

ALPINE CITY
DEVELOPMENT CODE
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CHAPTER 1

ARTICLE 1.1 GENERAL PROVISIONS (Amended by Ord. 2006-17, 11/14/06)

1.1.1 Title. This Ordinance shall be known and may be cited as the Development Code of Alpine City, Utah.

1.1.2 Intent and Purpose. It is the intent of the City Council of Alpine City, Utah to avail itself of the powers granted under Sections 10-9a-101 to 10-9a-803; 57-8-35; and 10-2-401 to 10-2-423 Utah Code Annotated 1953, as amended, in a manner that will promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Alpine, and to this end:

1. To encourage and facilitate orderly growth and development within the City.
2. To secure economy in municipal expenditures and to facilitate adequate provision for transportation, water, sewerage, parks, schools and other public requirements.
3. To lessen congestion in the streets, prevent the overcrowding of land, and provide adequate light and air.
4. To secure safety from fires, floods, traffic hazards and other dangers.
5. To protect property values.
6. To protect the tax base.
7. To promote the development of a more attractive, wholesome and serviceable City.
8. To create conditions favorable to prosperity, civic activities and recreational, educational, and cultural opportunities.

1.1.3 Interpretation. In interpreting and applying this Code, the provisions thereof shall be held to be the minimum requirements needed to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the City.

CHAPTER 2

MUNICIPAL PLANNING

ARTICLE 2.1

GENERAL PLAN (Amended by 2006-17, 11/14/06)

2.1.1 General Plan. The City Council may determine the comprehensiveness, extent, and format of the General Plan. In order to accomplish the purposes set forth in this Code, the City shall prepare and adopt a comprehensive, long-range General Plan for:

1. Present and future needs of the City.
2. Growth and development of all or any part of the land within the City.

The plan may provide for:

3. Health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities.
4. The reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population.
5. The efficient and economical use, conservation, and production of the supply of food and water; drainage, sanitary and other facilities and resources.
6. The use of energy conservation and solar and renewable energy resources.
7. The protection of urban development.
8. The protection or promotion of moderate income housing.
9. The protection of the hillsides and natural resources.
10. The protection and promotion of air quality.
11. Historic preservation.
12. Identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity.
13. An official map.

2.1.2 Plan Preparation

2.1.2.1 Before preparing a proposed general plan or comprehensive general plan amendment, the City shall provide ten (10) calendar days notice of its intent to prepare a proposed general plan or a comprehensive general plan amendment to each affected entity, the Automated Geographic Reference Center; the association of governments of which the City is a member; and the state planning coordinator.

Each notice shall:

1. indicate that the City intends to prepare a general plan or comprehensive general plan amendment, as the case may be;
2. describe or provide a map of the geographic area that will be affected by the general plan or amendment;
3. be sent by mail, e-mail, or other effective means;
4. invite the affected entities to provide information for the City to consider in the process of preparing, adopting, and implementing a general plan or amendment concerning
 - a. impacts that the use of land proposed in the proposed general plan or amendment may have and
 - b. uses of land within the City that the affected entity is considering that may conflict with the proposed general plan or amendment; and

5. include the address of the City's website and the name and phone number of a person where more information can be obtained concerning the City's proposed general plan or amendment.

2.1.2.2 The Planning Commission shall make and recommend to the City Council a proposed General Plan for the area within the City.

2.1.2.3 The General Plan may include areas outside the boundaries of the City if, in the Planning Commission's judgment, such areas are related to, or have impact on, the planning of the City's territory.

2.1.2.4 The City may enter upon any land at reasonable times to make examinations and surveys pertinent to the preparation of its general plan.

2.1.2.5 Except as otherwise provided by law or with respect to the City's power of eminent domain, when the plan of the City involves territory outside the boundaries of the City, the City may not take action affecting that territory without the concurrence of the County or other affected municipalities.

2.1.2.6 At a minimum, the proposed General Plan, with the accompanying maps, charts, and descriptive and explanatory material, shall include the Planning Commission's recommendations for the following plan elements:

1. A Land Use Element that:

- (1) Designates the long-term goals and the proposed extent, general distribution and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

- (2) May include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

2. A Transportation and Traffic Circulation Element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the Planning Commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan;

3. A Moderate Income Housing Element that provides an estimate of the need for the development of additional moderate income housing within the City, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.

In drafting the Moderate Income Housing Element, the Planning Commission:

- A. shall consider the State Legislature's determination that cities should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

1. to meet the needs of people desiring to live there; and
 2. to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and

- B. may include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:
1. rezone for densities necessary to assure the production of moderate income housing;
 2. facilitate the rehabilitation of existing infrastructure that will encourage the construction of moderate income housing;
 3. encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;
 4. consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the City;
 5. consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;
 6. consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity; and
 7. consider utilization of affordable housing programs administered by the Department of Community and Culture.

The proposed general plan may include:

4. An Environmental Element that addresses:
 - (1) The protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers, springs, ground water and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and
 - (2) The reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;
5. A Public Services and Facilities Element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements and facilities for them, police and fire protection, and other public services;
6. A Rehabilitation, Redevelopment, and Conservation Element consisting of plans and programs for:
 - (1) Historic preservation; and
 - (2) The diminution or elimination of blight; and
 - (3) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
7. An Economic Element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected City revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;

8. Recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action; and
9. Any other element the City considers appropriate.

2.1.3 Plan Adoption

- 2.1.3.1** After completing its recommendation for a proposed general plan, or proposal to amend the general plan, the Planning Commission shall schedule and hold a public hearing on the proposed plan or amendment.

The City shall provide notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and notice of each public meeting on the subject.

Each notice of a public hearing shall be at least ten (10) calendar days before the public hearing and shall be published in a newspaper of general circulation in the area; mailed to each affected entity; and posted in at least three public locations within the City or on the City's official website.

Each notice of a public meeting shall be at least 24 hours before the meeting and shall be submitted to a newspaper of general circulation in the area; and posted in at least three public locations within the City or on the City's official website.

- 2.1.3.2** After the public hearing, the Planning Commission may modify the proposed general plan or amendment.

- 2.1.3.3** The Planning Commission shall forward the proposed general plan or amendment to the City Council.

- 2.1.3.4** The City Council may make any revisions to the proposed general plan or amendment that it considers appropriate.

- 2.1.3.5** The City Council may adopt or reject the proposed general plan or amendment either as proposed by the Planning Commission or after making any revision that the City Council considers appropriate. If the City Council rejects the proposed general plan or amendment, it may provide suggestions to the Planning Commission for its consideration.

The City Council shall adopt a land use element, a transportation and traffic circulation element, and a moderate income housing element.

- 2.1.3.6** The City Council may amend the General Plan by following the procedures required by this Code in 2.1.3 above.

2.1.4 Effect of General Plan on Public Uses.

- 2.1.4.1** After the City Council has adopted a General Plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan. Except as provided in this Subsection (2.1.4.1), the general plan is an advisory guide for land use decision, the impact of which shall be determined by ordinance.

- 2.1.4.2** Before accepting, widening, removing, extending, relocating, narrowing, vacating, abandoning, changing the use, acquiring land for, or selling or leasing any street or other public way, ground, place, property, or structure, the City Council shall submit the proposal to the Planning Commission for its review and recommendations.
- 2.1.4.3** If the City Council approves any of the items contained in paragraph (2.1.4.2) above, it shall also amend the General Plan as necessary.

ARTICLE 2.2 PLANNING COMMISSION (Ord. 98-01:1/28/98, Amended by Ord. 2006-17, 11/14/06; Ord. 2009-03, 2/24/09; Ord. 2010-02, 2/09/10)

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

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

2.2.2 Term of Office (Amended by Ord. No. 2007-04, 4/10/07; Ord. 2010-02, 2/09/10). Each member of the Planning Commission shall serve for a term of four (4) years or until his successor is appointed. The term of office for each member shall commence on the first day of January. The Mayor may remove any member of the Planning Commission for cause. The Planning Commissioner being removed may appeal to the City Council and may request a public hearing be held. Any vacancy occurring on said Commission by reason of death, resignation, removal or disqualification shall be filled in the same manner as an original appointment for the unexpired term.

2.2.3 Organization.

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

2.2.4 Duties and Powers. The Planning Commission shall:

1. make a recommendation to the City Council for:
 - a. a general plan and amendments to the general plan;
 - b. land use ordinances, zoning maps, official maps, and amendments;

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

2.2.5 Additional Duties and Powers. The Planning Commission:

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

ARTICLE 2.3 APPEAL AUTHORITY (Ord. 98-02, 1/13/98. Amended Ord. 2006-17, 11/14/06; Ord. 2013-03, 3/12/13; Ord. 2015-01, 02/10/15; Ord. No. 2017-10, 06/13/17)

2.3.1 APPEAL AUTHORITY

- 2.3.1.1** There is hereby created Appeal Authorities, consisting of an appointed Hearing Officer, which shall act in a quasi-judicial manner to hear appeals regarding the interpretation or application of Alpine City land use ordinances.

2.3.2 HEARING OFFICER

- 2.3.2.1 Establishment and Appointment of Hearing Officer.** There is hereby created the officer of Land Use Hearing Officer. The Alpine City Hearing Officers shall be appointed by the Mayor with the advice and consent of the City Council. The individual appointed as a Hearing Officer shall be a person who is trained in or familiar with the disciplines of planning or law.

- 2.3.2.2 Term of Office.** The Hearing Officer shall serve at the pleasure of the City for an indefinite term. The Land Use Hearing Officer may be dismissed from office by the Mayor, with the advice and consent of the City Council, with or without cause at anytime.

- 2.3.2.3 Duties and Powers.** The Land Use Hearing Officer, as the Appeal Authority, shall

1. hear and decide appeals from decisions granting or denying reasonable accommodations for persons with disabilities from land use regulations; and
2. hear and decide appeals from land use decisions applying or interpreting the land use ordinances.

