



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold an **Electronic Public Meeting** on **Tuesday, January 5, 2021 at 7:00 pm.**

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

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

I. GENERAL BUSINESS

- A. Welcome and Roll Call: Jane Griener
- B. Prayer/Opening Comments: Alan MacDonald
- C. Pledge of Allegiance: Jane Griener

II. PUBLIC COMMENT

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

III. ACTION ITEMS

A. Public Hearing – Ordinance 2021-01 – Planning Commission Rules

The Planning Commission will hold a public hearing and make a recommendation to the City Council.

B. Public Hearing – Ordinance 2021-02 – Site Plan Requirements

The Planning Commission will hold a public hearing and make a recommendation to the City Council.

C. Public Hearing – Ordinance 2021-03 – Appeal Authority

The Planning Commission will hold a public hearing and make a recommendation to the City Council.

D. Public Hearing – Ordinance 2021-04 – Monument Signs

The Planning Commission will hold a public hearing and make a recommendation to the City Council.

E. Public hearing – Ordinance 2021-05 – Horse/Cow Regulations

The Planning Commission will hold a public hearing and make a recommendation to the City Council.

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: December 1, 2020

ADJOURN

Chair Jane Griener
December 31, 2020

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

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

PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

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

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

Public Hearing vs. Public Meeting

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

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

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing – Ordinance 2021-01 Planning Commission Rules

FOR CONSIDERATION ON: 5 January 2021

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Hold public hearing, review proposed ordinance, and make a recommendation.

BACKGROUND INFORMATION:

The City Attorney has prepared language to clarify what constitutes a quorum and the requirements for an affirmative vote of recommendation or approval by the Planning Commission. The existing ordinance does not outline the above items. Staff is recommending that the proposed ordinance be approved to help clarify Planning Commission responsibilities and make sure decisions comply with the Public Meetings Act.

STAFF RECOMMENDATION:

Hold public hearing, review proposed ordinance, and make a recommendation to City Council.

SAMPLE MOTION TO APPROVE:

I motion to recommend that Ordinance 2021-01 be approved as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I motion to recommend that Ordinance 2021-01 be approved with the following conditions/changes:

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

SAMPLE MOTION TO TABLE/DENY:

I motion to recommend that Ordinance 2021-01 be tabled/denied based on the following:

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

**ALPINE CITY
ORDINANCE 2021-01**

**AN ORDINANCE AMENDING SECTION 2.02.030 PERTAINING TO THE
ORGANIZATION OF THE PLANNING COMMISSION OF ALPINE CITY.**

WHEREAS, Alpine City (“City”) has the authority pursuant to the applicable sections of the Utah code pertaining to establishing a land use authority; and

WHEREAS, the City Council has adopted such a land use authority (Planning Commission) as set forth in Chapter 2 of the City’s Development Code; and

WHEREAS, questions exist concerning what constitutes a quorum and the votes necessary for the Planning Commission to make a decision or recommendation for the purposes of conducting the business of the commission; and

WHEREAS, the city council desires to clarify said authority and practice.

NOW THEREFORE, be it ordained by the Council of Alpine City that Section 2.02.030 pertaining to the Organization of the Planning Commission of Alpine City is hereby amended as shown in Exhibit “A” attached hereto and incorporated for all purposes. Such amendments shall be effective upon signing and its first publication.

SECTION 1: **AMENDMENT** “2.02.030 Organization” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

2.02.030 Organization

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

constitute a quorum for the conduct of business. An affirmative vote of a majority of the members present shall be required to effect a decision or recommendation of the Planning Commission.

5. Reports of official acts and recommendations of the Planning Commission shall be made in writing to the City Council and shall indicate how each member of the Commission voted with respect to such act or recommendation. Any member of the Commission may also make a concurring or dissenting report or recommendation to the City Council whenever he or she so desires.

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

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 2021-01**

**AN ORDINANCE AMENDING SECTION 2.02.030 PERTAINING TO THE
ORGANIZATION OF THE PLANNING COMMISSION OF ALPINE CITY.**

WHEREAS, Alpine City (“City”) has the authority pursuant to the applicable sections of the Utah code pertaining to establishing a land use authority; and

WHEREAS, the City Council has adopted such a land use authority (Planning Commission) as set forth in Chapter 2 of the City’s Development Code; and

WHEREAS, questions exist concerning what constitutes a quorum and the votes necessary for the Planning Commission to make a decision or recommendation for the purposes of conducting the business of the commission; and

WHEREAS, the city council desires to clarify said authority and practice.

NOW THEREFORE, be it ordained by the Council of Alpine City that Section 2.02.030 pertaining to the Organization of the Planning Commission of Alpine City is hereby amended as shown in Exhibit “A” attached hereto and incorporated for all purposes. Such amendments shall be effective upon signing and its first publication.

