



## ALPINE CITY PLANNING COMMISSION MEETING

**NOTICE** is hereby given that the **PLANNING COMMISSION** of Alpine City, UT will hold a **Regular Meeting** at **Alpine City Hall**, 20 North Main, Alpine, Utah on **Tuesday, October 15, 2019 at 7:00 pm** as follows:

### I. GENERAL BUSINESS

- |                             |                    |
|-----------------------------|--------------------|
| A. Welcome and Roll Call:   | David Fotheringham |
| B. Prayer/Opening Comments: | Jane Griener       |
| C. Pledge of Allegiance:    | By Invitation      |

### II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission at this point by stepping to the microphone and giving his or her name and address for the record.

### III. ACTION ITEMS

- A. Public Hearing – Amendment to Development Code – Fences on Retaining Walls – Alan & LeeAnn Akina**  
Planning Commission will hold a public hearing, review request and proposed changes to fence ordinance, and make a recommendation to City Council.
- B. Public Hearing – Amendment to Development Code – PRD Slope Requirements**  
Planning Commission will hold a public hearing, review proposed changes, and make a recommendation to City Council.
- C. Public Hearing – General Plan – Moderate Income Housing Element**  
Planning Commission will hold a public hearing, review proposed update, and make a recommendation to City Council.
- D. Moderate Income Housing vs. 55 + Community Discussion – Dick George**  
Planning Commission will discuss possible options for a potential future development.
- E. Lambert Park Trail Proposal – Trail Committee**  
Planning Commission will review the Trail Committee proposal for a new walking/jogging trail in Lambert Park, and make a recommendation to City Council.
- F. Short Term Rentals**  
Planning Commission will continue discussion on proposed Short Term Rental ordinance and make a recommendation to City Council.

### IV. COMMUNICATIONS

### V. APPROVAL OF PLANNING COMMISSION MINUTES: October 1, 2019

### ADJOURN

Chairman David Fotheringham  
October 15, 2019

**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](http://www.alpinecity.org) and on the Utah Public Meeting Notices website at [www.utah.gov/pmn/index.html](http://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:** Public Hearing – Amendment to Development Code – Fences on Retaining Walls

**FOR CONSIDERATION ON:** 15 October 2019

**PETITIONER:** Alan & LeeAnn Akina

**ACTION REQUESTED BY PETITIONER:** Recommend approval of proposed change.

### **BACKGROUND INFORMATION:**

The Akina family would like to build a privacy fence on the back of their property, however current ordinance prohibits privacy fences on top of retaining walls. They feel it is their right to be able to fence their property with a privacy fence just like any other resident in the City even though the back of their property terminates in a drop-off atop a retaining wall.

The current ordinance pertaining to fences on retaining walls was originally intended to prevent the death or accident of an individual jumping a fence. The proposed change seeks to eliminate the restriction on privacy fences on top of retaining walls.

### **STAFF RECOMMENDATION:**

Receive public comment and make a recommendation to City Council.

### **SAMPLE MOTION TO APPROVE:**

I motion to recommend that the proposed amendments to Article 3.21.060 of the Development Code be approved as proposed.

### **SAMPLE MOTION TO APPROVE WITH CONDITIONS:**

I motion to recommend that the proposed amendments to Article 3.21.060 of the Development Code be approved with the following conditions/changes:

- \*\*\*Insert Finding\*\*\*

### **SAMPLE MOTION TO DENY:**

I motion to recommend that the proposed amendments to Article 3.21.060 of the Development Code be denied based on the following:

- \*\*\*Insert Finding\*\*\*



# Planning Commission Agenda

## Application Form

20 North Main Alpine, UT 84004 • 801-756-6347 (Phone) • 801-756-1189 (Fax) • [www.alpinecity.org](http://www.alpinecity.org)

All materials must be submitted to the City Planner at least **14 days** prior to the Planning Commission meeting for which you want to be scheduled.

Name ALAN & LEANN AKINA Date 26 SEPT 2019

Address 460 RIDGE LN. ALPINE, UT 84004

Phone 808 311 6227 Fax \_\_\_\_\_ Email ALANAKINA@GMAIL.COM

Subject for Discussion: (The more specific you are, the better prepared the Planning Commission will be to discuss your request.)

ORDINANCE # 3.21.060 FENCES, WALLS, AND HEDGES #1 FENCES ON RET.  
WALLS — WE NEEDED A RETAINING WALL THIS SIZE TO MAKE THE PROPERTY  
USABLE. WHEN WE PURCHASED THE LOT WE DID SO WITH THE UNDERSTANDING  
THAT WE COULD HAVE THE SAME FENCES AND WALLS AS ALL OF OUR NEIGHBORS.  
ALL WE WANT IS TO PUT IN A GOOD FENCE THAT CAN BE MAINTAINED.  
THE ORDINANCE IS WELL SUITED FOR A COMMERCIAL APPLICATION BUT NOT RESIDENTIAL.  
(RIGHT OF USE & EXPECTATION OF PRIVACY). SOMEONE JUMPING THE FENCE  
SHOULD NOT BE ON PROPERTY AND IS NOT A CITY ISSUE OR LIABILITY.  
WE HOPE THAT YOU CONSIDER OUR REQUEST AS WE ARE TRYING TO DO  
THE RIGHT THING FOR OUR FAMILY AND NEIGHBORS

Location 460 RIDGE LN. ALPINE, UT 84004

Please attach any necessary maps, plats, documentation, stamped and addressed envelopes for notification, etc.



**ALPINE CITY  
ORDINANCE 2019-20**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.21.060 OF THE ALPINE  
CITY DEVELOPMENT CODE PERTAINING TO FENCES, WALLS AND HEDGES.**

**WHEREAS**, The Alpine City Council has deemed it in the best interest of Alpine City to amend the Fences, Walls and Hedges ordinance; 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 3.21.060 contained in the attached document will supersede Article 3.21.060 as previously adopted. This ordinance shall take effect upon posting.

**SECTION 1:**        **AMENDMENT** “3.21.060 Fences, Walls And Hedges” of the Alpine City Municipal Code is hereby *amended* as follows:

**B E F O R E   A M E N D M E N T**

**3.21.060 Fences, Walls And Hedges**

1. **Requirement.** All fences must be approved by the planning and zoning department and a building permit obtained.
2. **Front Yard Fences.** Privacy fences, walls and hedges along the street frontage of a lot shall not exceed 3 feet in height when placed within 10 feet of the front property line. Open style fences shall not exceed 4 feet in height when placed within 10 feet of the front property line. Front yard fences may be eight (8) feet in height if they are placed at least 10 feet back from the front property line.
3. **Interior Side Yard Fences.** Fences alongside yards shall not exceed 3 feet in height for privacy fences and 4 feet in height for open style fences when they are within 10 feet of the front property line. Side yard fences may be eight (8) feet in height when they are located at least 10 feet back from the front property line.
4. **Rear Yard Fences.** A rear yard fence may be eight (8) feet in height.

5. **Corner Lot Fences within the Sight Triangle.** The sight triangle on corner lots shall not be obstructed. Privacy fences, walls, or hedges shall not exceed three (3) feet in height, and open-style fences shall not exceed four (4) feet in height, when located within the sight triangle on a corner lot. The sight triangle is defined as the area formed by connecting the corner of the property to points 35 feet back along each property line abutting the street.
6. **Corner Lot Fences outside the Sight Triangle.** Side yard fences abutting the street may be eight (8) feet in height when they are located at least 35 feet back from the front property line, outside the sight triangle. For interior side fence see DCA 3.21.060 Part 2.
7. **Fences on Retaining Walls.** Under no condition shall a fence and wall exceed nine (9) feet on the same plane. If a privacy fence that is on top of a retaining wall would exceed nine (9) feet, the fence shall be set back at least four (4) feet from the back side of the retaining wall. Open style fences including but not limited to rail fences, field fences, or chain link fences are permitted to be on the same plane as a retaining wall.
8. **Agricultural Fences.** Fences on property where an identifiable commercial agricultural product is produced shall not exceed eight (8) feet in height, and shall be an open style fence.
9. **Fences Along Public Open Space and Trails.** See DCA 3.16, DCA 3.16.100 Part 1 and DCA 3.17 and DCA 3.17.100 Part 3,a.

