



## ALPINE CITY COUNCIL PUBLIC HEARINGS and MEETING

NOTICE is hereby given that the CITY COUNCIL of Alpine City, Utah will hold a public meeting on **Tuesday, June 14, 2016 at 7:00 p.m.** at Alpine City Hall, 20 North Main, Alpine, Utah as follows:

**I. CALL MEETING TO ORDER\***

- |                                 |                      |
|---------------------------------|----------------------|
| <b>A. Roll Call:</b>            | Mayor Sheldon Wimmer |
| <b>B. Prayer:</b>               | Kimberly Bryant      |
| <b>C. Pledge of Allegiance:</b> | By Invitation        |

**II. PUBLIC COMMENT:** The public may comment on items that are not on the agenda.

**III. CONSENT CALENDAR**

- A. Minutes of the May 24, 2016 City Council Meeting**

**IV. REPORTS AND PRESENTATIONS**

- A. Monthly Budget Report**

**V. ACTION/DISCUSSION ITEMS:**

- A. Alpine City FY 2016-2017 Final Budget Discussion.** The City Council will discuss the Final Budget.
- B. PUBLIC HEARING on Alpine City FY 2016-2017 Final City Budget.** The City Council will receive public comments from Alpine City residents regarding the Final Fiscal Year 2016-2017
- C. Ordinance No. 2016-09, Adopting the Final Alpine City FY 2016-2017 Budget.** The City Council will make any changes they wish to make to Alpine City FY 2016-2017 Final City Budget and adopt said budget.
- D. Resolution No. R2016- 06 - Adopting the Certified Tax Rate for Fiscal Year 2016-2017.** The Council will adopt the Fiscal Year 2016-2017 Certified Tax Rate for the City.
- E. Resolution No. R2016- 07, Adopting the Amended Consolidated Fee Schedule.** The Council will adopt the Consolidated Fee Schedule for Fiscal Year 2016-2017.
- F. PUBLIC HEARING on the Amended City Budget for Fiscal Year 2015-2016.** Public comments will be received regarding the amended City Budget for Fiscal Year 2015-2016.
- G. Ordinance No. 2016-10, Amending the City Budget for Fiscal Year 2015-2016.** The Council will adopt the amended City Budget for Fiscal Year 2015-2016.
- H. Ordinance No. 2016-12, Westfield Zone Change.** The City Council will decide if they wish to approve the requested zone change for the area located east of Westfield Road and south of 200 North. The request is to change the zoning of this property from CR-40,000 (1 acre lots) to CR-20,000 (1/2 acre lots). This property consists of approximately 48 acres.
- I. Fireworks.** The City Council will decide if they wish to keep the same fireworks rules as last year or if they want to make any changes to said rules.
- J. Soccer.** The City Council will discuss the soccer program as it operates in the City and make any modifications to the operation of the soccer program that they deem necessary.
- K. Cocolalla Annexation.** The City Council will vote on the Cocolalla Annexation petition to begin the annexation process.
- L. Ordinance No. 2016-07, Open Space Ordinance and Map Amendments (Article 3.16).** The City Council will review the proposed amendments to the Open Space ordinance and corresponding map and vote whether to approve or not approve the proposed amendments and corresponding map.
- M. Ordinance No. 2016-11, Senior Housing Overlay Zone Amendment (Article 3.18).** The City Council will review the proposed amendments to the Senior Housing Overlay Zone ordinance and vote whether to approve or not approve the proposed amendments.

**VI. STAFF REPORTS**

**VII. COUNCIL COMMUNICATION**

**VIII. EXECUTIVE SESSION:** Discuss litigation, property acquisition or the professional character, conduct or competency of personnel.

**ADJOURN**

**\*Council Members may participate electronically by phone.**

Sheldon Wimmer  
June 10, 2016

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS. If you need a special accommodation to participate, please call the City Recorder's Office at (801) 756-6347 x 4.

CERTIFICATE OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was on the bulletin board located inside City Hall at 20 North Main and 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 our web site at [www.alpinecity.org](http://www.alpinecity.org) and on the Utah Public Meeting Notices website at [www.utah.gov/pmn/index.html](http://www.utah.gov/pmn/index.html)

# PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

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

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

## Public Hearing v. 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 MEETING and HEARING**  
**Alpine City Hall, 20 North Main, Alpine, UT**  
**May 24, 2016**

**I. CALL MEETING TO ORDER:** The meeting was called to order at 7:05 pm by Mayor Sheldon Wimmer.

**A. Roll Call:** The following were present and constituted a quorum:

Mayor Sheldon Wimmer

Council Members: Ramon Beck, Lon Lott, Kimberly Bryant, Roger Bennett, Troy Stout

Staff: Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Steve Cosper. Rich Nelson was excused on family issues.

Others: Maureen Kilgour, Jim Kilgour, Griff Johnson, Jason Rosvall, Chris Paulson, Loraine Lott, Sylvia Christiansen, Ron Beckstrom, Rob Clauson, Will Jones, Conner Rugg, Kedar Rugg, Robin Hironaka, Eileen Tuttle, Glen Tuttle, Mary Ann Richards, Dana Beck

**B. Prayer:**

Lon Lott

**C. Pledge of Allegiance:**

Jason Rosvall

**II. PUBLIC COMMENT**

Robin Hironaka said she lived on the corner of Grove Drive and Alpine Boulevard. She had sent a letter to the City Council concerning the lack of regulation on residential lighting. One of the big reasons she moved to Alpine was the beauty of the area, the mountains, and the view both during the day time and the night time. She was a member of the Astronomical Society. She was concerned that they were losing their night sky. She said she had no problem with lighting for safety and streetlights, but there was a lot of extra lighting coming in from private residences with sport courts, swimming pools, etc. Someone was putting in a larger soccer field behind them and she was concerned about that. She said she'd been told the City had no regulations on lighting regarding the hours and the spread. She requested the Council to look into regulating lighting in terms of the hours and containing the lighting on the property. She said that anyone who had the money to put in a soccer field could put in lights that didn't encroach on others.

Troy Stout and Kimberly Bryant agreed that they needed to talk about regulating lights. Kimberly Bryant said she'd also heard complaints about people renting out their gyms for use by ball teams.

Glen Tuttle said he lived at 1040 N. Grove Drive and was also concerned about the light pollution. He said when he went to bed at 11 pm the lights were blasting into his bedroom. He would like to see some regulation so the lighting didn't impact the neighbors.

Jim Kilgour lived on 300 North. He said people lived in Alpine for a certain reasons, frequently for the beauty of nature. He said he was from upstate New York in the Hudson Valley and he thought there was no other place that beautiful until he came to Alpine. He chose to live here because it was beautiful and clean. People should not be allowed to destroy the nature and beauty of the place. He said he had attended the meeting on another matter but wanted to comment. He had hired an attorney because someone was dumping sand and trash in his backyard.

Kimberly Bryant and Troy Stout agreed there should be a balance between preserving the land and developing the land.

Ilene Tuttle said she lived on north Grove Drive and quality of life was an issue from them. They had glaring lights from a soccer field shining into their homes. It would be lovely if there were some regulations requiring the lights to be turned off by 11 pm and have some language to control the intensity as well.

**III. CONSENT CALENDAR**

**A. Approve the minutes of May 10, 2016**

**B. Approve bid for Alpine Boulevard waterline relocation:** Shane Sorensen said the bid to relocate the waterline came in a little higher than he thought it would because they had to loop the line under the storm drain. The low bid was from Carltons, Inc. for \$79,236.90.

**MOTION:** Ramon Beck moved to accept the bid from Carlton, Inc. for relocating the waterline in Alpine Boulevard in the amount of \$79,236.90. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Ramon Beck, Troy Stout, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed.

**MOTION:** Lon Lott moved to accept the minutes of May 10, 2016 as noted. Ramon Beck seconded. Ayes: 4 Nays: 0. Lon Lott, Kimberly Bryant, Ramon Beck, Troy Stout voted aye. Roger Bennett abstained saying he was present for only half the meeting. Motion passed.

#### IV. REPORTS AND PRESENTATIONS

Jason Rosvall reported that for his Eagle Scout project he transplanted poppies onto the Dry Creek Trail area from Troy Stout's backyard. He said he had good participation from the deacons, leaders, and his cousin. He would be monitoring the poppies and watering them until they were established.

Conner Rugg reported that for his Eagle Scout project he had cleared out the garbage and deadfall from the Dry Creek Trail area. He had 25 volunteers and spent 97.5 hours on the project.

#### V. ACTION/DISCUSSION ITEMS.

**A. Alpine City Tentative Budget - FY 2016-17:** Alice Winberg presented the tentative budget. She said it was posted on the Alpine City website and a paper copy was available to the public. Some changes had been made since it was previously discussed. They had taken off the electronic meter read for the pressurized irrigation system but the culinary meter reading system was still in the budget. Sheldon Wimmer explained that it would cost around 2.8 million for the PI system, which was more than they wanted to spend this year.

Regarding road improvements, Shane Sorensen said the 600 North expansion would be \$250,000. They budgeted \$400,000 for other road maintenance. Those expenses would come from the Class C Road Fund.

Alice Winberg said they were budgeting for a Fort Canyon road inspector for \$60,000. Shane Sorensen said they would need more involvement because of the retaining walls that would be constructed, plus Landon Wallace who already did road inspections for the City was stretched. The developer would pay for the material testing and the City checked for compliance.

Kimberly Bryant asked about the funding for the Youth Council. Alice Winberg said the Youth Council had a revenue side and an expense side. They were hoping the Youth Council would earn at least \$1300 and they would get to spend that.

Alice Winberg said the budget reflected \$80,000 for the construction of a pickle ball court on 300 North which would come from impact fees. \$50,000 was budgeted for the repair of basketball courts in Burgess Park and \$20,000 for the Dry Creek Trail. Troy Stout wondered if they were being aggressive enough about putting in the Dry Creek Trail since \$20,000 didn't seem like that much compared to other budget items.

The budget reflected \$60,000 for the sidewalk along Westfield Road. The school and Highland City were also supposed to be participating in the cost. Lon Lott asked why it was so high if others were participating. Alice Winberg said they liked to budget the expenditures on the high side and the revenue on the low side.

Roger Bennett asked if there was enough money in the capital improvement fund to cover \$700,000 worth of expenses. Alice Winberg and David Church explained that they needed to transfer money from the General Fund into the Capital Improvement Fund. By law a city could hold only between 5% and 25% in the General Fund so at the end of the year if there was excess in the General Fund, it was traditionally budgeted into the Capital Improvement Fund. Cities had a choice to either save the excess in the Capital Improvement Fund or return it to the

tax payers. David Church said Alpine City had capital improvement projects totally about 1.2 million dollars which they needed to prioritize.

Alice Winberg said other expenditures included the removal of trees in Peterson Park plus upgrading the watering system Creekside Park and sidewalk repair in the park. They had \$5,000 budgeted for the amphitheater. The Moyle Park house remodel was budgeted at \$70,000 along with repairing the bell tower and replacing the front door in City Hall. The park maintenance building was budgeted at \$300,000 and the fire station remodel at \$100,000.

Mr. Kilgour asked if the location of the park maintenance building was set. He was told the staff was planning on 300 North but the Council needed to make a formal decision on it.

Regarding the equipment schedule, Shane Sorensen said the big project was converting a truck to a hook lift which would cost about \$85,000. The cost of the truck was spread over different funds.

#### **B. PUBLIC HEARING – Tentative Budget**

Maurine Kilgore asked why they budgeted \$80,000 for a pickle ball court when they had a million dollars in wishes? She said that seemed excessive, especially after talking about the problem of light and noise pollution. She questioned the wisdom of building a noisy pickle ball court next to people's houses. There were a number of lawsuits filed across the country against pickle ball courts because of their intrusive nature. They violated ordinances on daytime noise and nighttime lighting. She suggested the \$80,000 would be better spent on developing the Dry Creek Trail which would be us MOTION: Troy Stout moved to accept the Tentative Budget for fiscal year 2016-2017. Kimberly Bryant seconded. Ayes: Troy Stout, Kimberly Bryant, Lon Lott, Roger Bennett, Ramon Beck. Motion passed. ed by a much wider range of Alpine citizens.

Troy Stout said he was neutral on pickle ball courts but he was a big advocate of trails. He said he would like to readdress constructing a pickle ball court on 300 North. He believed more people would benefit from a developed trail that ran through town than from a pickle ball court.

Mary Ann Richards said she lived at 389 Bristol Court and agreed that more people would enjoy the trail than a pickle ball court. She said she was also very concerned about the proposal for a maintenance building on 300 North. It was a busy street next to a school with a lot of children being picked up and dropped off, and she was concerned about safety.

Jim Kilgour said he agreed with his wife about the pickle ball court. He suggested that a more appropriate location for the maintenance building would be in the park area by the fire station. Except for jumping equipment during Alpine Days, it was used very little. Or perhaps they could locate it in Lambert Park by the rodeo ground where it was such a mess.

Will Jones asked if funds were budgeted for the Relic Hall? Shane Sorensen the Relic Hall was included in the current year budget. Alice Winberg said that if they didn't begin work on it this year, they would put it in next year's budget.

There were no more comments and the Public Hearing was closed.

#### **C. Acceptance of the Alpine City Tentative Budget for fiscal year 2016-2017.**

**MOTION:** Troy Stout moved to accept the Tentative Budget for fiscal year 2016-2017. Kimberly Bryant seconded. Ayes: 5 Nays: 0. Troy Stout, Kimberly Bryant, Lon Lott, Roger Bennett, Ramon Beck voted aye. Motion passed.

**MOTION:** Kimberly Bryant moved to set the date for the public hearing on the Final Budget for June 14, 2016. Troy Stout seconded. Ayes: 5 Nays: 0. Kimberly Bryant, Troy Stout, Roger Bennett, Lon Lott, Ramon Beck voted aye. Motion passed.

#### **D. Ordinance No. 2016-08, Proposed Accessory Building Setbacks Amendment (Articles 3.2 – 3.7).**

Jason Bond said this proposal, which was to reduce the required setback for an accessory building next to a street

from 40 feet to 30 feet. but the Council wanted to table it and discuss it further. He said Jason Thelin, a member of the Planning Commission, had proposed the amendment.

Jason Thelin said he'd had calls from three people who had read the minutes and said they agreed with the proposed amendment. They wanted to build a detached garage on their property but the 40-foot setback requirement was too restrictive, especially if they were on a corner lot. However, he'd just found out he was technically not on a corner lot so if it was amended only for corner lots, it wouldn't help him.

Troy Stout agreed that meeting the setbacks on a half-acre lot was difficult.

Steve Cospers said that in his opinion the reason for the 40-foot setback was to accentuate the difference between the house and the detached building. Otherwise it looked like two houses on the same lot. He said the Planning Commission recommended against it 6 to 1.

**MOTION:** Roger Bennett moved to leave the ordinance the way it was. Lon Lott seconded. Ayes: 2 Nays: 3. Lon Lott and Roger Bennett voted aye. Ramon Beck, Kimberly Bryant, Troy Stout voted nay. Motion failed.

Lon Lott said he'd spent a lot of time looking at the proposed amendment and drawing up the possibilities of what it might look like if they changed the ordinance. In Lehi there could be as little as ten feet in between the houses. In Alpine they were trying to have a more open feeling and this amendment might make it look more closed off. He said he'd looked at the aerials of Alpine and observed that acre lots had more outbuildings. He said the amendment may not make much of a difference to someone on a corner lot, but it may make a difference on a regular lot, which was why he had previously suggested they amend the ordinance for just corner lots.

**MOTION:** Ramon Beck moved to adopt Ordinance 2016-08 to amend the setback requirement for accessory buildings. Kimberly Bryant seconded. Ayes: 2 Nays: 3 Ramon Beck and Kimberly Bryant voted aye. Troy Stout, Roger Bennett, Lon Lott voted nay. Motion failed.

**E. Westfield Zone Change – Direction from the Council:** Mayor Wimmer said the Council had heard from Dana Beck regarding the requested zone change for properties in the Westfield area from one home per acre to one home per half-acre. Griff Johnson had requested an opportunity to make a presentation to the Council in favor of rezoning the properties for half-acre lots.

Griff Johnson said he represented the Burgess property which he had under contract to develop. He reviewed the history of the property.

1991	The property was zoned for half-acre lots then rezoned to acre lots.
98-03	Two schools and an LDS stake center were built and Burgess Park was expanded on land which was previously fields.
2007	General Plan updated
08-12	Recession – no development
2015	Pending rezone application

Mr. Johnson said the proposed zone change should not require a change in the General Plan. If the zone change was approved, it would be consistent with the current General Plan, particularly in the section defining different densities. The low density zoning (one home per acre) was described as "located around the periphery of the City . . . where there was the presence of steep slopes, adverse soil characteristics, flood hazard, mudflow or earthquake potential, wildfire hazard or similar critical and sensitive natural conditions . . . environmentally fragile."

He said the Westfield area better matched the description of medium density which was "traditional agricultural lands and lower undeveloped areas within the City . . . to provide for the perpetuation of the rural and open space image while reducing the impact of development on lands that are highly visible."