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A M E N D M E N T

2.02.030 Organization

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

constitute a quorum for the conduct of business. An affirmative vote of a majority of the members present shall be required to effect a decision or recommendation of the Planning Commission.

5. Reports of official acts and recommendations of the Planning Commission shall be made in writing to the City Council and shall indicate how each member of the Commission voted with respect to such act or recommendation. Any member of the Commission may also make a concurring or dissenting report or recommendation to the City Council whenever he or she so desires.

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

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: Public Hearing – Ordinance 2021-02 Site Plan Requirements

FOR CONSIDERATION ON: 5 January 2021

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Hold public hearing, review proposed ordinance, and make a recommendation.

BACKGROUND INFORMATION:

On December 1, 2020, the Planning Commission recommended approval of the Alpine Fitness site plan. During the review, the Planning Commission commented that a 3-D rendering of the proposed building would be helpful to better understand the design of the building. Staff is proposing that 3-D renderings be a requirement for future site plans to help improve the review process.

STAFF RECOMMENDATION:

Hold public hearing, review proposed ordinance, and make a recommendation to City Council.

SAMPLE MOTION TO APPROVE:

I motion to recommend that Ordinance 2021-02 be approved as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I motion to recommend that Ordinance 2021-02 be approved with the following conditions/changes:

- ***Insert Finding***

SAMPLE MOTION TO TABLE/DENY:

I motion to recommend that Ordinance 2021-02 be tabled/denied based on the following:

- ***Insert Finding***

**ALPINE CITY
ORDINANCE 2021-02**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.11.050 OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO SITE PLAN
REQUIREMENTS IN THE GATEWAY/HISTORIC ZONE.**

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance pertaining to site plan requirements in the Gateway/Historic Zone; 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 3.11.050 contained in the attached document will supersede Article 3.11.050 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1:**AMENDMENT** “3.11.050 Plan Requirements” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.11.050 Plan Requirements

The site plan shall include the following items:

1. Address of the site plan
2. A vicinity map
3. The property boundaries of the proposed site plan and the names of all adjacent property owners
4. The location of all existing and proposed easements
5. Lot dimensions
6. Location and orientation of all structures on the lot
7. Setbacks of all structures on the lot
8. Location of garbage dumpster
9. Location of all existing and proposed utilities
10. Parking plan
11. Lighting plan
12. Full color, 3-D renderings (new buildings only)

13. Other information which may allow the City Planner, City Engineer, Planning Commission, and City Council to evaluate the proposed site plan.

(Ord. No. 2002-06, 07/09/2002; Amended by Ord. No. 2010-19, 11/09/10)

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 2021-02**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.11.050 OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO SITE PLAN
REQUIREMENTS IN THE GATEWAY/HISTORIC ZONE.**

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance pertaining to site plan requirements in the Gateway/Historic Zone; 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 3.11.050 contained in the attached document will supersede Article 3.11.050 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.11.050 Plan Requirements” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.11.050 Plan Requirements

The site plan shall include the following items:

1. Address of the site plan
2. A vicinity map
3. The property boundaries of the proposed site plan and the names of all adjacent property owners
4. The location of all existing and proposed easements
5. Lot dimensions
6. Location and orientation of all structures on the lot
7. Setbacks of all structures on the lot
8. Location of garbage dumpster
9. Location of all existing and proposed utilities
10. Parking plan
11. Lighting plan
12. Full color, 3-D renderings (new buildings only)

13. Other information which may allow the City Planner, City Engineer, Planning Commission, and City Council to evaluate the proposed site plan.

(Ord. No. 2002-06, 07/09/2002; Amended by Ord. No. 2010-19, 11/09/10)

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: Public Hearing – Ordinance 2021-03 Appeal Authority

FOR CONSIDERATION ON: 5 January 2021

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Hold public hearing, review proposed ordinance, and make a recommendation.

BACKGROUND INFORMATION:

A few sections in the Development Code need to be cleaned up which reference the Board of Adjustments. When the City adopted the administrative hearing process a few years ago a few sections of the Development Code did not get updated to change Board of Adjustments to Appeal Authority. This needs to be corrected as soon as possible so that the code accurately outlines the administrative hearing process.

STAFF RECOMMENDATION:

Hold public hearing, review proposed ordinance, and make a recommendation to City Council.