Fences or borders along property lines adjacent to a trail or open space must meet with the City Planner and meet specific standards.

- a. When the width of the open space or trail easement is less than 50 feet, bordering fences may not exceed eight (8) feet in height, and shall not obstruct visibility. (Open style fences such as rail fences, field fence, or chain link are preferable.)
  - b. When the width of the open space or trail easement is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.
  - c. Fences and hedges must be completely within the boundaries of the private property.
  - d. Hedges or shrubs must be maintained to the same height requirements as fences.
  - e. The owner of the fence or hedge must maintain the side facing the open space.
10. **Conditional Uses for Interior Fences.** A conditional use permit may be approved by the City Planner for an interior fence over eight (8) feet in height for such things as sports courts, gardens and swimming pools. A conditionally approved interior fence shall not exceed twelve (12) feet in height and shall be an open style fence. (Ord. No. 2015-06, 05/26/15)

(amended by Ord. No. 2005-02, 2/8/05; Ord. No. 2013-10, 7/9/13; Ord. No. 2015-06, 05/26/15; Ord. No. 2017-01, 01/10/17; Ord. No. 2017-13, 06/27/17)

#### AFTER AMENDMENT

3.21.060 Fences, Walls And Hedges

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- e. The owner of the fence or hedge must maintain the side facing the open space.
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PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

|                 | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|-----------------|------------|------------|---------------|----------------|
| Lon Lott        | _____      | _____      | _____         | _____          |
| Kimberly Bryant | _____      | _____      | _____         | _____          |
| Carla Merrill   | _____      | _____      | _____         | _____          |
| Ramon Beck      | _____      | _____      | _____         | _____          |
| Jason Thelin    | _____      | _____      | _____         | _____          |

Presiding Officer

Attest

\_\_\_\_\_  
Troy Stout, Mayor, Alpine City

\_\_\_\_\_  
Charmayne G. Warnock, City  
Recorder Alpine City

**ALPINE CITY  
ORDINANCE 2019-20**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.21.060 OF THE ALPINE  
CITY DEVELOPMENT CODE PERTAINING TO FENCES, WALLS AND HEDGES.**

**WHEREAS**, The Alpine City Council has deemed it in the best interest of Alpine City to amend the Fences, Walls and Hedges ordinance; 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:

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  - b. When the width of the open space or trail easement is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.
  - c. Fences and hedges must be completely within the boundaries of the private property.
  - d. Hedges or shrubs must be maintained to the same height requirements as fences.
  - e. The owner of the fence or hedge must maintain the side facing the open space.
  - f. Under no condition shall a fence and wall exceed nine (9) feet on the same plane. If a privacy fence that is on top of a retaining wall would exceed nine (9) feet, the fence shall be set back at least four (4) feet from the back side of the retaining wall. Open style fences including but not limited to rail fences, field fences, or chain link fences are permitted to be on the same plane as a retaining wall.
9. **Conditional Uses for Interior Fences.** A conditional use permit may be approved by the City Planner for an interior fence over eight (8) feet in height for such things as sports courts, gardens and swimming pools. A conditionally approved interior fence shall not exceed twelve (12) feet in height and shall be an open style fence. (Ord. No. 2015-06, 05/26/15)

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PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

\_\_\_\_\_.

|                 | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|-----------------|------------|------------|---------------|----------------|
| Lon Lott        | _____      | _____      | _____         | _____          |
| Kimberly Bryant | _____      | _____      | _____         | _____          |
| Carla Merrill   | _____      | _____      | _____         | _____          |
| Ramon Beck      | _____      | _____      | _____         | _____          |
| Jason Thelin    | _____      | _____      | _____         | _____          |

Presiding Officer

Attest

\_\_\_\_\_  
Troy Stout, Mayor, Alpine City

\_\_\_\_\_  
Charmayne G. Warnock, City  
Recorder Alpine City

## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT:** Public Hearing – Amendment to Development Code – PRD Slope Requirements

**FOR CONSIDERATION ON:** 15 October 2019

**PETITIONER:** Staff

**ACTION REQUESTED BY PETITIONER:** Recommend approval of proposed change.

### **BACKGROUND INFORMATION:**

Staff are proposing a change to the ordinance regarding slope requirements for lots located within a Planned Residential Development (PRD). The proposed changes would change the way property line look and allow for more flexibility when including slope into a lot or development..

#### **STAFF RECOMMENDATION:**

Receive public comment and make a recommendation to City Council.

#### **SAMPLE MOTION TO APPROVE:**

I motion to recommend that the proposed amendments to Article 3.09.040 of the Development Code be approved as proposed.

#### **SAMPLE MOTION TO APPROVE WITH CONDITIONS:**

I motion to recommend that the proposed amendments to Article 3.09.040 of the Development Code be approved with the following conditions/changes:

- \*\*\*Insert Finding\*\*\*

#### **SAMPLE MOTION TO DENY:**

I motion to recommend that the proposed amendments to Article 3.09.040 of the Development Code be denied based on the following:

- \*\*\*Insert Finding\*\*\*



**ALPINE CITY  
ORDINANCE 2019-21**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.09.040 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING SLOPE REQUIREMENTS FOR PLANNED RESIDENTIAL DEVELOPMENTS.**

**WHEREAS**, The Alpine City Council has deemed it in the best interest of Alpine City to amend the slope requirements for Planned Residential Developments; 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 3.09.040 contained in the attached document will supersede Article 3.09.040 as previously adopted. This ordinance shall take effect upon posting.

**SECTION 1:**        **AMENDMENT** “3.09.040 Open Space” of the Alpine City Municipal Code is hereby *amended* as follows:

**B E F O R E   A M E N D M E N T**

**3.09.040 Open Space**

1. A portion of each project area shall be set aside and maintained as designated open space. The minimum amount of a project area to be set aside as designated open space shall be as set forth in the following schedule:

**Minimum Open Space Required**

| Zone District | Minimum % of Total Project Area Required as Open Space |
|---------------|--|
| CR-20,000     | 25%  |
| CR-40,000     | 25%  |
| CE-5          | 50%  |
| CE-50         | 50%  |

2. The designated open space areas may include natural open space, (applicable to steep hillside, wetland, flood plain area etc.) and developed useable open space areas, or a combination thereof.
3. Notwithstanding the minimum open space requirements set forth under Part 1, the designated open space area shall include and contain all 100 year flood plain areas, defined floodways, all avalanche and rock fall hazard areas, all areas having a slope of twenty five (25) percent or greater, or any other area of known significant physical hazard for development.
  - a. An exception may be made with a recommendation by the Planning Commission to the City Council with the final determination to be made by the City Council that up to 5% of an individual lot may contain ground having a slope of more than 25% in the CR-20,000 and CR-40,000 zones as long as the lot can meet current ordinance.
  - b. An exception may be made that an individual lot may contain up to 15% of the lot having a slope of more than 25% in the CE-5 and CE-50 zone as long as the lot can meet current ordinance without the exception. The exception shall be recommended by the City Engineer to the Planning Commission, and a recommendation by the Planning Commission to the Alpine City Council with the final determination to be made by the City Council. (Ord. 2005-02, 2/8/05)
  - c. An exception may be made with a recommendation by the Planning Commission to the City Council with the final determination to be made by the City Council that an individual lot may contain up to another 5% of the lot (on top of the percentage as mentioned in Parts 3,a or 3,b) having a slope of more than 25% if it can be shown that the extra percentage of area acquired is being used to straighten and eliminate multiple segmented property lines as long as the lot can meet current ordinance.
4. The designated open space area shall be maintained so that its use and enjoyment as open space are not diminished or destroyed. The City will have sole discretion in determining if open space is held in private or public ownership. To assure that all designated open space area will remain as open space, the applicants/owners shall:
  - a. Dedicate or otherwise convey title to the open space area to the City for open space purposes;
  - b. Convey ownership of the open space area to the homeowners association established as part of the approval of the PRD or to an independent open space preservation trust organization approved by the City.