Mr. Johnson said he created a concept plan of the area showing a layout for 42 lots under the one-acre zoning and a concept plan under the half-acre zoning with 69 lots. The density was not doubled by rezoning. There was a

1 difference of only 27 lots. Roads had to be provided for in both zones and the minimum setback requirements in  
2 both zones were the same.

3  
4 He said the General Plan already contemplated a higher density than one-acre lots for the Westfield area. The staff  
5 had stated that, conceptually, the sewer and water would work. The traffic study from Hales Engineering stated that  
6 the higher density would have a negligible difference. The additional roads would help disperse traffic from the  
7 schools.

8  
9 Reasons for rezoning were: 1) The area was originally zoned for half-acre lots; 2) The rezoning would be consistent  
10 with the General Plan; 3) It would be a logical zoning pattern and complete the “wagon wheel” of the CR-20,000  
11 zone. 4) It would provide a crucial road shown on the Street Master Plan; 5) The connection would alleviate  
12 pressure on Ranch Drive.

13  
14 Kimberly Bryant said she was not opposed to rezoning and in ways it made sense, but the Council had charged the  
15 Planning Commission with updating the General Plan and she didn’t want them to think they didn’t respect their  
16 work.

17  
18 Steve Cospier said there were seven members on the Planning Commission. They didn’t want to jump and change  
19 the zone because their first thought was to first do no harm. He noted that the area to the south with half-acre lots  
20 (Twin River subdivision) which actually a PRD with a net density of one home per acre. The area proposed for  
21 rezoning would not be a PRD. He said they wanted to consider all the issues and have a comprehensive plan.

22  
23 Jason Thelin agreed with Steve Cospier. The area with the half-acre lots was not really zoned for half-acre lots. It  
24 was zoned for one-acre lots but since it was a PRD with open space, it had half-acre lots.

25  
26 Ramon Beck said he thought it was time for the City Council to make a decision on it.

27  
28 Roger Bennett said he didn’t have a problem with the concept but he had a concern because Ranch Drive was never  
29 going to cross Dry Creek to get traffic out of town. Putting additional homes in that area would put an extra burden  
30 on Main Street and Westfield Drive. Griff Johnson said the road across Dry Creek was in the Master Street Plan. Mr.  
31 Bennett asked if they could require the developers to put up funds to bridge Dry Creek. David Church said they  
32 couldn’t make it a requirement.

33  
34 Ramon Beck said he favored half-acre lots because it would be the last vestige of affordability in Alpine. More one-  
35 acre lots just meant more two million dollar homes.

36  
37 **MOTION:** Ramon Beck moved to request that the Planning Commission hold another public hearing on the  
38 Westfield rezoning and forward a recommendation (positive or negative) to the City Council for final action.  
39 Kimberly Bryant seconded. Ayes: 5 Nays: 0. Ramon Beck, Kimberly Bryant, Lon Lott, Roger Bennett, Troy Stout  
40 voted aye. Motion passed.

## 41 42 **VI. STAFF REPORTS**

43  
44 Jason Bond said he would notice the public hearing for the zone change for the Planning Commission meeting on  
45 June 7<sup>th</sup>.

46  
47 Shane Sorensen work was underway for the Three Falls subdivision.

## 48 49 **VII. COUNCIL COMMUNICATION**

50  
51 Kimberly Bryant said she had started the Memorial Day breakfast years ago as a way to bring citizens together, but  
52 last year Mayor Watkins did away with it. She said she would like to continue it and asked the Council to help serve  
53 the breakfast. It was too late to do anything for 2016, but she would like to do it the next year. The Councilmembers  
54 indicated they would be willing to help with it.  
55



1 Sheldon Wimmer said the Alpine 4<sup>th</sup> Ward recently celebrated their 40<sup>th</sup> Anniversary. It was very successful. Some  
2 people had talked to him and asked if the City could sponsor monthly senior dinners. He asked the Council to think  
3 about that. There might be funding available from the county.

4  
5 Roger Bennett said a citizen contacted him about kids trying to cross Main Street by the drinking fountain in Legacy  
6 Park. There was a crosswalk but no one would stop and let the kids cross. He asked if they could get the police to  
7 enforce the law that motorists yield to pedestrians crossing at a crosswalk. Sheldon Wimmer suggested they also put  
8 flags out the way they did in other cities. It seemed to be effective.

9  
10 Troy Stout said someone had been putting up Redford Run signs in Lambert Park and areas outside the park. He  
11 asked if they could take them out. Others indicated they had seen the signs but no one knew who was putting them  
12 up. It wasn't the City

13  
14 Steve Cosper said Evertt Williams had come to the Planning Commission meeting with a long list of items regarding  
15 Lambert Park. He felt they were issues that the Council was better equipped to deal with.

### 16 17 **VIII. EXECUTIVE SESSION**

18  
19 **MOTION:** Ramon Beck moved to go into Executive Session to discuss litigation. Kimberly Bryant seconded.  
20 Ayes: 5 Nays: 0. Ramon Beck, Troy Stout, Roger Bennett, Kimberly Bryant, Lon Lott voted aye. Motion passed.

21  
22 The Council went into closed meeting at 9:45 pm.

23  
24 **MOTION:** Kimberly Bryant moved to go back into open meeting and adjourn. Lon Lott seconded. Ayes: 5 Nays:  
25 0. Kimberly Bryant, Lon Lott, Troy Stout, Ramon Beck, Roger Bennett voted aye. Motion passed.

26  
27 The meeting was adjourned at 10:20 pm.  
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## **ALPINE CITY COUNCIL AGENDA**

**SUBJECT: Ordinance No. 2016-09 – Adopting the Final Alpine City Budget, Fiscal Year 2016-2017.**

**FOR CONSIDERATION ON: June 14, 2016**

**PETITIONER: Rich Nelson, City Administrator, and Alice Winberg, City Finance Officer**

**ACTION REQUESTED BY PETITIONER: That the City Council adopt the Alpine City Budget for Fiscal Year 2016-2017.**

**INFORMATION: This budget has been discussed by the Council for a number of months and there have been 2 public hearings on the tentative budget. Due to its size, the budget will be emailed to the Council separately.**

***RECOMMENDED ACTION: That the Council make any changes they deem needed to the City Budget and adopt Ordinance No.2016-09 – An Ordinance Enacting and Adminstrating the Alpine City Fiscal Year 2016-2017 Annual Budget.***

**ORDINANCE NO. 2016-09**

**AN ORDINANCE ENACTING AND ADMINISTERING THE ALPINE CITY  
FISCAL YEAR 2016-17 ANNUAL BUDGET**

**WHEREAS**, it is deemed desirable and in the best interest of the City of Alpine, Utah to adopt the annual budget for the operations, debt amortization, and capital outlay of the City.

**NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF ALPINE  
DO ADOPT AND ORDAIN AS FOLLOWS:**

**ARTICLE 1  
DEFINITIONS**

SECTION 1. "BUDGET YEAR" means the 2016 -2017 fiscal year for which this budget is made.

SECTION 2. "FISCAL YEAR" means that year which begins on the first day of July, 2016, and ends on the last day of June, 2017.

**ARTICLE II  
BUDGET ESTABLISHES APPROPRIATIONS**

**SECTION 1. APPROPRIATIONS.**

From the effective date of the budget as outlined in the attached Exhibit "A", the several amounts stated therein as proposed expenditures, shall address the several objects and purposes therein named.

**SECTION 2. ANTICIPATED REVENUES.**

The amended anticipated revenues shall include revenue from all sources, including grants and loans and shall be classified in accordance with the chart of accounts of the municipality.

**SECTION 3. FUND BALANCE.**

The fund balance shall be available for emergency appropriation by the City Council.

**SECTION 4. ANTICIPATED SURPLUS FROM MUNICIPAL UTILITY OR  
ENTERPRISE FUNDS.**

The anticipated revenue and proposed expenditures of each utility or other public service enterprise owned or operated by the city is stated in a separate section of the budget (See attached Exhibit A); and as to each such utility, an anticipated surplus, if legally available for general purposes and to the extent such surplus is to be used to support budget operation, is stated as an item of revenue in the budget.

**ARTICLE III**  
**ADMINISTRATION OF BUDGET, FINANCIAL CONTROL**

**SECTION 1. APPROVAL OF EXPENDITURES.**

The City Administrator shall be the Finances Director and have charge of the administration of the financial affairs of the city and to that end shall supervise and be responsible for the disbursement of all monies and have control over all expenditures to insure that appropriations are not exceeded. He shall exercise financial budgetary control over each office, department and agency and shall cause separate accounts to be kept for the items of appropriation contained in the budget.

**ARTICLE IV**  
**SEVERABILITY**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of the ordinance which can be given effect without the invalid provision or applications; and to this end the provisions of the ordinance are severable.

**ARTICLE V**  
**ADOPTION & EFFECTIVE DATE**

This Ordinance is hereby adopted the 14th day of June 2016 and shall be effective for the Fiscal Year 2016 -2017.

\_\_\_\_\_  
Sheldon Wimmer, Mayor

ATTEST:

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

## **ALPINE CITY COUNCIL AGENDA**

**SUBJECT: Resolution No. R2016-06 – Adopting the Certified Tax Rate for Fiscal Year 2015-2016.**

**FOR CONSIDERATION ON: June 14, 2016**

**PETITIONER: Rich Nelson, City Administrator, and Alice Winberg, City Finance Officer**

**ACTION REQUESTED BY PETITIONER: Adoption of the Certified Tax Rate for Fiscal Year 2016-2017.**

**INFORMATION:** Each year the City, as part of the creating the City's Annual Budget, is required to adopt the certified tax rate for the fiscal year. The certified tax rate is published by the County Auditor. The City has yet to receive this information. When the City receives the certified tax rate information it will be forwarded to the City Council and put on the City's web page and Facebook page.

***RECOMMENDED ACTION:*** That the City Council adopt Resolution No. R2016-06 – A Resolution Establishing The 2016-2017 Tax Rate For Alpine City, Utah. This assumes that the City receives the certified tax rate before the Tuesday Council meeting.

**RESOLUTION NO. R2016-06**

**A RESOLUTION ESTABLISHING THE 2016-2017 TAX RATE FOR  
ALPINE CITY, UTAH.**

**NOW THEREFORE**, we the members of the Alpine City Council hereby resolve:

The tax rate for Alpine City for fiscal year 2016-2017 shall be set at .00???? which is the certified tax rate set by the Utah County Auditor and adopted by the Alpine City Council.

**DATED** this 14th day of June, 2016.

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Sheldon Wimmer  
Mayor of Alpine City

**ATTEST:**

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Charmayne G. Warnock  
Alpine City Recorder

## **ALPINE CITY COUNCIL AGENDA**

**SUBJECT: Resolution No. R2016-07, Amend Consolidated Fee Schedule to increase base water rate**

**FOR CONSIDERATION ON: June 14, 2016**

**PETITIONER: Richard Nelson, City Administrator**

**ACTION REQUESTED BY PETITIONER: Approval of a proposal to increase the base rate for culinary water from \$14/month to \$15/month.**

**APPLICABLE STATUTE OR ORDINANCE: Amendment of the Consolidated Fee Schedule. This is part of an agreement the City made to raise the culinary base rate \$1 a year for 5 years.**

### **BACKGROUND INFORMATION:**

**Council Action: That the City Council adopt Resolution No. R2016-07 amending the Consolidated Fee Schedule to increase the base rate for culinary water from \$14/month to \$15/month.**

## RESOLUTION NO. R2016-07

### A RESOLUTION OF THE GOVERNING BODY OF ALPINE CITY ESTABLISHING A CONSOLIDATED FEE SCHEDULE

WHEREAS, the governing body of Alpine City pursuant to Utah Code Annotated, Section 10-3-717 is empowered by resolution to set fees; and

WHEREAS, the governing body of Alpine City wishes to establish an equitable system of fees to cover the cost of providing municipal services;

NOW, THEREFORE, BE IT RESOLVED by the governing body of Alpine City that:

I. The following fees are hereby imposed as set forth herein:

#### A. CITY RECORDER:

1. Compiling records in a form other than that maintained by the City. Actual cost and expense for employee time or time of any other person hired and supplies and equipment. Minimum charge of \$10 per request.
2. Copy of record \$0.50/printed page
3. Certification of record \$1.00/certification
4. Postage Actual cost to City
5. Other costs allowed by law Actual cost to City
6. Miscellaneous copying (per printed page):

	B/W	Color
8 ½ x 11	\$0.10	\$0.50
8 ½ x 14	\$0.15	\$0.70
11 x 17	\$0.20	\$0.90

7. Electronic copies of minutes of meetings Actual cost
8. Maps (color copies)

8 ½ x 11	\$2.50
11 x 17	\$5.00
24 x 36	\$18.00
34 x 44	\$30.00
9. Maps with aerial photos

8 ½ x 11	\$5.00
11 x 17	\$10.00
24 x 36	\$32.00



**B. BUILDING PERMITS AND INSPECTIONS:**

1. Applications:

New Homes/Commercial Buildings	\$500.00
Construction jobs exceeding a value of \$50,000	\$250.00
Fee for all other Building Permit Applications	\$25.00
2. Building Permit Fees will be based on the construction values in Exhibit A and in accordance with the Building Code formula in Exhibit B. Finished basements and decks shall fall under (U) Utility, miscellaneous in Exhibit A.

Refunds for permits issued will be limited to 80 percent of the permit costs, not later than 180 days after the date of fee payment. No refunds for plan review costs will be given if the plan review has been conducted.

A building permit extension fee shall be assessed when building permits for new homes have become null and void. A permit becomes null and void if work or construction is not commenced within 180 days or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. The cost of extending a permit after it has become null and void will be one-half the original building permit fee which consists of the construction fee, electrical fee, plumbing fee and heating fee. A current infrastructure protection bond will also be posted by the new owner/applicant. The original infrastructure bond will be applied to any damage that occurred after the original permit was issued.

3. Minimum fees for issuance of individual permits including, but not limited to, meter upgrades, A/C, furnace, water heaters, etc. Actual cost of inspection
4. One percent surcharge per building permit (Utah Code):
  - a. 80 percent submitted to Utah State Government,
  - b. 20 percent retained by City for administration of State collection.
5. Buildings of unusual design, excessive magnitude, or potentially hazardous exposures may, when deemed necessary by the Building Official, warrant an independent review by a design professional chosen by the Chief Building Official. The cost of this review may be assessed in addition to the building permit fee set forth in item #1 above.
6. Special Inspections Actual cost to City
7. Re-inspection Fee Actual cost to City
8. Retaining Wall Inspection Fee \$110/hr plus \$0.60/mile

**C. BUSINESS LICENSES:**

1. Home Occupations \$50 + \$25.00 for one non-family employee
2. Commercial \$50.00 + \$25.00 for each employee  
(Maximum - \$400.00)
3. Late Charge after 3/01 of each year Double the base fee
4. Canvasser, Solicitors, and Other Itinerant Merchants Application Fee \$15.00
5. Accessory Apartment Permit \$50.00 registration and annual fee

**D. ORDINANCE ENFORCEMENT:**

- |    |  |  |
|----|--|--|
| 1. | Abatement of injurious and noxious real property and unsightly or deleterious objects or structures. | Actual cost of abatement plus 20% of actual cost |
|----|--|--|

**E. PLANNING AND ZONING:**

- |    |   |  |
|----|---|--|
| 1. | General Plan amendment                          | \$350.00   |
| 2. | Zone change                                     | \$350.00   |
| 3. | Appeal Authority                                | Actual Cost of Service   |
| 4. | Conditional Use                                 | \$250.00   |
| 5. | Subdivisions                                    |  |
|    | a. Plat Amendment Fee                           | \$250.00   |
|    | b. Concept Plan Review Fee                      | \$100.00 + \$20.00 per lot + actual cost of City Engineer's review                       |
|    | c. Preliminary Plan Fee                         | \$100.00 + \$90.00 per lot + actual cost of City Engineer's review                       |
|    | d. Final Plat Fee                               | \$100.00 + \$90.00 per lot + actual cost of City Engineer's review                       |
|    | e. Preliminary Plan Reinstatement/Extension Fee | \$100.00   |
|    | f. Final Plat Reinstatement/Extension Fee       | \$100.00   |
|    | g. Recording Fee                                | \$30.00 per sheet + \$1.00 per lot   |
|    | h. Inspection Fees                              | \$140.00 per lot + \$65.00 per visit for re-inspection                                   |
|    | i. Subdivision & Building Bonds                 |  |
|    | (1) Performance and Guarantee                   | 120% escrow in bank  |
|    | (2) Infrastructure Protection Bond              | \$2,500.00 cash bond   |
|    |   | \$5,000.00 cash bond for corner lots or regular lots with more than 150 feet of frontage |
|    | (3) Open Space Bond                             | Determined by City Engineer  |
| 6. | Publications                                    | Electronic      Hard Copy  |
|    | a. General Plan                                 | \$15.00      \$10.00   |
|    | b. Subdivision Ordinance                        | \$15.00      \$30.00   |
|    | c. Zoning Ordinance                             | \$15.00      \$30.00   |