SAMPLE MOTION TO APPROVE:

I motion to recommend that Ordinance 2021-03 be approved as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I motion to recommend that Ordinance 2021-03 be approved with the following conditions/changes:

- ***Insert Finding***

SAMPLE MOTION TO TABLE/DENY:

I motion to recommend that Ordinance 2021-03 be tabled/denied based on the following:

- ***Insert Finding***

**ALPINE CITY
ORDINANCE 2021-03**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.01.120; 2.03.050;
AND 3.25.150 OF THE ALPINE CITY DEVELOPMENT CODE TO CLARIFY
SECTIONS PERTAINING TO THE APPEAL AUTHORITY.**

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to clarify sections pertaining to the Appeal Authority; 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 3.01.120; 2.03.050; and 3.25.150 contained in the attached document will supersede Article 3.01.120; 2.03.050; and 3.25.150 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.01.120 Fees And Charges” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.01.120 Fees And Charges

(Ord. 94-02, 2/8/94). All costs for the processing of applications for zone changes, subdivision reviews, conditional use approvals, ~~Board of Adjustment~~Appeal Authority rulings, and similar actions required under the terms of this ordinance shall be borne by the applicant. The City Council may, by resolution, establish fees for the processing of such applications and the administration of this ordinance and provide for the assessment and collection thereof.

SECTION 2: **AMENDMENT** “2.03.050 District Court Review Of Appeal Authority Decisions” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

2.03.050 District Court Review Of Appeal Authority Decisions

1. Any person adversely affected by any decision of the Land Use Hearing Officer or the ~~Board of Adjustment~~Appeal Authority may petition the district court for a review of the decision. However, no person may challenge in district court the City's land use decision until that person has exhausted the person's administrative remedies as provided in Utah State Code Title 10, Chapter 9a, Part 7, Appeal Authority and Variances, if applicable.
2. In the petition, the petitioner may only allege that the Land Use Hearing Officer's or the ~~Board of Adjustment~~Appeal Authority's decision was arbitrary, capricious, or illegal.
3.
 - a. The petition is barred unless it is filed within 30 days after the Land Use Hearing Officer's or the ~~Board of Adjustment~~Appeal Authority's decision is final.
 - b.
 - i. The time under Part 3,a to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the private property ombudsman under Utah Code Annotated 13-43-204 until 30 days after:
 - (1) the arbitrator issues a final award; or
 - (2) the private property ombudsman issues a written statement under Utah Code Annotated 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.
 - ii. A tolling under Part 3,b,i operates only as to the specific constitutional taking issues that are the subject of the request for arbitration filed with the private property ombudsman by a property owner.
 - iii. A request for arbitration filed with the private property ombudsman after the time under Part 3,a to file a petition has expired does not affect the time to file a petition.
4.
 - a. The Land Use Hearing Officer or the ~~Board of Adjustment~~Appeal Authority shall transmit to the district court the record of its proceedings including its minutes, findings, orders, and if available, a true and correct transcript of its proceedings.
 - b. If the proceeding was taped, a transcript of that tape recording is a true and correct transcript for purposes of this Part.
5.
 - a.
 - i. If there is a record, the district court's review is limited to the record provided by the Land Use Hearing Officer or the ~~Board of Adjustment~~Appeal Authority.
 - ii. The court may not accept or consider any evidence outside the Land Use Hearing Officer or the ~~Board of Adjustment~~Appeal Authority record unless that evidence was offered to the Hearing Officer or the Board and the court determines that it was improperly excluded by the Hearing Officer or the Board.
 - b. If there is no record, the court may call witnesses and take evidence.
6. The court shall affirm the decision of the Land Use Hearing Officer or the ~~Board of Adjustment~~Appeal Authority if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.
7.
 - a. The filing of a petition does not stay the decision of the Land Use Hearing Officer or the ~~Board of Adjustment~~Appeal Authority.

- b.
 - i. Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Utah Code Annotated 13-43-204, the aggrieved party may petition the Land Use Hearing Officer or the ~~Board of Adjustment~~Appeal Authority to stay its decision.
 - ii. Upon receipt of a petition to stay, the Land Use Hearing Officer or the ~~Board of Adjustment~~Appeal Authority may order its decision stayed pending district court review if the Land Use Hearing Officer or the Board of Adjustment finds it to be in the best interest of the City.
 - iii. After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Utah Code Annotated 13-43-204, the petitioner may seek an injunction from the district court staying the Land Use Hearing Officer's or the ~~Board of Adjustment~~Appeal Authority's decision.

(Ord. 98-02, 1/13/98. Amended Ord. 2006-17, 11/14/06; Ord. 2013-03, 3/12/13; Ord. 2015-01, 02/10/15; Ord. No. 2017-10, 06/13/17)

SECTION 3: **AMENDMENT** “3.25.150 Appeals And Variances” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.25.150 Appeals And Variances

Any person dissatisfied with the decision of Alpine City in regards to this Chapter shall have the right to appeal the decision to the Alpine City ~~Board of Adjustment~~Appeal Authority within ten (10) days after said decision is made final in writing. The appellant shall follow the appeal process as outlined in DCA 2.03.040 (Appeals from Land Use Decisions).