2.3.3 VARIANCES

1. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Hearing Officer for a variance from the terms of the ordinance.
2. An appeal for a variance shall be filed with the Zoning Administrator.
3. The Hearing Officer shall fix a reasonable time for the hearing of the appeal, and give at least ten (10) days public notice thereof, as well as due notice to the parties in interest and adjacent property owners within 300 feet, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney.
4. The Hearing Officer may administer oaths and compel the attendance of witnesses.
5. The Hearing Officer shall cause minutes of his/her proceedings to be kept indicating such fact, and shall cause records or his/her examinations and other official actions; all of which shall be immediately filed at Alpine City Hall and shall be public record.
6. Decisions of the Hearing Officer regarding variances become effective at the meeting in which the decision is made, unless a different time is designated in the Hearing Officer's rules or at the time the decision is made.
7. The Hearing Officer may grant a variance only if:

- (1) Literal enforcement of the ordinance would cause an unreasonable hardship for the

applicant that is not necessary to carry out the general purpose of the land use ordinances;

- (2) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - (3) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - (4) The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - (5) The spirit of the land use ordinance is observed and substantial justice done.
8. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 2.3.3 #7, the Hearing Officer may not find an unreasonable hardship unless the alleged hardship:
- (1) Is located on or associated with the property for which the variance is sought; and
 - (2) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
9. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 2.3.3 #7, the Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.
10. In determining whether or not there are special circumstances attached to the property under Subsection 2.3.3 #7, the Hearing Officer may find that special circumstances exist only if the special circumstances:
- (1) Relate to the hardship complained of; and
 - (2) Deprive the property of privileges granted to other properties granted in the same zone.
11. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
12. Variances run with the land.
13. The Hearing Officer may not grant a use variance.
14. In granting a variance, the Hearing Officer may impose additional requirements on the applicant that will:
- (1) Mitigate any harmful effects of the variance; or
 - (2) Serve the purpose of the standard or requirement that is waived or modified.

2.3.4 APPEALS FROM LAND USE DECISIONS

- 2.3.4.1 Standards for Review of Appeals.** The Land Use Hearing Officer shall hear and decide appeals from land use decisions applying or interpreting the land use ordinances, and shall comply with the following standards:

1. The applicant, a board or officer of the City, or any person adversely affected by the Land Use Authority's decision administering or interpreting a land use ordinance may appeal that decision to the Land Use Hearing Officer by alleging that there is error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of the land use ordinance.
2. The appeal must be filed within ten (10) days from the date of such decision by filing with the Zoning Administrator and with the Land Use Hearing Officer a written notice of appeal specifying the grounds thereof.
3. An appeal filed in accordance with this section stays all proceedings in the appeal action, unless the Zoning Administrator certifies to the Hearing Officer, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Hearing Officer or by the district court on application and notice and on due cause shown.
4. The Hearing Officer shall fix a reasonable time for the hearing of any appeal within forty (40) days of the date of filing such appeal with the Zoning Administrator.
5. All appeals including appeals of conditional use decisions rendered by the Planning Commission shall follow the review procedure outlined below.
 - A. Upon scheduling a hearing date, the Land Use Hearing Officer shall notify the City's Zoning Administrator at least two weeks prior to the hearing to allow preparation of the record of proceedings.
 - B. The Zoning Administrator shall prepare a copy of the record of the proceedings, which shall be a complete record from the date of application to the date of the decision appealed from, and provide a copy to the Land Use Hearing Officer and to the person or entity filing the appeal at least one week before the date of the hearing.
 - C. All appeals on decisions applying a land use regulation to a specific application or parcel of land shall be on the record only and not de novo. In appeals from decisions applying the terms of the land use regulation the Hearing Officer shall review the record, and may not accept or consider any evidence outside the record unless the Zoning Administrator fails to provide a record of proceeding.
 - D. The Hearing Officer shall conduct a hearing on each appeal with respect for the due process rights of each of the participants. Notice shall be given of all hearing dates and times. Parties shall be given the right to be heard and present argument. Parties shall be allowed to offer written and oral argument as they desire, in conformance with reasonable rules for such procedure adopted by the Hearing Officer.
 - E. The Land Use Hearing Officer shall review the decision of the Land Use Authority that involves a determination of factual matters on the record, and not de novo, and determine whether the decision was arbitrary, capricious, or illegal. A decision is considered arbitrary or capricious only if the Hearing Officer determines that there was not substantial evidence, as that term has been defined by Utah courts, found in the record to support each essential finding of fact of the Land Use Authority.
 - F. The Land Use Hearing Officer shall interpret and apply the plain meaning of the

land use regulation; and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

- G. After review of the record and written and oral argument on both sides, the Hearing Officer may affirm, reverse, or remand to the appropriate Land Use Authority for further review and consideration the action taken by the Land Use Authority.
- 6. The appellant has the burden of proving that the Land Use Authority erred.
 - 7. The Hearing Officer shall presume that the decision of the Land Use Authority that is being appealed is correct, and shall only modify the decision if the appellant meets its burden of showing that the Land Use Authority erred in its application or interpretation of the land use ordinances.
 - 8. Only decisions applying and interpreting the adopted land use ordinances of the City or requesting reasonable accommodations for persons with disabilities may be appealed to the Hearing Officer. A person may not appeal, and the Hearing Officer, in his/her duties as an Appeal Authority, may not consider, any appeal of a legislative decision of the City Council, such as a decision to adopt or amend any land use (zoning or subdivision) ordinance of the City.
 - 9. Appeals may not be used to waive or modify the terms of requirements of the land use regulation or ordinance, except as specifically allowed by the land use regulation or ordinance.
 - 10. The Hearing Officer shall render his/her decision on the appeal within thirty (30) days from the date that the hearing is held. The Officer may affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Land Use Authority.
 - 11. A decision of the Hearing Officer takes effect on the date when the Officer issues a written decision, or as otherwise provided by ordinance. A written decision, or other event as provided by ordinance, constitutes a final decision under Subsection 10-9a-802(2)(a) or a final action under Subsection 10-9a-801(4) of the Utah State Code.

2.3.5 DISTRICT COURT REVIEW OF APPEAL AUTHORITY DECISIONS.

- 1. Any person adversely affected by any decision of the Land Use Hearing Officer or the Board of Adjustment may petition the district court for a review of the decision. However, no person may challenge in district court the City's land use decision until that person has exhausted the person's administrative remedies as provided in Utah State Code Title 10, Chapter 9a, Part 7, Appeal Authority and Variances, if applicable.
- 2. In the petition, the petitioner may only allege that the Land Use Hearing Officer's or the Board of Adjustment's decision was arbitrary, capricious, or illegal.
- 3. (a) The petition is barred unless it is filed within 30 days after the Land Use Hearing Officer's or the Board of Adjustment's decision is final.
 - (b)(i) The time under 3(a) to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the private property ombudsman under Utah Code Annotated 13-43-204 until 30 days after:
 - A. the arbitrator issues a final award; or

B. the private property ombudsman issues a written statement under Utah Code Annotated 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

(ii) A tolling under Subsection 3(b)(i) operates only as to the specific constitutional taking issues that are the subject of the request for arbitration filed with the private property ombudsman by a property owner.

(iii) A request for arbitration filed with the private property ombudsman after the time under Subsection 3(a) to file a petition has expired does not affect the time to file a petition.

4. (a) The Land Use Hearing Officer or the Board of Adjustment shall transmit to the district court the record of its proceedings including its minutes, findings, orders, and if available, a true and correct transcript of its proceedings.

(b) If the proceeding was taped, a transcript of that tape recording is a true and correct transcript for purposes of this subsection.

5. (a)(i) If there is a record, the district court's review is limited to the record provided by the Land Use Hearing Officer or the Board of Adjustment.

(ii) The court may not accept or consider any evidence outside the Land Use Hearing Officer or the Board of Adjustment record unless that evidence was offered to the Hearing Officer or the Board and the court determines that it was improperly excluded by the Hearing Officer or the Board.

(b) If there is no record, the court may call witnesses and take evidence.

6. The court shall affirm the decision of the Land Use Hearing Officer or the Board of Adjustment if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.

7. (a) The filing of a petition does not stay the decision of the Land Use Hearing Officer or the Board of Adjustment.

(b)(i) Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Utah Code Annotated 13-43-204, the aggrieved party may petition the Land Use Hearing Officer or the Board of Adjustment to stay its decision.

(ii) Upon receipt of a petition to stay, the Land Use Hearing Officer or the Board of Adjustment may order its decision stayed pending district court review if the Land Use Hearing Officer or the Board of Adjustment finds it to be in the best interest of the City.

(iii) After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Utah Code Annotated 13-43-204, the petitioner may seek an injunction from the district court staying the Land Use Hearing Officer's or the Board of Adjustment's decision.

CHAPTER 3

ALPINE CITY ZONING ORDINANCE

ARTICLE 3.1

GENERAL PROVISIONS

3.1.1 SHORT TITLE. This ordinance shall be known as The Alpine City Zoning Ordinance.

3.1.2 STATEMENT OF PURPOSE. This ordinance is created and enacted to aid in the implementation of the Alpine City Comprehensive Plan, and to promote the health, safety and welfare of the inhabitants of Alpine City. The City of Alpine shall utilize powers granted to it by the Utah Code to accomplish the following:

1. Assure the proper use and management of the natural beauty and resources of Alpine City;
2. Protect life and property from avalanche, flood and geologic hazard;
3. Encourage a density of development that will be expressive of a satisfying community life, that will conserve natural resources, protect scenic values, and prevent traffic congestion;
4. Encourage imaginative and innovative concepts in residential and commercial development that will perpetuate the visual character of Alpine, and result in economy in the provisions of municipal services.

3.1.3 CONFLICT WITH EXISTING ORDINANCES. This ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, overlays or laws, but shall prevail notwithstanding such provisions, which are less restrictive.

3.1.4 EFFECT ON PREVIOUS ORDINANCES AND MAPS. The existing ordinances covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this ordinance, including the attached map, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this ordinance, whether in same or in different language and this ordinance shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming. Any or all ordinances that are less restrictive or inconsistent with this ordinance are superseded by this ordinance.

3.1.5 ENFORCEMENT. The Zoning Administrator and/or Building Inspector is authorized as the enforcing officer(s) for this ordinance, and will enforce all provisions, entering actions in court, if necessary, and his failure to do so shall not legalize any violations of such provisions. The City Council may, by resolution or ordinance, from time to time, entrust administration of this ordinances in whole or in part, to another officer of the local jurisdiction, without amendment to this ordinance.

3.1.6 BUILDING PERMITS. Construction, alteration, repair, or removal of any building or structure or any part thereof, as provided or as restricted in this ordinance shall not be commenced except upon issuance of a building permit by the Building Inspector. The Building Inspector shall verify proper zoning.

3.1.6.1 Occupancy Permit. Land, buildings or premises in any zone shall hereafter be used only for a purpose permitted in such a zone and in accordance with the appropriate regulations. A permit of occupancy shall be issued by the Zoning Administrator to the effect that the use, building or premises conform to provisions of this and all related ordinances, regulations and requirements prior to occupancy, for any building erected, enlarged or altered structurally for the occupancy or use of any land. Such a permit is needed whenever use or character of any building or land is to be changed.

3.1.6.2 Inspection. The Zoning Administrator or Building Inspector is authorized to inspect or to have inspected all buildings and structures during the course of their construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this ordinance. The Zoning Administrator or any authorized employee of the City shall exercise the right to enter any building for the purpose of determining the use, or to enter premises for the purpose of determining compliance with this ordinance, provided that such right of entry is to be used only at reasonable hours. In no case shall entry be made to any occupied building in the absence of an owner or tenant thereof without written permission of an owner, or written order of a court of competent jurisdiction.

