*	No limit*	No limit*
TH-5, A-1, RA-1, R-1-22	Per half acre with a minimum 1 acre property size	1	2	4	8
TH-5, A-1, RA-1, R-1-22, PC ¹	Per half acre	0	2	4	8
R-1-15, R-1-12	Per half acre with a minimum 1 acre property size with a Conditional Use Permit	0	2	4	8
RA-1, R-1-15, R-1-12, R-1-10, R-1-8, R-2, R-2.5, R-3, MU, PC ¹	Less than half acre; detached housing units	0	0	0	8
R-2, R-2.5, R-3, MU, PC ¹	Per attached housing unit	0	0	0	4

ZONING DISTRICT	LAND AREA	MAXIMUM NUMBER OF ALLOWED BEE COLONIES
All Residential and Agricultural Zoning Districts	NA	No limit*

Notes:

1. Keeping of animals for properties located within a Planned Community District must be authorized through an Area Plan. See Section 12.120 (D)(5) for requirements of keeping animals in the Planned Community District.

2. Equivalencies: One (1) Category One animal is equivalent to two (2) Category Two animals. One (1) Category Two animal is equivalent to two (2) Category Three animals.

* There is no defined maximum number of allowed animals/bee colonies, however, animals/bee colonies must be kept in good health and without creating nuisances to neighboring property owners. A kennel license is required to keep more than 2 dogs or 3 cats on any property.

One (1) Category One animal is equivalent to two (2) Category Two animals. One (1) Category Two animal is equivalent to two (2) Category Three animals.

3-4102 Permitted Uses

The following buildings, structures, and uses of land shall be permitted in the R-1-40 Zone upon compliance with requirements set forth in this Code:

1. Single-family dwellings, conventional construction, which include a garage of sufficient size for storage of two automobiles (see 10-102(16) for definition of Dwelling).
2. Accessory uses such as storage buildings, private garages, carports, noncommercial greenhouses, and swimming pools.
3. Public utility lines and subject to 5-114(6).
4. Household pets.
5. Fences, walls, hedges.
6. Gardens, fruit trees, and field crops.
7. Keeping of animals subject to the following requirements:
 - a. All large animals shall be provided shelter or cover. The shelter or cover where animals are normally fed, watered, and corralled shall be at minimum of one hundred (100) feet from any residence, except that it may be a minimum of seventy-five (75) feet from the animal owner's residence.
 - b. All large animals shall be enclosed in a fence and no part of the enclosure shall be nearer than twenty (20) feet from any residential structure.
 - c. No large animal shall be kept on a lot of less than 30,000 square feet in area. Three (3) large animals may be kept on a lot with a minimum area of 30,000 square feet and four (4) large animals may be kept on a lot with a minimum area of 40,000 square feet. One additional large animal may be kept on a lot for each 10,000 square feet of area of the lot in excess of 40,000 square feet. No small animal shall be kept on a lot of less than 20,000 square feet. No more than twelve (12) small animals shall be kept per 20,000 square feet of lot area. In determining the number of animals allowed on any lot based on its area, no proration of numbers shall be allowed within the area increments specified in this paragraph.
 - d. Pigs shall not be kept on any lot.
 - e. Chickens are permitted on lots less than 20,000 square feet subject to the following conditions:
 - i. The maximum number of chickens above the age of 6 months shall be as follows:

Minimum Lot Area (square feet)	Maximum Number of Chickens
= 20,000	14
= 15,000	10
= 10,000	6

- ii. All sheds, coops, hutches, or similar structures used for the housing of chickens shall be at minimum of twenty (20) feet from any adjacent neighboring residences.

7-5-280: HORSE OWNERSHIP:

A. Zones Permitted; Minimum Square Footage: Horses may be allowed on properties having a minimum lot size of twenty thousand (20,000) square feet in RA1, RA2, A5 and A2 zones, unless otherwise approved by development agreement or by the city council.

B. Number Permitted: Two (2) horses may be allowed on the first twenty thousand (20,000) square feet of property, with one additional horse allowed for each additional ten thousand (10,000) square feet of property.

C. Fencing And Shelter: Property owners shall provide a fenced area for horses with a minimum twenty four foot by twenty four foot (24' x 24') area for each horse and a minimum eight foot by eight foot (8' x 8') covered shelter area for each horse. Shelter areas may be shared by more than one horse, but shall consist of sixty four (64) square feet per horse.