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

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

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Bonnie Cooper, City Recorder Alpine
City

**ALPINE CITY
ORDINANCE 2021-03**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.01.120; 2.03.050;
AND 3.25.150 OF THE ALPINE CITY DEVELOPMENT CODE TO CLARIFY
SECTIONS PERTAINING TO THE APPEAL AUTHORITY.**

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to clarify sections pertaining to the Appeal Authority; 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 3.01.120; 2.03.050; and 3.25.150 contained in the attached document will supersede Article 3.01.120; 2.03.050; and 3.25.150 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.01.120 Fees And Charges” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.01.120 Fees And Charges

(Ord. 94-02, 2/8/94). All costs for the processing of applications for zone changes, subdivision reviews, conditional use approvals, Appeal Authority rulings, and similar actions required under the terms of this ordinance shall be borne by the applicant. The City Council may, by resolution, establish fees for the processing of such applications and the administration of this ordinance and provide for the assessment and collection thereof.

SECTION 2: **AMENDMENT** “2.03.050 District Court Review Of Appeal Authority Decisions” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

2.03.050 District Court Review Of Appeal Authority Decisions

1. Any person adversely affected by any decision of the Land Use Hearing Officer or the Appeal Authority may petition the district court for a review of the decision. However, no person may challenge in district court the City's land use decision until that person has exhausted the person's administrative remedies as provided in Utah State Code Title 10, Chapter 9a, Part 7, Appeal Authority and Variances, if applicable.
2. In the petition, the petitioner may only allege that the Land Use Hearing Officer's or the Appeal Authority's decision was arbitrary, capricious, or illegal.
3.
 - a. The petition is barred unless it is filed within 30 days after the Land Use Hearing Officer's or the Appeal Authority decision is final.
 - b.
 - i. The time under Part 3,a to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the private property ombudsman under Utah Code Annotated 13-43-204 until 30 days after:
 - (1) the arbitrator issues a final award; or
 - (2) the private property ombudsman issues a written statement under Utah Code Annotated 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.
 - ii. A tolling under Part 3,b,i operates only as to the specific constitutional taking issues that are the subject of the request for arbitration filed with the private property ombudsman by a property owner.
 - iii. A request for arbitration filed with the private property ombudsman after the time under Part 3,a to file a petition has expired does not affect the time to file a petition.
4.
 - a. The Land Use Hearing Officer or the Appeal Authority shall transmit to the district court the record of its proceedings including its minutes, findings, orders, and if available, a true and correct transcript of its proceedings.
 - b. If the proceeding was taped, a transcript of that tape recording is a true and correct transcript for purposes of this Part.
5.
 - a.
 - i. If there is a record, the district court's review is limited to the record provided by the Land Use Hearing Officer or the Appeal Authority.
 - ii. The court may not accept or consider any evidence outside the Land Use Hearing Officer or the Appeal Authority record unless that evidence was offered to the Hearing Officer or the Board and the court determines that it was improperly excluded by the Hearing Officer or the Board.
 - b. If there is no record, the court may call witnesses and take evidence.
6. The court shall affirm the decision of the Land Use Hearing Officer or the Appeal Authority if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.
7.
 - a. The filing of a petition does not stay the decision of the Land Use Hearing Officer or the Appeal Authority
 - b.
 - i. Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Utah Code Annotated 13-43-204, the aggrieved party may petition the Land Use Hearing Officer or the Appeal Authority to stay its decision.

- ii. Upon receipt of a petition to stay, the Land Use Hearing Officer or the Appeal Authority may order its decision stayed pending district court review if the Land Use Hearing Officer or the Board of Adjustment finds it to be in the best interest of the City.
- iii. After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Utah Code Annotated 13-43-204, the petitioner may seek an injunction from the district court staying the Land Use Hearing Officer's or the Appeal Authority's decision.

(Ord. 98-02, 1/13/98. Amended Ord. 2006-17, 11/14/06; Ord. 2013-03, 3/12/13; Ord. 2015-01, 02/10/15; Ord. No. 2017-10, 06/13/17)

SECTION 3: **AMENDMENT** “3.25.150 Appeals And Variances” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.25.150 Appeals And Variances

Any person dissatisfied with the decision of Alpine City in regards to this Chapter shall have the right to appeal the decision to the Alpine City Appeal Authority within ten (10) days after said decision is made final in writing. The appellant shall follow the appeal process as outlined in DCA 2.03.040 (Appeals from Land Use Decisions).

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

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

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Bonnie Cooper, City Recorder Alpine
City

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing – Ordinance 2021-04 Monument Signs

FOR CONSIDERATION ON: 5 January 2021

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Hold public hearing, review proposed ordinance, and make a recommendation.

BACKGROUND INFORMATION:

When Altabank installed a new monument sign in early 2020 there were concerns with the setbacks and dimensions of the sign and how it blocked visibility along Main Street. It is proposed that the setback requirements for monument signs be increased, the size of signs permitted be reduced, and that a new standard for how height is measured be implemented.

STAFF RECOMMENDATION:

Hold public hearing, review proposed ordinance, and make a recommendation to City Council.