In the event this alternative is used, the developer shall also execute an open space preservation easement or agreement with the City, the effect of which shall be to prohibit any excavating, making additional roadways, installing additional utilities, constructing any dwellings or other structures, or fencing or conducting or allowing the conduct of any activity which would alter the character of the open space area from that initially approved, without the prior approval of the City. The appropriate method for insuring preservation shall be as determined by the City at the time of development approval; or

- c. A combination of Part 4,a and Part 4,b.
5. Where the proposed open space includes developed or useable space or facilities (tennis courts, pavilions, swimming pools) intended for the use by project residents, the organizational documents shall include provisions for the assessment of adequate fees and performance guarantees required to secure the construction of required improvements including the costs of installation of all landscaping and common amenities.
6. A detailed landscaping plan showing the proposed landscape treatment of all portions of the project proposed to be developed as, useable, common open space shall be submitted as part of the submittal documents.

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

## AFTER AMENDMENT

### 3.09.040 Open Space

1. A portion of each project area shall be set aside and maintained as designated open space. The minimum amount of a project area to be set aside as designated open space shall be as set forth in the following schedule:

#### Minimum Open Space Required

| Zone District | Minimum % of Total Project Area Required as Open Space |
|---------------|--|
| CR-20,000     | 25%  |
| CR-40,000     | 25%  |
| CE-5          | 50%  |
| CE-50         | 50%  |

2. The designated open space areas may include natural open space, (applicable to steep hillside, wetland, flood plain area etc.) and developed useable open space areas, or a combination thereof.
3. Notwithstanding the minimum open space requirements set forth under Part 1, the designated open space area shall include and contain all 100 year flood plain areas, defined floodways, all avalanche and rock fall hazard areas, all areas having a slope of twenty five (25) percent or greater, or any other area of known significant physical hazard for development.

- a. Up to 15% of an individual lot may contain ground having a slope of more than 25% if the lot can meet current ordinance.

~~An exception may be made with a recommendation by the Planning Commission to the City Council with the final determination to be made by the City Council that up to 5% of an individual lot may contain ground having a slope of more than 25% in the CR-20,000 and CR-40,000 zones as long as the lot can meet current ordinance.~~

- b. At the discretion of the City Council and upon recommendation of the Planning Commission and Staff, once a Concept Plan has been approved using the slope criteria as previously set forth, and all other applicable ordinances; lot lines may be adjusted to square up the lot by straightening and eliminating multiple segmented property lines as long as the lot can meet current ordinance.

~~An exception may be made that an individual lot may contain up to 15% of the lot having a slope of more than 25% in the CE-5 and CE-50 zone as long as the lot can meet current ordinance without the exception. The exception shall be recommended by the City Engineer to the Planning Commission, and a recommendation by the Planning Commission to the Alpine City Council with the final determination to be made by the City Council. (Ord. 2005-02, 2/8/05) An exception may be made with a recommendation by the Planning Commission to the City Council with the final determination to be made by the City Council that an individual lot may contain up to another 5% of the lot (on top of the percentage as mentioned in Parts 3,a or 3,b) having a slope of more than 25% if it can be shown that the extra percentage of area acquired is being used to straighten and eliminate multiple segmented property lines as long as the lot can meet current ordinance.~~

4. The designated open space area shall be maintained so that its use and enjoyment as open space are not diminished or destroyed. The City will have sole discretion in determining if open space is held in private or public ownership. To assure that all designated open space area will remain as open space, the applicants/owners shall:
- a. Dedicate or otherwise convey title to the open space area to the City for open space purposes;
  - b. Convey ownership of the open space area to the homeowners association established as part of the approval of the PRD or to an independent open space preservation trust organization approved by the City.

In the event this alternative is used, the developer shall also execute an open space preservation easement or agreement with the City, the effect of which shall be to prohibit any excavating, making additional roadways, installing additional utilities, constructing any dwellings or other structures, or fencing or conducting or allowing the conduct of any activity which would alter the character of the open space area from that initially approved, without the prior approval of the City. The appropriate method for insuring preservation shall be as determined by the City at the time of development approval; or

- c. A combination of Part 4,a and Part 4,b.
5. Where the proposed open space includes developed or useable space or facilities (tennis courts, pavilions, swimming pools) intended for the use by project residents, the organizational documents shall include provisions for the assessment of adequate fees and performance guarantees required to secure the construction of required improvements including the costs of installation of all landscaping and common amenities.
  6. A detailed landscaping plan showing the proposed landscape treatment of all portions of the project proposed to be developed as, useable, common open space shall be submitted as part of the submittal documents.

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

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

|                 | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|-----------------|------------|------------|---------------|----------------|
| Lon Lott        | _____      | _____      | _____         | _____          |
| Kimberly Bryant | _____      | _____      | _____         | _____          |
| Carla Merrill   | _____      | _____      | _____         | _____          |
| Ramon Beck      | _____      | _____      | _____         | _____          |
| Jason Thelin    | _____      | _____      | _____         | _____          |

Presiding Officer

Attest

\_\_\_\_\_  
Troy Stout, Mayor, Alpine City

\_\_\_\_\_  
Charmayne G. Warnock, City  
Recorder Alpine City

**ALPINE CITY  
ORDINANCE 2019-21**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.09.040 OF THE ALPINE CITY DEVELOPMENT CODE PERTAINING SLOPE REQUIREMENTS FOR PLANNED RESIDENTIAL DEVELOPMENTS.**

**WHEREAS**, The Alpine City Council has deemed it in the best interest of Alpine City to amend the slope requirements for Planned Residential Developments; 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 3.09.040 contained in the attached document will supersede Article 3.09.040 as previously adopted. This ordinance shall take effect upon posting.

**SECTION 1:**        **AMENDMENT** “3.09.040 Open Space” of the Alpine City Municipal Code is hereby *amended* as follows:

**A M E N D M E N T**

**3.09.040 Open Space**

1. A portion of each project area shall be set aside and maintained as designated open space. The minimum amount of a project area to be set aside as designated open space shall be as set forth in the following schedule:

**Minimum Open Space Required**

| Zone District | Minimum % of Total Project Area Required as Open Space |
|---------------|--|
| CR-20,000     | 25%  |
| CR-40,000     | 25%  |
| CE-5          | 50%  |
| CE-50         | 50%  |

2. The designated open space areas may include natural open space, (applicable to steep hillside, wetland, flood plain area etc.) and developed useable open space areas, or a combination thereof.
3. Notwithstanding the minimum open space requirements set forth under Part 1, the designated open space area shall include and contain all 100 year flood plain areas, defined floodways, all avalanche and rock fall hazard areas, all areas having a slope of twenty five (25) percent or greater, or any other area of known significant physical hazard for development.
  - a. Up to 15% of an individual lot may contain ground having a slope of more than 25% if the lot can meet current ordinance.
  - b. At the discretion of the City Council and upon recommendation of the Planning Commission and Staff, once a Concept Plan has been approved using the slope criteria as previously set forth, and all other applicable ordinances; lot lines may be adjusted to square up the lot by straightening and eliminating multiple segmented property lines as long as the lot can meet current ordinance.
4. The designated open space area shall be maintained so that its use and enjoyment as open space are not diminished or destroyed. The City will have sole discretion in determining if open space is held in private or public ownership. To assure that all designated open space area will remain as open space, the applicants/owners shall:
  - a. Dedicate or otherwise convey title to the open space area to the City for open space purposes;
  - b. Convey ownership of the open space area to the homeowners association established as part of the approval of the PRD or to an independent open space preservation trust organization approved by the City.

In the event this alternative is used, the developer shall also execute an open space preservation easement or agreement with the City, the effect of which shall be to prohibit any excavating, making additional roadways, installing additional utilities, constructing any dwellings or other structures, or fencing or conducting or allowing the conduct of any activity which would alter the character of the open space area from that initially approved, without the prior approval of the City. The appropriate method for insuring preservation shall be as determined by the City at the time of development approval; or

- c. A combination of Part 4,a and Part 4,b.
5. Where the proposed open space includes developed or useable space or facilities (tennis courts, pavilions, swimming pools) intended for the use by project residents, the organizational documents shall include provisions for the assessment of adequate fees and performance guarantees required to secure the construction of required improvements including the costs of installation of all landscaping and common amenities.
6. A detailed landscaping plan showing the proposed landscape treatment of all portions of the project proposed to be developed as, useable, common open space shall be submitted as part of the submittal documents.

