



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold an **Public Meeting** on **Tuesday, February 16, 2021 at 7:00 pm at City Hall, 20 North Main Street, Alpine, Utah.**

The public may attend the meeting in person or 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

I. GENERAL BUSINESS

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

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 or given in person at the meeting.

III. REPORTS AND PRESENTATIONS

- A. Open Public Meetings Training by City Attorney

III. ACTION ITEMS

- A. **Ordinance 2021-06 Accessory Building Setback Exception Criteria**

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

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: February 2, 2021

ADJOURN

Chair Jane Griener
February 12, 2021

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 CITY COUNCIL AGENDA

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

FOR CONSIDERATION ON: 16 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

The Planning Commission reviewed the proposed ordinance again at the February 2, 2021 meeting. After some discussion the Planning Commission decided to table the item to address a few issues. The following motion was made:

MOTION: *Alan MacDonald moved to table this issue until further review of these issues:*

1. *Incorporate height amendment of 12 feet 6 inches or 13 feet;*
2. *Consider incorporating a 2-foot setback;*
3. *Consider appropriate language for movable buildings that can be moved within 24 hours or a fine;*
4. *Building have no power, gas, water, mechanical running to it;*
5. *Staff consider legal ramifications of encroaching on a city easement and the process for a resident to get a sign off from the city and utility company.*

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

Ayes:

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

Nays:

STAFF RECOMMENDATION:

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

SAMPLE MOTION TO APPROVE:

I motion to recommend that Ordinance 2021-06 be approved as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I motion to recommend that Ordinance 2021-06 be approved with the following conditions/changes:

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

SAMPLE MOTION TO TABLE:

I motion that Ordinance 2021-06 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 owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City ; ~~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 owner acknowledges that they bear all costs of moving a building, including damage to the property, in the event an easement needs to be accessed, and fines shall be issued for buildings that cannot be moved within 24 hour;
 - ix. The building will not exceed 200 square feet in size; and
 - x. The building will have no associated electrical, gas, plumbing, or mechanical equipment attached or running to it. A solar powered light

may be permitted if it does not prohibit the building from being moveable as described above.

(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 ~~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 owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;
;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 owner acknowledges that they bear all costs of moving a building, including damage to the property, in the event an easement needs to be accessed, and fines shall be issued for buildings that cannot be moved within 24 hours;
 - ix. The building will not exceed 200 square feet in size; and
 - x. The building will have no associated electrical, gas, plumbing, or mechanical equipment attached or running to it. A solar powered light may be permitted if it does not prohibit the building from being moveable as described above.

(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 that 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 ~~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 owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City
- 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 owner acknowledges that they bear all costs of moving a building, including damage to the property, in the event an easement needs to be accessed, and fines shall be issued for buildings that cannot be moved within 24 hours;
- ix. The building will not exceed 200 square feet in size; and
- x. 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 owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;
- 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 owner acknowledges that they bear all costs of moving a building, including damage to the property, in the event an easement needs to be accessed, and fines shall be issued for buildings that cannot be moved within 24 hour;
- ix. The building will not exceed 200 square feet in size; and
- x. 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:

AMENDMENT

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 owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;~~
- vi. The building will not be taller than ~~ten-twelve (10-12)~~ 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 owner acknowledges that they bear all costs of moving a building, including damage to the property, in the event an easement needs to be accessed, and fines shall be issued for buildings that cannot be moved within 24 hours;
- ix. The building will not exceed 200 square feet in size; and
- x. 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:

AMENDMENT

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 owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City
;
 - 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 owner acknowledges that they bear all costs of moving a building, including damage to the property, in the event an easement needs to be accessed, and fines shall be issued for buildings that cannot be moved within 24 hour;
 - ix. The building will not exceed 200 square feet in size; and
 - x. The building will have no associated electrical, gas, plumbing, or mechanical equipment attached or running to it. A solar powered light

may be permitted if it does not prohibit the building from being moveable as described above.

(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 owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City
- ;
- 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 owner acknowledges that they bear all costs of moving a building, including damage to the property, in the event an easement needs to be accessed, and fines shall be issued for buildings that cannot be moved within 24 hours;
- ix. The building will not exceed 200 square feet in size; and
- x. The building will have no associated electrical, gas, plumbing, or mechanical equipment attached or running to it. A solar powered light may be permitted if it does not prohibit the building from being moveable as described above.