SAMPLE MOTION TO APPROVE:

I motion to recommend that Ordinance 2021-04 be approved as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I motion to recommend that Ordinance 2021-04 be approved with the following conditions/changes:

- ***Insert Finding***

SAMPLE MOTION TO TABLE/DENY:

I motion to recommend that Ordinance 2021-04 be tabled/denied based on the following:

- ***Insert Finding***

**ALPINE CITY
ORDINANCE 2021-04**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.25.020 OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO FREE STANDING OR
MONUMENT SIGNS.**

WHEREAS, The Alpine City Council has deemed it in the best interest of Alpine City to revise setback and sight triangle requirements for free standing or monument signs; 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 3.25.020 contained in the attached document will supersede Article 3.25.020 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.25.020 General Standards” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.25.020 General Standards

1. Except as provided herein, it shall be unlawful to erect, construct, reconstruct, alter, or change the use of any structure, wall marquees, or any other parts jointed together to form a sign without first obtaining a sign permit from Alpine City.
2. Except as provided herein, all applicants for signs within Alpine City must receive a permit from the City prior to construction, placement, or replacement of any sign.
3. For permanent signs, the signs shall be colorfast and resistant to corrosion and rotting.
4. **General Location.** All permanent signs shall be set back at least ~~three~~ five (35) feet behind the sidewalk or twelve (12) feet behind the curb if there is not a sidewalk. All temporary signs shall be set back at least ~~three~~ five (35) feet behind the sidewalk or ~~three~~ five (35) feet behind the curb if there is not a sidewalk. No sign shall be placed closer than fourteen (14) feet to a driveway.

No sign, permanent or temporary, in excess of three (3) feet in height shall be placed within the sight triangle on any corner lot. No part of any sign shall interfere with the use of any fire escape, exit, required stairway, door ventilator, or window.

5. **Height.** The height of a freestanding or monument sign is measured from the finish

grade to the top most portion of the sign, and any pedestal or base shall be included in the measurement.

6. **Maintenance.** All signs shall be maintained in a safe, presentable and good condition including the replacement of defective parts, cleaning, painting, oiling, changing of light bulbs, or other acts required for the maintenance of said sign. Maintenance shall also include the restoration or repair of any exterior wall penetrations, discolorations, or other damages caused by the installation, removal, or placement of signs on a building.
7. **Inspections.** Alpine City may make an initial inspection or re-inspection of any sign for which a permit has been issued and/or for which an inspection has been deemed necessary. Such inspections shall be performed to determine that all signs, constructions, and all reconstructions or modifications of existing signs are built or constructed in conformance with this ordinance and as represented at application for a permit.

All permanent signs containing electrical components, footings or foundations, or as otherwise required by the City, shall receive final inspections to certify that the placement and construction of such sign is in conformance with representations made in permit applications and that work is completed and meets all applicable building and safety codes and conditions of approval.

8. Regulatory signs, as outlined by local, state and/or federal law, are exempt from the provisions of the Alpine City Sign Ordinance.

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)

SECTION 2: AMENDMENT “3.25.080 Commercial Building Signs” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.25.080 Commercial Building Signs

1. Signs shall be painted on, attached to, or erected on the building that houses the business, or upon the property occupied by the business which the sign(s) advertise.
2. All signs attached to a building shall meet the approval of Alpine City to assure that the sign meets the applicable building and electrical codes.
3. The total area of all sign(s) on any one building shall not exceed 15% of the area of the side of the building that a sign is displayed.
4. The area of a sign shall be construed as the area of the overall background. Signs without a background, such as letters or numbers hung together, shall be assumed to be attached to a background which shall be depicted on the application rendering.
5. Permanent outdoor free-standing (monument) signs shall not exceed ~~six~~ four (64) feet in

height and ~~eight~~ six (86) feet in width.

- 6. Each planned commercial development shall display no more than one (1) permanent freestanding (monument) sign at each entrance.
- 7. Signs on cloth awnings shall be permitted subject to review by Alpine City, and shall comply with the guidelines in DCA 3.25.080 Part 3, DCA 3.25.080 Part 4, and DCA 3.25.080 Part 9.
- 8. Within any planned commercial development or on any single building housing a number of uses, or in any arrangement of buildings or shops which constitute a visual entity as a whole, if addresses are to be used, all numbers, letter, or other symbols shall be identical in size, design, color, and installation.

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

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

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Bonnie Cooper, City Recorder Alpine City

**ALPINE CITY
ORDINANCE 2021-04**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.25.020 OF THE
ALPINE CITY DEVELOPMENT CODE PERTAINING TO FREE STANDING OR
MONUMENT SIGNS.**

WHEREAS, The Alpine City Council has deemed it in the best interest of Alpine City to revise setback and sight triangle requirements for free standing or monument signs; 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 3.25.020 contained in the attached document will supersede Article 3.25.020 as previously adopted. This ordinance shall take effect upon posting.