7. Site Plan Review Fee
  - a. Residential (not in approved subdivision) \$150.00 + actual cost of engineering review
  - b. Commercial \$250.00 + actual cost of engineering review
8. Lot Line Adjustment \$75.00
9. Annexation
  - a. Application Fee \$350.00
  - b. Plat Review Fee \$150.00
  - c. Annexation Study Fee Actual Cost
10. Sign Permits
  - a. Application Fee \$25.00
  - b. Inspection Fee Actual cost

Application fee shall not apply to temporary non-profit signs.
11. Utah County Surveyor Plat review fee \$125.00

**F. PUBLIC WORKS:**

1. Streets
  - a. Street Dedication or Vacation \$300.00
  - b. Street Name Change Application \$100.00
  - c. New Street Sign for Name Change Approval \$75.00 per sign
2. Concrete Inspection Permits:
  - a. Curb and Gutter \$35.00
  - b. Sidewalk \$35.00
3. Excavation Permits, Asphalt/Concrete Cuts/Unimproved Surface
  - a. Excavation bond \$4,000.00
  - b. Minimum fee for cuts in paved surfaces more than 3 years old \$300.00 + 1.50/sq. ft.
  - c. Minimum fee for cuts in paved surfaces 3 years old or less \$300.00 + 3.00/sq. ft.
  - d. Land Disturbance Permit \$300.00
4. Culinary Water Rates (Temporary disconnection is not permitted unless authorized by the Alpine City Administrator.):
  - a. Box Elder and those portions of Willow Canyon and any other areas of the City that cannot be served by pressurized irrigation:

Amount Used	Rate
0 to 8,000 gallons per month (base rate)	\$15.00
Each 1,000 gallons over 8,000 gallons to 60,000 gallons per month	\$0.90
Each 1,000 gallons over 60,000 gallons to 175,000 gallons per month	\$1.40
Each 1,000 gallons over 175,000 gallons per month	\$2.80

b. All other users:

<b>Amount Used</b>	<b>Rate</b>
0 to 8,000 gallons per month (base rate)	\$15.00
Each 1,000 gallons over 8,000 gallons to 10,000 gallons per month	\$2.00
Each 1,000 gallons over 10,000 gallons to 12,000 gallons per month	\$3.00
Each 1,000 gallons over 12,000 gallons per month	\$4.00

c. Other utility fees and rates

- (1) Deposit of \$100 refunded after one year of prompt payment
- (2) Transfer of service \$25.00
- (3) Utility service connection \$25.00
- (4) Delinquent & Disconnect/Reconnect
  - a. First time annually \$70.00 + 10% penalty (the \$70.00 + 10% penalty will be waived if the customer signs up for automatic bill pay by credit card through Xpress Bill Pay)
  - b. Subsequent times \$45.00 + 10% penalty
- (5) Utility tampering fee \$299.00

5. Culinary Water Meter Connection Fee (In Addition to Impact Fee)

<b>Minimum Lot Size Requirements</b>	<b>Meter Size</b>	<b>Fee</b>
N/A	¾"	\$150.00
One acre or larger or commercial use	1"	\$210.00
As justified by engineering requirements	1 ½"	\$375.00
As justified by engineering requirements	2"	\$1,750.00

6. Pressurized Irrigation Connection Fee (in addition to impact fee)

<b>Minimum Lot Size Requirements</b>	<b>Meter Size</b>	<b>Fee</b>
For connections installed as part of the original Pressurized Irrigation System	1"	\$550.00
For connections installed as part of the original Pressurized Irrigation System	1 ½"	\$800.00
As justified by engineering requirements	2"	\$850.00

7. Pressurized Irrigation Rates (Temporary disconnection is not permitted unless authorized by the Alpine City Administrator.):

Users	Rate
Residential Users	
(1) Non-shareholders in Alpine Irrigation Co.	\$0.001112 per square foot per month
(2) Shareholders in Alpine Irrigation Co.	\$0.000618 per square foot per month
Agricultural User	\$1.15 per share per month

8. Sewer Connection Fee \$125.00

9. Sewer Usage Rate

Amount Used	Rate
0 to 2,000 gallons per month	\$14.40
Each 1,000 gallons over 2,000 gallons per month	\$3.94

Sewer rates are based on average monthly water use from October 1 – March 30.

10. Storm Drain Usage Rate

Parcels	Rate
Residential (1 ERU)	\$5.00 per month
Commercial	The charge shall be based on the total square feet of the measured impervious surface divided by 4,200 square feet (or 1 ERU), and rounded to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the ERU's for a parcel by the rate of \$5.00 per month. See Municipal Code 14-403.6 for available credits.
Undeveloped	No charge

11. Monthly Residential Waste
- a. Collection Fee (1<sup>st</sup> unit) \$11.50
  - b. Collection Fee each additional unit 6.00
  - c. Recycling (1<sup>st</sup> unit) 5.35
  - d. Recycling each additional unit 5.10
12. Transfer of Utility Service \$25.00

## G. PARKS

- 1. Resident General City Park Reservation \$25.00 use fee
- 2. Non-resident General City Park Reservation (parks other than Creekside Park) \$75.00 use fee

3.	Non-resident Creekside Park Reservation	\$100.00 use fee
4.	<u>Sports Use of City Parks</u> Rugby, Soccer, Football, Baseball, etc. Outside Leagues	\$2 per player \$10 per game
5.	Mass Gathering Event	\$150 use fee \$1,000 deposit
6.	<u>Lambert Park</u> Event - Resident Event - Non-resident Races in Lambert Park	\$25 + \$150 deposit \$75 + \$150 deposit \$500 + mass gathering fee and deposit
7.	<u>Rodeo Grounds</u> Event - Resident Event - Non-resident	\$25 + \$150 deposit \$75 + \$150 deposit
8.	Moyle Park Wedding - 100 people or fewer Moyle Park Wedding - 100+ people Non-resident Moyle Park wedding 100 people or fewer Non-resident Moyle Park wedding 100+ people	\$100.00 \$200.00 \$200.00 \$400.00

#### **H. IMPACT FEES**

1.	Storm Drain	\$800.00
2.	Street	\$1,183.32
3.	Park/Trail	\$2,688.00
4.	Sewer	\$492.66
5.	Timpanogos Special Service District (fee passed through)	\$2,475.00
6.	Culinary Water with Pressurized Irrigation	\$1,123.00
7.	Culinary Water without Pressurized Irrigation	\$6,738.00
8.	Pressurized Irrigation	\$0.095/square foot

#### **I. CEMETERY**

1.	Above ground marker or monument (upright)	\$75.00
2.	Single Burial Lot or Space	
	a. Resident	\$985.00
	b. Non-Resident	\$1,500.00

3. Opening & Closing Graves\*

	Weekday	Saturday
Resident	\$600	\$850.00
Non-Resident	\$1,000	\$1,500.00
Resident Infant (under one year)	\$125.00	\$350.00
Non-Resident Infant (under one year)	\$175.00	\$400.00

4. Disinterment \$1,500.00  
City will remove all earth and obstacles leaving vault exposed.

5. Cremation  
a. Burial of ashes – Resident \$500.00  
b. Burial of ashes – Non-Resident \$500.00

6. Deed Work \$50.00

7. \*No Holiday Burials

II. Other Fees

It is not intended by this Resolution to repeal, abrogate, annul or in any way impair or interfere with the existing provisions of other resolutions, ordinances, or laws except to effect modification of the fees reflected above. The fees listed in the Consolidated Fee Schedule supersede present fees for services specified, but all fees not listed remain in effect. Where this Resolution imposes a higher fee than is imposed or required by existing provisions, resolution, ordinance, or law, the provisions of this Resolution shall control.

- III. This Resolution shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor, Alpine City

ATTEST:

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

# Exhibit A

Square Foot Construction Costs<sup>a, b, c, d</sup>

Group	(2006 International Building Code)	Type of Construction								
		IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1	Assembly, theaters, with stage	207.99	201.27	196.59	188.35	177.31	172.08	182.33	161.78	155.82
	Assembly, theaters, without stage	188.37	181.65	176.97	168.72	157.73	152.50	162.70	142.19	136.23
A-2	Assembly, nightclubs	160.35	155.84	151.87	146.10	137.40	133.56	140.99	124.59	120.41
A-2	Assembly, restaurants, bars, banquet halls	159.35	154.84	149.87	145.10	135.40	132.56	139.99	122.59	119.41
A-3	Assembly, churches	191.73	185.01	180.33	172.08	161.06	155.82	166.06	145.52	139.56
A-3	Assembly, general, community halls, libraries, museums	162.11	155.39	149.71	142.46	129.82	126.20	136.44	114.89	109.93
A-4	Assembly, arenas	187.37	180.65	174.97	167.72	155.73	151.50	161.70	140.19	135.23
B	Business	161.10	155.30	150.33	143.24	130.34	125.39	137.63	114.22	109.47
E	Educational	176.25	170.31	165.47	158.26	148.32	140.74	153.03	130.54	125.61
F-1	Factory and industrial, moderate hazard	97.68	93.20	87.88	84.96	76.10	72.71	81.54	62.67	59.24
F-2	Factory and industrial, low hazard	96.68	92.20	87.88	83.96	76.10	71.71	80.54	62.67	58.24
H-1	High Hazard, explosives	91.50	87.02	82.70	78.78	71.10	66.71	75.36	57.67	N.P.
H234	High Hazard	91.50	87.02	82.70	78.78	71.10	66.71	75.36	57.67	N.P.
H-5	HPM	161.10	155.30	150.33	143.24	130.34	125.39	137.63	114.22	109.47
I-1	Institutional, supervised environment	161.32	155.78	151.61	145.46	135.81	132.09	146.81	122.94	118.11
I-2	Institutional, hospitals	271.13	265.33	260.35	253.27	239.63	N.P.	247.66	223.51	N.P.
I-2	Institutional, nursing homes	189.55	183.75	178.78	171.69	159.17	N.P.	166.08	143.05	N.P.
I-3	Institutional, restrained	185.16	179.37	174.39	167.30	155.66	149.72	161.69	139.55	132.80
I-4	Institutional, day care facilities	161.32	155.78	151.61	145.46	135.81	132.09	146.81	122.94	118.11
M	Mercantile	119.24	114.73	109.76	104.99	95.94	93.10	99.88	83.13	79.95
R-1	Residential, hotels	163.43	157.90	153.72	147.58	137.69	133.97	148.68	124.81	119.99
R-2	Residential, multiple family	136.97	131.44	127.26	121.11	111.95	107.63	122.34	98.47	93.65
R-3	Residential, one- and two-family	129.98	126.37	123.27	120.01	115.61	112.61	118.02	108.33	101.95
R-4	Residential, care/assisted living facilities	161.32	155.78	151.61	145.46	135.81	132.09	146.81	122.94	118.11
S-1	Storage, moderate hazard	90.50	86.02	80.70	77.78	69.10	65.71	74.36	55.67	52.24
S-2	Storage, low hazard	89.50	85.02	80.70	76.78	69.10	64.71	73.36	55.67	51.24
U	Utility, miscellaneous	69.10	65.33	61.44	58.37	52.71	49.14	55.08	41.61	39.61

a. Private Garages use Utility, miscellaneous

b. Unfinished basements (all use group) = \$15.00 per sq. ft.

c. For shell only buildings deduct 20 percent.

d. N.P. = not permitted

Electronic files of the latest Building Valuation Data can be downloaded from the Code Council website at [www.iccsafe.org/cs/techservices](http://www.iccsafe.org/cs/techservices)



# EXHIBIT B

## BUILDING PERMIT FEES (2009 IRC Appendix L)

Total Valuation		Fee
\$1 to \$500		\$24.00
Total value from \$501 to \$2,000		
First \$500		\$24.00
Plus \$3 for each additional \$100 or fraction thereof, to and including \$2,000		
Total value	_____ = _____ - 5 = _____ x \$3 = _____	
100		
Building Permit Fee		
Total value from \$2,001 to \$40,000		
First \$2,000		\$69.00
plus \$11 for each additional \$1,000 or fraction thereof, to and including \$40,000		
Total value	_____ = _____ - 2 = _____ x \$11 = _____	
1,000		
Building Permit Fee		
Total value from \$40,001 to \$100,000		
First \$40,000		\$487.00
plus \$9 for each additional \$1,000 or fraction thereof, to and including \$100,000		
Total value	_____ = _____ - 40 = _____ x \$9 = _____	
1,000		
Building Permit Fee		
Total value from \$100,001 to \$500,000		
First \$100,000		\$1,027.00
plus \$7 for each additional \$1,000 or fraction thereof, to and including \$500,000		
Total value	_____ = _____ - 100 = _____ x \$7 = _____	
1,000		
Building Permit Fee		
Total value from \$500,001 to \$1,000,000		
First \$500,000		\$3,827.00
plus \$5 for each additional \$1,000 or fraction thereof, to and including \$1,000,000		
Total value	_____ = _____ - 500 = _____ x \$5 = _____	
1,000		
Building Permit Fee		
Total value from \$1,000,001 to \$5,000,000		
First \$1,000,000		\$6,327.00
plus \$3 for each additional \$1,000 or fraction thereof, to and including \$5,000,000		
Total value	_____ = _____ - 1,000 = _____ x \$3 = _____	
1,000		
Building Permit Fee		
Total value from \$5,000,000 and over		
First \$5,000,000		\$18,327.00
plus \$1 for each additional \$1,000 or fraction thereof		
Total value	_____ = _____ - \$5,000 = _____ x \$1 = _____	
1,000		
Building Permit Fee		

## **ALPINE CITY COUNCIL AGENDA**

**SUBJECT: Ordinance No. 2016-10 – Amending the City Budget for Fiscal Year 2015-2016.**

**FOR CONSIDERATION ON: June 14, 2016**

**PETITIONER: Rich Nelson, City Administrator, and Alice Winberg, City Finance Officer**

**ACTION REQUESTED BY PETITIONER: Approval of the amended City Budget for Fiscal Year 2015-2016.**

**INFORMATION: Each year, at the end of the fiscal year, the City has one last budget opening or amendment to the on-going fiscal year budget.**

***RECOMMENDED ACTION: That the City Council adopt Ordinance No. 2016-10 – An Ordinance Amending and Administering the Alpine City Fiscal Year 2015-16 Annual Budget.***

**ORDINANCE NO. 2016-10**

**AN ORDINANCE AMENDING AND ADMINISTERING THE ALPINE CITY FISCAL  
YEAR 2015-16 ANNUAL BUDGET**

**WHEREAS**, it is deemed desirable and in the best interest of the City of Alpine, Utah to adopt the annual budget for the operations, debt amortization, and capital outlay of the City.

**NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF ALPINE  
DO ADOPT AND ORDAIN AS FOLLOWS:**

**ARTICLE 1  
DEFINITIONS**

SECTION 1. "BUDGET YEAR" means the 2015 - 2016 fiscal year for which this budget is made.

SECTION 2. "FISCAL YEAR" means that year which begins on the first day of July, 2015, and ends on the last day of June, 2016.

**ARTICLE II  
BUDGET ESTABLISHES APPROPRIATIONS**

**SECTION 1. APPROPRIATIONS.**

From the effective date of the budget as outlined in the attached Exhibit "A", the several amounts stated therein as proposed expenditures, shall address the several objects and purposes therein named.

**SECTION 2. ANTICIPATED REVENUES.**

The amended anticipated revenues shall include revenue from all sources, including grants and loans and shall be classified in accordance with the chart of accounts of the municipality.

**SECTION 3. FUND BALANCE.**

The fund balance shall be available for emergency appropriation by the City Council.

**SECTION 4. ANTICIPATED SURPLUS FROM MUNICIPAL UTILITY OR  
ENTERPRISE FUNDS.**

The anticipated revenue and proposed expenditures of each utility or other public service enterprise owned or operated by the city is stated in a separate section of the budget (See attached Exhibit A); and as to each such utility, an anticipated surplus, if legally available for general purposes and to the extent such surplus is to be used to support budget operation, is stated as an item of revenue in the budget.

**ARTICLE III**  
**ADMINISTRATION OF BUDGET, FINANCIAL CONTROL**

**SECTION 1. APPROVAL OF EXPENDITURES.**

The City Administrator shall be the Finances Director and have charge of the administration of the financial affairs of the city and to that end shall supervise and be responsible for the disbursement of all monies and have control over all expenditures to insure that appropriations are not exceeded. He shall exercise financial budgetary control over each office, department and agency and shall cause separate accounts to be kept for the items of appropriation contained in the budget.

**ARTICLE IV**  
**SEVERABILITY**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of the ordinance which can be given effect without the invalid provision or applications; and to this end the provisions of the ordinance are severable.

**ARTICLE V**  
**ADOPTION & EFFECTIVE DATE**

This Ordinance is hereby adopted the 14<sup>th</sup> day of June 2016 and shall be effective for the Fiscal Year 2015 -2016.