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

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

|                 | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|-----------------|------------|------------|---------------|----------------|
| Lon Lott        | _____      | _____      | _____         | _____          |
| Kimberly Bryant | _____      | _____      | _____         | _____          |
| Carla Merrill   | _____      | _____      | _____         | _____          |
| Ramon Beck      | _____      | _____      | _____         | _____          |
| Jason Thelin    | _____      | _____      | _____         | _____          |

Presiding Officer

Attest

\_\_\_\_\_  
Troy Stout, Mayor, Alpine City

\_\_\_\_\_  
Charmayne G. Warnock, City  
Recorder Alpine City



## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT: Public Hearing – Moderate Income Housing Element**

**FOR CONSIDERATION ON: 15 October 2019**

**PETITIONER: Staff**

**ACTION REQUESTED BY PETITIONER: Review and recommend approval of the Moderate Income Housing Element of the General Plan.**

### **BACKGROUND INFORMATION:**

Per Senate Bill 34, Alpine City is tasked with implementing 3 or more strategies as part of the Moderate Income Housing Element by the end of 2019. The City Council has identified the following:

- E. create or allow for, and reduce regulations related to, accessory dwelling units in residential zones*
- L. preserve existing MIH*
- O. implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality*

The above strategies have been added to a revised Moderate Income Housing Element of the General Plan and is needing approval to meet the deadline.

### **STAFF RECOMMENDATION:**

Review and recommend approval of the Moderate Income Housing Element of the General Plan.

### **SAMPLE MOTION TO APPROVE:**

I motion that the Moderate Income Housing Element of the General Plan be approved as proposed.

### **SAMPLE MOTION TO APPROVE WITH CONDITIONS:**

I motion that the Moderate Income Housing Element of the General Plan be approved with the following conditions:

- \*\*\*Insert Finding\*\*\*



## PURPOSE

The Moderate Income Housing Element is intended to accomplish the following:

- Comply with Utah State Code;
- Summarize Alpine City's population, income levels, and housing values;
- Discuss constraints and opportunities for the provision of moderate income housing; and
- Identify goals and policies to address Alpine City housing needs.

## DEFINITION

Moderate income housing is defined by the state as *“housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median income for households of the same size in the county in which the city is located.”*

For the purposes of this element, this definition is further refined to include the following income categories:

- A. Moderate Income: 51% – 80% of the county median income
- B. Low Income: 31% - 50% of the county median income
- C. Very Low: 30% or less of the county median income

## STATE LAW AND LOCAL PLANNING

Utah Municipal Code Chapter 10-9a-403-B-iii requires each city to: 1) provide an estimate of the need for the development of additional moderate income housing within the city, and 2) to provide a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.

State law requires each city to:

# MODERATE INCOME HOUSING



- Consider the Legislature's determination that cities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing;
- Meet the needs of people desiring to live there; and
- Allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life.

## CURRENT AND FUTURE PROJECTIONS

### POPULATION ESTIMATE

According to the U.S. Census Bureau population estimate for Alpine City in 2017 was 10,197 with a projected annual rate of growth of 117. Projected population for 2024 is 11,004.

|   | 2009<br>American<br>Community<br>Survey | 2017<br>American<br>Community<br>Survey | Annual<br>Growth Rate<br>(Slope) | 2024<br>Projection | Difference<br>between 2017<br>and 2024 |
|---|---|---|----------------------------------|--------------------|--|
| Total Population:<br>(ACS Table B01003)                               | 9,651                                   | 10,197                                  | 117                              | 11,004             | 807                                    |
| Total Population in occupied<br>housing units<br>(ACS Table B25008)   | 9,651                                   | 10,197                                  | 117                              | 11,004             | 807                                    |
| Total Population in owner-<br>occupied housing<br>(ACS Table B25008)  | 8,695                                   | 8,780                                   | 63                               | 9,014              | 234                                    |
| Total Population in renter-<br>occupied housing<br>(ACS Table B25008) | 956                                     | 1,417                                   | 54                               | 1,990              | 573                                    |

Source 1: U.S. Census Bureau. Table B01003: Total population. American Community Survey.

Source 2: U.S. Census Bureau. Table B25008: Total population in occupied housing units by tenure. American Community Survey.

### TOTAL HOUSEHOLD UNITS

Over the next 5 years the U.S. Census Bureau projects the ratio of renter-occupied structures to owner occupied structures to increase at approximately 40 units per year:

|   | 2009<br>American<br>Community<br>Survey | 2017<br>American<br>Community<br>Survey | Annual<br>Growth Rate<br>(Slope) | 2024<br>Projection | Difference<br>between 2017<br>and 2024 |
|---|---|---|----------------------------------|--------------------|--|
| TOTAL HOUSING UNITS<br>(ACS Table B25001) | 2,499                                   | 2,770                                   | 40                               | 3,098              | 328                                    |

Source 1: U.S. Census Bureau. Table B25001: Total housing units. American Community Survey.

Source 2: U.S. Census Bureau. Table B25032: Tenure by units in structure. American Community Survey.

### HOUSEHOLD SIZE

# MODERATE INCOME HOUSING



Household size, unlike population, is projected to drop in the next 5 years. A possible indicator of an aging population.

|  | 2009<br>American<br>Community<br>Survey | 2017<br>American<br>Community<br>Survey | 2024<br>Projection |
|--|---|---|--------------------|
| Average Household Size<br>(ACS Table B25010) | 4.3                                     | 3.87                                    | 3.54               |

Source 1: U.S. Census Bureau. Table B25010: Average household size of occupied housing units by tenure. American Community Survey

## ALPINE CITY MEDIAN HOUSHOLD INCOME

Median household income is projected to decrease over the next 5 years, which may be related to the projected decrease in household size.

|   | 2009<br>American<br>Community<br>Survey | 2017<br>American<br>Community<br>Survey | Annual<br>Growth Rate<br>(Slope) | 2024<br>Projection | Difference<br>between 2017<br>and 2024 |
|---|---|---|----------------------------------|--------------------|--|
| Median household income<br>(ACS Table B25119) | \$104,436                               | \$112,727                               | \$73                             | \$101,542          | \$ (11,185)                            |
| Owner-occupied income<br>(ACS Table B25119)   | \$111,071                               | \$124,240                               | \$522                            | \$120,816          | \$ (3,424)                             |
| Renter-occupied income<br>(ACS Table B25119)  | \$38,304                                | \$54,375                                | \$1,002                          | \$50,627           | \$ (3,748)                             |

Source 1: U.S. Census Bureau. Table B25119: Median household income that past 12 months by tenure. American Community Survey

## UTAH COUNTY AREA MEDIAN INCOME

Utah County area median income is projected to increase significantly over the next 5 years from \$67,042 in 2017 to \$108,972 in 2024, a difference of over \$41,000. If this projection is accurate, it would indicate that the median income gap between Alpine City and Utah County will close over the next 5 years..

|   | 2009<br>American<br>Community<br>Survey | 2017<br>American<br>Community<br>Survey | Annual<br>Growth Rate<br>(Slope) | 2024<br>Projection | Difference<br>between 2017<br>and 2024 |
|---|---|---|----------------------------------|--------------------|--|
| Median HOUSEHOLD income<br>(ACS Table B19019) | \$0                                     | \$67,042                                | \$4,950                          | \$108,972          | \$ 41,930                              |

Source 1: U.S. Census Bureau. Table B19019: Median household income that past 12 months by household size. American Community Survey

# MODERATE INCOME HOUSING

## GOAL



Promote moderate income housing that meets the needs of those desiring to live in Alpine.

## POLICIES

- 1.1 Allow accessory apartments within owner-occupied dwellings throughout the City
- 1.2 Allow senior housing units to be built in more dense clusters to reduce costs of living.
- 1.3 Preserve existing moderate income housing.
- 1.4 Provide a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality.

## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT: Moderate Income Housing vs. 55 + Community Discussion**

**FOR CONSIDERATION ON: 15 October 2019**

**PETITIONER: Dick George**

**ACTION REQUESTED BY PETITIONER: Review and discuss possible options for a future development.**

### **BACKGROUND INFORMATION:**

Applicant would like to discuss the potential future development of piece of property in Alpine City. Applicant is considering either a moderate income housing development or a 55 plus community and would like to receive feedback from the Planning Commission.

### **STAFF RECOMMENDATION:**

Review and discuss options for a future development.





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## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT: Lambert Park Trail Proposal**

**FOR CONSIDERATION ON: 15 October 2019**

**PETITIONER: Trail Committee**

**ACTION REQUESTED BY PETITIONER: Review proposal and make a recommendation to City Council.**

### **BACKGROUND INFORMATION:**

The Trail Committee is proposing a new trail in Lambert Park to be dedicated solely for pedestrian traffic only (no bikes, horses, etc.). Complaints from residents about near accidents with bikers and horses has prompted the trail committee to investigate the possibility of a pedestrian only trail. Trail Committee to present the proposed alignment and location of the trail at the meeting.

### **STAFF RECOMMENDATION:**

Review and make a recommendation to City Council.

### **SAMPLE MOTION TO APPROVE:**

I motion to recommend that the new trail in Lambert Park be approved as proposed.

### **SAMPLE MOTION TO APPROVE WITH CONDITIONS:**

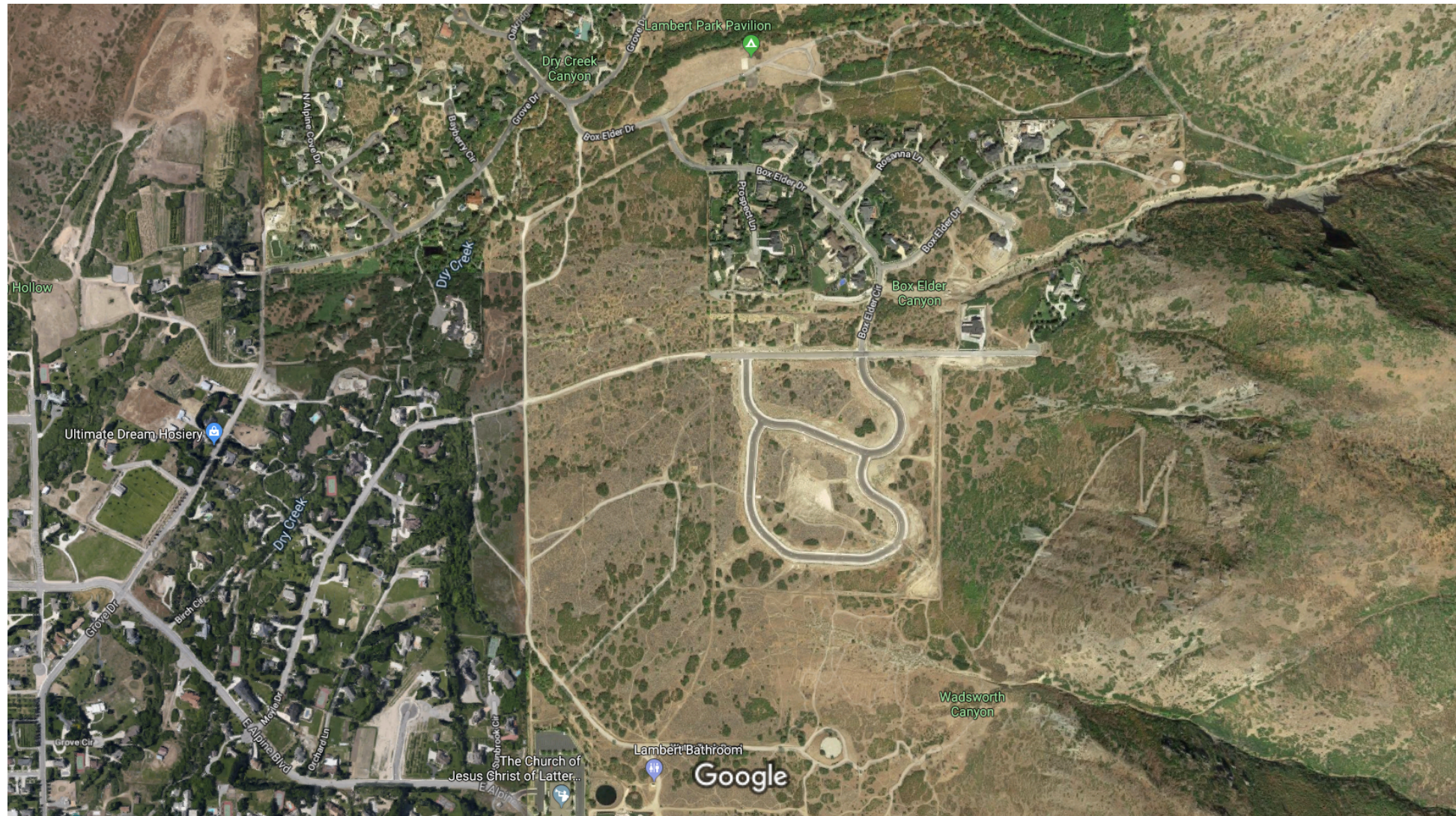
I motion to recommend that the new trail in Lambert Park be approved with the following conditions/changes:

- \*\*\*Insert Finding\*\*\*

### **SAMPLE MOTION TO DENY:**

I motion to recommend that the proposed new trail in Lambert Park be denied based on the following:

- \*\*\*Insert Finding\*\*\*



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# ALPINE PLANNING COMMISSION AGENDA

**SUBJECT: Short Term Rentals**

**FOR CONSIDERATION ON: 15 October 2019**

**PETITIONER: Staff**

**ACTION REQUESTED BY PETITIONER: Review and make a recommendation to City Council.**

## **BACKGROUND INFORMATION:**

Alpine City currently has approximately 30-35 Short Term Rentals (i.e. Airbnb, VRBO, etc.) in town. Staff have received numerous complaints about one rental in particular; however, overall complaints have been few and far in between regarding existing Short Term Rentals (STRs).

Currently, STRs are not allowed in the residential zones of the City per the definition of Residence found in Article 3.1.110:

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

It has been a challenge to enforce this ordinance since the burden of proof lies on the City. Website listings cannot be used as evidence, and activity occurs on private property, where staff is limited by its inability to search and inspect the residences in question.

A Short Term Rental ordinance can be used to either prohibit and restrict STRs, or regulate and enforce rules on allowed STRs through requirements, fines, fees and/or taxes.

A new STR ordinance should consider the following:

- Number of STRs to be allowed in the City?
- Number of STRs to be allowed in a single residence?
- Maximum number of bedrooms allowed per STR unit?
- Owner occupied STRs? Or Local Manager required?
- Business License requirement?
- In which zones shall STRs be permitted?
- Parking Requirements?
- Fees and Taxes?

Staff have prepared a draft Short Term Rental Ordinance based on the above considerations (see attached).

**STAFF RECOMMENDATION:**

Review and discuss the proposed Short Term Rental ordinance and make a recommendation to City Council.

**SAMPLE MOTION TO APPROVE:**

I motion to recommend that the Short Term Rental ordinance be approved as proposed.

**SAMPLE MOTION TO APPROVE WITH CONDITIONS:**

I motion to recommend that the proposed Short Term Rental ordinance be approved with the following conditions/changes:

- \*\*\*Insert Finding\*\*\*

**SAMPLE MOTION TO DENY:**

I motion to recommend that the proposed Short Term Rental ordinance be denied based on the following:

- \*\*\*Insert Finding\*\*\*

## **SHORT TERM RENTAL CONSIDERATIONS**

There are currently approximately 30-35 Short Term Rentals in Alpine. If Alpine considered a Short Term Rental Ordinance (STR) what are the questions that should be answered?

### **How many short term rental units would be allowed in the City**

There could be no limit on the number of units or for example Sandy City limits STRs to 2 per 100 dwellings. In Alpine's case this would allow 50 STRs.