1. The fenced area shall have access to feed, water and shelter and shall be drained on site.

2. Fences shall be sturdy and constructed out of poles, pipes, horse PVC, or minimum one and one-half inch ($1\frac{1}{2}$ ") thick wood planks without dangerous protrusions. Barbed wire, large mesh, and electrified materials shall not be used, except electrified materials may be attached to the top of approved fencing materials. Fences shall be a minimum of four and one-half feet ($4\frac{1}{2}$ ') in height and a maximum of six feet (6') in height. Setbacks from property lines and dwellings for fences shall be:

- a. Side property line: Ten feet (10').

- b. Rear property line: Ten feet (10').

- c. From neighbor's livable dwelling: Seventy feet (70').

3. There should be sufficient clearance on one side of the property to allow a horse to be mechanically removed from the property.

D. Property Maintenance:

1. Property owners shall remove manure weekly from the date temperatures reach fifty five degrees (55°) until the first killing frost in the fall. However, when each horse has a dedicated area equal to or greater than two thousand five hundred (2,500) square feet, manure may instead be spread on site.

2. When refuse and manure are spread on site, it shall not be permitted to accumulate in piles that are not able to dry out. Manure shall be spread three (3) times a week, except for when the ground is frozen.

3. Dust and fly control shall be required. Fly control may include, but is not limited to, insecticides, fly strips and/or electric fly zappers. Sprinklers should be used to control dust.

E. Vaccination: Annual vaccinations for each horse are encouraged. However, annual vaccination for West Nile Virus shall be required. (Ord. 848, 9-2-2008)

Sec 17.4.102 RA-1 Residential-Agricultural Zone

- A. Intent. The RA-1 residential-agricultural zone covers certain fringe areas of the city where residential areas may be integrated with the raising of livestock for family food production and for the pleasure of the people who reside on the premises.
- B. Permitted uses. The following buildings, structures, and uses of land shall be permitted upon compliance with requirements set forth in this code:
1. One-family dwellings. Conventional construction and manufactured housing), subject to the provisions of Section 17.5.129. Also customary residential accessory buildings and structures.
 2. The raising, care and keeping of livestock and fowl and associated, barns, sheds, corrals, pastures, paddocks, coops, hutches and similar facilities for the care and keeping of livestock and fowl, all subject to the following criteria.
 - a. All livestock and fowl shall be housed and maintained within a designated livestock management area as defined by this title.
 - b. The number of animals kept on any lot or parcel shall not exceed one animal unit for each ten thousand square feet of livestock management area.
 - c. All corrals, stalls, pens, and paddocks for the enclosure of livestock; all barns, stables, coops, sheds, hutches or similar buildings used for the housing or confinement of livestock and fowl; and all water troughs and areas used for the feeding of livestock shall be located not closer than seventy-five feet from an existing dwelling or other occupied structure located on an adjacent lot or fifty feet from such dwelling or structure on the same lot.
 3. The growing of field crops and fruit.
 4. Sheds and other buildings for the storage of agricultural machinery and produce actually used on or produced from the parcel on which those structures are located. Also barns, corrals, pens and sheds for the care and keeping of the animals or fowl permitted under subsection 2. above.
 5. Public utility lines and buildings.
 6. Public agency parks and playgrounds.
 7. Accessory signs in accordance with the applicable provisions of Section 17.5.128.
 8. Public and parochial schools and grounds.
 9. Public buildings and grounds, not including storage yards or repair shops.
 10. Hospitals.
 11. Churches, not including temporary revival tents or buildings.
 12. Household pets.
 13. Accessory apartments subject to the requirements of Section 17.5.134 of this code.
- C. Conditional uses. The following buildings, structures, and uses of land shall be permitted upon compliance with the applicable requirements of this code and after approval has been given by the designated review agency.