SECTION 1: **AMENDMENT** “3.25.020 General Standards” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.25.020 General Standards

1. Except as provided herein, it shall be unlawful to erect, construct, reconstruct, alter, or change the use of any structure, wall marquees, or any other parts jointed together to form a sign without first obtaining a sign permit from Alpine City.
2. Except as provided herein, all applicants for signs within Alpine City must receive a permit from the City prior to construction, placement, or replacement of any sign.
3. For permanent signs, the signs shall be colorfast and resistant to corrosion and rotting.
4. **General Location.** All permanent signs shall be set back at least five (5) feet behind the sidewalk or twelve (12) feet behind the curb if there is not a sidewalk. All temporary signs shall be set back at least five (5) feet behind the sidewalk or five (5) feet behind the curb if there is not a sidewalk. No sign shall be placed closer than fourteen (14) feet to a driveway.

No sign, permanent or temporary, in excess of three (3) feet in height shall be placed within the sight triangle on any corner lot. No part of any sign shall interfere with the use of any fire escape, exit, required stairway, door ventilator, or window.

5. **Height.** The height of a freestanding or monument sign is measured from the finish

grade to the top most portion of the sign, and any pedestal or base shall be included in the measurement.

6. **Maintenance.** All signs shall be maintained in a safe, presentable and good condition including the replacement of defective parts, cleaning, painting, oiling, changing of light bulbs, or other acts required for the maintenance of said sign. Maintenance shall also include the restoration or repair of any exterior wall penetrations, discolorations, or other damages caused by the installation, removal, or placement of signs on a building.
7. **Inspections.** Alpine City may make an initial inspection or re-inspection of any sign for which a permit has been issued and/or for which an inspection has been deemed necessary. Such inspections shall be performed to determine that all signs, constructions, and all reconstructions or modifications of existing signs are built or constructed in conformance with this ordinance and as represented at application for a permit.

All permanent signs containing electrical components, footings or foundations, or as otherwise required by the City, shall receive final inspections to certify that the placement and construction of such sign is in conformance with representations made in permit applications and that work is completed and meets all applicable building and safety codes and conditions of approval.

8. Regulatory signs, as outlined by local, state and/or federal law, are exempt from the provisions of the Alpine City Sign Ordinance.

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)

SECTION 2: **AMENDMENT** “3.25.080 Commercial Building Signs” of the Alpine City Development Code is hereby *amended* as follows:

A M E N D M E N T

3.25.080 Commercial Building Signs

1. Signs shall be painted on, attached to, or erected on the building that houses the business, or upon the property occupied by the business which the sign(s) advertise.
2. All signs attached to a building shall meet the approval of Alpine City to assure that the sign meets the applicable building and electrical codes.
3. The total area of all sign(s) on any one building shall not exceed 15% of the area of the side of the building that a sign is displayed.
4. The area of a sign shall be construed as the area of the overall background. Signs without a background, such as letters or numbers hung together, shall be assumed to be attached to a background which shall be depicted on the application rendering.
5. Permanent outdoor free-standing (monument) signs shall not exceed four (4) feet in height and six (6) feet in width.

6. Each planned commercial development shall display no more than one (1) permanent freestanding (monument) sign at each entrance.
7. Signs on cloth awnings shall be permitted subject to review by Alpine City, and shall comply with the guidelines in DCA 3.25.080 Part 3, DCA 3.25.080 Part 4, and DCA 3.25.080 Part 9.
8. Within any planned commercial development or on any single building housing a number of uses, or in any arrangement of buildings or shops which constitute a visual entity as a whole, if addresses are to be used, all numbers, letter, or other symbols shall be identical in size, design, color, and installation.

(Amended by Ord. No. 2005-02, 2/3/05 & Ord. No. 2005-19, 10/25/05; Ord. No. 2007-02, 4/24/07; Ord. No. 2008-04, 5/13/08; Ord. No. 2011-01, 01/11/11)

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

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

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Bonnie Cooper, City Recorder Alpine City

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing – Ordinance 2021-05 Horse/Cow Regulations

FOR CONSIDERATION ON: 5 January 2021

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Hold public hearing, review proposed ordinance, and make a recommendation.

BACKGROUND INFORMATION:

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

Recently, the City has dealt with issues of more than 5 horses on a lot. In each case, the lots in question were larger lots (greater than 5 acres). Thus, the question arises, should a resident with a larger lot be able to have more than 5 horses or cows if they have the appropriate square footage/acreage to accommodate more animals?

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

STAFF RECOMMENDATION:

Hold public hearing, review proposed ordinance, and make a recommendation to City Council.