(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 that 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 owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City
 - 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 owner acknowledges that they bear all costs of moving a building, including damage to the property, in the event an easement needs to be accessed, and fines shall be issued for buildings that cannot be moved within 24 hours;
 - ix. The building will not exceed 200 square feet in size; and
 - x. 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 owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;
- 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 owner acknowledges that they bear all costs of moving a building, including damage to the property, in the event an easement needs to be accessed, and fines shall be issued for buildings that cannot be moved within 24 hour;
- ix. The building will not exceed 200 square feet in size; and
- x. 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:

AMENDMENT

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 owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;
 - 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 owner acknowledges that they bear all costs of moving a building, including damage to the property, in the event an easement needs to be accessed, and fines shall be issued for buildings that cannot be moved within 24 hours;
 - ix. The building will not exceed 200 square feet in size; and
 - x. 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 PLANNING COMMISSION AGENDA

SUBJECT: Planning Commission Minutes February 2, 2021

FOR CONSIDERATION ON: 16 February 2021

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Approve Minutes

BACKGROUND INFORMATION:

Minutes from the February 2, 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
February 2, 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, Sylvia Christiansen
Excused: Ed Bush
Staff: Austin Roy, Jed Muhlestein, Marla Fox
Others: Jason Thelin, Chris Strong, John Williams

B. Prayer/Opening Comments: Ethan Allen
C. Pledge of Allegiance: John MacKay

II. PUBLIC COMMENT

No Comments

III. ACTION ITEMS

A. Biennial Selection of Chair and Vice Chair

Austin Roy said 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.

MOTION: Alan MacDonald moved to nominate Jane Griener as Planning Commission Chair.

Sylvia Christiansen Seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

<u>Ayes:</u>	<u>Nays:</u>
Sylvia Christiansen	
Ethan Allen	
Alan MacDonald	
Troy Slade	
John MacKay	
Jane Griener	

John MacKay moved to nominate Alan MacDonald as Vice Chair.

Sylvia Christiansen Seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

<u>Ayes:</u>	<u>Nays:</u>
Sylvia Christiansen	

1 Ethan Allen
 2 Alan MacDonald
 3 Troy Slade
 4 John MacKay
 5 Jane Griener
 6
 7

8 **B. Ordinance 2021-06 – Accessory Building Setback Exception Criteria**

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

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

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

19
 20 **Ayes**

21 Sylvia Christiansen
 22 Ed Bush
 23 Ethan Allen
 24 Alan MacDonald
 25 Troy Slade

Nays

John MacKay
 Jane Griener

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

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

34
 35 **Ayes**

36 Lon Lott
 37 Jessica Smuin
 38 Greg Gordon
 39 Jason Thelin

Nays

Carla Merrill

41 Austin Roy said Staff wasn't able to find any City that allowed building in the easement. He said Alpine
 42 City has in the past allowed a moveable structure to be placed on a City easement under certain
 43 circumstances and after review.

1 Staff put together a draft ordinance after listening to the City Council. Austin Roy said the height in the
2 proposed new ordinance would go from ten feet to twelve and a half feet when on an easement or close to
3 the property line.

4 Austin Roy said the new proposal would be modified to say buildings on a recorded easement would need
5 approval from utility companies and have them sign off on it. The ordinance does not require permanent
6 attachment to the ground and can be moved or relocated within 24 hours.

7 Austin Roy said buildings will not exceed 200 square feet. The building will have no associated
8 electrical, gas, plumbing, or mechanical equipment attached or running to it. There should be a buffer
9 between the property line for drainage so no zero setback.

10 Jane Griener wanted to know what the process should be if City Council doesn't like the Planning
11 Commission's decision. Should they make the changes or kick it back to the Planning Commission.

12 Jason Thelin said the goal is for the two Councils to work together well. He said the Planning
13 Commission should do the heavy lifting and then send to the City Council. He said the City Council
14 wants the Planning Commission's best answer. He said the City Council is looking for an amended
15 ordinance to be sent back to the City Council.

16 Alan MacDonald said what he is hearing from Jason Thelin is that the Planning Commission is being told
17 to change the ordinance for accessory buildings to be placed on an easement.

18 Jane Griener said we should get some training from the City Attorney on the process of bringing issues
19 back to the Planning Commission.

20 Ethan Allen said he has a problem with this because we are changing the ordinance to please three
21 families. He said they built on an easement and it seems backwards that we would approve their sheds.

22 Alan MacDonald said City Council looked at the Planning Commission's recommendation and were not
23 good with the decision. The City Council would like the ordinance to be changed to allow a twelve-and-
24 a-half-foot tall building. He said that seems to be a done deal. He said we're here tonight to talk about
25 moveable sheds and utilities.

26 Jason Thelin said we don't change ordinances to please neighbors. He said he doesn't want this to be
27 looked at on a case by case basis but make it so it's fair for everyone.

28 Sylvia Christiansen said it's more than a line of sight. She said when you sit in your yard, how much of
29 your neighbor's shed do you want to look at? She said she would like to table this until we get a motion
30 telling us to change the ordinance.