1. Home occupations subject to the provisions of Section 17.5.123 of this code.
2. Residential facility subject to the standards and conditions set forth under Chapter 17.15.
3. Pre-schools and child care nurseries - quasi-public, subject to the standards and conditions set forth under Section 17.6.111.
4. Pre-schools and child-care nurseries - residential, subject to the following:
 - a. The number of children in attendance shall not exceed ten at any one time.
 - b. The use and facilities appurtenant thereto shall comply with and shall have been approved as a home occupation; and
 - c. The submission of copies of permits or approvals from the state department of human services or other recognized approval agency or evidence of imminent approval by such agency (when such approval is required by state law or regulation).
5. Fences, walls, and hedges.
6. Planned unit developments and residential condominium projects subject to the provisions contained in Section 17.7.501 of this code.
7. Temporary uses subject to the provisions of Section 17.5.122 of this code.
8. Historic building conservation projects subject to the applicable provisions of Section 17.7.801 of said development code.
9. Foster care homes, containing not more than two non-related foster care occupants.
10. Low power radio service antenna facilities, subject to the provisions of Section 17.6.112 of this code.
11. Private home/charter schools, subject to the provisions of Section 17.6.113.
12. Senior housing projects, subject to the provisions of Section 17.7.506.

D. Lot area, width and depth requirements. The minimum area, width and depth requirements for a zoning lot within the zone shall be as follows:

Use	Minimum Area	Minimum width (in ft.)	Depth of Lot (in ft.)
One-family dwellings	1 acre	150	100
Churches	2 acres	250	none

E. Location requirements.

1. Main buildings. All dwellings and other main buildings and structures shall be set back in accordance with the following:
 - a. Front setback. All dwellings and other main buildings shall be setback not less than thirty feet from the front lot line which abuts on any existing or proposed public street, except that a portion of a dwelling may project up to five feet into the required front setback area, provided that the width of the projecting portion shall not exceed thirty percent of the width of the dwelling.
 - b. Side setback—Interior lots. All dwellings and other main buildings including any attached garage or similar structure shall be set back not less than eight feet from either side lot line and the combined total distance of the two side setbacks shall

be not less than eighteen feet, except that where a garage or carport is attached to the side of a dwelling, the minimum required setback for such garage or carport may be reduced to not less than six feet, as measured from the lot line to the closest part of the building, and the combined required distance of the two side setbacks shall be not less than fourteen feet.

- c. Side setback—Corner lots—Side abutting a street. All dwellings and other main buildings shall be set back not less than twenty feet from the side lot line which abuts on any existing or proposed public street.
 - d. Rear setback—Interior lots. All dwellings and other main buildings and structures shall be set back not less than twenty-five feet from the rear lot line, except that a portion of a dwelling may project up to five feet into the required rear setback area, provided that the width of the projecting portion shall not exceed fifty percent of the total width of the dwelling.
 - e. Rear setback—Corner lots. All dwellings and other main buildings shall be set back not less than twenty-five feet from the rear lot line, except as follows: (i) a portion of a dwelling may project up to five feet into the required rear setback area, provided that the width of the projecting portion shall not exceed fifty percent of the total width of the dwelling, or (ii) where a garage is attached to the rear of the dwelling, the required rear setback for said garage may be reduced to not less than twelve feet, as measured from the rear lot line to the closest part of the garage, or (iii) a portion of a dwelling may project up to fifteen feet into the required rear setback area, provided that the width of the projecting portion shall not exceed fifty percent of the total width of the dwelling and the rear area of the corner lot abuts a side setback of an adjacent lot.
2. Accessory Buildings. All accessory buildings shall be located in accordance with the following:
- a. Setback from main building—Front setback. Accessory buildings shall be set back not less than twelve feet to the rear of the closest rear wall of the main building, and not less than twelve feet from the closest side wall of the main building. Accessory buildings which are located twelve feet or closer to a main building shall be considered as part of the main building. Where no main building exists on a lot, a detached accessory building shall be set back not less than seventy-five feet from the front lot line.
 - b. Side setback—Corner lot—Side abutting a street. Accessory buildings shall be set back not less than forty feet from the side lot line which abuts on a street.
 - c. Side and rear setback—Interior lot line. Accessory buildings shall be set back not less than five feet from the lot line, except that no minimum side setback shall be required when all the following conditions are met:
 - (1) The accessory building is located more than twelve feet from an existing dwelling on the same or an adjacent lot.
 - (2) The accessory building contains 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 building shall have fire resistive walls rated at one hour or more.
 - (5) The building will not be placed on land designated as a utility easement.