3.1.6.3 Site Plan Required. A detailed site plan, drawn to scale shall be filed with the Building Inspector as part of any application for a building permit. The site plan shall show where pertinent:

1. Scale and north arrow;
2. Lot Lines and their dimensions including existing boundary monuments;
3. Adjacent streets, roads, rights-of-way and easements;

4. Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, etc.);
5. Irrigation and/or drainage easements;
6. An indication of the average slope of the lot based upon application of the formula provided in Section 3.1.10.4.
7. Location, proposed construction and improvements, including location of all landscape elements and signs;
8. Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk location;
9. Necessary explanatory notes;
10. Name, address and telephone number of builder and owner; and,
11. The above, and any other information that may be requested by the Zoning Administrator or Building Inspector.
12. Show Setbacks and building height.
13. Attach a copy of the drainage plan and comply with the overall subdivision drainage plan.

3.1.6.4 Demolition of Homes. A demolition permit must be issued before any demolition takes place: (added by Ordinance 2004-13 on 9/28/04)

1. Demolition Permit must be reviewed by the City Engineer and may be referred to the Planning Commission.
2. All Utilities must be notified prior to the demolition.
3. Must comply with site plan requirements.
4. Notify and comply with the Utah Division of Air Quality.

3.1.7 USES PROHIBITED IN ZONES UNLESS SPECIFICALLY PERMITTED. (Ord. 94-02, 2/8/94, Ord. 2004-13, 9/28/04) Uses of land which are not expressly permitted within a zone are expressly prohibited therein, except as may be permitted by recommendation of the Planning Commission and approval of the City Council, pursuant to express authority given under terms of this Ordinance.

3.1.8 LICENSING. All departments, officials and public employees of Alpine City who are vested with duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance, and any such permit or license, if issued in conflict with the provisions of this ordinance shall be null and void.

3.1.9 AMENDMENTS TO THE ZONING ORDINANCE OR ZONING MAP (Amended by Ordinance 2000-03, 3/28/00; 2007-04, 4/10/07)

3.1.9.1 Amendments to the Zoning Ordinance

Amendments to the Zoning Ordinance may be initiated by the City Council, the Planning Commission, the staff, or by an owner of real property in the area included in the proposed amendment.

Amendments to the Zoning Ordinance:

1. Shall first be submitted to the Planning Commission for its review and recommendation.
2. The Planning Commission shall provide appropriate notice and hold a public hearing

on proposed amendments to the zoning ordinance before making a recommendation to the City Council. The Planning Commission may hold additional public hearings if deemed necessary or appropriate by the Planning Commission.

3. The Planning Commission shall prepare and make a recommendation to the City Council on proposed amendments to the zoning ordinance that represents the Planning Commission's recommendation for regulating the use and development of land within all or any part of the area of the City.
4. The City Council shall consider each proposed amendment to the zoning ordinance recommended by the Planning Commission. The City Council shall have the option to hold a public hearing(s).
5. The City Council may adopt or reject amendments to the zoning ordinance either as proposed by the Planning Commission or after making any revisions the City Council considers appropriate.

3.1.9.2 Amendments to the Zoning Map (Zone Change)

Amendments to the Zoning Map may be initiated by the City Council, the Planning Commission, the staff, or by an owner of real property in the area included in the proposed amendment.

Any application to change the boundary of a zone shall include an accurate map or other sufficient legal description of the area proposed for change. Applicants shall submit ten (10) copies of all required documentation to the City Planner at least fourteen (14) days prior to the public hearing.

Amendments to the Zoning Map (Zone Change):

1. Shall first be submitted to the City Planner for its review before an applicant may apply to the Planning Commission.
2. If the applicant chooses to apply to the Planning Commission for a proposed zone change, the applicant shall pay the associated fee and the City Recorder shall set a public hearing for the Planning Commission on the proposed amendment to the zoning map, and shall provide appropriate notice for said public hearing. The public hearing shall be held before the Planning Commission may make a recommendation to the City Council. The Planning Commission may hold additional public hearings if deemed necessary or appropriate by the Planning Commission.
3. The Planning Commission shall prepare and make a recommendation to the City Council on each proposed amendment to the zoning map that comes before the Planning Commission.
4. The City Council shall consider each proposed amendment to the zoning map recommended by the Planning Commission. The City Council shall have the option to hold a public hearing(s) on the proposed zone change.
5. 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.

3.1.9.2.1 Written Notification of Property Owners. At least (14) fourteen days prior to the public hearing held by the Planning Commission, the applicant for an amendment to the zone map shall submit to the Alpine City Planner a list of all property owners within five hundred (500) feet of the boundaries of the proposed zone change, along with stamped envelopes addressed to each of the property owners.

At least seven (7) days prior to the public hearing held by the Planning Commission, City staff will mail, in the envelopes provided by the applicant, written notification of the requested zone change with the following information:

1. Address or location of the property for which a zone change is requested;
2. The current zoning designation and proposed zoning;
3. Name of the property owner;
4. Number of acres; and
5. Date, time, and place of the public hearing at which the zone change will be considered.

The written notification shall be required only for the first public hearing held by the Planning Commission. It shall not be required for any additional public hearings that may be held.

3.1.9.2.2 Sign. In addition to the mailing, the property owner shall erect a sign of sufficient durability, and print and size quality that is reasonably calculated to give notice to passers-by. The sign shall be required only for the first public hearing held by the Planning Commission. It shall not be required for any additional public hearings that may be held.

The sign:

1. shall be 4 ft. (H) x 8 ft. (W);
2. is to be raised no more than six (6) feet in height from the ground;
3. shall be posted five (5) feet inside the property line in a visible location on the property proposed for the zone change; and
4. shall be posted at least fourteen (14) days prior to the public hearing at which the zone change will be presented to the Planning Commission.

The following information shall be on the sign:

1. Current zoning of the property and proposed zoning;
2. Number of acres; and
3. Date, time, and place of the first public hearing at which the zone change will be considered by the Planning Commission.

3.1.10 OFFICIAL ZONE MAP. The location and boundaries of each of the zones are shown on the Official Zone Map of Alpine City, Utah - (Revised by Ord. 94-02: 2/8/94). Said Map is hereby declared to be an official record and a part of this Ordinance and said Official Zone Map and all notations, reference and other information shown thereon shall be as much a part of this Ordinance as if the matters and other information set forth by said map were fully described herein. Said Official Zone Map shall be identified by the signature of the Mayor of the City, attested to by the City Recorder, and placed in the office of the City Recorder. Whenever such amendments or changes are made in zone boundaries, such amendments or changes shall be made by the City Recorder on the Official Zone Map promptly.

No changes of any nature shall be made in the Official Zone Map except in conformity with the procedure set forth under Section 3.1.8 of this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided in this Ordinance.

Regardless of the existence of purported copies of the Official Zone Map, which may from time to time be made or published, the Official Zone Map, which shall be located in the office of the City Recorder shall be the final authority in determining current status.

3.1.10.1 Boundaries of Zones. Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply:

1. Where the indicated boundaries on the zone map are approximately street or alley lines, said street or alley shall be construed to be the zone boundaries.
2. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zone boundaries unless otherwise indicated.
3. Where land has not been subdivided into lots and blocks, the zone boundaries shall be determined by use of the scale of measurement shown on the map.

3.1.10.2 Declaration. In establishing the zones, the boundaries thereof, and other regulations and restrictions applying within each of the zones, due and careful consideration was given, among other things, to compatibility with the General Plan, suitability of the land for particular uses, and the character and intent of the zone; with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

3.1.11 DEFINITIONS (Amended by Ord. 2004-14 on 9/28/04; Ord. 2009-16, 10/13/09; Ord. 20011-06, 03/08/11; Ord. 2011-12, 10/25/11; Ord. 2014-11, 6/24/14; Ord. 2015-02, 02/10/15; Ord. 2015-07, 05/26/15)

1. **ACCESSORY APARTMENT.** A subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping and sanitation facilities.
2. **ACCESSORY BUILDING.** A detached subordinate building, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel of land with the main building or use.
3. **AGRICULTURE.** The tilling of soil, the raising of crops, horticulture, the gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business such as fruit packing plants, commercial egg production, or similar uses.
4. **APIARY.** Any place where one (1) or more colonies of bees are located.
5. **AVERAGE SLOPE OF LOT.** The average slope of a lot, expressed as the percent of slope, to be determined via computer modeling. AutoCAD or ESRI products are acceptable programs to be used for determining the average slope of lot; any other program must be pre-approved by the City Engineer.
6. **BEEKEEPING EQUIPMENT.** Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.
7. **BUILDABLE AREA.** (Ord. 94-02, 2/8/94) A lot or portion thereof possessing all of the following physical characteristics:
 - a. The area contains no territory having a natural slope of twenty (20) percent or greater;
 - b. The area contains no territory which is located in any identified flood plain or within any recognized inundation zone, mud flow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
 - c. The engineering properties of the soil provide adequate structural support for the intended use;
 - d. The area does not possess any other recognized natural condition, which renders it unsafe for building purposes;
 - e. The area is within the building setback envelope as determined in accordance with the setback provisions of the zone; and
 - f. The area is readily capable of vehicular access from the adjacent public street over a driveway having a slope of not more than twelve (12) percent with no cut or fill greater than five feet.

8. **BUILDING.** Any structure having a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
9. **CIVIC BUILDING.** A structure owned by the City and used for governmental purposes, including administrative buildings (City Hall) fire stations, police stations, libraries, but not including shop and repair facilities.
10. **COLONY.** Bees in a hive including queens, workers, or drones.
11. **CONDITIONAL USE.** A use of land that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
12. **CUSTOMARY RESIDENTIAL ACCESSORY STRUCTURE.** A structure constructed on the same zoning lot as a dwelling and which is intended for the incidental and exclusive use of the residents of said dwelling, including but not limited to detached garages, carports, swimming pools, tennis courts, green houses, storage buildings, and satellite dishes.
13. **DEVELOPMENT.** Any change to a parcel of ground, which alters it from its natural state in any way. This includes clearing, excavation, grading, installation of any infrastructure or erection of any types of buildings.
14. **DWELLING UNIT.** One or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit. See also Dwelling, Single Family.
15. **DWELLING, MULTIPLE-UNIT.** A building arranged to be occupied by two (2) or more families, the structure having two (2) or more attached dwelling units.
16. **DWELLING, SINGLE FAMILY.** A building arranged or designed to include only one (1) dwelling unit occupied by one (1) family, including extended living areas or an accessory apartment which may be approved as provided elsewhere in this Code.
17. **FAMILY.** An individual or two (2) or more persons related by blood, marriage, adoption, or guardianship; or a group of not more than four (4) persons, (excluding domestic help) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities. "Family" does not exclude the care of foster children.
18. **FENCES.** A fence shall include any tangible barrier, an obstruction of any material, a line of obstacles, lattice work, screen, wall, hedge, or continuous growth of shrubs with the purpose of preventing passage or view across a boundary or lot line. (Ord. 2004-13, 9/28/04)
 - a Privacy fences are structures where the field of vision through the fence is less than 50%.
 - b. Open-style fences are structures where the field of vision through the fence is 50% or greater.
19. **FRONTAGE.** The width of the lot or parcel of land measured at the required front setback-line.
20. **GARAGE/CARPORT (PRIVATE).** A structure for the parking or temporary storage of automobiles, but which does not involve commercial repairing or storage.