**How many rentals in each home would be allowed?** This could be as low as one or up to three or four.

**How many bedrooms would be allowed in each unit?** The City could set a limit on the number of bedrooms allowed.

**Should a short term rental be owner occupied?** An STR could require that the rental be owner occupied or that a local manager be required.

**Permits & licenses-** A STR would be required to obtain a Business License

**Which Zones would STRs be allowed?** They could be allowed in any zone.

**How many people would be allowed to stay in the units?** The City could limit the number of people allowed to stay in the unit.

**Parking-** Parking could be limited to the garage and driveway.

**Revenue-** How much revenue would be generated by STRs

One time Application Fee of  $\$250 \times 30 = \$7500$

Annual Renewal  $\$150 \times 30 = \$4500$  per year

Transient Room Tax of 1% assuming 30 rentals bringing in \$50,000 per year each would be \$1,500,000 and would generate \$15,000 per year in taxes.

DRAFT 8-24-19

## Chapter 7 SHORT-TERM RENTALS

### Sections:

7.01 Findings; Purpose. Definitions.

7.02 Permit required. Minimum duration. Where permitted. Exceptions.

7.03 Minimum Duration Permit application and renewal; Approval standards.

7.04 Exceptions

7.05 Permit Application and Renewal

7.06 Display of Permit

7.07 Exterior display of contact information.

7.08 Occupancy Limits

7.09 Parking

7.10 Maintenance

7.11 Binding Effect

7.12 Inspections

7.13 Reserved

7.14 Fees

7.15 Violations and Penalties.

The City Council finds that while short-term rental properties may provide additional lodging opportunities for visitors to the City, such use is, essentially, a commercial use that can have a significant adverse impact on the appearance, tranquility and standard of living in the surrounding neighborhoods and, therefore, merits careful regulation and enforcement. The purpose of this chapter is to regulate short-term rentals in the City in order to safeguard the peace, safety and general welfare of existing neighborhoods by reducing or eliminating detrimental effects caused by noise, vandalism, overcrowding, congestion, traffic, parking and other adverse effects that may accompany the introduction of transient populations in neighborhoods as a result of the operation of short-term rental properties.

7.01 Definitions.

A. "Bedroom" means a room designated and used primarily for sleeping and rest on a bed. Every bedroom shall have at least one operable emergency escape and rescue opening that

complies with all applicable requirements and standards set forth in the latest version of the International Building Code adopted by the City.

B. “Director” means the city’s planner, his designee, or any other designee of the City.

C. “Short-term rental” means the rental, letting of rooms or sub- leasing/renting of any structure, dwelling or portion thereof for occupancy, dwelling, lodging or sleeping purposes for at least three but not more than 30 consecutive days in duration.

D. “Short-term rental operator” or “operator” means the owner or a responsible party designated by the owner of a short-term rental property to act for and in behalf of the owner in managing the property. If the operator is not the owner, the actions, undertakings and certifications of the operator shall be binding on the owner. To assure prompt response to complaints and \_ issues concerning a short-term rental property, the operator must:

1. maintain a call center or other complaint “hotline” that 1s staffed by a live person (i.e.—mere voicemail or an answering machine is non-compliant with this requirement) and fully responsive 24 hours per day, 365 days per year;
2. cause a responsible party with decision-making authority to be on-site

at the short-term rental property within one hour after the telephonic lodging of a complaint reasonably requiring the operator’s on-site presence, including, without limitation, complaints from neighbors and the city concerning the behavior of occupants or guests of the short-term rental property; and

3. continuously maintain on file with the city the operator’s current (i) address, (ii) telephone number, and (ii) facsimile number and/or e-mail address, for the city’s use in contacting the operator for purposes of this chapter and Title 5 of this code, which information shall be promptly updated on the city’s records by the operator as such information changes.

E. “Short-term rental property” means real property licensed under this chapter for use for short-term rental purposes.

## 7.02 Permit required.

All short-term rental properties shall obtain a short-term rental permit from the city prior to operation. A short-term rental permit is a conditional use permit that is in addition to, and not in substitution for, a business license for each short-term rental property required by title 7.08 of this code. A short-term rental permit previously granted as provided in this chapter, and which has not been previously terminated, may be renewed annually upon application by the holder to the director. The holder’s failure to, annually renew a short-term rental permit as provided in this chapter is, of itself, grounds for revocation of such conditional.

## 7.03-Minimum duration.

Renting, letting of rooms or sub- leasing/renting of any structure or dwelling or portion thereof for occupancy, dwelling, lodging or sleeping purposes for less than three consecutive calendar days in duration is prohibited in any zone in the city where residential use is a permitted or conditional use unless use of such structure, etc. as a hotel, motel, bed and breakfast or similar use has been specifically authorized as a permitted or conditional use of such parcel.

A. Short-term rental permits, and renewals thereof, may be approved by the director as conditional uses in the city's TR 10,000, CR- 20,000, CR- 40,000, CE-5 and Business Commercial zoning districts.

#### 7.04 Exceptions.

Rentals of more than 30 consecutive days in duration in any of the city's residential zoning districts are not required to obtain a short-term rental permit.

#### 7.05 Permit application and renewal; Approval standards.

Application for, and issuance of, a short-term rental permit shall proceed as follows:

- A. The applicant shall submit an application for a short-term rental permit, or annual renewal thereof, to the city on a city-approved form, paying all applicable fees and complying with all required inspections. Unless sooner revoked, issued permits initially shall expire on the first July 1 "that follows issuance of the permit by at least five months, with renewal permits expiring each July 1, thereafter. The City shall provide to the operator a written renewal notice for each currently issued short- term rental permit. Failure to renew a short-term rental permit within one month after the deadline specified in such renewal notice shall, of itself, constitute grounds for revocation of such conditional use. The applicant may be the operator of the proposed short-term rental property or the operator's agent. Both the operator and the applicant (if different from the operator) shall be responsible for compliance with all provisions of this chapter. and all other applicable ordinances regulating or applicable to short-term rentals, including, without
- B. An initial or renewal application for a short-term rental permit shall include a declaration of compliance with all legal requirements and all other applicable laws, which shall be signed and sworn to by the operator under penalty of perjury. Material misstatements in such declaration by the operator, or elsewhere in the application, shall, of itself, constitute grounds for rejection of the application or revocation of any resulting conditional use (issued in error based on such improper application).
- C. The application shall be granted unless the director makes one or more of the following findings:
  1. The proposed use is not a conditional use under this chapter;
  2. The permit should not be granted due to (a) uncured violations of this chapter or of any other applicable law, ordinance, rule or regulation, (b) the occurrence of three or more violations for such short-term rental property during the (typically, 12-month)



term of the preceding permit (in which event the operator may not re-apply for any available short-term rental permit or business license for such property for two years from the date of denial), or (c) any other reason for which the short-term rental permit application legally could have been denied; or

3, The City is unable to impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use on the surrounding residential properties and neighborhood.

.

In recognition that short-term rental uses are commercial in nature, and can have a significant adverse impact on the appearance, tranquility and standard of living in surrounding residential neighborhoods, the following special operational standards are mandatory for all short-term rental properties in order to protect the health, safety, welfare and tranquility of the surrounding residential neighborhoods:

A. Each short-term rental operator shall ensure that the occupants and guests of its short-term rental property do not create unreasonable noise or disturbances (judged against, inter alia, the nature of the neighborhood where the short-term rental property is located, the time of day of the noise or disturbance, and the level of noise or similar disturbances then emanating from surrounding properties), engage in disorderly conduct, or violate provisions of this code or any other applicable federal, state, county, city or other law,

mule or regulation (collectively, “applicable laws”) pertaining to noise, disorderly conduct, overcrowding,

illegal consumption of alcohol, use of illegal drugs, or otherwise. An operator shall be deemed to have ensured compliance with applicable laws if it

1. clearly advises its occupants and guests of such requirements before they take occupancy of the property;
2. promptly and appropriately responds to complaints concerning the behavior of its occupants and guests as required by this chapter;
3. promptly evicts from the short-term rental property any who have failed to comply with applicable laws on two or more occasions (“persistent violations”) during their period of

occupancy of a short-term rental property; and

4. refuses to allow any persons who have engaged in or been party to persistent violations of applicable laws in their occupancy of a short-term rental property to occupy in the future any short-term rental property under such operator’s ownership or control.