SAMPLE MOTION TO APPROVE:

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

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

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

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

SAMPLE MOTION TO TABLE/DENY:

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

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

**ALPINE CITY
ORDINANCE 2021-05**

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

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the animal and agricultural regulations ordinance with regards to the maximum number of horses allowed on a property; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendments to the Development Code, held a public hearing, and has forwarded a recommendation to the City Council; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendments to the Development Code:

NOW THEREFORE, be it ordained by the Council of Alpine City, in the State of Utah, as follows: The amendments to Article 3.21.090 contained in the attached document will supersede Article 3.21.090 as previously adopted. This ordinance shall take effect upon posting.

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

A M E N D M E N T

3.21.090 Farm Animal And Agricultural Regulations

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

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

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

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

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

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

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

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

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

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Bonnie Cooper, City Recorder Alpine City

**ALPINE CITY
ORDINANCE 2021-05**

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

WHEREAS, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the animal and agricultural regulations ordinance with regards to the maximum number of horses allowed on a property; and

WHEREAS, the Alpine City Planning Commission has reviewed the proposed Amendments to the Development Code, held a public hearing, and has forwarded a recommendation to the City Council; and

WHEREAS, the Alpine City Council has reviewed the proposed Amendments to the Development Code:

NOW THEREFORE, be it ordained by the Council of Alpine City, in the State of Utah, as follows: The amendments to Article 3.21.090 contained in the attached document will supersede Article 3.21.090 as previously adopted. This ordinance shall take effect upon posting.

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

A M E N D M E N T

3.21.090 Farm Animal And Agricultural Regulations

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

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

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

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

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

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

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

PASSED AND ADOPTED BY THE ALPINE CITY COUNCIL

_____.

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

Presiding Officer

Attest

Troy Stout, Mayor, Alpine City

Bonnie Cooper, City Recorder Alpine City

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Planning Commission Minutes December 1, 2020

FOR CONSIDERATION ON: 5 January 2021

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Approve Minutes

BACKGROUND INFORMATION:

Minutes from the December 1, 2020 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
December 1, 2020

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

Excused:

Staff: Austin Roy, Jed Muhlestein, Marla Fox

Others: Paul Anderson

B. Prayer/Opening Comments: Ed Bush

C. Pledge of Allegiance: Alan MacDonald

II. PUBLIC COMMENT

There were no public comments.

III. ACTION ITEMS

A. Alpine Fitness – Site Plan – Paul Anderson

Austin Roy said this item is returning to Planning Commission following the City Council review of the Site Plan on November 24, 2020. The City Council asked that the Planning Commission take another look at the design of the building with regards to the Gateway Historic District Design Guidelines. He said the City Council had concerns about the trail and where it would be located next to the creek. They also wanted to know how this proposed building met the Historic Guidelines.

The Gateway Historic District Design Guidelines are in the following eight categories:

1. Relation to the Surrounding Area (Massing, Scale, Orientation)
2. Height
3. Exterior Walls and Surfaces
4. Windows and Doors
5. Exterior Trim and Decorative Detailing
6. Roofing
7. Materials (Texture, Color, Finishes)
8. Streetscaping

The Applicant was seeking to relocate Alpine Fitness and Alpine Physical Therapy to a new building on Main Street. The new building would replace an existing garage structure on the site. The existing building would be demolished, and the new building would be located at the same site as the current building. The site was located within the Business Commercial Zone and the Gateway Historic District. The proposed building was approximately 9,380 square feet on a parcel approximately 0.58 acres in size.

1 There were 40 off-street parking stalls that were proposed. The developer was seeking approval of the
2 proposed site plan.
3

4 In August of 2019, the City Council approved a 15-foot front setback exception on Main Street and a two-
5 foot setback exception on the north property line. In September of 2019, the City Council approved a
6 parking exception (parking allowed in front setback) and land swap on the property. The land swap was
7 granted to allow for the power lines on the property to be relocated underground. The proposed building
8 had been designed with these exceptions in mind.
9

10 The Applicant worked with the gas company to remove a high-pressure gas line from the property and the
11 easement that existed for the gas line had been vacated.
12

13 During the meeting, Paul Anderson provided a detailed description of the proposal, answering questions
14 as he went along. There were questions on details such as the face of the building, the foundation,
15 columns, setbacks, doors, windows, roofline, and other structural and design elements. Visuals
16 accompanied the discussion. Other buildings in the City which were constructed per the Historic
17 Guidelines were compared to the current building proposal. These included the Mountainville Academy,
18 the Pine Valley Realty building, and the two Ezra Lee buildings. Discussion ensued on the design of the
19 proposed building and if they wanted to recommend any changes. They reviewed the roofline and the
20 pitch of the overhang and said it was personal style but met the criteria. They said they would like to see
21 more design elements on the east side instead of just a wall of metal siding.
22

23 Chairwoman Griener emphasized open-mindedness in the discussion. A lot of time and energy has been
24 applied to the current proposal. The Planning Commission had an obligation to the Applicant to do the
25 best possible job of submitting to the City Council an approvable project. The building did not need to be
26 completely re-designed; however, a few minor changes, as well as a detailed explanation as to how the
27 design meets the criteria of the guidelines, were the goals. The end result should be a beautiful building,
28 which followed the criteria, and could therefore approved.
29