31 John MacKay said he has real problems with the easements. He said utility companies are not easy to
32 deal with. We are basically asking utility companies to abandon their easements. This could take
33 surveyor's and attorneys and money when dealing with these issues.

34 Alan MacDonald said the practical considerations are what is moveable? A shed under 200 square feet is
35 going to weigh over 3000 Lbs. That is not going to be moved in one day. Yards and landscaping will be
36 ruined by bringing in equipment.

1 Jed Muhlestein said easements are in different areas. He said we are not abandoning these easements; we
 2 would just give permission for someone to put a building on the easement letting the homeowner know
 3 they may have to move it. He said utilities are in the easements and re required to be there for the
 4 unknown of the future. He said we don't know what the future holds for technology.

5 Alan Macdonald wanted to know what it would take to get approval from the utility companies and the
 6 City to get an exception to build on an easement.

7 Jed Muhlestein said we should re-write the language to say the easement can be used; the City would not
 8 abandon the easement. He said the City has a utility sign off form a homeowner must take around to the
 9 utility companies.

10 Sylvia Christiansen wanted to know what would happen if there was an emergency and the building was
 11 not moved. Jane Griener said the consequences should be listed so they are clear.

12 Ethan Allen said we should say it is a temporary building and homeowners know they may have to move
 13 it if they choose to put it on an easement. John MacKay said he likes the word moveable better because
 14 most people don't want to put up a building unless it can stay put.

15 **MOTION:** Alan MacDonald moved to table this issue until further review of these issues:

- 16
 17 1. Incorporate height amendment of 12 feet 6 inches or 13 feet;
 18 2. Consider incorporating a 2-foot setback;
 19 3. Consider appropriate language for movable buildings that can be moved within 24 hours or a
 20 fine;
 21 4. Building have no power, gas, water, mechanical running to it;
 22 5. Staff consider legal ramifications of encroaching on a city easement and the process for a
 23 resident to get a sign off from the city and utility company.
 24

25 John MacKay seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion
 26 passed.
 27

28 **Ayes:**

29 Sylvia Christiansen
 30 Ethan Allen
 31 Alan MacDonald
 32 Troy Slade
 33 John MacKay
 34 Jane Griener
 35

28 **Nays:**

36 **C. Ordinance – 2021-05 Animal Ordinance**

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

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

1 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
2 limit.

3 Austin Roy said Alpine’s Animal Ordinance is similar to neighboring cities, but we put a cap on how
4 many large animals you can have on a lot. He said no other city puts a cap on how many animals a
5 resident can have if they have larger properties.

6 Austin Roy said this was brought forward because a resident has 14 horses on his property and thought
7 the cap was unfair because he has a ten-acre property.

8 Alan MacDonald said he’s in favor of changing the ordinance to allow more animals but would like to see
9 the land requirement be larger than a quarter of an acre per additional animal.

10 Ethan Allen said twenty animals on a five-acre lot seems like a lot.

11 The Planning Commission had a discussion on whether the city should have a cap on the number of
12 animals if they have a large property. They talked about changing the ordinance to allow an additional
13 animal for additional 10,000 square feet.

14 **MOTION:** Sylvia Christiansen moved to recommend that Ordinance 2021-05 Animal Ordinance be
15 approved as proposed.

16
17 Troy Slade seconded the motion. There were 4 Ayes and 2 Nays (recorded below). The motion passed.
18

19	<u>Ayes:</u>	<u>Nays:</u>
20	Sylvia Christiansen	Ethan Alan
21	Troy Slade	John MacKay
22	Alan MacDonald	
23	Jane Griener	

24
25 **IV. Communication**

26 Austin Roy said we need some training and the new City Attorney wanted to set a date when everyone
27 would be in attendance. The Planning Commission said the next meeting on February 16, 2021 should
28 work for everyone.
29

30 **V. APPROVAL OF PLANNING COMMISSION MINUTES:** January 19, 2021

31
32 **MOTION:** Sylvia Christiansen moved to approve the minutes for January 19, 2021 as written.
33

34 Ethan Allen seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed
35 unanimously.
36

37	<u>Ayes:</u>	<u>Nays:</u>
38	Ethan Allen	None
39	Jane Griener	
40	Alan MacDonald	
41	Troy Slade	
42	John MacKay	
43	Sylvia Christiansen	

44

1 **MOTION:** Ethan Allen moved to adjourn the meeting.
2 Alan MacDonald seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion
3 passed unanimously.
4

5 **Ayes:**
6 Ethan Allen
7 Jane Griener
8 Alan MacDonald
9 Troy Slade
10 John MacKay
11 Sylvia Christiansen
12

Nays:
None

13 The meeting was adjourned at 8:55 p.m.

DRAFT