\_\_\_\_\_  
Sheldon Wimmer, Mayor

ATTEST:

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

## **ALPINE CITY COUNCIL AGENDA**

**SUBJECT: Westfield Zone Change Request**

**FOR CONSIDERATION ON: 14 June 2016**

**PETITIONER: Westfield Road and 200 North Property Owners (9 Total)**

**ACTION REQUESTED BY PETITIONER: Adopt Ordinance No. 2016-12**

**APPLICABLE STATUTE OR ORDINANCE: Section 3.1.9.2 (Zone Change)**

### **BACKGROUND INFORMATION:**

Residents with property located along Westfield Road and 200 North are requested that the zoning for their property be changed from CR-40,000 zone to CR-20,000. The ordinance requires that the Planning Commission make a recommendation to the City Council. The City Council may approve or deny the proposed amendment to the zoning map, either as proposed by the Planning Commission or after making any revision the City Council considers appropriate.

### **PLANNING COMMISSION RECOMMENDATION:**

David Fotheringham moved to recommend approval of the proposed zone change for the Westfield properties from CR-40,000 to CR-20,000 with the finding that it conforms to the current General Plan.

Judi Pickell seconded the motion. The motion was not unanimous but passed with 5 Ayes and 1 Nay. Bryce Higbee, David Fotheringham, Steve Cosper, Jane Griener, and Judi Pickell all voted Aye. Jason Thelin voted Nay.

August 21, 2015

We, the undersigned property owners, submit to the Planning Commission of Alpine City this formal request to re-zone our property from the current CR 40,000 to the CR 20,000 zone.

Thank you

Margaret Vance  
Margaret Vance

Jan Healey  
Norma Healey Family

JoAnn B. Chilton  
JoAnn Burgess

Vanee B Ashby  
VaNee Ashby

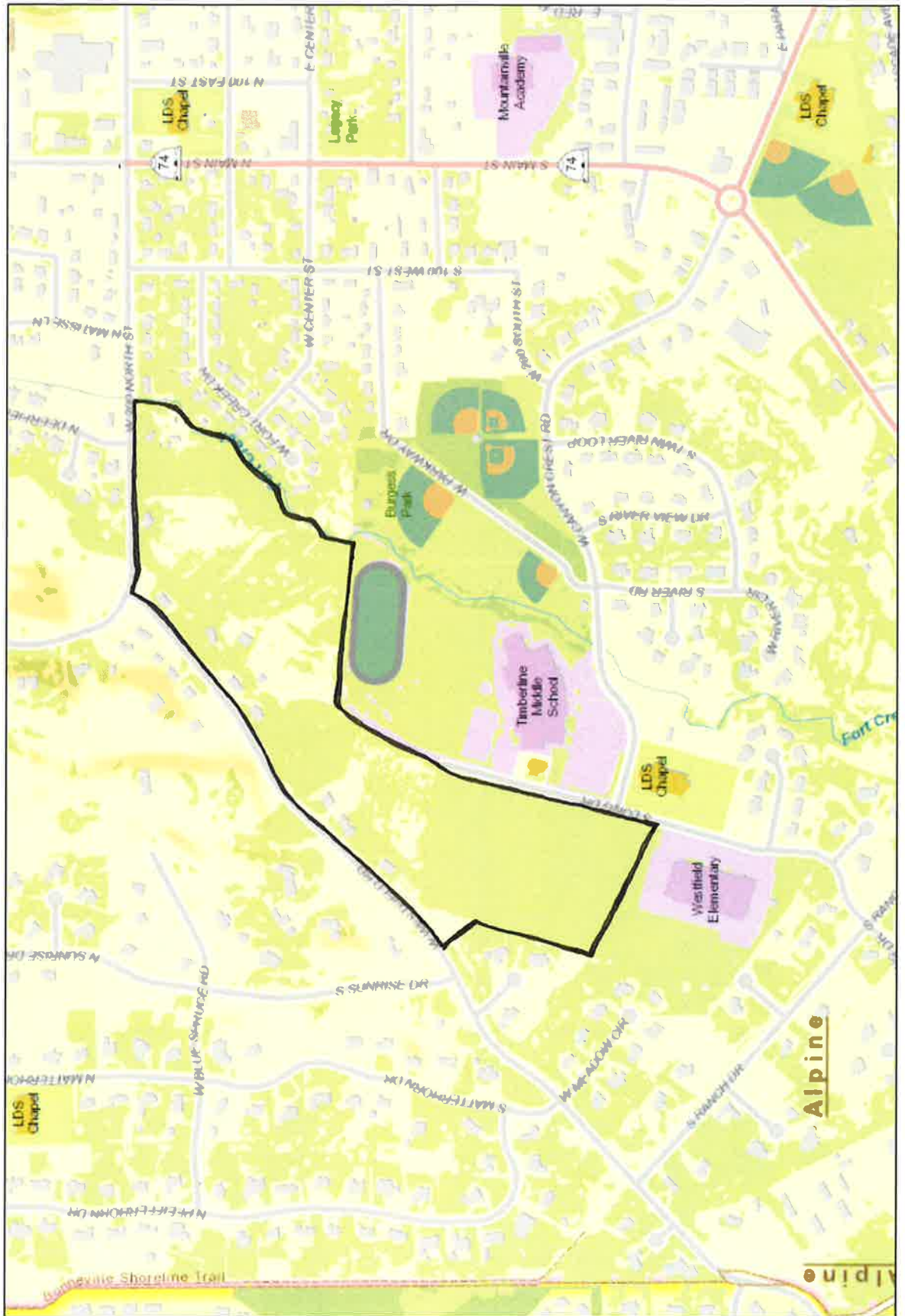
Dana Beck  
Dana R Beck

\*  
William E or Joan Healey  
Alan H Gillman  
Alan H Gillman

Clive & Jewel Walters  
Clive and Jewel Walters

L. Ross Beck  
L. Ross Beck

\*Both Elvin and Joan are physically onwell and the family has not designated an Executor.



**ORDINANCE NO. 2016-12**

**AN ORDINANCE ADOPTING AN AMENDMENT TO THE ZONING MAP OF ALPINE CITY TO CHANGE THE ZONING OF THE DESIGNATED WESTFIELD AREA FROM CR-40,000 TO CR-20,000.**

**WHEREAS**, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the Zoning Map and change the zoning for property in the designated Westfield area from CR-40,000 to CR-20,000; and

**WHEREAS**, the Alpine City Planning Commission has reviewed the proposed amendment 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 amendment to the Development Code:

**NOW, THEREFORE, BE IT ORDAINED BY THE ALPINE CITY COUNCIL THAT:**

The amendment to the Zoning Map contained in the attached document will supersede the Zoning Map as previously adopted.

This Ordinance shall take effect upon posting.

Passed and dated this 14th day of June 2016.

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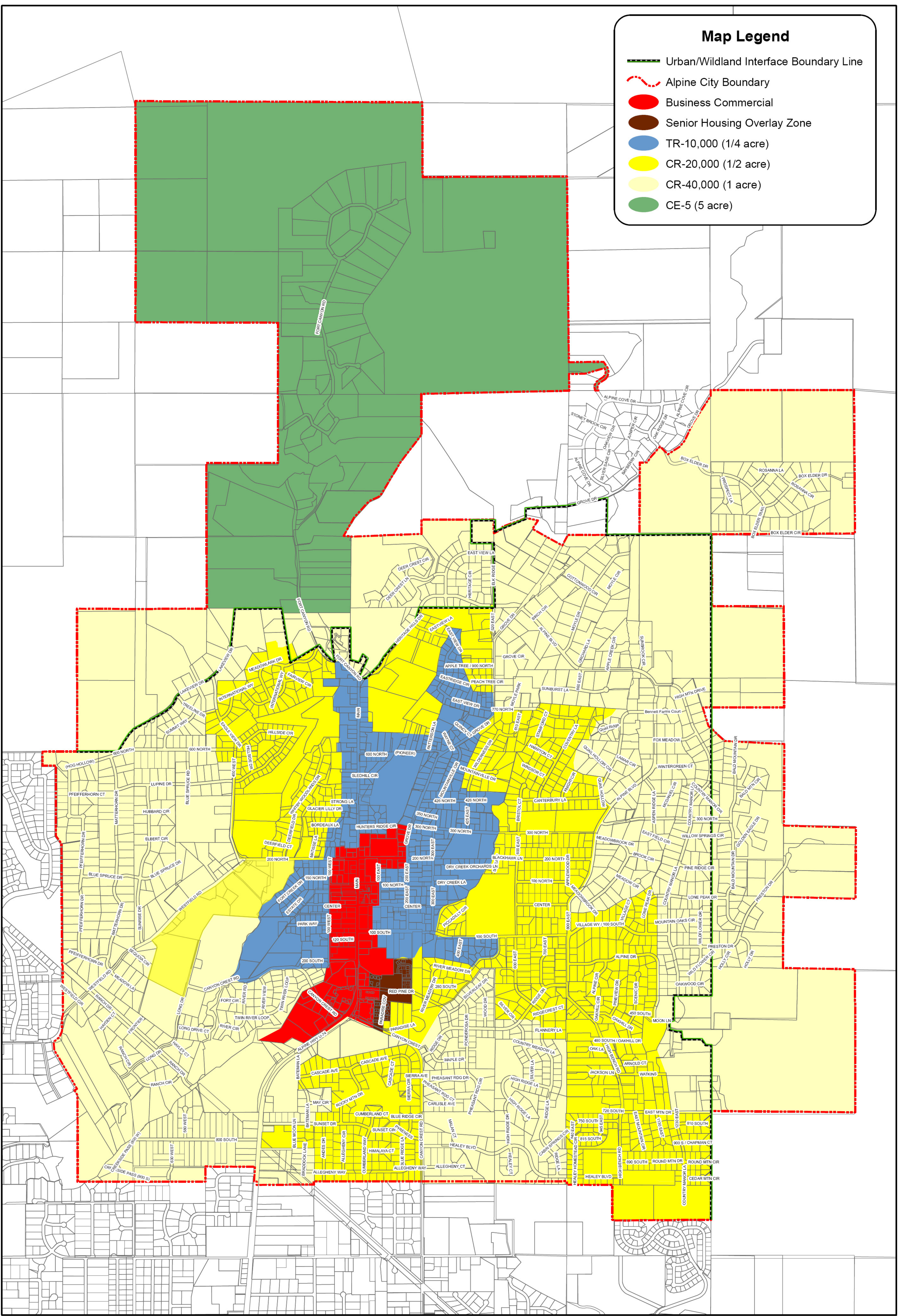
Sheldon Wimmer, Mayor

**ATTEST:**

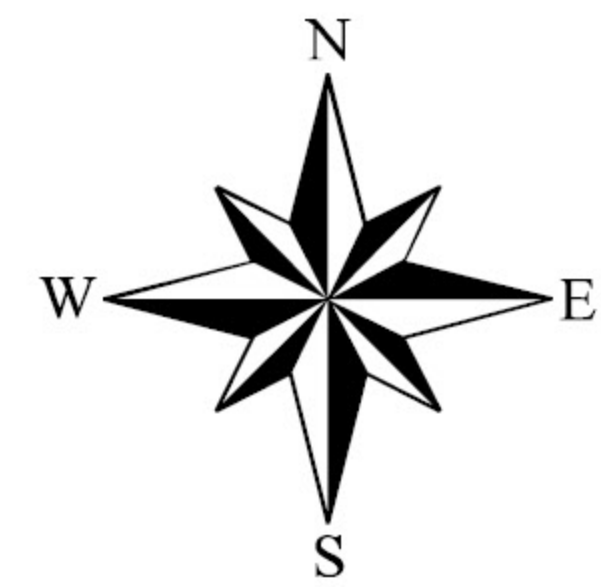
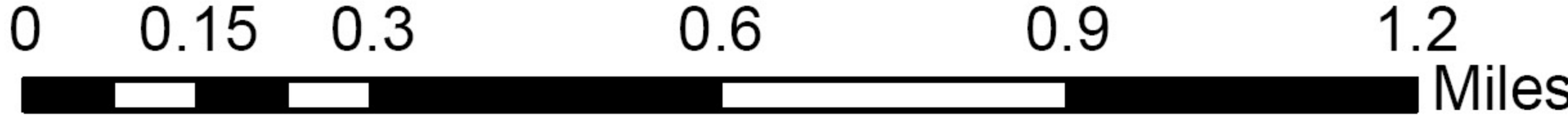
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Charmayne G. Warnock, Recorder





# Alpine City Zoning Map



Ordinance No. 2016-12  
June 14, 2016



## **ALPINE CITY COUNCIL AGENDA**

**SUBJECT: Fireworks/Open Fires – Calendar Year 2016**

**FOR CONSIDERATION ON: June 14, 2016**

**PETITIONER: City Administrator Rich Nelson**

**ACTION REQUESTED BY PETITIONER: The Council discuss fireworks and open fire regulations for 2016. Attached are the regulations recommended by Fire Chief Brad Freeman which were implement in 2015.**

***RECOMMENDED ACTION: The City Council decide if they want to implement the same regulations on fireworks and open fires as the previous year or make changes.***



**FIRE RESTRICTIONS EFFECTIVE 7/8/2014:**

- OPEN FIRES ARE PROHIBITED CITY WIDE
- BBQ GRILLS USING CHARCOAL/PROPANE/GAS IN AN ENCLOSED CONTAINER ARE OK CITY WIDE
- ALL FIREWORKS ARE PROHIBITED IN THE AREAS DESIGNATED "FIREWORKS BAN 2015" AS SHOWN ON THIS MAP
- FOR THE UNMARKED AREA WITHIN CITY LIMITS, FOLLOW STATE LAWS REGARDING FIREWORKS
- FOR AREAS OUTSIDE THE CITY LIMITS, PLEASE REFER TO THE APPROPRIATE GOVERNING BODY FOR FIRE / FIREWORKS REGULATIONS

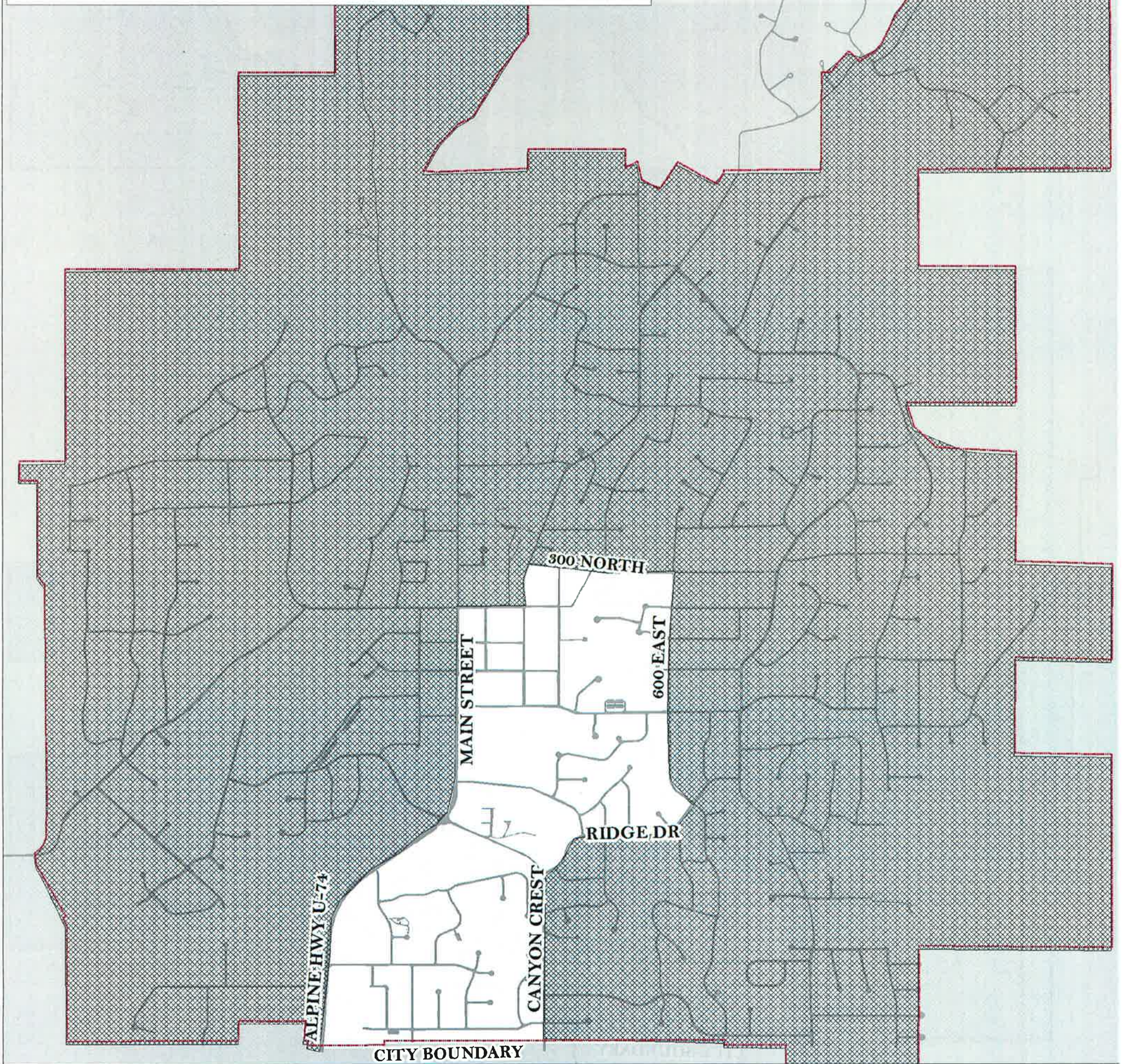
**Legend**

 Fire Ban 2015

**CITY**

Alpine

 Other / County / F.S. Lands



**Alpine City  
FIRE RESTRICTIONS 2015**





## **ALPINE CITY COUNCIL AGENDA**

**SUBJECT: Soccer Discussion**

**FOR CONSIDERATION ON: June 14, 2016**

**PETITIONER: Councilman Troy Stout**

**ACTION REQUESTED BY PETITIONER: Councilman Troy Stout requested a City Council discussion on the issue of Soccer Management.**