21. **GEOLOGIC HAZARD.** A hazard inherent in the surface or subsurface of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to movement, failure, or shifting of earth.
22. **GROUP LIVING ARRANGEMENT.** A group living or congregate living arrangement where groups of more than four unrelated persons live together in a single dwelling unit, including, but not limited to, a batching apartment, boarding house, Congregate Living Unit, Assisted Living Facility, Nursing Care Facility, Residential Facility for Persons With a Disability, dormitory, student housing, fraternity, club, institutional group, half-way house, or similar group living or congregate living arrangement.
23. **GUEST HOUSE.** An accessory building constructed on the same zoning lot as the principle Single-Unit dwelling to be used for temporary occupancy.
24. **HANDICRAFT PRODUCTION.** Production of an individual's one-of-a-kind objects for sale on the site.
25. **HELICOPTER.** A manned aircraft in which lift, flight and landing is achieved by means of one or more power-driven horizontal propellers.
26. **HELIPORT.** An area on land or upon a building or structure set aside and used for the landing or takeoff of helicopters or other manned rotary wing aircrafts capable of vertical takeoff or landing.
27. **HIVE.** A frame hive, box hive, box, barrel, log, gum skep, or other artificial or natural receptacle which may be used to house bees.
28. **HOME OCCUPATION.** Any gainful occupation, service, profession or similar activity conducted in a consistent and ongoing manner within a dwelling. Business activity consisting primarily of the sale of goods produced elsewhere on the premises (i.e. retail sales establishment) shall not qualify as a home occupation.
29. **HOBBY BEEKEEPER.** A person who owns or has charge of eight (8) or fewer hives of bees.
30. **HONEYBEE.** The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.
31. **HOUSEHOLD PETS.** Animals or fowl ordinarily permitted to a residence and kept for company or pleasure, such as dogs, cats, fish and canaries. Household pets do not include inherently or potentially dangerous animals or fowl, or those normally considered agricultural livestock.
32. **IMPERVIOUS MATERIAL.** Matter that is impenetrable as by moisture.
33. **LOT.** A parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale of land resulting from the division of a larger tract into smaller units.
34. **LOT, CORNER.** Shall mean a lot located at the junction of and fronting on two (2) or more intersecting streets.
33. **MOBILE HOME.** A detached dwelling designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailer or detachable wheels, and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy

except for connections to utilities and other minor work. Removal of such wheels or placing such dwelling unit on a foundation shall not remove such unit from classification as a mobile home. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the Uniform Building Code and which are finished with exterior building material that is typical of permanent residential buildings.

34. **NON-CONFORMING USE.** A building or structure, or portion thereof, or use of a building or land which does not conform to use regulations for the district in which it is situated, but which is in conformity with said regulations, if any, at the time of its establishment.
35. **OFF STREET PARKING.** An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.
36. **OFFICE, PROFESSIONAL.** A building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, realtors, teachers, and others who, by virtue of training and for license, are qualified to perform services of a professional nature, and where storage of goods and sale of merchandise is minimal and secondary to performance of the service.
37. **OPEN SPACE.** The use of land which leaves soil generally undisturbed and upon which natural vegetation, whether or not native to the area, occupies the major visible aspect of the land.
38. **PERMITTED USE.** A use of land for which no conditional use permit is required.
39. **PUBLIC USE.** A use operated or supervised exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and other recreational facilities, administrative and service facilities, and public utilities.
40. **QUASI PUBLIC USE.** A use operated by a private non-profit educational, religious, recreational, charitable or philanthropic institution, having the primary purpose of serving the general public, such as churches, private schools, hospitals and similar uses.
41. **REASONABLE ACCOMMODATION.** A reasonable change in any rule, policy, practice, or service necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling when compared to similarly-situated persons or groups.
42. **RECREATION, PUBLIC.** Recreation facilities operated by a public agency and open to the public with or without a fee.
43. **RESIDENCE.** A dwelling unit where an individual or family is actually domiciled at a given point in time and not a place of temporary sojourn or transient visit. Temporary sojourn or transient visit shall be thirty (30) days or less.
44. **RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY.** A residence in which no more than eight (8) unrelated persons with a disability resides and which is:
 - A. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
 - B. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.
45. **RETAINING WALL.** Any structure designed to resist the lateral displacement of soil or other materials. Examples include block walls, rock walls, concrete walls and segmented walls. A retaining wall is not considered a fence.

46. **SIGN.** Any device for visual communication to the public displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs, to be viewed from out-of-doors, but not including a flag, badge, or ensign of any government or government agency.
47. **STREET, PUBLIC.** A thoroughfare which has been dedicated and accepted by proper public authority (or abandoned to the public) or a thoroughfare not less than twenty-four (24) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.
48. **STRUCTURE.** Anything constructed, the use of which requires fixed location upon the ground, or attached to something having a fixed location upon the ground, and which creates an impervious material on or above the ground; definition includes "building."
49. **YARD.** A required space on a lot other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.
50. **YARD, FRONT.** A space between the front of the main building on a lot and the front lot line or line of an abutting street or right-of-way and extending across the full width of a lot. The depth (or setback) of the front yard is the minimum distance between the front lot line, and the front-most part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches, and decks).
51. **YARD, REAR.** A space between the back wall of the nearest main building extending the full width of the lot and the lot line that is most distant from, and is most nearly parallel with, the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten foot (10') line parallel to the front line, lying wholly within the lot for the purpose of establishing the minimum rear yard. The depth (or setback) of the rear yard is the minimum distance between the rear lot line and the rearmost part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks. See drawing in Appendix A). (Ord. 2004-13, 9/28/04)
52. **YARD, SIDE.** A yard that is neither a front yard nor a rear yard. The depth (or setback) of the side yard is the minimum distance between the side lot line and the nearest part of the primary structure of the nearest main building at the foundation level. (Primary structure includes overhangs, porches and decks).
53. **ZONING LOT** (Ord. 94-02, 2/8/94). A lot or parcel of land which:
- a. Meets all area (lot size), frontage (width), setback (yard), and other zoning requirements applicable within the zone in which it is located;
 - b. Abuts upon and has direct access to a street which has been dedicated to the City or otherwise accepted by the City as a City Street;
 - c. Is served by the minimum level of improvements required for issuance of a building permit or for which the construction of the minimum level of improvements is secured through the posting of a performance guarantee; and
 - d. Is shown as a separate lot on the final plat of a subdivision or similar development, which has been approved in accordance with the applicable ordinance, or is legally exempted from compliance with said ordinance. A parcel which is part of an unapproved or illegal subdivision shall not qualify as a zoning lot.

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

administration of this ordinance and provide for the assessment and collection thereof.

3.1.13 CRITERIA FOR DETERMINING LOT WIDTH AND AREA REQUIREMENTS (Ord. 97-02, 2/25/97; Amended by Ord. 2009-11, 07/14/09)

General criteria for determining setback requirements:

1. All set backs are to be measured to the foundation of the building.
2. An abutting fire place (up to two feet), bay window (up to two feet) and uncovered steps to basement shall not be included in set back measurement.
3. An uncovered patio or deck less than (18) eighteen inches in height from ground surface shall be allowed within ten (10) feet of the rear property line.

3.1.13.1 Lot Width. For purposes of determining compliance with the lot width requirements, the measurement of lot width shall be made along a line situated parallel to the front lot line at the minimum front setback.

In the instance of a lot where more than seventy five percent (75%) of the front lot line abuts upon a cul-de-sac or curve in the adjacent street, having a radius of less than eighty (80) feet, the width of lot shall be measured along a line which is at right angle to the point of tangency of said curve, at the approximate mid-point of the abutting front lot line, and at distance of from the front lot line equal to the front setback for the zone.

3.1.13.2 Lot Area. For purposes of determining compliance with lot area requirements, the area shall include all territory within the boundaries of the lot, including any area devoted to easements, and any territory adjacent or within the boundary of the lot previously conveyed or proposed for conveyance to the City by the owner for use as an urban trail. This does not apply to a Planned Residential Development.

ARTICLES 3.2 - 3.20 ESTABLISHMENT OF ZONING DISTRICTS AND REGULATIONS

The following zone districts are hereby established for the City of Alpine:

ARTICLE 3.2 TOWN RESIDENTIAL ZONE (T-R 10,000) (Ord. 2015-02, 02/10/15)

3.2.1 PURPOSE

To allow for residential growth within the originally settled town center of Alpine; to maintain the village scale and character; to provide for appropriate community activities and civic buildings; and to allow a density of development that is compatible with the limitations of municipal resources.

3.2.2 PERMITTED USES

The following uses of land shall be permitted upon compliance with the applicable standards and conditions set forth in this ordinance.

1. Single-unit detached dwellings when located on a lot in a recorded subdivision and subject to compliance with the applicable conditions within the zone.
2. Customary residential accessory structures which are an integral part of and incidental to an approved dwelling.
3. Customary household pets.

4. Public park and recreational open spaces and appurtenant structures;
5. Agriculture, including the raising of row crops, grains and fruits.
6. The keeping and raising of animals and fowl, subject to the provisions of Article 3.21.9 of Supplementary Regulations.

3.2.3 CONDITIONAL USES

The following buildings, structures and uses of land may be permitted upon compliance with the standards and conditions set forth in this ordinance and after approval has been given by the designated review body.

1. Single family dwellings (conventional construction) when proposed for placement on a lot not in a recorded subdivision, subject to compliance with the applicable conditions within the zone and approval of a site plan by the Planning Commission.
2. Cemeteries;
3. Child care nurseries and group day-care centers;
4. Civic buildings;
5. Subdivision projects, subject to compliance with the applicable requirements of the subdivision ordinance.
6. Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan by the Planning Commission.
7. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses, and upon approval of site plan by the Planning Commission.
8. Accessory apartments, subject to the provisions of Section 3.23.7.1 of the Development Code. (Ord. 94-06);
9. Home occupations, subject to the provisions of Section 3.23.7.3 of the Development Code.
10. Schools, churches, hospitals (human care) and similar quasi public buildings subject to the approval of site plan by the Planning Commission.
11. Incidental Produce Stands, subject to the provisions of Section 3.23.7.4 of the Development Code. (Ord. 96-05, 4/10/96)

3.2.4 DENSITY AND REGULATIONS

1. Lot Size. The minimum lot area for a single-unit dwelling shall be 10,000 square feet (Amended by Ord. 94-06).
2. Lot Coverage. No lot within the T-R District may have more than fifty (50) percent of its land area covered by buildings or other impervious material.
3. Lot Width. The minimum width of any lot for a dwelling shall be ninety (90) feet, measured at the required front yard set back line.