B. Promptly upon notification that the occupants or guests of a short-term rental property have violated subsection 7. (A) above, the operator shall use its most diligent best efforts to prevent a recurrence of such conduct by those occupants or guests and all future occupants

and guests. Such response by the operator to the notification shall occur within one hour after receipt. Failure to timely or properly respond to a complaint regarding any such violation as provided in this subsection shall constitute a violation of this chapter and shall be grounds for imposition of the penalties specified in section 7. below.

C. Each operator shall ensure that the operation of its short-term rental property complies with all other requirements of this code and all other applicable laws.

D. The director shall be authorized to prospectively impose additional reasonable conditions, applicable to all short-term rental properties in the city, as necessary to achieve the intent and objectives of this chapter. The city shall endeavor to notify all short-term rental operators of any change in the standards applicable to short-term rentals and short-term rental properties.

E. A short-term rental property shall not contain more than four (4) bedrooms. Only one short term rental is allowed per property.

F, Short-term rental properties and all related or accessory structures or improvements shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the surrounding neighborhood.

G. Snow shall be removed from sidewalks and driveways as provided by the City Municipal Code.

H. A short-term rental property shall not have any signs visible from the exterior of the premises that advertise the use, other than as required by this chapter.

I. The use of a property in a residential neighborhood for short-term rental purposes shall not change the exterior appearance of the property so that it appears dissimilar from residential properties in the surrounding neighborhood.

J. Outdoor pools, hot tubs, saunas or spas shall not be used between the hours of 10:00 p.m. and 8:00 a.m.

K. Occupants and guests of a short- term rental property shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any other applicable federal, state, county, city or other law, rule' or \_ regulation (collectively, "applicable laws") pertaining to noise, disorderly conduct, overcrowding, illegal consumption of alcohol, use of illegal drugs, or otherwise.

#### 7.06 Display of permit.

Each operator shall affix and maintain a copy of its short-term rental permit on the inside of the main entry door of the short-term rental property to which it applies.

#### 7.07 Exterior display of contact information.

A. Short-term rental operators shall prominently display in a city-approved location on the exterior of the short-term rental property that is visible to the general public and/or the

common areas of the surrounding neighborhood, the name and 24-hour per day, 365-days per year telephone number for the short-term rental operator who will take and resolve complaints regarding operation of the short-term rental property and its © occupants and guests. Such display also shall include (1) a telephone number to report violations of this chapter to a city code compliance officer 24 hours per day, 365 days per year; (2) the identifying number of the city-issued business license for the property; and (3) the date of the last city inspection of the property. The city will prescribe the form of said display of contact and other information. Applicants also — shall provide such information to all property owners residing within 300 feet of the short-term rental property. Operators shall provide updated contact information to all recipients, and for all purposes, specified hereunder as such information changes.

B. Operators shall respond (in person, if appropriate) to telephonic complaints within one hour after such complaint is made. Inappropriate and/or non-response to such complaints shall constitute a violation of this chapter, and shall be grounds for imposition of the

The operator must continuously maintain in force and effect a city business license for the short-term rental property and timely shall pay all taxes and fees relating to such business, including, without limitation, the city's transient room tax.

#### 7.08 Occupancy limits.

A. The city has determined that the preferred means to avoid or minimize safety concerns and the adverse impacts on the surrounding neighborhood attending a large transient population residing in one dwelling is to limit both the occupancy of each short term rental property and the bedrooms available for use at such property. Consequently, occupancy in any short-term rental property shall not exceed the lesser of:

1. Up to two adults (persons aged 18 and above) and two related children (persons under age 18) per bedroom,
2. Total occupancy (adults and children) of no more than 12 persons in the entire short-term rental property.

B. A short-term rental property may not be artificially divided or partitioned for the purpose of increasing the available occupancy of an otherwise standard dwelling unit such as a house, a condominium unit, or an apartment.

#### 7.09 Parking.

Occupants or guests of any short- term rental property shall not park more vehicles at the short-term rental property than can be legally parked in the garage or carport or on the driveway. Parking of occupant or guest vehicles on the public right-of-way adjoining the short-

term rental property, or on areas of the property designated as (or intended for, based on the landscaping of the surrounding neighborhood) yard or lawn, is prohibited. Required parking areas shall be properly maintained and be available for use at all times.

#### 7.10 Maintenance.

All short-term rental properties shall comply with chapter 7.05 of this code, entitled “Nuisances and Abatement.”

#### 7.11 Binding effect.

A. The requirements of this chapter shall be in effect throughout the time that a short-term rental permit is in effect for a property, notwithstanding that such property may be used intermittently by its owner or non-paying guests, based on the city’s determinations that, inter alia,

1. Given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of this chapter should be based on whether the property is licensed as a short-term rental property rather than the identity of its occupants from time to time;
2. Such a property essentially exists to provide lodging for a transient population (which may include a non- resident owner or its non-resident guests) that may not honor neighborhood mores or exhibit neighborly consideration to the same extent as more permanent residents; and
3. Requiring such compliance may encourage an owner that is not actively engaged in a short-term rental business for a property to terminate the short-term rental permit for such property, thereby mitigating the adverse impact on the character of the surrounding neighborhood posed by the potential

B. A short-term rental permit may be terminated at any time by the owner of a short-term rental property upon submission to the city of the property owner’s signed, notarized written notice of such termination.

#### 7.12 Inspections.

A. The city has determined that the preferred method of assuring compliance with this chapter is through regular annual inspections of the short-term rental property at the time of permit application or renewal; through possible additional intermittent regular inspections upon prior notice to the operator during the term of a permit; and through special inspections immediately upon the city’s reasonable determination that a violation of this chapter may have occurred. Consequently, the city shall have the right to inspect a short-term rental property for compliance with the requirements of this code. Such an inspection (a “renewal inspection”) shall occur after application and \_ before issuance of the short-term rental permit or any renewal thereof.

B. Additional inspections (“inter- mittent inspections”) may occur during the term of an issued permit upon at least 24 hours’ prior telephonic or written (via e-mail, facsimile or personal delivery) notice to the operator (measured from the time of delivery of such notice), using the operator’s contact information on file with the city.

C. The city also shall have the right to immediately inspect (a “violation inspection”) a short term rental property for compliance with this chapter upon issuance of a citation for violation of this chapter.

D. All inspections under this chapter shall comply with the requirements of section 7.12 (or its successor) of this code.

E. If necessary to gain entry for inspection purposes, the city may obtain an administrative search warrant.

F. Failure by an owner, operator, occupant or guest to allow inspection of a short-term rental property as provided in this section shall, of itself, constitute grounds for

1. Revocation of an issued short- term rental permit for such property as provided, in the case of an intermittent inspection or a violation inspection, or
2. Rejection of an application for renewal of a short-term rental permit, in the case of a renewal inspection.

7.13 (Reserved).

7.14 Fees.

The operator of a short-term rental property shall pay a yearly business license fee for the short-term rental property. An applicant for a short-term rental permit also shall pay

A. A one-time application fee conditional uses, as specified in the consolidated fee schedule; and

B. An annual permit renewal fee as specified in the consolidated fee schedule.

7.15 Violations and penalties.

A. Failure to comply with this chapter shall constitute a violation of this code for which a citation may be issued and penalties may be imposed by the city. Each day that a violation occurs or continues is a separate violation.

B. Operation of a property in the city for short-term rental purposes

without a permit or a business license shall be a violation of this code and shall be punishable as provided in this section of this code, with each day of unlicensed operation constituting a separate offense.

C. For noncompliance with this chapter of a permitted and licensed short-term rental property, the issuing officer shall issue a written citation to the operator, specifying the violation and the penalty to be imposed for such violation. Except as otherwise provided in this chapter, the penalty for violation of this chapter shall be as follows:

1. For the first violation within any 12 month period, the penalty shall be \$250;

2. For a second violation within any 12-month period, the penalty shall be an additional \$500; and,
3. For a third violation within any 12 month period, the penalty shall be an additional \$1,000 and revocation of the short term rental permit and the business license for the subject property; provided, however, that the operator may not re-apply for any available short- term rental permit or business license for such property for two years from the date of such revocation.