3. Exceptions and limitations. Notwithstanding the provisions of paragraphs 1.(d) and 1.(e) of this subsection relating to encroachment into the rear setback area, the combined area occupied by any portion of a dwelling projecting into the rear setback area, and any portion of an attached garage located closer than thirty feet to the rear lot line, and any detached accessory building located within the rear setback area, shall not exceed thirty percent of the required rear setback area of the lot.

F. Dwelling requirements.

1. Height of dwellings. The maximum height of any dwelling shall be thirty-six feet, measured in accordance with the criteria set forth under Section 17.5.130, as may be modified by the following:
 - a. Chimneys, flag poles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height.
 - b. The building inspector may approve a dwelling having a greater maximum height, provided, that the dwelling will be set back from all appurtenant lot lines (or footprint lot boundaries where applicable) a distance two feet for each additional foot of dwelling height.
2. Size of dwelling. Each dwelling shall have a minimum building footprint area of not less than nine hundred square feet, not including any portion of the footprint area occupied solely by a garage, carport, porch, breezeway or similar area not used as a living area.
3. Width of dwelling. The minimum width of a dwelling shall be twenty feet, as measured from the outside wall at the narrowest point of the first story, exclusive of any garage, porch, shed or similar area not considered as living area. The width shall be considered the lesser of the two primary dimensions.
4. Corner clearance for driveways. Any driveway providing access to a corner lot shall adhere to the standards as set forth in Figure 17.5.110-B, entitled "Minimum Standards for Corner Clearance of Residential Driveways."

G. Special provisions. Special provisions shall apply in this zone in order to protect its essential characteristics.

1. The space required around buildings and structures shall be kept free from refuse and debris.
2. All buildings used for human occupancy shall be furnished with a public water supply and shall be constructed in accordance with the adopted building, plumbing, electrical, fire prevention and similar codes.
3. All buildings and uses within this zone shall comply with all applicable supplementary development standards as set forth in this code.
4. At least seventy percent of the area contained within a required front yard or side yard adjacent to a street shall be landscaped.

(Ord. No. 82-2-4; Ord. No. 88-06-02; Ord. No. 91-06-07; Ord. No. 92-12-48; Ord. No. 94-08-31; Ord. No. 99-09-26; Ord. No. 4-01-2-4-B; Ord. No. 2000-12-40; Ord. No. 01-04-20; Ord. No. 01-06-32; Ord. No. 03-05-17; Ord. No. 04-02-01; Ord. No. 2008-12-46; Ord. No. 10-16-79; Ord. No. 2014-01-02, § 1, 1-14-2014; Ord. No. 2015-04-25, pt. I, § 1, 4-14-2015; Ord. No. 2015-11-72, pt. I, § 2, 11-10-2015; Ord. No. 2016-06-31, pt. I, § 2, 6-14-2016; Ord. No. 2017-09-48, § 3, 9-12-2017)

HISTORY

Amended by Ord. [2019-05-32](#) on 5/28/2019

Sec 17.12.212 "L" Definitions

- A. Landscaping. Landscaping shall mean the use and integration of a combination of planted trees, shrubs, vines, ground covers, lawns, rocks, fountains, pools, art works, screens, walls, fences, benches, or surfaced walkways set into an aesthetically pleasing arrangement as determined by the planning commission or their authorized representatives. However, the use of structures or surfaced walkways alone, in the absence of planted trees, lawns, etc., shall not meet the requirements of this title.
- B. Land use plan. A plan adopted and maintained by the city planning commission, which shows how the land should be used - an element of the comprehensive plan.
- C. Living area. Those portions of a dwelling having a headroom height of not less than seven feet and used for customary living activities. For purposes of this code the term "living area" shall not include those portions of a dwelling intended for parking of vehicles, unenclosed porches, or storage areas having access only from the outside.
- D. Livestock management area. All portions of a lot devoted exclusively to the care and keeping of livestock, including but not limited to, barns, sheds, pens, coops, corrals paddocks, and pastures, but not including any portion of a parcel devoted to a dwelling, yard, garden, parking area or unutilized open area.
- E. Lodging house. a building containing sleeping rooms that are rented to guests on a daily or weekly or monthly basis.
- F. Lot.
 - 1. Lot corner. A lot abutting on two intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.
 - 2. Lot interior. A lot other than a corner lot.
- G. Lot line.
 - 1. Lot line, front. The front boundary line of a lot bordering on the street.
 - 2. Lot line, rear. A lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or gore shaped lot, the rear lot line shall be a line within the lot, parallel to and at the maximum distance from the front lot line, having a length of at least ten feet.
 - 3. Lot line, side. Any lot boundary line not a front lot line or a rear lot line.
- H. Low power radio service antenna facility. An unmanned structure consisting of equipment used for the transmission, reception or transfer of voice or data through radio wave (wireless) transmissions.