3.2.5 SETBACK REQUIREMENTS (see Appendix for drawing)

3.2.5.1 Dwellings and Other Main Buildings

1. **Front Yard.** The minimum front yard for all main dwelling structures shall be thirty (30) feet (measured from the front property line).
2. **Side Yard Interior Lots.** All dwellings shall be situated on the lot to allow for a side yard on each side of the main building the aggregate widths of which shall be at least twenty-two (22) feet. Neither side yard shall be less than ten (10) feet wide.
3. **Side Yard Corner Lots.** On corner lots, the front and side yard requirements shall be the same as above, except that the side set back from the street for all buildings shall not be less than thirty (30) feet.
4. **Rear Yard Interior Lots.** All main dwelling structures shall be set back from the rear property line a distance not less than twenty (20) feet.
5. **Rear Yard Corner Lots.** All main dwelling structures shall be set back from the rear property line a distance of twenty (20) feet.

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

1. Setback from main building. Accessory buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building.
2. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
3. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
4. Side and Rear Setback - Interior Lot Line. Accessory buildings shall be set back no less than ten (10) feet from the rear lot line and five (5) feet from the side lot line, except that no minimum rear or side setback shall be required when all the following conditions are met:
 - a. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - b. The accessory building contains no openings on the side contiguous to the lot line;
 - c. No drainage from the roof will be discharged onto an adjacent lot;
 - d. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - e. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement; and

- f. The building will not be taller than ten (10) feet to the top of the roof line.

3.2.6 BUILDING REQUIREMENTS

1. Height of Dwellings. The maximum height of any dwelling or other main building shall be thirty-four (34) feet, as determined in accordance with the provisions of Section 3.21.8 of the Development Code. (Ord 96-15, 12/18/96).
2. Height of Accessory Buildings. The maximum height of any accessory building shall be twenty (20) feet as measured from the average finished grade of the ground surface adjacent to the foundation of the structure to the top of the ridge line.

For every one (1) foot of additional height above twenty (20) feet, an additional two (2) feet of side yard and rear yard setback will be required. The maximum height of an accessory building as measured to the ridgeline shall be thirty (30) feet.

3. Exceptions to Height Requirements. Chimneys, flag poles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height, provided that no such ancillary structure shall extend to a height in excess of fifteen (15) feet above the building.

3.2.7 ACCESS REQUIREMENTS

Each lot shall abut upon and have direct access to an existing City-maintained street or a street, which has been formally accepted by action of the City Council. The distance of said abutting side shall be not less than the minimum lot width requirement of the zone except that the length of said abutting side may be reduced to not less than sixty (60) feet when the lot abuts upon a cul-de-sac or sharp curve and the side lot lines radiate in such a manner that the width of the lot, measured between the side lot lines at the minimum front setback line will meet or exceed the minimum width requirements of the zone.

3.2.8 UTILITY REQUIREMENT

- 3.2.8.1 Culinary Water.** All dwellings and other structures to be used for human occupancy shall be served by the City's water system. The system serving the dwelling shall be capable of providing water to the dwelling of a volume sufficient for both culinary and fire fighting purposes and at a pressure of not less than 40 p.s.i. as determined by the City Engineer.
- 3.2.8.2 Domestic Sewage Disposal.** All dwellings and other structures intended for human occupancy shall be served by the City's central sewage collection system.

3.2.9 SPECIAL PROVISIONS

1. Heliports. The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.

ARTICLE 3.3 C-R 20,000 COUNTRY RESIDENTIAL ZONE (Ord. 95-24, 11/14/95; Ord. 2014-11, 6/24/14)

3.3.1 LEGISLATIVE INTENT

The intent in establishing the C-R 20,000 Country Residential is to provide a location within the City allowing residential development on the traditional agricultural lands of 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 and susceptible to erosion; and to allow a density of development that is compatible with the limitations of municipal resources.

3.3.2 PERMITTED USES. The following uses of land shall be permitted upon compliance with the applicable standards and conditions set forth in this ordinance.

1. Single-unit detached dwellings when located on a lot in a recorded subdivision and subject to compliance with the applicable conditions within the zone.
2. Agriculture, including the raising of row crops, grains and fruits.
3. The keeping and raising of animals and fowl, subject to the provisions of Section 3.21.9 of the Development Code.
4. Buildings and other structures for the storage and keeping of agricultural products and machinery.
5. Public park and recreation developments and appurtenant structures.
6. Customary residential accessory structures which are an integral part of and incidental to an approved dwelling.
7. Customary household pets.

3.3.3 CONDITIONAL USES. The following buildings, structures and uses of land may be permitted upon compliance with the standards and conditions set forth in this ordinance and after approval has been given by the designated review body. Additionally, no development will be permitted where any part of the zoning lot is above an elevation of 5350 feet mean sea level except as noted in Article 3.15.

1. Single family dwellings (Conventional construction) when proposed for placement on a lot not in a recorded subdivision, subject to compliance with the applicable conditions within the zone and approval of a site plan by the Planning Commission.
2. Subdivisions projects, subject to compliance with the applicable requirements of the subdivision ordinance, except that: (a) where any portion of the area included within the subdivision shall lie within the territory designated within the Sensitive Lands Overlay Zone (SLO zone) or (b) as the City may designate, the subdivision shall be developed only under the provisions of Article 3.9 of the Alpine City Development Code relating to Planned Residential Developments.
3. Planned Residential Developments (PRD), subject to compliance with the provisions of Article 3.9 of the Alpine City Development Code.
4. Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan by the planning commission.

5. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses and upon approval of a site plan by the Planning Commission.
6. Home Occupations, subject to the provisions of Section 3.23.7.3 of the Alpine City Development Code.
7. Accessory Apartments, subject to the applicable provisions of Section 3.23.7.1 of the Alpine City Development Code.
8. Guest Houses, subject to the applicable provisions of Section 3.23.7.2 of the Alpine City Development Code.
9. Schools, churches, hospitals (human care) and similar quasi-public buildings subject to approval of a site plan by the planning commission.
10. Plant nurseries and tree farms, but not including retail sales of materials on site.
11. Civic Buildings
12. Incidental Produce Stands, subject to the provisions of Section 3.23.7.4 of the Development Code. (Ord. 96-05, 4/10/96)

3.3.4 DENSITY, LOT AREA AND WIDTH REQUIREMENTS - SINGLE FAMILY DWELLINGS.

1. Density. The density for a project area shall be determined by the City upon a detailed slope analysis of the proposed project area in accordance with the following schedule. Calculations ending a fraction shall be rounded to the nearest whole number.

Density (in acres per dwelling unit) **Percent of Slope CR-20,000**

0	-	9.9%	0.58 acre/unit
10	-	14.9%	0.86 acre/unit
15	-	19.9%	1.15 acre/unit
20	-	24.9%	1.72 acre/unit
25	-	29.9%	2.30 acre/unit
30+		%	5.00 acre/unit

Example of Density Slope Calculations

Percent of Slope	Area within Slope Range (acres)	Required Area per Dwelling Unit (acres/unit)*	Allowable Lots**
0 - 9.9%	5.97	0.58	10.30
10 - 14.9%	0.89	0.86	1.04
15 - 19.9%	0.22	1.15	0.19
20 - 24.9%	0.16	1.72	0.09
25 - 29.9%	0.08	2.30	0.03
30 + %	0.18	5.00	0.04
Total	7.50		11.69 = 12 lots

* Required area per dwelling is found in the density table above.

** Allowable lots is determined by dividing the area within the slope range by the required area per dwelling unit. For example, in the slope range 10-14.9% divide 0.89 (area within slope range) by 0.86 (required area per dwelling unit).
Example: 7.50 acres in the CR-20,000 zone

2. Lot Area and Lot Width. The minimum lot width shall be 20,000 square feet with a minimum 110 feet measured at the front setback.

3.3.5 SETBACK REQUIREMENTS (see Appendix for drawing)

3.3.5.1 Dwellings and other Main Buildings. All dwellings and other main buildings shall be setback from the lot boundary lines as follows:

1. Front Yard. The minimum front yard for all main dwelling structures shall be thirty (30) feet (measured from the front property line).
2. Side Yard - Interior Lots. For single-unit detached dwellings, main buildings shall be situated on the lot to allow for a side yard on each side of the main building the aggregate width of which shall be at least thirty (30) feet. Neither side yard shall be less than twelve (12) feet.
3. Side Yard - Corner Lots. On corner lots, the front, rear and side yard requirements shall be the same as above, except that the set back on any side that faces onto a public street shall be not less than thirty (30) feet.
4. Rear Yard - Interior Lots. All main dwelling structures shall be set back from the rear property line a distance of not less than thirty (30) feet.
5. Rear Yard - Corner Lots. Rear yard set back for dwellings on corner lots shall be the same as that required for interior lots.

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

1. Setback from Main Building. Accessory buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building.
2. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
3. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
4. Side and Rear Setback - Interior Lot Line. Accessory buildings shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that no minimum rear or side setback shall be required when all the following conditions are met:
 - a. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - b. The accessory building contains no openings on the side contiguous to the lot line;

- c. No drainage from the roof will be discharged onto an adjacent lot;
- d. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
- e. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement; and
- f. The building will not be taller than ten (10) feet to the top of the roof line.

3.3.6 ACCESS REQUIREMENTS. Each lot shall abut upon and have direct access to an existing City maintained street or a street which has been formally accepted by action of the City Council. The distance of said abutting side shall be not less than the minimum lot width requirement of the zone except that the length of said abutting side may be reduced to not less than eighty (80) feet when the lot abuts upon a cul-de-sac or sharp curve and the side lot lines radiate in such a manner that the width of the lot, measured between the side lot lines at the minimum front setback line will meet or exceed the minimum width requirements of the zone.

3.3.7 UTILITY REQUIREMENTS

3.3.7.1 Culinary Water. All dwellings and other structures to be used for human occupancy shall be served by the City's water system. The system serving the dwelling shall be capable of providing water to the dwelling at a volume sufficient for both culinary and fire fighting purposes and at a pressure of not less than forty (40) psi as determined by the City Engineer.

3.3.7.2 Domestic Sewage Disposal. All dwellings and other structures intended for human occupancy shall be served by the City's central sewage collection system.