#### 7.16 Appeals.

An operator desiring to contest a citation must appeal the citation to the City's appeal authority.

## **ALPINE PLANNING COMMISSION AGENDA**

**SUBJECT:** Planning Commission Minutes October 1, 2019

**FOR CONSIDERATION ON:** 15 October 2019

**PETITIONER:** Staff

**ACTION REQUESTED BY PETITIONER:** Approve Minutes

**BACKGROUND INFORMATION:**

Minutes from the October 1, 2019 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**  
**October 1, 2019**

**I. GENERAL BUSINESS**

**A. Welcome and Roll Call:** The meeting was called to order at 7:00 pm by Chairman David Fotheringham. The following were present and constituted a quorum:

Chairman: David Fotheringham

Commission Members: Bryce Higbee, Jane Griener, Alan MacDonald, John MacKay, Jessica Smuin, Sylvia Christiansen

Excused:

Staff: Austin Roy, Jed Muhlestein, Marla Fox

Others: Greg Wilding, Dennis Fox, Monty Willhite, Gale Rudolph, David Gifford, Roger Whitby, Will Jones, John James, David Peterson

**B. Prayer/Opening Comments:** John MacKay

**C. Pledge of Allegiance:** Monty Willhite

**II. PUBLIC COMMENT**

There were no public comments.

**III. ACTION ITEMS**

**A. Public Hearing – Major Subdivision Concept – Alpine Ridge Estates**

Austin Roy said that Alpine Ridge Estates consists of 15 lots on 13.306 acres. The development is located at approximately 430 North 400 West and is in the CR 20,000 zone. The concept plan shows a connection to the Whitby Woodlands Subdivision on the east side of the property. The proposed concept and number of lots is based on bonus density that would be received from a Planned Residential Development (PRD). PRD status is dependent on a recommendation from the Planning Commission and approval by the City Council.

The property on which the Alpine Ridge Estates Subdivision is proposed is currently one large lot with a single-family home on it and an approved future phase of the Whitby Woodlands Subdivision. The applicant is seeking to subdivide the Marsh portion of the property and develop it at the same time as the Whitby portion of the lot. On September 10, 2019, the City Council approved PRD status for the proposed subdivision with the conditions of private open space and a change in the name of the subdivision.

Austin Roy said the use is consistent with other family dwelling. He said it is in the Urban Wildland Interface area. The Fire Chief has requirements for fire hydrants and proper access.

Austin Roy said neighbors would like to see a fence separating this subdivision from theirs. The road through this subdivision is shown on the Master Street Plan and will require a turn-around at the end until the adjacent subdivision is developed and the road can be connected.

Jed said he looks to see if the area can be served with utilities and the slope of the land. He said the lengths of the cul-de-sacs meet the ordinance and at the stub street they show a turn around which is required. The water and sewer plans meet city requirements and can be served from the east and west connections.



1 Jed said all PRD have strict restrictions concerning slope. Building pads cannot have more than 25 % slope.  
2 A 5% exception can be given under certain circumstances.

3  
4 Jed Muhlestein said the Developer is required to give the city a plan that meets the ordinance. This makes  
5 for jagged property lines. The city allows an exception of 5% to help clean up the lot lines and make them  
6 straight for a total of 10%.

7  
8 Jed Muhlestein said there are two ditches running through this development. He said we don't want to  
9 penalize the developer because of these ditches, a current road and an existing home. He said we need to  
10 clean up this ordinance to prevent these ugly property lines. He said he would approve the development  
11 based on the existing . . .

12  
13 Jed Muhlestein said rock fall and debris flow are a very low hazard and this site is considered a safe site.

14  
15 David Fotheringham opened the Public Hearing.

16  
17 John James, said he had concerns with the extra traffic on Deerfield and said the development could use  
18 two exits. David Fotheringham said it will temporarily be a cul-de-sac until the road goes through.

19  
20 David Peterson, 303 Deerfield, asked about the density of a PRD. He wanted to know what a reasonable  
21 size was. Jed Muhlestein said in the 20,000 zone lots can go down to 10,000 square feet. He said in this  
22 development the average lots would be about 17,000 square feet. Jane Griener said in a PRD, that is a  
23 requirement to give the city open space to preserve the area; this is the reason for the smaller lot sizes.  
24 David Peterson said he is concerned about fire danger on the hillside and said this area is a real hazard area.

25  
26 Austin Roy read a letter from the Fire Chief stating that deadfall would have to be cleared and water systems  
27 checked.

28  
29 David Fotheringham closed the Public Hearing.

30  
31 Alan MacDonald asked what the new name was going to be.

32  
33 Greg Wilding, developer, said they will bring a new name next time.

34  
35 **MOTION:** Alan Macdonald moved to approve of the Alpine Ridge Estates Concept Plan with the  
36 following conditions:

- 37  
38 1. The Developer be granted an exception to the slope requirements for Buildable Area and 25%  
39 Slope contained within the lot due to prior alterations of the land;  
40  
41 2. The Developer consider an alternative name for the subdivision to avoid confusion with other  
42 existing subdivisions.

43  
44 Jane Griener seconded the motion.

45  
46 **MOTION:** Bryce Higbee moved to add two conditions to the original motion.

- 47  
48 3. Developer meet the Fire Chief recommendations  
49 4. Open space be private  
50  
51

John MacKay seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

**Ayes:**

Bryce Higbee  
Jane Griener  
John MacKay  
David Fotheringham  
Alan MacDonald  
Sylvia Christiansen

**Nays:**

None

Jessica Smuin entered the meeting.

**B. Site Plan – Snoasis Shave Ice**

Austin Roy said Snoasis is proposing a new location for an existing structure and business. The proposed site is located within the Business Commercial zone and the Gateway Historic District. The Snoasis shack is approximately 120 square feet and the proposed location is approximately 0.31 acres in size. 15 total off-street parking stalls are proposed. The applicant is seeking a recommendation of approval for the proposed site plan.

Austin Roy showed a site plan showing the location of the structure. The applicant would need an exception to the side setback for the proposed location. The plan showed the parking plan and the entrance and exit areas.

Austin Roy said the applicant exceeds the parking requirement. The dance studio does not operate when the sno-shack is open in the summer.

The Planning Commission had a discussion about parking on the fire lane and blocking the road to the public works shop.

**MOTION:** Sylvia Christiansen moved to recommend approval of the Snoasis Shave Ice.

Jane Griener seconded the motion.

**MOTION:** Jane Griener moved to recommend an amendment to the motion to allow an exception to the setback.

Bryce Higbee seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

**Ayes:**

Bryce Higbee  
Jane Griener  
John MacKay  
Alan MacDonald  
David Fotheringham  
Jessica Smuin  
Sylvia Christiansen

**Nays:**

None

**C. PRD Slope Ordinance 3.9.4**

Jed Muhlestein said Staff is proposing a change to the ordinance regarding slope requirements for lots located within a Planned Residential Development (PRD). The proposed changes would change the way property lines look and allow for more flexibility when including slope into a lot or development.

Jed Muhlestein showed some examples of lots with jagged lot lines that don't make sense. Because of the way the current ordinance is written we end up with some of these lots and they require exceptions with certain percentages in order to make changes. He said he would like to do away with the percentages.

Jed Muhlestein said we are trying to protect the hillsides

#### **IV. Communications**

Bryce Higbee said something needs to be done with the traffic on Main Street during school hours. He said he would like to see a no left turn sign at 100 South and Main Street.

Jane Griener asked about the Airbnb and where it stood. She said neighbors shouldn't have to deal with that on a nightly basis. David Fotheringham said it will be brought back to the Planning Commission for discussion at a later date.

#### **V. APPROVAL OF PLANNING COMMISSION MINUTES: September 17, 2019**

**MOTION:** Sylvia Christiansen moved to approve the minutes for September 17, 2019, as written.

Alan MacDonald seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

##### **Ayes:**

Bryce Higbee  
Jane Griener  
John MacKay  
David Fotheringham  
Alan MacDonald  
Jessica Smuin  
Sylvia Christiansen

##### **Nays:**

None

The meeting was adjourned at 8:25 pm.