***RECOMMENDED ACTION:***

## **ALPINE CITY COUNCIL AGENDA**

**SUBJECT: Cocolalla Annexation Petition**

**FOR CONSIDERATION ON: June 14, 2016**

**PETITIONER: Will Peterson**

**ACTION REQUESTED BY PETITIONER: Consider accepting the annexation petition to begin the process.**

**APPLICABLE STATUTE OR ORDINANCE: State Code**

**BACKGROUND INFORMATION: At the City Council meeting of February 23, 2016, Will Peterson submitted an annexation petition on behalf of Josh James for the property located 13322 N. Grove Drive. The Council requested that Mr. Peterson meet with adjoining property owners, Greg Link and Robert Zurcher, to see if they were interesting in annexing as well. Since that time, both Link and Zurcher have signed the annexation petition bring the total of area of land to be annexed to 11.9786 acres. The property is contiguous to the Alpine City boundaries and the adjacent zoning is CR-40,000.**

**Attached is a copy of the annexation petition and plat.**

**Recommendation:**

**Consider a motion to accept or deny the Cocolalla petition to begin the process.**



## Annexation Application

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

### Contact Information

Applicant / Sponsor Will PETERSON Date 5-18-16  
Address P.O. Box 844 City HEBER State UT Zip 84052  
Phone 801-372-5572 Fax \_\_\_\_\_ Email SCALCCONSTRUCTION@MSJ

### Project Information

Annexation Name COCOLALLA Current Use SINGLE FAMILY DETACHED  
Project Address 13322 GROVEDR. ALPINE Proposed Zoning \_\_\_\_\_  
Annexation Size (in acres) 11.9786 Inside Policy Declaration Boundaries? \_\_\_\_\_

### Source of Water Rights

Irrigation Stock ALPINE # of Shares 1 1/2 PR. 1/3.5 Company \_\_\_\_\_  
Other Water Rights \_\_\_\_\_ # of Shares \_\_\_\_\_ Company \_\_\_\_\_  
Other Acceptable Contribution \_\_\_\_\_

### Owners of Petitions

1. Name <u>JOSE JAMES</u>	Signature <u>[Signature]</u>	Date <u>5-18-16</u>
2. Name <u>Robert W Zurcher</u>	Signature <u>[Signature]</u>	Date <u>5-18-16</u>
3. Name <u>Greg Link</u>	Signature <u>[Signature]</u>	Date <u>5-24-16</u>
4. Name _____	Signature _____	Date _____
5. Name _____	Signature _____	Date _____

### Annexation Petition Requirements

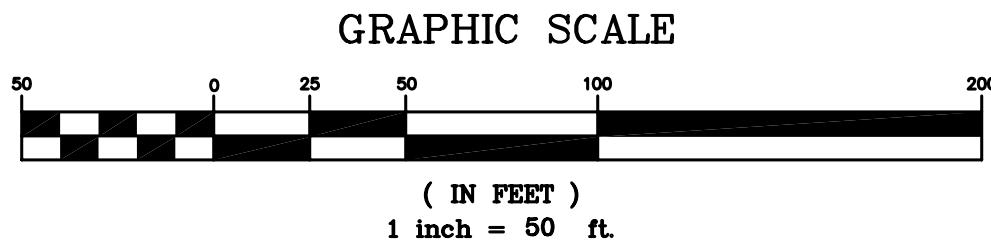
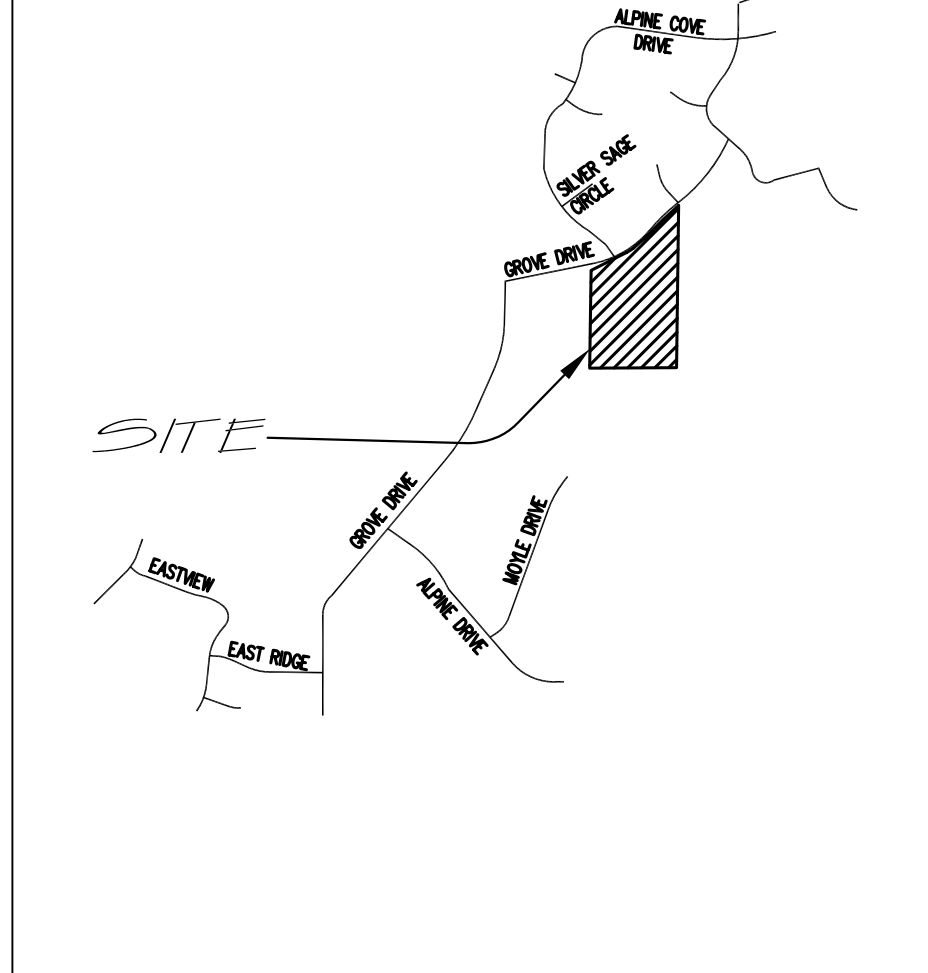
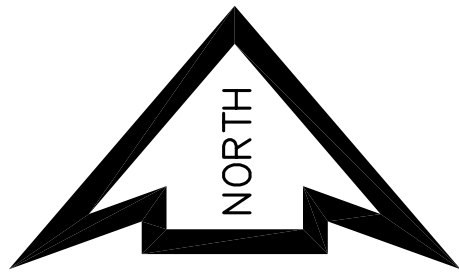
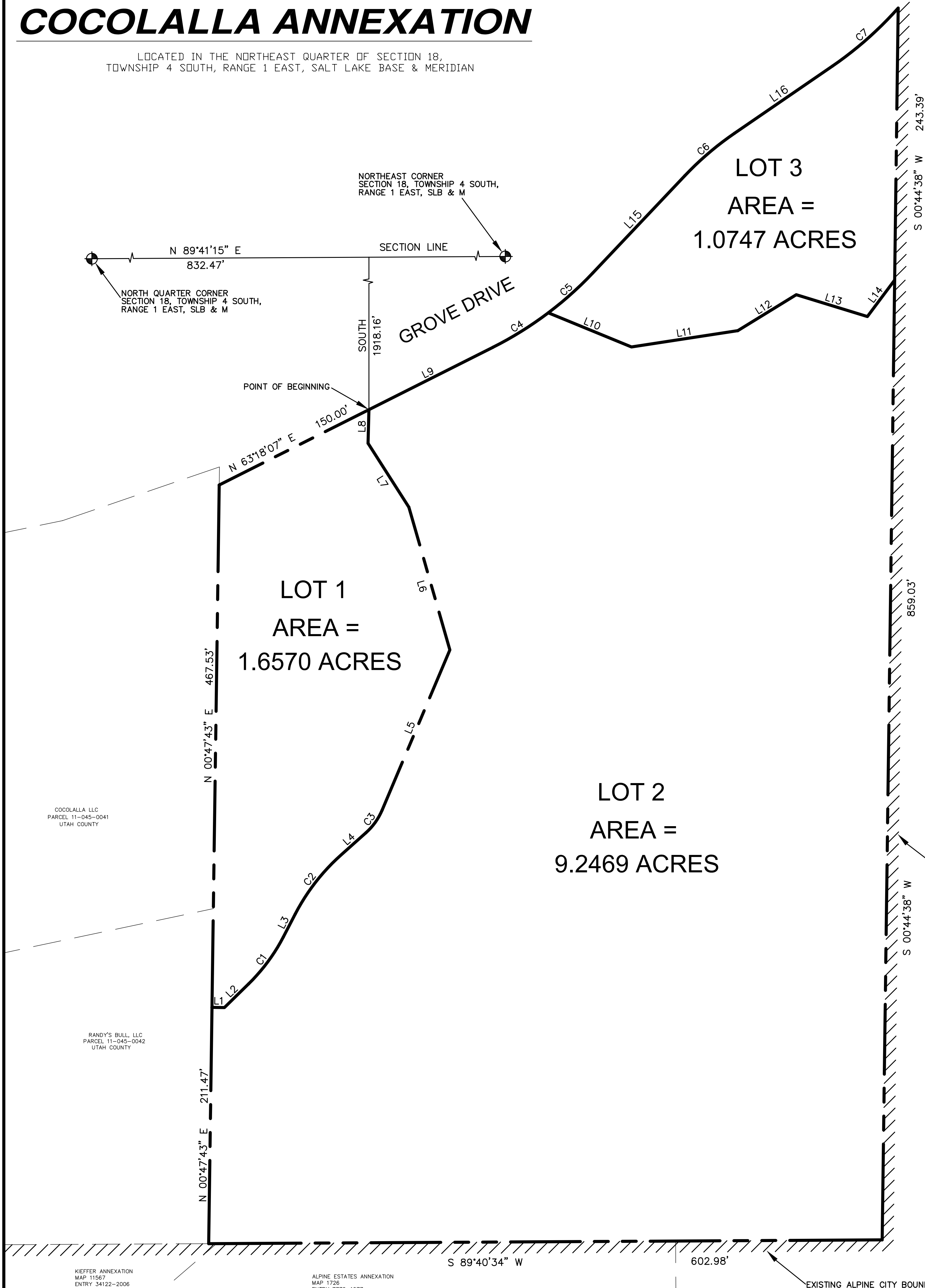
Total Annexation Property (in acres) 11.9786 Total Annexation Property (in acres) 11.9786  
Percentage of Annexation Area Signers 100% Percentage of Assessed Value of Signers 100%  
Assessed Value of all Real Property 7410000 Assessed Value of Signatory Properties 7410000

#### FOR CITY USE ONLY

Annexation Fee Date Fee Paid / Payment Type 500 cash Receipt # 5547  
(Application Fee \$350 + Plat Review Fee \$150 + Actual Cost of Annexation Study)

COCOLALLA ANNEXATION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18,  
TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN



LINE TABLE		
LINE	LENGTH	BEARING
L1	111.4'	S89°15'22"E
L2	30.25'	N45°38'40"E
L3	23.21'	N27°24'44"E
L4	29.52'	N48°17'58"E
L5	155.65'	N22°55'47"E
L6	132.90'	N16°01'39"W
L7	67.86'	N32°35'42"W
L8	30.07'	N01°27'47"E
L9	124.26'	N63°18'07"E
L10	80.49'	N67°40'41"W
L11	96.31'	S81°17'20"W
L12	61.44'	S58°24'38"W
L13	66.59'	N72°57'00"W
L14	40.79'	S36°46'51"W
L15	119.82'	N43°25'58"E
L16	106.27'	N55°33'36"E

LAMBERT ANNEXATION  
MAP 2876  
ENTRY 16777-1983

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD BEARING	CHORD LENGTH	DELTA
C1	52.50'	165.00'	26.47'	N36°31'42"E	52.28'	18°13'51"
C2	67.44'	185.00'	34.10'	S37°51'21"W	67.07'	20°53'15"
C3	25.24'	57.00'	12.83'	N35°36'53"E	25.03'	25°12'00"
C4	58.49'	323.00'	29.33'	N58°06'51"E	58.41'	10°22'31"
C5	53.52'	323.00'	26.82'	N48°10'47"E	53.46'	9°29'38"
C6	58.63'	277.00'	29.42'	S49°29'47"W	58.52'	12°07'38"
C7	78.72'	323.00'	39.56'	N48°34'41"E	78.52'	13°57'49"

EXISTING ALPINE CITY BOUNDARY

EXISTING ALPINE CITY BOUNDARY

LEVEL OF FOCUS, INC.  
1334 EAST 1150 SOUTH  
SPANISH FORK, UTAH 84660  
(801) 319-5441

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO \_\_\_\_\_ CITY, UTAH COUNTY, UTAH.

BOUNDARY DESCRIPTION

All of Lots 1, 2, & 3, Plat E Amended, Alpine Cove Subdivision according to the official plat of record on file at the Utah County Recorder's Office, more particularly described as follows:

Area = 11.9786 acres

UTAH STATE PLANE COORDINATE SYSTEM,  
BASIS OF BEARING = \_\_\_\_\_ CENTRAL ZONE

SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_  
(See Seal) SURVEYORS SEAL

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, \_\_\_\_\_ HAVE RECIEVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO THE CITY OF \_\_\_\_\_ AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HERewith ALL IN ACCORDANCE WITH THE UTAH BOUNDARY COMMISSION ACT (1979) 10-1-04 & 10-2-401 THRU 423 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY AND THAT SAID TRACT OF SAID TRACT OF LAND IS TO BE KNOWN HEREAFTER AS THE \_\_\_\_\_ ANNEXATION.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_

ATTEST \_\_\_\_\_  
RECORDER

RECORDERS SEAL

BOUNDARY COMMISSION

POLICY DECLARATION ADOPTED BY LEGISLATIVE BODY OF \_\_\_\_\_ CITY ON \_\_\_\_\_, PROTESTS FILLED BY : \_\_\_\_\_

BOUNDARY COMMISSION ACTION : \_\_\_\_\_

ANNEXATION READY TO RECORD

NO PROTESTS RECIEVED : \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED BY COMMISSION : \_\_\_\_\_ DATE \_\_\_\_\_

BOUNDARY COMMISSION CHAIRMAN

APPROVED AS TO FORM

COUNTY ATTORNEY \_\_\_\_\_ DATE \_\_\_\_\_

ANNEXATION PLAT

COCOLALLA ANNEXATION

KIEFFER ANNEXATION  
MAP 11567  
ENTRY 34122-2006

ALPINE ESTATES ANNEXATION  
MAP 1726  
ENTRY 7779-1977

UTAH COUNTY, UTAH

SCALE: 1" = 50 FEET

THIS FORM APPROVED BY UTAH COUNTY AND THE MUNICAIPALITIES THEREIN.

## **ALPINE CITY COUNCIL AGENDA**

**SUBJECT: Open Space Ordinance and Map Amendment**

**FOR CONSIDERATION ON: 14 June 2016**

**PETITIONER: Staff**

**ACTION REQUESTED BY PETITIONER: Adopt Ordinance No. 2016-07**

**APPLICABLE STATUTE OR ORDINANCE: Article 3.16 (Open Space)**

### **BACKGROUND INFORMATION:**

Over the past couple months, The Planning Commission and City Council have both reviewed and discussed the open space ordinance and master plan map. Included are the proposed amendments to each of these documents. Both the Planning Commission and City Council expressed the desire to have both documents simplified and not have several different designations for open space.

After a public hearing and a recommendation from the Planning Commission, the City Council will consider adopting the proposed amendments.