3.3.8 BUILDING REQUIREMENTS

3.3.8.1 Height of Dwellings. The maximum height of any dwelling or other main building shall be thirty four (34) feet, as determined in accordance with the provisions of Section 3.21.8 of the Alpine City Development Code. (Ord. 96-15, 12/18/96)

3.3.8.2 Height of Accessory Buildings. The maximum height of any accessory building shall be twenty (20) feet as measured from the average finished grade of the ground surface adjacent to the foundation of the structure to the top of the ridgeline.

For every one (1) foot of additional height above twenty (20) feet, an additional two (2) feet of side yard and rear yard setback will be required. The maximum height of an accessory building as measured to the ridgeline shall be thirty (30) feet.

3.3.8.3 Exceptions to Height Requirements. Chimneys, flag poles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height, provided that no such ancillary structure shall extend to a height in excess of fifteen (15) feet above the building.

3.3.8.4 Buildable Area Required. (Ord. 97-02, 2/25/97)

1. Each Zoning Lot shall contain at least one Designated Buildable Area of not less than five thousand (5,000) sq. ft. All dwellings and other habitable structures and accessory buildings shall be located within the Designated Buildable Area.
2. Each Designated Buildable Area shall conform to the criteria for qualification as a "buildable area" as defined in this ordinance. Except that the Planning Commission

may approve or require the placement of the Designated Buildable Area in a location within the lot which does not conform to one or more of the criteria for buildable area, upon a finding that the proposed Designated Buildable Area: (1) will more adequately accommodate subsequent development of the lot, and (2) will not constitute a potential hazard to life or property, and/or (3) will serve to diminish the negative impact of subsequent development upon the lot or community (i.e. extra-ordinary construction of driveway access, mitigate visual intrusion of structure on ridge line).

3. Where considered appropriate, the Planning Commission may require a subdivider to identify a Designated Building Area on one or more of the lots within a proposed subdivision. The location of each Designated Buildable Area shall be shown upon the preliminary plan and shall also be identified and described on the final plat, together with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area.
4. On any lot where a Designated Buildable Area is shown, the boundary of said area shall be deemed to constitute the setback requirements applicable to the lot. Where an entire lot area qualifies as a buildable area no designation on the final plat shall be required.
5. Except as permitted pursuant to Paragraph 3.3.8.4.2 above, any portion of a lot which has been graded to produce a percent of slope to qualify under the buildable area criteria shall be excluded from consideration as part of the Designated Buildable Area.

3.3.9 HILLSIDE PROTECTION REQUIREMENTS. Where development within the CR-2000 zone falls within the Hillside Protections Overlay Zone, the requirements of Articles 3.12.9 apply.

3.3.10 SPECIAL PROVISIONS

1. **Heliports.** The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.

ARTICLE 3.4 C-R 40,000 COUNTRY RESIDENTIAL ZONE - 1 ACRE (CR-1 Created by Ord. 91-01, 4/9/91 and amended by Ord. 95-04, 2/3/95; Ord. 2014-11, 6/24/14)

3.4.1 LEGISLATIVE INTENT

The CR-40,000 Zone includes the territory, generally located around the periphery of the City, considered appropriate for low density residential development. While much of the land is presently used for agriculture, or is vacant or wildland, the zone does contain several single-unit dwellings on large lots (one acre or larger). Also included in the zone are those areas which as a result of the presence of steep slope, adverse soil characteristics, flood hazard, mudflow or earthquake potential, wildfire hazard or similar critical and sensitive natural conditions are considered environmentally fragile.

It is hereby declared to be the intent and purpose of the City Council in establishing the CR-40,000 Zone:

1. To delineate environmentally sensitive areas within the City and to establish standards and guidelines for the uses and development activities occurring therein which recognize and appropriately balance:
 - 1) the need for the preservation of the natural environmental conditions,
 - 2) the need for mitigation of potentially adverse or unsafe conditions arising from development activities,
 - 3) the protection of the interests of subsequent purchasers and occupants, and
 - 4) the rights of owners to the reasonable use of their property.
2. To avoid or mitigate the effect of natural hazards from earthquakes, landslides, floods, fires and similar calamities and to reduce the potential for subsequent public involvement or expenditure in mitigation of such adverse or unsafe conditions occurring as a result of the disruption of natural conditions by development activity.
3. To protect and conserve the culinary water supply, sensitive vegetation, soil, wildlife habitat and other natural resources within the area.
4. To facilitate and encourage the location, design, and construction of uses, development projects and building sites in the zone area which provide maximum safety and human enjoyment consistent with the natural limitations and the need for protection of the environment.
5. To preserve the aesthetic appearance of the landscape. Because of the fragile nature of the land in this zone, special conditions and requirements are attached to developments occurring therein to more effectively promote the purposes stated above and to mitigate the potential adverse aspects of developments in the area. The requirements hereinafter set forth are considered the minimum necessary to accomplishments of the purpose and intent in establishing this zone.

3.4.2 PERMITTED USES

The following uses of land shall be permitted upon compliance with the applicable standards and conditions set forth in this ordinance.

1. Single-unit detached dwellings when located on a lot in a recorded subdivision and subject to compliance with the applicable conditions within the zone.
2. Agriculture including the raising of row crops, grains and fruits.

3. The raising, care and keeping of livestock and fowl for family food or recreation subject to the provisions of Section 3.21.9 of Supplementary Regulations.
4. Public park and recreation developments.
5. Customary residential accessory structures which are an integral part of and incidental to an approved dwelling.
6. Customary household pets.

3.4.3 CONDITIONAL USES

The following buildings, structures and uses of land may be permitted upon compliance with the standards and conditions set forth in this ordinance and after approval has been given by the designated review body. However, no development will be permitted where any part of the zoning lot is above an elevation of 5350 feet mean sea level except as noted in Article 3.15 of this Code.

1. Single family dwellings (Conventional construction) when proposed for placement on a lot not in a recorded subdivision, subject to compliance with the applicable conditions within the zone and approval of a site plan by the Planning Commission.
2. Subdivisions projects, subject to compliance with the applicable requirements of the subdivision ordinance, except that: (a) where any portion of the area included within the subdivision shall lie within the territory designated within the Sensitive Lands Overlay Zone (SLO zone) or (b) as the City may designate, the subdivision shall be developed only under the provisions of Article 3.9 of the Alpine City Development Code relating to Planned Residential Developments.
3. Planned Residential Developments (PRD), subject to compliance with the provisions of Article 3.9 of the Alpine City Development Code.
4. Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan by the planning commission.
5. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses and upon approval of a site plan by the planning commission.
6. Home Occupations, subject to the provisions of Section 3.23.7.3 of the Alpine City Development Code.
7. Accessory Apartments, subject to the applicable provisions of Section 3.23.7.1 of the Alpine City Development Code.
8. Guest Houses, subject to the applicable provisions of Section 3.23.7.2 of the Development Code.
9. Schools, Churches, Hospitals (Human Care) and similar quasi public buildings, subject to approval by the Planning Commission.
10. Incidental Produce Stands, subject to the provisions of Article 3.23.7.4 of the Development Code. (Ord 96-05, 4/10/96)
11. Buildings and other structures for the storage and keeping of agricultural products and machinery.

12. Plant nurseries and tree farms, but not doing retail sale of materials on site.

13. Civic Buildings.

3.4.4 DENSITY, LOT AREA AND WIDTH REQUIREMENTS - SINGLE FAMILY DWELLINGS.

1. Density. The density for a project area shall be determined by the City upon a detailed slope analysis of the proposed project area in accordance with the following schedule. Calculations ending a fraction shall be rounded to the nearest whole number.

Density (in acres per dwelling unit)		
Percent of Slope		CR-40,000
0	- 9.9%	1.00 acre/unit
10	- 14.9%	1.50 acre/unit
15	- 19.9%	2.00 acre/unit
20	- 24.9%	3.00 acre/unit
25	- 29.9%	4.00 acre/unit
30+	%	5.00 acre/unit

Example of Density Slope Calculations

Percent of Slope	Area within Slope Range (acres)	Required Area per Dwelling Unit (acres/unit)*	Allowable Lots**
0 - 9.9%	11.89	1.00	11.89
10 - 14.9%	4.53	1.50	3.02
15 - 19.9%	0.00	2.00	0.00
20 - 24.9%	0.00	3.00	0.00
25 - 29.9%	0.00	4.00	0.00
30 + %	0.00	5.00	0.00
Total	16.42		14.91 = 15 lots

* Required area per dwelling is found in the density table above.

** Allowable lots is determined by dividing the area within the slope range by the required area per dwelling unit. For example, in the slope range 10-14.9% divide 4.53 (area within slope range) by 1.50 (required area per dwelling unit).

Example: 16.42 acres in the CR-40,000 zone

2. Lot Area and Lot Width. The minimum lot width shall be 40,000 square feet with a minimum 110 feet measured at the front setback.

3.4.5 SETBACK REQUIREMENTS (see Appendix for drawing)

3.4.5.1 Dwellings and other Main Buildings (Ord. 97-02, 2/25/97)

All dwellings and other main buildings shall be setback from the lot boundary lines as follows:

1. Front Yard. The minimum front yard for all main dwelling structures shall be thirty (30) feet (measured from the front property line).

2. Side Yard - Interior Lots. For single-unit detached dwellings, main buildings shall be situated on the lot to allow for a side yard on each side of the main building the aggregate width of which shall be at least thirty (30) feet. Neither side yard shall be less than twelve (12) feet.
3. Side Yard - Corner Lots. On corner lots, the front, rear and side yard requirements shall be the same as above, except that the set back on any side that faces onto a public street shall be not less than thirty (30) feet.
4. Rear Yard - Interior Lots. All main dwelling structures shall be set back from the rear property line a distance of not less than thirty (30) feet.
5. Rear Yard - Corner Lots. Rear yard set back for dwellings on corner lots shall be the same as that required for interior lots.

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

1. Setback from Main Building. Accessory buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building.
2. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
3. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
4. Side and Rear Setback - Interior Lot Line. Accessory buildings shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that no minimum rear or side setback shall be required when all the following conditions are met:
 - a. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - b. The accessory building contains no openings on the side contiguous to the lot line;
 - c. No drainage from the roof will be discharged onto an adjacent lot;
 - d. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - e. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement; and
 - f. The building will not be taller than ten (10) feet to the top of the roof line.

3.4.6 ACCESS REQUIREMENTS. Each lot shall abut upon and have direct access to an existing City maintained street or a street which has been formally accepted by action of the City Council. The distance of said abutting side shall be not less than the minimum lot width requirement of the

zone except that the length of said abutting side may be reduced to not less than eighty (80) feet when the lot abuts upon a cul-de-sac or sharp curve and the side lot lines radiate in such a manner that the width of the lot, measured between the side lot lines at the minimum front setback line will meet or exceed the minimum width requirements of the zone.