(Ord. No. Ord. No. 94-08-31; Ord. No. 96-05-21; Ord. No. 01-04-20)

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Planning Commission Minutes January 19, 2021

FOR CONSIDERATION ON: 2 February 2021

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Approve Minutes

BACKGROUND INFORMATION:

Minutes from the January 19, 2021 Planning Commission Meeting.

STAFF RECOMMENDATION:

Review and approve the Planning Commission Minutes.

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
January 19, 2021

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00 p.m. by Chairwoman Jane Griener. The following were present and constituted a quorum:

Chairwoman: Jane Griener

Commission Members: Ethan Allen, John MacKay, Alan MacDonald, Troy Slade, Ed Bush, Sylvia Christiansen

Excused:

Staff: Jed Muhlestein, Marla Fox

Others: Dawn Bingham, Emily Cushing, Travis Cushing

B. Prayer/Opening Comments: John MacKay

C. Pledge of Allegiance: Alan MacDonald

II. PUBLIC COMMENT

No Comments

III. ACTION ITEMS

A. Public Hearing – Accessory Building Setback Exceptions

On January 5, 2021, the Bingham, Cushing, and Strong families spoke during the public comment portion of the Planning Commission meeting. They felt an amendment was needed to the accessory building setback exception ordinance and the maximum allowed height for structures receiving an exception. The Planning Commission discussed the item and told the residents they would hold a public hearing and put this on the agenda for the upcoming meeting.

The Bingham, Cushing, and Strong families have put together a proposal that they would like the Planning Commission to consider for recommendation (see packet). The proposal would amend the height requirement under Article 3.03.050.2.vi.

Staff have reviewed this proposal in relation to neighboring municipalities (American Fork, Highland, and Lehi) and found that Alpine City's code is closely aligned with the requirements in other municipalities. One key finding is that none of the cities allowed accessory buildings or structures to be placed inside an easement, and only Alpine City allows for an exception to setback requirements. In making a recommendation the Planning Commission should consider impact on views, safety (fire hazard), and easements.

Jed Muhlestein said the three families are proposing to change the height for accessory buildings to thirteen feet when closer to the property line.

Jed Muhlestein read the six criteria from the ordinance:

- 1 1. The accessory building is located more than twelve (12) feet from an existing dwelling on the
2 same or adjacent lot;
- 3 2. The accessory building contains no openings on the side contiguous to the lot line;
- 4 3. No drainage from the roof will be discharged onto an adjacent lot;
- 5 4. The accessory building shall be constructed of non-combustive materials or have fire resistive
6 walls rated at one (1) hour or more.
- 7 5. The building will not be placed on land designated as a recorded easement, such as a utility or
8 trail easement: and
- 9 6. The building will not be taller than ten (10) feet to the top of the roof line.

10 Jed Muhlestein said the proposal is to change the exception height for accessory buildings from ten feet to
11 thirteen feet.

12 Jed Muhlestein said the three families mentioned that surrounding cities did not have height restrictions.
13 Jed Muhlestein showed a graph of what restrictions other cities follow. The graph showed that Lehi,
14 American Fork and Alpine do not allow building within the PUE (Utility Easement). Highland City did
15 not specify.

16 Jed Muhlestein showed a graph showing different angles and placement of accessory buildings and if they
17 blocked the view of the neighbor.

18 Jane Griener opened the Public Hearing.

19 Dawn Bingham, 680 W Willow Way, said Highland City has no setback requirements if the structure is
20 under 200 square feet. She asked if she could get an exception for her shed because it is under 200 square
21 feet. She asked when the height ordinance became a standard because she has seen other sheds in Alpine
22 that seem to be too high.