30 Ed Bush said Mr. Anderson checked the boxes of the design criteria. He said the City Council didn't
31 think it was a Historic design but more of a modern look. He said he did not think other elements needed
32 to be added because he believed less was more but said he would be in favor of breaking up the siding on
33 the east side.
34

35 Alan MacDonald said Mr. Anderson had done an admirable job and had the met the design criteria on a
36 difficult lot which was an eye sore. He said his architectural elements were consistent with other
37 buildings in the district. He agreed to break up the east side with some other design element.
38

39 John MacKay said it checked all the boxes. He said this design met the guidelines and the renderings did
40 not show the impact of the windows and showed the variety of the design. He said adding the
41 landscaping would add to it as well. He suggested painting the fire door a different color.
42

43 Troy Slade said he agreed with all the comments. He said he was not a designer and did not feel qualified
44 in that area. He said he would like to see an architectural feature on the front to add dimension. He said
45 Mr. Anderson's building would fit right in and be a jewel in the middle of town.
46

47 Sylvia Christiansen said everyone was going to have a different design idea and felt like this building
48 would be a jewel for the City.
49

50 Ethan Allen said he agreed with everyone's comments. He said it met the design criteria and said it was
51 an interesting design and he was in favor of it.

1 Chairwoman Griener noted the value of having 3-D renderings in the future, for discussions such as this.
 2 She said she was not sure how this building fit in with other buildings in the City. She said canopies or
 3 awnings could add a design element that would satisfy the guidelines. She said planters, with trees and
 4 shrubs could soften up surfaces as well. She asked about the landscaping plan and if it could be adjusted
 5 to bring more landscaping up front instead of at the back. She also said she thought a sidewalk was
 6 required leading to the fire door.

7
 8 It was important to remember that the Gateway Historic District Design Guidelines was not code. It was
 9 only an aid in making decisions.

10
 11 **MOTION:** Ethan Allen moved to recommend approval of the proposed site plan for the Alpine Fitness
 12 building with the option of the City Council to make design changes. Troy Slade seconded the motion.
 13 The motion died.

14
 15 The ultimate decision remained with Paul Anderson. He had sat through two Planning Commission
 16 meetings and a City Council meeting. He could pull all of the recommendations together, make changes
 17 as he desired, and see if it passed.

18
 19 **MOTION:** Alan MacDonald moved to recommend approval of the proposed Site Plan for the Alpine
 20 Fitness building. John MacKay seconded the motion. There were 6 Ayes and 1 Nays (recorded below).
 21 The motion passed.

22
 23 **Ayes:**

24 Alan MacDonald
 25 Ed Bush
 26 Ethan Allen
 27 Troy Slade
 28 John MacKay
 29 Sylvia Christiansen

23 **Nays:**

Jane Griener

30
 31 **B. Annual Meeting Schedule 2021**

32 Austin Roy presented the 2021 Planning Commission Calendar showing the holidays and dates that might
 33 not work for meetings. The meetings for this body were scheduled according to the school calendar, to
 34 avoid absences that may occur by families going on vacation.

35
 36 **MOTION:** Sylvia Christiansen moved to approve the Annual Meeting Schedule for 2021. Ethan Allen
 37 seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed unanimously.

38
 39 **Ayes:**

40 Alan MacDonald
 41 Jane Griener
 42 Ed Bush
 43 Ethan Allen
 44 Troy Slade
 45 John MacKay
 46 Sylvia Christiansen

39 **Nays:**

47
 48
 49 **IV. Communication**

50 No comments

1 **V. APPROVAL OF PLANNING COMMISSION MINUTES:** November 17, 2020

2
3 Several minor changes were noted by Jed Muhlestein and Sylvia Christianson regarding wording, content,
4 and spelling.

5
6 **MOTION:** Troy Slade moved to approve the minutes for November 17, 2020 with changes noted made
7 by Jed Muhlestein and Sylvia Christiansen.

8
9 Alan MacDonald seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion
10 passed unanimously.

11
12 **Ayes:**
13 Alan MacDonald
14 Ethan Allen
15 Jane Griener
16 Troy Slade
17 Ed Bush
18 John MacKay
19 Sylvia Christiansen

Nays:
None

20
21 **MOTION:** Alan MacDonald moved to adjourn the meeting. Ethan Allen seconded the motion. There
22 were 7 Ayes and 0 Nays (recorded below). The motion passed unanimously.

23
24 **Ayes:**
25 Alan MacDonald
26 Ethan Allen
27 Jane Griener
28 Troy Slade
29 Ed Bush
30 John MacKay
31 Sylvia Christiansen

Nays:
None

32
33 The meeting was adjourned at 9:26 p.m. The next meeting will be in 2021.