3.4.7 UTILITY REQUIREMENTS

3.4.7.1 Culinary Water. All dwellings and other structures to be used for human occupancy shall be served by the City's water system. The system serving the dwelling shall be capable of providing water to the dwelling at a volume sufficient for both culinary and fire fighting purposes and at a pressure of not less than forty (40) psi as determined by the City Engineer.

3.4.7.2 Domestic Sewage Disposal. All dwellings and other structures intended for human occupancy shall be served by the City's central sewage collection system.

3.4.8 BUILDING REQUIREMENTS

3.4.8.1 Height of Dwellings. The maximum height of any dwelling or other main building shall be thirty- four (34) feet, as determined in accordance with the provisions of Section 3.21.8 of the Alpine City Development Code. (Ord. 96-15, 12/18/96).

3.4.8.2 Height of Accessory Buildings. The maximum height of any accessory building shall be twenty (20) feet as measured from the average finished grade of the ground surface adjacent to the foundation of the structure to the top of the ridgeline.

For every one (1) foot of additional height above twenty (20) feet, an additional two (2) feet of side yard and rear yard setback will be required. The maximum height of an accessory building as measured to the ridgeline shall be thirty (30) feet.

3.4.8.3 Exceptions to Height Requirements. Chimneys, flag poles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height, provided that no such ancillary structure shall extend to a height in excess of fifteen (15) feet above the building.

3.4.8.4 Buildable Area Required (Ord. 97-02, 2/25/97)

1. Each zoning lot shall contain at least one Designated Buildable Area of not less than five thousand (5,000) sq. ft. All dwellings and other habitable structures and accessory buildings shall be located within the Designated Buildable Area.
2. Each Designated Buildable Area shall conform to the criteria for qualification as a "Buildable Area" as defined in this Ordinance. Except that the Planning Commission may approve or require the placement of the Designated Buildable Area in a location within the lot which does not conform to one or more of the criteria for Buildable Area, upon a finding that the proposed Designated Buildable Area: (1) will more adequately accommodate subsequent development of the lot, and (2) will not constitute a potential hazard to life or property, and/or (3) will serve to diminish the negative impact of subsequent development upon the lot or community (i.e. extra-ordinary construction of driveway access, mitigate visual intrusion of structure on ridge line).
3. Where considered appropriate, the Planning Commission may require a subdivider to identify a Designated Building Area on one or more of the lots within a proposed subdivision. The location of each Designated Buildable Area shall be shown upon the preliminary plan and shall also be identified and described on the final plat, together

with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area.

4. On any lot where a Designated Buildable Area is shown, the boundary of said area shall be deemed to constitute the setback requirements applicable to the lot. Where an entire lot area qualifies as a Buildable Area, no designation on the final plat shall be required.
5. Except as permitted pursuant to Paragraph 3.4.8.4.2 above, any portion of a lot which has been graded to produce a percent of slope to qualify under the Buildable Area, criteria shall be excluded from consideration as part of the Designated Buildable Area.

3.4.9 HILLSIDE PROTECTION REQUIREMENTS. Where development in the CR-40,000 zone falls within the Hillside Protection Overlay Zone, the requirements of Article 3.12.9 apply.

3.4.10 SPECIAL PROVISIONS

1. **Heliports.** The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.

ARTICLE 3.5

CE-5 CRITICAL ENVIRONMENT ZONE (Ord. 95-28, 11/28/95)

3.5.1 LEGISLATIVE INTENT AND PUBLIC PURPOSE.

The CE-5 Zone consists primarily of the more mountainous areas of the City which, because of the presence of steep slopes, unique soil characteristics, wild fire hazard or similar natural condition are considered environmentally sensitive.

It is the intent and purpose of the City Council in establishing the zone to set minimum standards for the use of land within the zone and to establish guidelines for development activities thereon which recognize and balance the following:

1. The need to preserve sensitive environmental conditions;
2. The need to mitigate potentially unsafe conditions in the area and prevent development that might increase hazards due to such conditions;
3. The rights of property owners to the reasonable use and enjoyment of their land; and,
4. The need to preserve a healthy, safe and aesthetic living environment for occupants of the zone and the surrounding community.

It is anticipated that uses in the zone will be limited to one-family dwellings in naturalistic settings with associated personal uses and structures. Such uses will be permitted in those portions of the zone which are most suitable for development activity (development cluster areas) interspersed with large and undisturbed open space areas.

3.5.2 PERMITTED USES. The following buildings, structures and uses of land shall be permitted upon compliance with the conditions set forth in this Ordinance.

1. The keeping and raising of animals and fowl for family food production or enjoyment, subject to conditions for such use as set forth in Section 3.21.9 of Supplementary Regulations of this Development Code.
2. Agriculture, including the raising of row crops, grains and fruits.
3. Customary household pets.

3.5.3 CONDITIONAL USES. The following buildings, structures, and uses of land may be permitted upon compliance with the provisions of this ordinance and after approval shall have been given from the designated review agency. However, no development will be permitted where any part of the zoning lot is above an elevation of 5350 feet mean sea level except as noted in Article 3.15 of this code.

1. Single family dwellings (Conventional construction) when proposed for placement on a lot of record existing at the time of the territory is placed into the CE-5 Zone, or a lot within a Planned Residential Development, in either case, subject to compliance with the applicable conditions within the zone and approval of a site plan by the Planning Commission.
2. Planned Residential Developments (PRD), subject to compliance with the provisions of Article 3.9 of Alpine City Development Code.
3. Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan by the Planning Commission.

4. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses and upon approval of a site plan by the Planning Commission.
5. Home Occupations, subject to the provisions of Section 3.23.7.3 of the Development Code.
6. Accessory Apartments, subject to the applicable provisions of Section 3.23.7.1 of the Development Code.
7. Guest Houses, subject to the applicable provisions of Section 3.23.7.2 of the Development Code.
8. Park and recreation enterprises when owned and operated by a public agency.
9. Plant nurseries and tree farms, but not including retail sales of materials on site.
10. Incidental Produce Stands, subject to the provisions of Section 3.23.7.4 of the Development Code. (Ord 96-05, 4/10/96)

3.5.4 AREA AND WIDTH REQUIREMENTS

There shall be no minimum area or width requirements except as may be set forth on the final plat of a Planned Residential Development. There shall be no building or impervious materials on slopes over 25%.

3.5.5 SETBACK REQUIREMENTS (see Appendix for drawing)

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

3.5.5.1 Dwellings and other Main Buildings (Ord. 97-02, 2/25/97)

All dwellings and other main buildings shall be setback from the lot boundary lines as follows:

1. Front Yard. The minimum front yard for all main dwelling structures shall be thirty (30) feet (measured from the front property line).
2. Side Yard - Interior Lots. For single-unit detached dwellings, main buildings shall be situated on the lot to allow for a side yard on each side of the main building the aggregate width of which shall be at least thirty (30) feet. Neither side yard shall be less than twelve (12) feet.
3. Side Yard - Corner Lots. On corner lots, the front, rear and side yard requirements shall be the same as above, except that the set back on any side that faces onto a public street shall be not less than thirty (30) feet.
4. Rear Yard - Interior Lots. All main dwelling structures shall be set back from the rear property line a distance of not less than thirty (30) feet.
5. Rear Yard - Corner Lots. Rear yard set back for dwellings on corner lots shall be the same as that required for interior lots.

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

1. Setback from Main Building. Accessory buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building.
2. Side Setback- Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
3. Front Setback. Accessory buildings shall not be set back less than forty (40) feet from the front property line.
4. Side and Rear Setback - Interior Lot Line. Accessory buildings shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that no minimum rear or side setback shall be required when all the following conditions are met:
 - a. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - b. The accessory building contains no openings on the side contiguous to the lot line;
 - c. No drainage from the roof will be discharged onto an adjacent lot;
 - d. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - e. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement; and
 - f. The building will not be taller than ten (10) feet to the top of the roof line.

3.5.6 ACCESS REQUIREMENTS

Each parcel shall abut upon and have direct access to an existing City maintained street or a street which has been formally accepted by action of the City Council. The distance of said abutting side shall be not less than eighty (80) feet when the lot abuts upon a cul-de-sac or sharp curve and the side lot lines radiate in such a manner that the width of the lot, measured between the side lot lines at the minimum front setback line will meet or exceed the minimum width requirements of the zone.

3.5.7 UTILITY REQUIREMENTS

3.5.7.1 Culinary Water. All dwellings and other structures to be used for human occupancy shall be served by the City's water system. The system serving the dwelling shall be capable of providing water to the dwelling at a volume sufficient for both culinary and fire fighting purposes and at a pressure of not less than forty (40) psi as determined by the City Engineer.

3.5.7.2 Domestic Sewage Disposal. All dwellings and other structures intended for human occupancy shall be served by the City's central sewage collection system.

3.5.8 BUILDING REQUIREMENTS

3.5.8.1 Height of Dwellings. The maximum height of any dwelling or other main building shall be thirty-four (34) feet as determined in accordance with the provisions of Section 3.21.8 of the Alpine City Development Code. (Ord. 96-15, 12/18/96)

3.5.8.2 Height of Accessory Buildings. The maximum height of any accessory building shall be twenty (20) feet as measured from the average finished grade of the ground surface adjacent to the foundation of the structure to the top of the ridgeline.

For every one (1) foot of additional height above twenty (20) feet, an additional two (2) feet of side yard and rear yard setback will be required. The maximum height of an accessory building as measured to the ridgeline shall be thirty (30) feet.

3.5.8.3 Exceptions to Height Requirements. Chimneys, flag poles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height, provided that no such ancillary structure shall extend to a height in excess of fifteen (15) feet above the building.

3.5.8.4 Buildable Area Required (Ord 97-02, 2/25/97)

1. Each lot shall contain at least one Designated Buildable Area of not less than five thousand (5,000) sq. ft. All dwellings and other habitable structures and accessory buildings shall be located within the Designated Buildable Area.
2. Each Designated Buildable Area shall conform to the criteria for qualification as a "Buildable Area" as defined in this Ordinance. Except that the Planning Commission may approve or require the placement of the Designated Buildable Area in a location within the lot which does not conform to one or more of the criteria for buildable area, upon a finding that the proposed Designated Buildable Area: (1) will more adequately accommodate subsequent development of the lot, and (2) will not constitute a potential hazard to life or property, and/or (3) will serve to diminish the negative impact of subsequent development upon the lot or community (i.e. extra-ordinary construction of driveway access, mitigate visual intrusion of structure on ridge line).
3. Where considered appropriate, the Planning Commission may require a subdivider to identify a Designated Building Area on one or more of the lots within a proposed subdivision. The location of each Designated Buildable Area shall be shown upon the preliminary plan and shall also be identified and described on the final plat, together with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area.
4. On any lot where a Designated Buildable Area is shown, the boundary of said area shall be deemed to constitute the setback requirements applicable to the lot. Where an entire lot area qualifies as a buildable area, no designation on the final plat shall be required.
5. Except as permitted pursuant to Paragraph 3.5.8.4.2 above, any portion of a lot which has been graded to produce a percent of slope to qualify under the buildable area, criteria shall be excluded from consideration as part of the Designated Buildable Area.