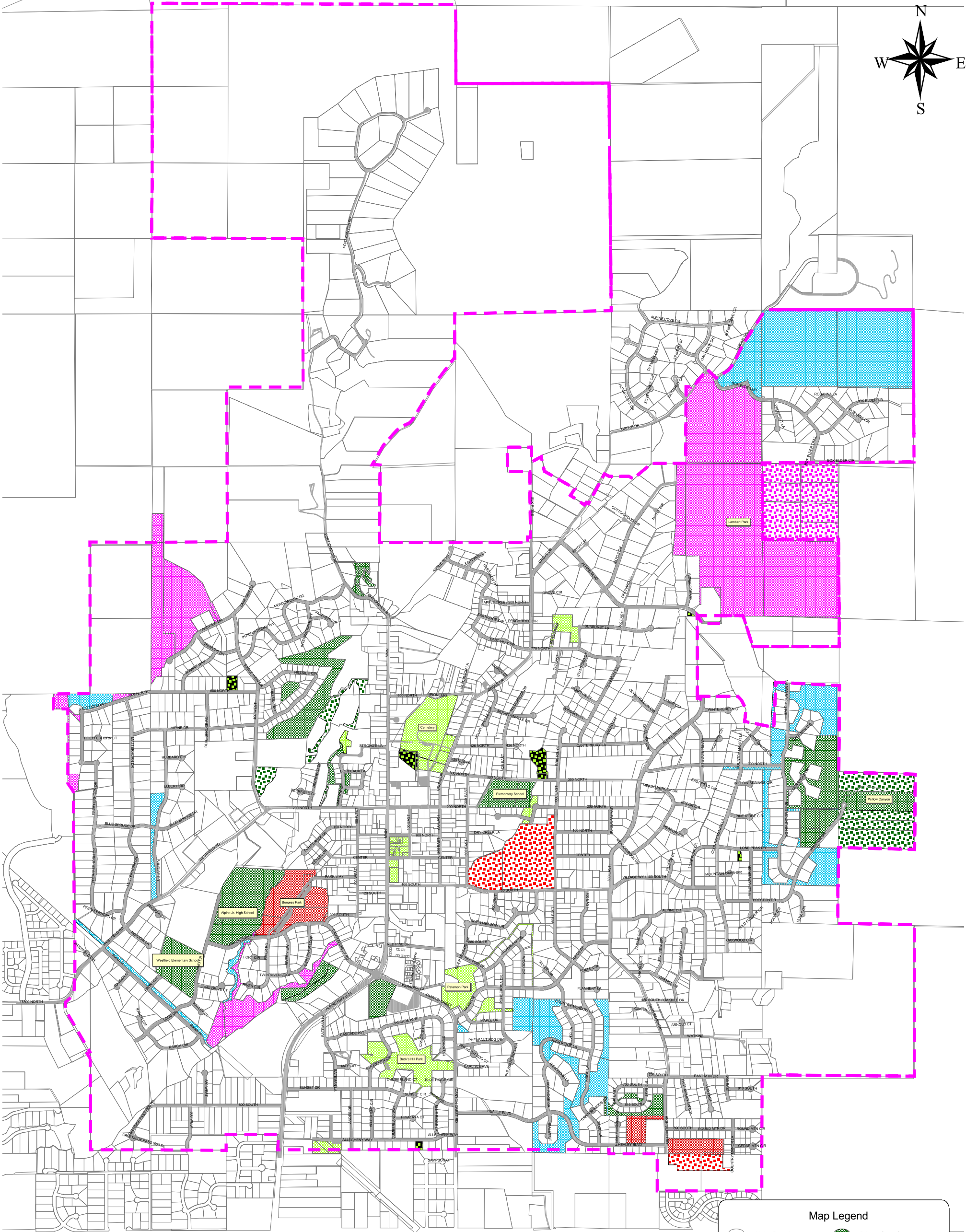
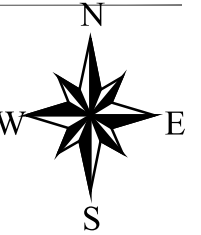
### **PLANNING COMMISSION RECOMMENDATION:**

Bryce Higbee moved to recommend that the City Council to not approve the proposed map and ordinance changes but to consider amending the ordinance to fit the previous map that the Planning Commission liked.

Jane Griener seconded the motion. The motion passed and was unanimous with 6 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, Jane Griener, and Judi Pickell all voted Aye.



CURRENT ADOPTED



# ALPINE CITY PARKS AND RECREATION MASTER PLAN

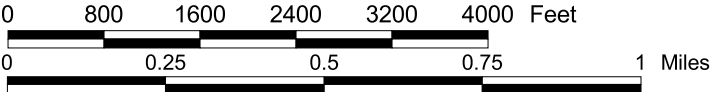
Plot Date:  
28 Jun 2005



## Map Legend

- |                   |                                |  |                                 |
|-------------------|--------------------------------|--|---------------------------------|
|                   | Alpine Parcels                 |  | Private Open Space              |
|                   | Alpine City Boundary           |  | Future Private Open Space       |
| <b>Open Space</b> |                                |  | Recreational Open Space         |
|                   | Developed Open Space           |  | Future Recreational Open Space  |
|                   | Future Developed Open Space    |  | Semi-Improved Open Space        |
|                   | Natural or Conservation        |  | Future Semi-Improved Open Space |
|                   | Future Natural or Conservation |  |                                 |

Map Scale:  
1" = 1600'



## **ARTICLE 3.16 OPEN SPACE ORDINANCE (Ord.98-20/11-24-98; amended Ord. 2007-12/8-14-07)**

### **3.16.1 PURPOSE**

To enhance and preserve the quality of life in Alpine by providing for the preservation of selected areas within the City to be dedicated for the express purpose of preserving open space for the recreational use of the citizens of Alpine. To provide for the use of competitive sports, picnics, family gatherings, community social functions and other like activities. To maintain the rural nature of Alpine with appropriate landscaping and natural open space. (Open space consists of public and private open space.) Open space is set aside to accomplish one or more of the following functions:

1. To preserve viewscales, natural ridgelines, etc.
2. To create or preserve a buffer between developed areas for privacy, aesthetic, and other purposes.
3. To provide areas for recreation, such as ballparks, swimming pools, picnic and playground facilities.
4. To preserve wildlife habitat.
5. To provide off-street venues for activities such as walking, jogging, cross-country skiing, snow-shoeing, cycling and horseback riding, etc.
6. To preserve native vegetation and topography.

### **3.16.2 PERMITTED USES**

Permitted uses of the land in the Open Space Zone include:

1. Walkways
2. Paths
3. Trails
4. Picnic Shelters
5. Sanitary Facilities
6. Lawns
7. Landscaping

These permitted uses shall be part of the Alpine Park plan and shall be recommended by the Planning Commission and approved by the City Council.

### **3.16.3 CONDITIONAL USES**

The following uses shall be permitted upon compliance with the requirements of this ordinance and approval of a site plan by the Planning Commission and in compliance with the attached guidelines.

1. Permanent recreation facilities such as baseball diamonds with accompanying auxiliary structures, tennis courts and basketball courts.
2. Temporary recreational facilities such as soccer goals.
3. Structures for sale of food, drinks, game booths etc. which are of strictly a temporary nature for specific events.
4. Structures for use in organized group areas to be approved by the Planning Commission.
5. Wells with accompanying auxiliary structures, water, sewer and utility transmission lines and facilities.
6. [Structures for the maintenance and operation of city business.](#)
7. Other uses which are determined by the Planning Commission to be similar and compatible with the foregoing uses and in harmony with the intent of the zone.

### **3.16.4 SPECIAL PROVISIONS**

- 3.16.4.1** All public parks in the City of Alpine as noted on the attached map, hereby made a portion

of this Ordinance, are included in this Zone and are subject to all of the provisions of this Zone.

- 3.16.4.2** Land included in these parks shall not be disposed of in any manner or used for any other purpose than specified herein except after a recommendation of the Planning Commission and a public hearing and by a super majority vote of the City Council (4 positive votes are required).

### **3.16.5 PROHIBITED ACTIVITIES**

All activities specified in the attached guideline that are not allowed, as well as all activities not expressly permitted.

### **3.16.6 OPEN SPACE DEFINITIONS ~~AND DESIGNATIONS~~**

Open Space is defined as any area where either commercial, municipal or residential building of structures is restricted or prohibited. Open Space may be either publicly or privately owned. City (public) ownership should be clearly indicated on plans and plats and recorded on deeds. Public open space encompasses all city parks and all city trails but not all city property. Private open space encompasses land retained open by conservation agreement in private ownership.

1. Privately-owned open space is retained through conservation agreements for the use and benefit of the owner or homeowner's association. Public access may be granted in designated areas. Improvement decisions are controlled by the owner in compliance with the City Master Plan, ~~open space designations~~, City ordinances, and any commitments made pursuant to annexation or development agreements. Use by the public is restricted to trails and roads.
2. Publicly-owned open space is retained for the use and benefit of the general public. Improvement decisions are controlled by the City Council in compliance with the City Master Plan, ~~open space designations~~ and City ordinances.

#### **~~3.16.6.1 Designation of Type of Open Space~~**

~~As subdivisions are approved, or as land is acquired by the City, open space shall be designated as one of four types, which shall be recorded on final plats and on the map which is part of this zone.~~

- ~~1. Natural or conservation open space.~~
- ~~2. Semi-improved open space.~~
- ~~3. Developed open space.~~
- ~~4. Organized group recreational open space.~~
- ~~5. Semi-improved recreational open space.~~

~~Usage restrictions, landscaping and maintenance guidelines, and future development of these open spaces are specified within this ordinance and shall be incorporated as either deed restrictions, conservation agreements, or by City ordinance. These apply to both private and public open space.~~

#### **~~3.16.6.2 Definitions of Each Designation~~**

##### **~~3.16.6.2.1 Natural or Conservation Open Space:~~**

- ~~1. Soil is left undisturbed.~~
- ~~2. Natural vegetation, whether or not native to the area, occupies the major visible aspect of the land. Revegetation or additional plantings must be~~

~~approved by the Planning Commission. (Refer to Schedule A to this zone for acceptable plants.)~~

- ~~3. Recreational improvement limited to natural or road-base surfaced trails, trail head parking, scenic overlook, public (restroom) facilities and other improvements, which are incidental to the natural area.~~
- ~~4. Construction and maintenance of City utilities shall be permitted.~~

#### **3.16.6.2.2** ~~Semi-improved open space:~~

- ~~1. Limited grading for erosion control, access, etc.~~
- ~~2. Landscaping restricted to plants that require minimal water.~~
- ~~3. Recreational improvements limited to trails, trail head parking, scenic overlook, public (restroom) facilities and other improvements, which are incidental to the natural area.~~
- ~~4. Construction and maintenance of City utilities shall be permitted.~~

#### **3.16.6.2.3** ~~Developed open space:~~

- ~~1. Formal grading.~~
- ~~2. Landscaping, including grass areas, shrubbery, trees, and other plants requiring watering and other maintenance.~~
- ~~3. Recreational areas, including playgrounds, pavilions, picnic areas, public (restroom) facilities, etc, with sufficient parking.~~
- ~~4. Construction and maintenance of City buildings and utilities shall be permitted.~~

#### **3.16.6.2.4** ~~Organized group recreational open space:~~

- ~~1. Formal grading.~~
- ~~2. Landscaping, including grass areas, shrubbery, trees, and other plants requiring watering and other maintenance.~~
- ~~3. Land intended for ballparks, swimming pools and similar activities which may require lighting, parking lots and public (restroom) facilities.~~
- ~~4. Construction and maintenance of City buildings and utilities shall be permitted.~~

#### **3.16.6.2.5** ~~Semi-Improved Recreational Open Space~~

- ~~1. Limited grading for parking and erosion control, access, etc.~~
- ~~2. Landscaping restricted to plants that require minimal water.~~
- ~~3. Recreational areas, including playgrounds, pavilions, picnic areas, rodeo grounds, and similar activities which may require lighting, parking lots and public (restroom) facilities.~~
- ~~4. Construction and maintenance of City buildings and utilities shall be permitted.~~

### **3.16.6.3** ~~Changes in Designation and Future Development~~

~~From time to time, changes in designation may be desired, or major improvements may be proposed to be added, which are not indicated on the attached map.~~

~~All requests by homeowners and/or citizens groups for such changes to City-owned property shall be presented in writing to the Planning Commission for review. The Planning Commission shall forward its recommendation to the City Council for a decision.~~

~~If the City Council, Planning Commission, City Committee, or citizens' group initiate a request for change or improvement, all residents within 500 feet of the affected area shall be notified by certified US Mail and invited to respond to the change. A public hearing shall be held.~~

### **3.16.7 PUBLIC RIGHT OF WAY (ROW) THROUGH OPEN SPACE**

#### **3.16.7.1 Purpose of Improved Trails**

Trails encourage and enhance public use of open spaces, and may be added to any public area, within the guidelines of each designation, as deemed necessary by the City, and following recommended procedures for improvements. (Refer to Trail Ordinance, Article 3.17)

#### **3.16.7.2 Permitted Uses on Trails**

Uses as determined by the City and designated by trail markers.

### **3.16.8 GENERAL RESTRICTIONS** (amended by Ord. 2004-18, 11/23/04)

Certain restrictions apply to all publicly-owned space, regardless of designation.

1. Unless specifically authorized, no motorized vehicles are allowed.
2. Public entry may be prohibited in designated areas, at specific times, and/or seasons. This may be further restricted to specific types of use, such as cycling, horseback riding, or cross country skiing as established by the City Council.
3. Open fires will not be allowed, except in City-installed fire pits in such places as the Bowery and Historic Moyle Park.
4. Overnight camping will not be allowed, except in designated areas (Bowery and rodeo grounds) and with the notification and permission of City Hall. Permit to be obtained at City Hall.
5. No animals of any kind are allowed in Historic Moyle Park. In all other parks pets are to be leashed, except in Lambert Park in which case the pet is to be under the owner's direct control at all times. All animal excrement is to be cleaned up by the owner of the animal or pet.
6. Dumping or storage of private property will not be allowed.
7. Nothing may be placed by individuals to restrict or obstruct the public right-of-way.
8. The City Council may allow or prohibit other uses as it deems reasonable and proper.

### **3.16.9 MAINTENANCE AND IMPROVEMENTS TO PUBLIC LANDS**

Alpine City is responsible for the landscaping and maintenance needs of all publicly-owned open space.

The City recognizes the benefit of private participation in caring for these lands. Therefore, individual citizens and citizen groups shall be allowed and encouraged to improve and maintain open spaces. However, these improvements shall be governed by guidelines incorporated in this ordinance, which includes specific rules for each designation.

All requests for improvements and maintenance of City-owned property by citizens shall be presented in writing and recommended by the Planning Commission and approved by the City Council. These requests shall include a written or drawn landscape design. Approval of such requests will be granted based on adherence to general and designation guidelines, compliance with City ordinances and a visit to the site. If approved, the request will be kept on file for further reference.

Any landscaping, maintenance or other improvements to public lands which does not receive prior approval as specified within this ordinance shall be deemed an encroachment. All such encroachments shall incur a penalty (fine) as established by the City Council. Upon direction of the City Council and after 30 days notice from the City Administrator, such encroachments are subject to removal and the area involved shall be restored to its original condition at the citizen's expense.

### **3.16.9.1 General Improvement Guidelines**

The following guidelines apply to all improvements to publicly-owned lands, ~~regardless of the designation.~~

**3.16.9.1.1** Homeowners have no right to encroach on publicly-owned lands. These open spaces are not to be considered or treated as an extension of private property. Without a recommendation from the Planning Commission and approval of the City Council, all of the following apply:

1. Grass, trees or shrubbery may not be planted.
2. Fences may not be erected.
3. Grading may not be done.
4. Sprinkler systems may not be installed.
5. Vegetation may not be cut or destroyed.
6. Rain gutter or other drainage may not be directed onto public lands.
7. All other encroachments are expressly forbidden.

**3.16.9.1.2** When permission is granted to individuals or groups to improve public lands, all such improvements become the property of the City.

1. The City is ultimately responsible for care and maintenance of such improvements.
2. The City may remove any elements as it deems necessary.
3. Written City approval must be obtained for any private parties to remove any such elements.

**3.16.9.1.3** When permission is given to private parties to improve public lands with landscaping, these same parties will be required to maintain these improvements, unless otherwise specified. When approved the following general guidelines apply to all designations except natural (conservation) areas:

1. All sprinkling piping and heads are to be located entirely on private property. Drip irrigation pipes may go into the easements and would be the preferred watering method. Water may spray on planted landscaping, but shall not spray on the trail.
2. Shrubs may be planted within the trail easement, but must be no more than 2 feet high and be kept pruned back from the trail edge.
3. Non-invasive groundcovers may be planted in the trail easement but shall be kept off the trail. Low and slow-growing junipers, cotoneaster, vincas and grasses are examples of acceptable plants.
4. All trees are to be planted outside the trail corridor.
5. When written permission is granted for donated trees to be planted on public lands, they must be placed randomly, rather than parallel to private property lines, as such placement gives the visual effect of increasing the private area and effectually decreasing the public open space.

### **3.16.10 IMPROVEMENTS TO PRIVATE PROPERTY BORDERING PUBLIC OPEN SPACE**

**3.16.10.1** Fences or borders along property lines adjacent to open space must meet specific standards.

1. When the width of the open space is less than 50 feet, bordering fences may not exceed 6 feet in height.
2. When the width of the open space is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.