23 Travis and Emily Cushing, 648 W Willow Way, said their shed is 12 ½ feet and asked if they could be
24 given an exception for that height. Emily Cushing said her neighbor's house blocks their view and it
25 wasn't protected by the City and now they are being asked to remove some of the height of their shed to
26 protect the neighbor's view.

27 Jane Griener closed the hearing.

28 Sylvia Christiansen asked if the Cushing's property was surveyed. The Cushing's said their shed was one
29 foot away from the property line. Sylvia Christensen asked if any of these families got a building permit.

30 Marla Fox said none of the three families got a building permit. She explained that the smaller easement
31 was never meant for custom sheds, pool houses or accessory buildings; it is for small sheds to house a
32 lawn mower or tools.

33 Ethan Allen said contractors know they must get a permit or run the risk of something being taken down.

Ed Bush said he looked at readymade sheds from Home Depot and most of them are under ten feet.

Jed Muhlestein said flatwork can be poured right up to the property line but could possibly have to be taken out if a utility company needed to get in the easement.

Sylvia Christiansen said she was concerned that the builders built these sheds without finding out where they could build.

Alan MacDonald asked why we have these heights. Jane Griener said Marla Fox said sheds built next to the property line are allowed only if they meet certain criteria. The ordinance with the six exception criteria was created for small tool sheds.

Alan MacDonald said there was some hearsay about other sheds in the city being too tall. He said he didn't see any pictures of infractions. He said the ordinances seem to be pretty cut and dried as to what sheds can go closer to the property line and what accessory buildings can't. He also said some buildings could have been built a long time ago before the ordinance was written and could be grandfathered in.

Jed Muhlestein said that is true, we have many sheds that were built before the ordinance.

MOTION: Ed Bush moved to recommend DENYING the Accessory Building Setback Exceptions as proposed and leave the Ordinance as is.

Sylvia Christiansen seconded the motion. There were 5 Ayes and 2 Nays (recorded below). The motion passed.

Ayes:

Sylvia Christiansen
Ed Bush
Ethan Allen
Alan MacDonald
Troy Slade

Nays:

John MacKay
Jane Griener

B. Discussion – Temporary Sign Ordinance

On January 5, 2021, the Planning Commission made a recommendation to approve changes to the sign ordinance regarding monument signs. During the review, the Planning Commission had questions about the ordinance for temporary signs and asked that it be added to the next agenda for discussion.

Jane Griener said temporary vinyl signs on occasion are being staked in the ground, wrapped trailers on Main Street, and Grand Opening temporary signs on buildings are being put up and she wanted to know what was permitted. She asked if people were following this and if they were getting permits.

Marla Fox said that there are a few repeat businesses that come in and get a permit for temporary signs. She said Austin Roy works with businesses to get the permit and keeps track of them. Businesses are getting the permits for sales, open houses, promotions, etc. and the permit is good for two weeks.

Sylvia Christiansen asked if a realtor could put up directional signs for open houses. Jed Muhlestein said directional signs are not allowed.

Jane Griener had questions about the large trucks with billboards parked on Main Street in the Parking lot and in a driveway. She said she didn't think that followed the temporary sign ordinance. Marla Fox explained that the business owner was told he couldn't keep the trucks parked indefinitely in the parking lot, but it could be used to come and go for his business. The other truck is parked at his own home in his driveway and has a right to park there. He is fortunate to benefit from living on Main Street to get the business exposé.

IV. Communication

Ed Bush asked about the Blue Bison Appeal. Jed Muhlestein said we have not heard back from the Appeals Officer.

V. APPROVAL OF PLANNING COMMISSION MINUTES: January 5, 2021

MOTION: John MacKay moved to approve the minutes for January 5, 2021 with change by Sylvia Christiansen.

Sylvia Christiansen seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Ethan Allen
Jane Griener
Alan MacDonald
Troy Slade
Ed Bush
John MacKay
Sylvia Christiansen

Nays:

None

MOTION: Alan MacDonald moved to adjourn the meeting.

Ethan Allen seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Ethan Allen
Jane Griener
Alan MacDonald
Troy Slade
Ed Bush
John MacKay
Sylvia Christiansen

Nays:

None

The meeting was adjourned at 8:31p.m.