3. Fences and hedges must be completely within the boundaries of the private property.
4. Hedges or shrubs must be maintained to the same height requirement as fences.
5. The owner of the fence or hedge must maintain the side facing the open space.

**3.16.10.2** Dogs shall be restrained such that they cannot enter open space.

**3.16.10.3** All trees are to be planted entirely on private property.

### **3.16.11 ENFORCEMENT**

#### **3.16.11.1 Subdivision Approval Stage**

- 3.16.11.1.1** Open space designations and ownership shall be included on all plats and recorded on deeds.
- 3.16.11.1.2** Signs shall be provided by the City which can be photocopied, protected with plastic and fastened to stakes surrounding open space. These signs shall indicate City-owned open space and penalties for damage caused by construction crews and vehicles.
- 3.16.11.1.3** Developers are required to stake, clearly tape off and post signs marking all trail corridors and open spaces prior to the start of construction. The site may be walked by the City Staff, City Council and Planning Commission.
- 3.16.11.1.4** A bond to be approved by the City Engineer shall be posted by the developer against damage to public open space.

#### **3.16.11.2 Before Bond Release**

- 3.16.11.2.1** Developers shall ensure that tapes and signs are in place continuously during construction. The tapes and signs shall remain in place until construction is completed and the final bonds are released. They shall be replaced if necessary if damaged or lost from other causes.
- 3.16.11.2.2** Developers will be assessed a fine if damage is done to publicly owned areas by their contractors or their agents, and they will be required to restore the area(s) at their cost to the satisfaction of the City Engineer.

#### **3.16.11.3 Before Building Permit is Issued**

- 3.16.11.3.1** Before building permits are issued, all potential homeowners with property adjacent to open space shall bond, (amount to be set by City Engineer) for any and all damage done to public property caused by the owner and/or his contractor or agents during home construction.
- 3.16.11.3.2** Public open space must be staked, temporarily fenced off and marked with signs so that all construction crews will be aware of these public lands. (Amended by Ord. 2004-13, 9/28/04)
- 3.16.11.3.3** A copy of this ordinance shall be provided to the property owner when the building permit is issued.

#### **3.16.11.4 Before Occupancy Permits are Issued**

**3.16.11.4.1** All damage to public open space and/or improvements upon it caused by home construction must be repaired by the homeowner at his or her expense.

**3.16.11.4.2** If construction is completed during winter and weather prohibits replanting or other restoration, an additional bond may be posted to be held until repairs are approved by the City Administrator. The amount of bond to be determined by the City Engineer.

### **3.16.12 OTHER REMEDIES**

Notwithstanding the enforcement measures in Section 3.16.5.4 above, all penalties contained in Chapter 8 of this ordinance may be imposed in lieu of or in addition to all other remedies in case of infractions.



**ORDINANCE NO. 2016-07**

**AN ORDINANCE ADOPTING AMENDMENTS TO ARTICLE 3.16 OF THE ALPINE CITY DEVELOPMENT CODE AND THE OPEN SPACE MASTERPLAN MAP RELATING TO OPEN SPACE.**

**WHEREAS**, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance and map to clarify the conditional uses for open space and simplify the definitions for different types of open space; 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 ALPINE CITY COUNCIL THAT:**

The amendments to Article 3.16 and the Open Space Masterplan Map contained in the attached document will supersede Article 3.16 and the Open Space Masterplan Map as previously adopted.

This Ordinance shall take effect upon posting.

Passed and dated this 14th day of June 2016.

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Sheldon Wimmer, Mayor

**ATTEST:**

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Charmayne G. Warnock, Recorder

## **ARTICLE 3.16 OPEN SPACE ORDINANCE (Ord.98-20/11-24-98; amended Ord. 2007-12/8-14-07)**

### **3.16.1 PURPOSE**

To enhance and preserve the quality of life in Alpine by providing for the preservation of selected areas within the City to be dedicated for the express purpose of preserving open space for the recreational use of the citizens of Alpine. To provide for the use of competitive sports, picnics, family gatherings, community social functions and other like activities. To maintain the rural nature of Alpine with appropriate landscaping and natural open space. (Open space consists of public and private open space.) Open space is set aside to accomplish one or more of the following functions:

1. To preserve viewscales, natural ridgelines, etc.
2. To create or preserve a buffer between developed areas for privacy, aesthetic, and other purposes.
3. To provide areas for recreation, such as ballparks, swimming pools, picnic and playground facilities.
4. To preserve wildlife habitat.
5. To provide off-street venues for activities such as walking, jogging, cross-country skiing, snow-shoeing, cycling and horseback riding, etc.
6. To preserve native vegetation and topography.

### **3.16.2 PERMITTED USES**

Permitted uses of the land in the Open Space Zone include:

1. Walkways
2. Paths
3. Trails
4. Picnic Shelters
5. Sanitary Facilities
6. Lawns
7. Landscaping

These permitted uses shall be part of the Alpine Park plan and shall be recommended by the Planning Commission and approved by the City Council.

### **3.16.3 CONDITIONAL USES**

The following uses shall be permitted upon compliance with the requirements of this ordinance and approval of a site plan by the Planning Commission and in compliance with the attached guidelines.

1. Permanent recreation facilities such as baseball diamonds with accompanying auxiliary structures, tennis courts and basketball courts.
2. Temporary recreational facilities such as soccer goals.
3. Structures for sale of food, drinks, game booths etc. which are of strictly a temporary nature for specific events.
4. Structures for use in organized group areas to be approved by the Planning Commission.
5. Wells with accompanying auxiliary structures, water, sewer and utility transmission lines and facilities.
6. Structures for the maintenance and operation of city business.
7. Other uses which are determined by the Planning Commission to be similar and compatible with the foregoing uses and in harmony with the intent of the zone.

### **3.16.4 SPECIAL PROVISIONS**

- 3.16.4.1** All public parks in the City of Alpine as noted on the attached map, hereby made a portion of this Ordinance, are included in this Zone and are subject to all of the provisions of this Zone.
- 3.16.4.2** Land included in these parks shall not be disposed of in any manner or used for any other purpose than specified herein except after a recommendation of the Planning Commission and a public hearing and by a super majority vote of the City Council (4 positive votes are required).

### **3.16.5 PROHIBITED ACTIVITIES**

All activities specified in the attached guideline that are not allowed, as well as all activities not expressly permitted.

### **3.16.6 OPEN SPACE DEFINITIONS**

Open Space is defined as any area where either commercial, municipal or residential building of structures is restricted or prohibited. Open Space may be either publicly or privately owned. City (public) ownership should be clearly indicated on plans and plats and recorded on deeds. Public open space encompasses all city parks and all city trails but not all city property. Private open space encompasses land retained open by conservation agreement in private ownership.

1. Privately-owned open space is retained through conservation agreements for the use and benefit of the owner or homeowner's association. Public access may be granted in designated areas. Improvement decisions are controlled by the owner in compliance with the City Master Plan, City ordinances, and any commitments made pursuant to annexation or development agreements. Use by the public is restricted to trails and roads.
2. Publicly-owned open space is retained for the use and benefit of the general public. Improvement decisions are controlled by the City Council in compliance with the City Master Plan and City ordinances.

### **3.16.7 PUBLIC RIGHT OF WAY (ROW) THROUGH OPEN SPACE**

#### **3.16.7.1 Purpose of Improved Trails**

Trails encourage and enhance public use of open spaces, and may be added to any public area, within the guidelines of each designation, as deemed necessary by the City, and following recommended procedures for improvements. (Refer to Trail Ordinance, Article 3.17)

#### **3.16.7.2 Permitted Uses on Trails**

Uses as determined by the City and designated by trail markers.

### **3.16.8 GENERAL RESTRICTIONS (amended by Ord. 2004-18, 11/23/04)**

Certain restrictions apply to all publicly-owned space, regardless of designation.

1. Unless specifically authorized, no motorized vehicles are allowed.
2. Public entry may be prohibited in designated areas, at specific times, and/or seasons. This may be further restricted to specific types of use, such as cycling, horseback riding, or cross country skiing as established by the City Council.
3. Open fires will not be allowed, except in City-installed fire pits in such places as the Bowery

- and Historic Moyle Park.
4. Overnight camping will not be allowed, except in designated areas (Bowery and rodeo grounds) and with the notification and permission of City Hall. Permit to be obtained at City Hall.
  5. No animals of any kind are allowed in Historic Moyle Park. In all other parks pets are to be leashed, except in Lambert Park in which case the pet is to be under the owner's direct control at all times. All animal excrement is to be cleaned up by the owner of the animal or pet.
  6. Dumping or storage of private property will not be allowed.
  7. Nothing may be placed by individuals to restrict or obstruct the public right-of-way.
  8. The City Council may allow or prohibit other uses as it deems reasonable and proper.

### **3.16.9 MAINTENANCE AND IMPROVEMENTS TO PUBLIC LANDS**

Alpine City is responsible for the landscaping and maintenance needs of all publicly-owned open space.

The City recognizes the benefit of private participation in caring for these lands. Therefore, individual citizens and citizen groups shall be allowed and encouraged to improve and maintain open spaces. However, these improvements shall be governed by guidelines incorporated in this ordinance, which includes specific rules for each designation.

All requests for improvements and maintenance of City-owned property by citizens shall be presented in writing and recommended by the Planning Commission and approved by the City Council. These requests shall include a written or drawn landscape design. Approval of such requests will be granted based on adherence to general and designation guidelines, compliance with City ordinances and a visit to the site. If approved, the request will be kept on file for further reference.

Any landscaping, maintenance or other improvements to public lands which does not receive prior approval as specified within this ordinance shall be deemed an encroachment. All such encroachments shall incur a penalty (fine) as established by the City Council. Upon direction of the City Council and after 30 days notice from the City Administrator, such encroachments are subject to removal and the area involved shall be restored to its original condition at the citizen's expense.

#### **3.16.9.1 General Improvement Guidelines**

The following guidelines apply to all improvements to publicly-owned lands

**3.16.9.1.1** Homeowners have no right to encroach on publicly-owned lands. These open spaces are not to be considered or treated as an extension of private property. Without a recommendation from the Planning Commission and approval of the City Council, all of the following apply:

1. Grass, trees or shrubbery may not be planted.
2. Fences may not be erected.
3. Grading may not be done.
4. Sprinkler systems may not be installed.
5. Vegetation may not be cut or destroyed.
6. Rain gutter or other drainage may not be directed onto public lands.
7. All other encroachments are expressly forbidden.

**3.16.9.1.2** When permission is granted to individuals or groups to improve public lands, all such improvements become the property of the City.

1. The City is ultimately responsible for care and maintenance of such improvements.
2. The City may remove any elements as it deems necessary.
3. Written City approval must be obtained for any private parties to remove any such elements.

**3.16.9.1.3** When permission is given to private parties to improve public lands with landscaping, these same parties will be required to maintain these improvements, unless otherwise specified. When approved the following general guidelines apply to all designations except natural (conservation) areas:

1. All sprinkling piping and heads are to be located entirely on private property. Drip irrigation pipes may go into the easements and would be the preferred watering method. Water may spray on planted landscaping, but shall not spray on the trail.
2. Shrubs may be planted within the trail easement, but must be no more than 2 feet high and be kept pruned back from the trail edge.
3. Non-invasive groundcovers may be planted in the trail easement but shall be kept off the trail. Low and slow-growing junipers, cotoneaster, vincas and grasses are examples of acceptable plants.
4. All trees are to be planted outside the trail corridor.
5. When written permission is granted for donated trees to be planted on public lands, they must be placed randomly, rather than parallel to private property lines, as such placement gives the visual effect of increasing the private area and effectually decreasing the public open space.

### **3.16.10 IMPROVEMENTS TO PRIVATE PROPERTY BORDERING PUBLIC OPEN SPACE**

**3.16.10.1** Fences or borders along property lines adjacent to open space must meet specific standards.

1. When the width of the open space is less than 50 feet, bordering fences may not exceed 6 feet in height.
2. When the width of the open space is 50 feet or more, fence standards as specified elsewhere in this ordinance apply.
3. Fences and hedges must be completely within the boundaries of the private property.
4. Hedges or shrubs must be maintained to the same height requirement as fences.
5. The owner of the fence or hedge must maintain the side facing the open space.

**3.16.10.2** Dogs shall be restrained such that they cannot enter open space.

**3.16.10.3** All trees are to be planted entirely on private property.

### **3.16.11 ENFORCEMENT**

#### **3.16.11.1 Subdivision Approval Stage**

**3.16.11.1.1** Open space designations and ownership shall be included on all plats and recorded on deeds.

**3.16.11.1.2** Signs shall be provided by the City which can be photocopied, protected with plastic and fastened to stakes surrounding open space. These signs shall indicate City-owned open space and penalties for damage caused by

construction crews and vehicles.

**3.16.11.1.3** Developers are required to stake, clearly tape off and post signs marking all trail corridors and open spaces prior to the start of construction. The site may be walked by the City Staff, City Council and Planning Commission.

**3.16.11.1.4** A bond to be approved by the City Engineer shall be posted by the developer against damage to public open space.

**3.16.11.2 Before Bond Release**

**3.16.11.2.1** Developers shall ensure that tapes and signs are in place continuously during construction. The tapes and signs shall remain in place until construction is completed and the final bonds are released. They shall be replaced if necessary if damaged or lost from other causes.

**3.16.11.2.2** Developers will be assessed a fine if damage is done to publicly owned areas by their contractors or their agents, and they will be required to restore the area(s) at their cost to the satisfaction of the City Engineer.

**3.16.11.3 Before Building Permit is Issued**

**3.16.11.3.1** Before building permits are issued, all potential homeowners with property adjacent to open space shall bond, (amount to be set by City Engineer) for any and all damage done to public property caused by the owner and/or his contractor or agents during home construction.

**3.16.11.3.2** Public open space must be staked, temporarily fenced off and marked with signs so that all construction crews will be aware of these public lands. (Amended by Ord. 2004-13, 9/28/04)

**3.16.11.3.3** A copy of this ordinance shall be provided to the property owner when the building permit is issued.

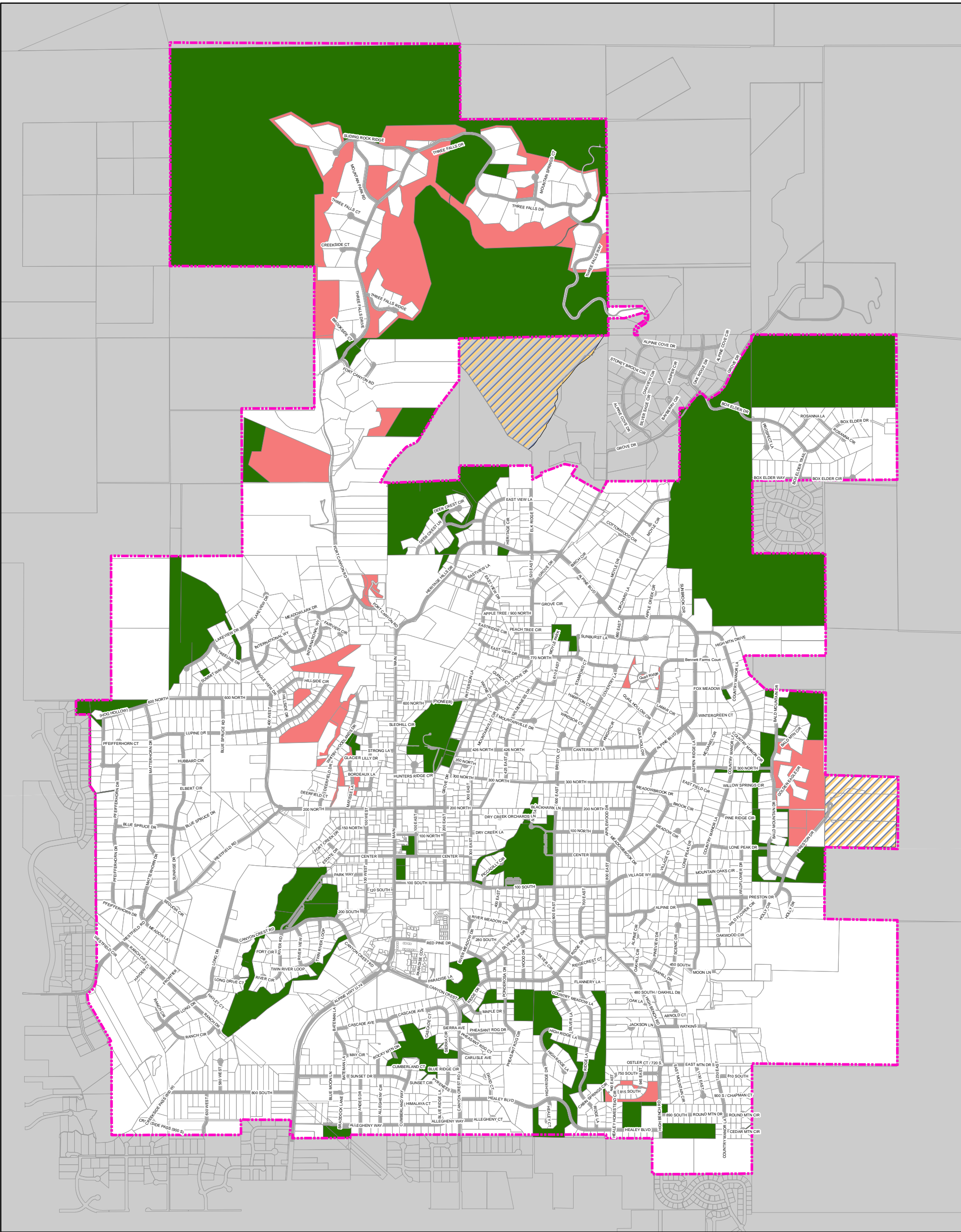
**3.16.11.4 Before Occupancy Permits are Issued**

**3.16.11.4.1** All damage to public open space and/or improvements upon it caused by home construction must be repaired by the homeowner at his or her expense.

**3.16.11.4.2** If construction is completed during winter and weather prohibits replanting or other restoration, an additional bond may be posted to be held until repairs are approved by the City Administrator. The amount of bond to be determined by the City Engineer.

**3.16.12 OTHER REMEDIES**

Notwithstanding the enforcement measures in Section 3.16.5.4 above, all penalties contained in Chapter 8 of this ordinance may be imposed in lieu of or in addition to all other remedies in case of infractions.



Resolution No. 2016-06  
Adopted June 14, 2016



# ALPINE CITY OPEN SPACE MASTER PLAN

0 650 1,300 2,600 3,900 5,200 Feet

-  Public Open Space
-  Private Open Space
-  Conservation Easement
-  Alpine City Boundary

## **ALPINE CITY COUNCIL AGENDA**

**SUBJECT: Senior Housing Overlay Zone Ordinance Amendment**

**FOR CONSIDERATION ON: 14 June 2016**

**PETITIONER: Mayor and City Council**

**ACTION REQUESTED BY PETITIONER: Adopt Ordinance No. 2016-11**

**APPLICABLE STATUTE OR ORDINANCE: Article 3.18 (Senior Housing)**

### **BACKGROUND INFORMATION:**

At the May 10<sup>th</sup> City Council meeting, the Council discussed the Senior Housing Overlay Zone ordinance and how it currently requires a favorable recommendation from the Planning Commission before the City Council can consider approving a zone change. As currently written, the ordinance puts the legislative burden solely on the Planning Commission. This should be handled by the City Council. This is how the legislative process works elsewhere in the Alpine City Development Code.

### **PLANNING COMMISSION RECOMMENDATION:**

Jason Thelin moved to recommend approval of the proposed amendment to the Senior Housing Overlay Zone ordinance which will remove the word “favorable”.

Judi Pickell seconded the motion. . The motion passed and was unanimous with 6 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, Jane Griener, and Judi Pickell all voted Aye.



**ARTICLE 3.18 SENIOR HOUSING OVERLAY ZONE (Ord. No. 2003-11/10-14-03, Ord. No. 2008-02/3-11-08)**

**3.18.1 Findings.** The City Council of Alpine hereby finds that Senior Housing is a necessary component of a well-rounded and sustainable community. Further, the City Council of Alpine hereby finds that current demographic trends indicate a substantial increase in the aging population and the City deems it necessary and desirable to address such trends by providing proper housing to give seniors the opportunity to socialize with one another and engage in minimal or no individual yard care by providing for development of planned units with professional maintenance of common areas in a park-like setting. Carefully planned developments shall enhance the beauty of Alpine.

**Definitions:**

**Elderly/Senior.** Housing that meets the Fair Housing Act definition of housing for older persons including housing specifically designed for and occupied by elder persons under a federal, state, or local government program; or housing that is occupied solely by persons who are 62 or older; or housing that has at least one person who is 55 or older in at least 80 percent of the occupied units and adheres to a policy that demonstrates intent to house persons who are 55 or older.

**Purpose.** The purpose of the Senior Housing Overlay Zone is to promote the public health, safety and welfare by allowing increased land use flexibility through specialized zoning techniques to assure that Senior Citizens can continue to contribute to the community without having heavy yard care maintenance and without ignoring legitimate concerns regarding impacts on surrounding residential areas.

**Overlay Zone Created.** To further the purposes stated herein, there is hereby established a Senior Housing Overlay Zone within Alpine City in the Business Commercial Zone. In considering a request to rezone a parcel as a Senior Housing Overlay Zone, the Planning Commission and City Council shall consider the following:

- A. The harmony and compliance of the proposed location of the overlay zone with the objectives and requirements of the City General Plan and Zoning Ordinances;
  - B. Whether or not the application of the Overlay Zone may be injurious to potential or existing development within the vicinity;
  - C. The current development or lack of development adjacent to the proposed location and the harmony of the proposed location with the existing uses in the neighborhood;
  - D. The proposed location is in proximity to the major arterial or collector streets;
  - E. The compatibility of the proposed location of the overlay zone with the density analysis of the underlying zone and neighboring development;
  - F. The economic impact of the proposed facility or use on the surrounding area;
  - G. A demonstrable need for Senior Housing in the area of the proposed location.
- A. It shall be the City Council's sole discretion to decide if a project should be a Senior Housing Overlay within the intent of the ordinance as noted above.

**Uses.** The following uses shall be permitted in the Senior Housing Overlay Zone containing one or a combination of both:

- A. Single or attached dwellings (nor more than two attached) intended to be used as Senior Housing as defined herein by older or elderly persons and excluding families with children under the age of 18 living with parents or legal custodians
- B. Home Occupations shall be permitted.
- C. Accessory apartments will not be permitted in the Senior Housing Overlay Zone.

**3.18.6 Underlying Zone Development Standards and Regulations.** All uses within the Senior Housing Overlay Zone shall be conducted within buildings which conform to the requirements of the underlying zone.

**3.18.7 Overlay Zone Development Standards and Regulations.** The following development standards and regulations shall apply to all developments within the Senior Housing Overlay Zone.

- A. Parking for the Senior Housing Overlay Zone will a minimum of 2 parking spaces per dwelling; additional parking will be determined by specific review by the Planning Commission.
- B. Setback shall be 30 feet in the front along a public street. The rear and side yard setbacks adjacent to residential property shall be 20 feet.
- C. Private travel ways shall provide safe and convenient vehicular movement to and from all off-street parking spaces. Private travel ways shall not be less than 20 feet width of asphalt.
- D. Minimum acreage for a Senior Housing Project shall be two (2) acres and the maximum project area shall be six (6) acres and 32 units. The Planning Commission may recommend and the City Council may approve an exception to the maximum project size, not to exceed ten (10) acres.
- E. The maximum dwelling units per developed acre shall be 8 (per acre).
- F. Professional Maintenance must be provided.
- G. Restrictive Covenants. The developer of a development within the Senior Housing Overlay Zone shall be required to establish restrictive covenants to limit occupancy to elderly persons and to carry out the conditions of the permitted uses and to assure that the uses approved for the development will be maintained. In addition the covenants must also include professional maintenance for the development. Such covenants shall be recorded to run with the land to insure against conversion to less desirable land uses. The City shall be party to the restrictive covenants and shall be able to enforce the restrictive covenants if necessary. The restrictive covenants cannot be changed or modified without the permission of the City.
- H. Architectural Character. The Planning Commission may, during the process of Site Plan Review, request the use of an architectural style, exterior color or material that would be most compatible with the purpose of the underlying zone district, assure greater compatibility with surrounding development, or create an aesthetically pleasing visual theme for the project. In the Gateway-Historic Zone the Architectural Guidelines shall be followed.
- I. Landscaping. Adequate landscaping shall be designed. Landscaping shall be of the same general character or better as yards in the neighborhood. Not less than 30% of the project shall be landscaped for the use and benefit of the residents. Land proposed to be used for parking, pedestrian walkways, and driveways shall not be included in meeting this landscaping requirement. A complete landscaping plan shall be provided at the time of preliminary review of the project showing a minimum of (2) trees with a caliper of 2 inches and (10) one-gallon shrubs per dwelling unit.

J. Utilities

1. Culinary Water. Each dwelling unit shall be serviced by the City's water system. The City may require individual water connections and meters for each unit or at their discretion authorize the use of oversize connections and a master meter for the project. Each unit shall be equipped with an easily accessible cutoff valve.
2. Sewer. Each unit shall be connected to the City's sewer system either by an individual or common lateral, whichever is determined applicable by the City.
3. Utilities to be underground. All utility systems shall be placed underground.

**3.18.8 Compliance With Subdivision Procedure.** All proposed development within the Senior Housing Overlay Zone shall be reviewed and approved in accordance with Alpine City's Subdivision Ordinance and with the following additions for concept approval (Ord. 2004-13, 9/28/04):

- A. Once the Planning Commission has given a **favorable** recommendation of the applicant's concept plan and the proposed zone change, the concept plan and zone change will be forwarded to the City Council for approval. After the City Council approves the concept plan the applicant will continue the planning process in accordance with the Alpine City's Subdivision Ordinance. The City Council shall continue to move forward with the applicable zone change. The actual zone change will coincide with City Council's approval of the final plat.

**3.18.9 Compliance with Overlay Zone.** All proposed development within the Senior Housing Overlay Zone shall go through the Zone Change process to have the property zoned for the Senior Housing Overlay Zone. Planning Commission will review the proposed zone change along with the concept plan and send a recommendation to the City Council.

**3.18.10 Developer's Agreement.** All developments in Senior Housing Overlay Zone shall have a developer's agreement outlining the terms and conditions of approval.

**ORDINANCE NO. 2016-11**

**AN ORDINANCE ADOPTING AN AMENDMENT TO ARTICLE 3.18 OF THE ALPINE CITY DEVELOPMENT CODE RELATING TO PROCESS FOR APPROVING A SENIOR HOUSING DEVELOPMENT.**

**WHEREAS**, The City Council of Alpine, Utah has deemed it in the best interest of Alpine City to amend the ordinance to not require a “favorable” recommendation from the Planning Commission but only require a recommendation from the Planning Commission in the approval process; and

**WHEREAS**, the Alpine City Planning Commission has reviewed the proposed amendment 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 amendment to the Development Code:

**NOW, THEREFORE, BE IT ORDAINED BY THE ALPINE CITY COUNCIL THAT:**

The amendment to Article 3.18 contained in the attached document will supersede Article 3.18 as previously adopted.

This Ordinance shall take effect upon posting.

Passed and dated this 14th day of June 2016.

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Sheldon Wimmer, Mayor

**ATTEST:**

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Charmayne G. Warnock, Recorder

**ARTICLE 3.18 SENIOR HOUSING OVERLAY ZONE (Ord. No. 2003-11/10-14-03, Ord. No. 2008-02/3-11-08)**

**3.18.1 Findings.** The City Council of Alpine hereby finds that Senior Housing is a necessary component of a well-rounded and sustainable community. Further, the City Council of Alpine hereby finds that current demographic trends indicate a substantial increase in the aging population and the City deems it necessary and desirable to address such trends by providing proper housing to give seniors the opportunity to socialize with one another and engage in minimal or no individual yard care by providing for development of planned units with professional maintenance of common areas in a park-like setting. Carefully planned developments shall enhance the beauty of Alpine.

**Definitions:**

**Elderly/Senior.** Housing that meets the Fair Housing Act definition of housing for older persons including housing specifically designed for and occupied by elder persons under a federal, state, or local government program; or housing that is occupied solely by persons who are 62 or older; or housing that has at least one person who is 55 or older in at least 80 percent of the occupied units and adheres to a policy that demonstrates intent to house persons who are 55 or older.

**Purpose.** The purpose of the Senior Housing Overlay Zone is to promote the public health, safety and welfare by allowing increased land use flexibility through specialized zoning techniques to assure that Senior Citizens can continue to contribute to the community without having heavy yard care maintenance and without ignoring legitimate concerns regarding impacts on surrounding residential areas.

**Overlay Zone Created.** To further the purposes stated herein, there is hereby established a Senior Housing Overlay Zone within Alpine City in the Business Commercial Zone. In considering a request to rezone a parcel as a Senior Housing Overlay Zone, the Planning Commission and City Council shall consider the following:

- A. The harmony and compliance of the proposed location of the overlay zone with the objectives and requirements of the City General Plan and Zoning Ordinances;
  - B. Whether or not the application of the Overlay Zone may be injurious to potential or existing development within the vicinity;
  - C. The current development or lack of development adjacent to the proposed location and the harmony of the proposed location with the existing uses in the neighborhood;
  - D. The proposed location is in proximity to the major arterial or collector streets;
  - E. The compatibility of the proposed location of the overlay zone with the density analysis of the underlying zone and neighboring development;
  - F. The economic impact of the proposed facility or use on the surrounding area;
  - G. A demonstrable need for Senior Housing in the area of the proposed location.
- A. It shall be the City Council's sole discretion to decide if a project should be a Senior Housing Overlay within the intent of the ordinance as noted above.

**Uses.** The following uses shall be permitted in the Senior Housing Overlay Zone containing one or a combination of both:

- A. Single or attached dwellings (nor more than two attached) intended to be used as Senior Housing as defined herein by older or elderly persons and excluding families with children under the age of 18 living with parents or legal custodians
- B. Home Occupations shall be permitted.
- C. Accessory apartments will not be permitted in the Senior Housing Overlay Zone.

**3.18.6 Underlying Zone Development Standards and Regulations.** All uses within the Senior Housing Overlay Zone shall be conducted within buildings which conform to the requirements of the underlying zone.

**3.18.7 Overlay Zone Development Standards and Regulations.** The following development standards and regulations shall apply to all developments within the Senior Housing Overlay Zone.

- A. Parking for the Senior Housing Overlay Zone will a minimum of 2 parking spaces per dwelling; additional parking will be determined by specific review by the Planning Commission.
- B. Setback shall be 30 feet in the front along a public street. The rear and side yard setbacks adjacent to residential property shall be 20 feet.
- C. Private travel ways shall provide safe and convenient vehicular movement to and from all off-street parking spaces. Private travel ways shall not be less than 20 feet width of asphalt.
- D. Minimum acreage for a Senior Housing Project shall be two (2) acres and the maximum project area shall be six (6) acres and 32 units. The Planning Commission may recommend and the City Council may approve an exception to the maximum project size, not to exceed ten (10) acres.
- E. The maximum dwelling units per developed acre shall be 8 (per acre).
- F. Professional Maintenance must be provided.
- G. Restrictive Covenants. The developer of a development within the Senior Housing Overlay Zone shall be required to establish restrictive covenants to limit occupancy to elderly persons and to carry out the conditions of the permitted uses and to assure that the uses approved for the development will be maintained. In addition the covenants must also include professional maintenance for the development. Such covenants shall be recorded to run with the land to insure against conversion to less desirable land uses. The City shall be party to the restrictive covenants and shall be able to enforce the restrictive covenants if necessary. The restrictive covenants cannot be changed or modified without the permission of the City.
- H. Architectural Character. The Planning Commission may, during the process of Site Plan Review, request the use of an architectural style, exterior color or material that would be most compatible with the purpose of the underlying zone district, assure greater compatibility with surrounding development, or create an aesthetically pleasing visual theme for the project. In the Gateway-Historic Zone the Architectural Guidelines shall be followed.
- I. Landscaping. Adequate landscaping shall be designed. Landscaping shall be of the same general character or better as yards in the neighborhood. Not less than 30% of the project shall be landscaped for the use and benefit of the residents. Land proposed to be used for parking, pedestrian walkways, and driveways shall not be included in meeting this landscaping requirement. A complete landscaping plan shall be provided at the time of preliminary review of the project showing a minimum of (2) trees with a caliper of 2 inches and (10) one-gallon shrubs per dwelling unit.

J. Utilities

1. Culinary Water. Each dwelling unit shall be serviced by the City's water system. The City may require individual water connections and meters for each unit or at their discretion authorize the use of oversize connections and a master meter for the project. Each unit shall be equipped with an easily accessible cutoff valve.
2. Sewer. Each unit shall be connected to the City's sewer system either by an individual or common lateral, whichever is determined applicable by the City.
3. Utilities to be underground. All utility systems shall be placed underground.

**3.18.8 Compliance With Subdivision Procedure.** All proposed development within the Senior Housing Overlay Zone shall be reviewed and approved in accordance with Alpine City's Subdivision Ordinance and with the following additions for concept approval (Ord. 2004-13, 9/28/04):

- A. Once the Planning Commission has given a recommendation of the applicant's concept plan and the proposed zone change, the concept plan and zone change will be forwarded to the City Council for approval. After the City Council approves the concept plan the applicant will continue the planning process in accordance with the Alpine City's Subdivision Ordinance. The City Council shall continue to move forward with the applicable zone change. The actual zone change will coincide with City Council's approval of the final plat.

**3.18.9 Compliance with Overlay Zone.** All proposed development within the Senior Housing Overlay Zone shall go through the Zone Change process to have the property zoned for the Senior Housing Overlay Zone. Planning Commission will review the proposed zone change along with the concept plan and send a recommendation to the City Council.

**3.18.10 Developer's Agreement.** All developments in Senior Housing Overlay Zone shall have a developer's agreement outlining the terms and conditions of approval.