3.5.9 HILLSIDE PROTECTION REQUIREMENTS. Where development in the CE-5 zone falls within the Hillside Protection Zone, the requirements of Article 3.12.9 apply.

3.5.10 SPECIAL PROVISIONS

1. **Heliports.** The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.

ARTICLE 3.6 CE-50 CRITICAL ENVIRONMENT ZONE DISTRICT (Ord. 98-23,11-24-98)

3.6.1 LEGISLATIVE INTENT AND PUBLIC PURPOSE.

- A. The CE-50 Zone consists primarily of the more mountainous areas of the City which are considered environmentally sensitive because of the presence of steep slopes, unique soil and vegetative characteristics, mountain water courses, or similar natural conditions. Land within the zone has historically been the location of wildfire, floods, rock falls, landslides, soil erosion and other natural hazards. Much of the zone forms the recharge area for culinary aquifers, and critical winter range essential to wildlife. Of high importance is maintaining the scenic quality of the mountain areas. This encompasses all future annexation areas above an elevation of 5350 feet and other lands as designated by the City Council.
- B. It is the intent and purpose of the City Council in establishing the zone to set minimum standards for the use of land within the zone and to establish guidelines for development activities thereon which recognize and balance the following:
 - 1. The need to preserve sensitive environmental conditions;
 - 2. The need to mitigate potentially unsafe conditions in the area and prevent development that might increase hazards due to such conditions;
 - 3. The rights of property owners to the reasonable use and enjoyment of their land; and
 - 4. The need to preserve a healthy, safe and aesthetic living environment for occupants of the zone and the surrounding community.

It is anticipated that uses in the zone will be limited to single-family dwellings in naturalistic settings with associated personal uses and structures. Such uses will be permitted in those portions of the zone which are most suitable for development activity (housing placement) interspersed with large and undisturbed open space areas.

3.6.2 CONDITIONAL USES. The following buildings, structures, and uses of land may be permitted upon compliance with the provisions of this ordinance and after approval shall have been given from the designated review agency.

- 1. Single family dwellings (Conventional construction) when proposed for placement on a lot of record existing at the time the territory is placed into the CE-50 Zone, or a lot within a Planned Residential Development, in either case, subject to compliance with the applicable conditions within the zone and approval of a site plan by the Planning Commission.
- 2. Planned Residential Developments (PRD), subject to compliance with the provisions of Article 3.9 of the Alpine City Development Code.
- 3. Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan by the Planning Commission.
- 4. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses and upon approval of a site plan by the Planning Commission.
- 5. Home Occupations, subject to the provisions of Section 3.23.7.3 of the Alpine City Development Code.
- 6. Accessory Apartments, subject to the applicable provisions of Section 3.23.7.1 of the Alpine City Development Code.

7. Public and private park and recreation enterprises when approved by City Council.
8. Agricultural uses and animal rights as set forth in Section 3.21.9 of the Supplementary Regulations or as approved by City Council.
9. Customary household pets.

3.6.3 AREA AND WIDTH REQUIREMENTS

There shall be no minimum area or width requirements except as may be set forth on the final plat of a Planned Residential Development. There shall be no building or impervious materials on average slopes over 25%. A zoning lot with an average slope of 25% or more is not buildable.

3.6.4 SETBACK REQUIREMENTS (see Appendix for drawing)

3.6.4.1 Dwellings and other Main Buildings (Ord. 97-02, 2/25/97)

All dwellings and other main buildings shall be setback from the lot boundary lines as follows:

1. Front Yard. The minimum front yard for all main dwelling structures shall be thirty (30) feet (measured from the front property line).
2. Side Yard - Interior Lots. For single-unit detached dwellings, main buildings shall be situated on the lot to allow for a side yard on each side of the main building the aggregate width of which shall be at least thirty (30) feet. Neither side yard shall be less than twelve (12) feet.
3. Side Yard - Corner Lots. On corner lots, the front, rear and side yard requirements shall be the same as above, except that the set back on any side that faces onto a public street shall be not less than thirty (30) feet.
4. Rear Yard - Interior Lots. All main dwelling structures shall be set back from the rear property line a distance of not less than thirty (30) feet.
5. Rear Yard - Corner Lots. Rear yard set back for dwellings on corner lots shall be the same as that required for interior lots.

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

1. Setback from Main Building. Accessory buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building.
2. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
3. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.

4. Side and Rear Setback - Interior Lot Line. Accessory buildings shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that no minimum rear or side setback shall be required when all the following conditions are met:
 - a. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - b. The accessory building contains no openings on the side contiguous to the lot line;
 - c. No drainage from the roof will be discharged onto an adjacent lot;
 - d. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - e. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement; and
 - f. The building will not be taller than ten (10) feet to the top of the roof line.

3.6.5 ACCESS REQUIREMENTS

Each parcel shall abut upon and have direct access to an existing City maintained street or a street which has been formally accepted by action of the City Council. The distance of said abutting side shall be not less than eighty (80) feet when the lot abuts upon a cul-de-sac or sharp curve and the side lot lines radiate in such a manner that the width of the lot, measured between the side lot lines at the minimum front setback line will meet or exceed the minimum width requirements of the zone.

3.6.6 UTILITY REQUIREMENTS

- 3.6.6.1 **Culinary Water.** All dwellings and other structures to be used for human occupancy shall be served by the City's water system. The system serving the dwelling shall be capable of providing water to the dwelling at a volume sufficient for both culinary and fire fighting purposes and at a pressure of not less than forty (40) psi as determined by the City Engineer.
- 3.6.6.2 **Domestic Sewage Disposal.** All dwellings and other structures intended for human occupancy shall be served by the City's central sewage collection system.

3.6.7 BUILDING REQUIREMENTS

- 3.6.7.1 **Height of Dwellings.** The maximum height of any dwelling or other main building shall not exceed twenty-five (25) feet in height from the lowest elevation of finished or natural grade, whichever is most restrictive, to the top of the structure, nor will it be placed on any ridge line or protrude against the skyline when viewed from any major roadway in Alpine classified as collector or greater in intensity, as determined in accordance with the provisions of the Hillside Protection Ordinance, Article 3.15 of the Alpine City Development Code. (Ord. 98-10, 8/28/98)
- 3.6.7.2 **Height of Accessory Buildings.** The maximum height of any accessory building shall be twenty (20) feet as measured from the average finished grade of the ground surface adjacent to the foundation of the structure to the top of the ridgeline.

For every one (1) foot of additional height above twenty (20) feet, an additional two (2) feet of side yard and rear yard setback will be required. The maximum height of an accessory building as measured to the ridgeline shall be thirty (30) feet.

3.6.7.3 Exceptions to Height Requirements. Chimneys, flag poles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height, provided that no such ancillary structure shall extend to a height in excess of fifteen (15) feet above the building.

3.6.7.4 Buildable Area Required (Ord 97-02, 2/25/97)

1. Each lot shall contain at least one Designated Buildable Area of not less than five thousand (5,000) sq. ft. All dwellings and other habitable structures and accessory buildings shall be located within the Designated Buildable Area.
2. Each Designated Buildable Area shall conform to the criteria for qualification as a "Buildable Area" as defined in this Ordinance. Except that the Planning Commission may approve or require the placement of the Designated Buildable Area in a location within the lot which does not conform to one or more of the criteria for buildable area, upon a finding that the proposed Designated Buildable Area: (1) will more adequately accommodate subsequent development of the lot; and (2) will not constitute a potential hazard to life or property; and/or (3) will serve to diminish the negative impact of subsequent development upon the lot or community (i.e. extra-ordinary construction of driveway access, mitigate visual intrusion of structure on ridge line).
3. Where considered appropriate, the Planning Commission may require a subdivider to identify a Designated Building Area on one or more of the lots within a proposed subdivision. The location of each Designated Buildable Area shall be shown upon the preliminary plan and shall also be identified and described on the final plat, together with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area.
4. On any lot where a Designated Buildable Area is shown, the boundary of said area shall be deemed to constitute the setback requirements applicable to the lot. Where an entire lot area qualifies as a buildable area, no designation on the final plat shall be required.
5. Except as permitted pursuant to Paragraph 3.6.7.4.2 above, any portion of a lot which has been graded to produce a percent of slope to qualify under the buildable area. Criteria shall be excluded from consideration as part of the Designated Buildable Area.

3.6.8 HILLSIDE PROTECTION REQUIREMENTS. Where development in the CE-50 zone falls within the Hillside Protection Zone the requirements of Article 3.12.9 apply.

ARTICLE 3.7 BUSINESS/COMMERCIAL DISTRICT (B-C) (Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

3.7.1 LEGISLATIVE INTENT

The intent in establishing the B-C Business Commercial Zone is to provide an area in which the primary use of land is for retail and other commercial uses serving the immediate needs of Alpine residents and situated within an environment, which is safe and aesthetically pleasing. The zone is also intended to serve as the commercial core of the City.

The zone is characterized by a mixture of retail and service commercial uses such as stores, restaurants, office structures and a wide variety of specialty shops and is generally located adjacent to major transportation arteries.

Manufacturing, residential and other uses and other activities, which would be inconsistent with the use of the land for commercial activities are discouraged or not permitted within the zone.

The specific regulations considered necessary for the accomplishment of the intent of the zone are hereinafter set forth.

3.7.2 PERMITTED USES

The following uses of land shall be permitted upon compliance with the applicable standards and conditions set forth in this ordinance.

1. General retail stores and shops providing goods and services for sale at retail in the customary manner, provided that all storage and sales activity shall be contained within a building; also, manufacturing and processing activities which are an integral part of and incidental to the retail establishment.
2. Office buildings and medical clinics.
3. Personal service establishments such as barber and beauty shops, shoe repair, laundries and similar establishments.
4. Automotive service establishments, including gasoline dispensing facilities, car washes, and parking.
5. Recreational enterprises including but not limited to recreation centers, motion picture theaters, athletic clubs.
6. Funeral homes.
7. Single-unit detached dwellings when located on a lot in a recorded subdivision and subject to compliance with the applicable conditions within the zone.
8. Residential structures, provided that said structure existed as a residence prior to the effective date of this chapter. Also, customary residential accessory structures (i.e. swimming pools, detached garages, private greenhouses etc.) when appurtenant to and on the same lot as a residence.
9. Residential structures located within or on the same premises as a permitted or conditional commercial use. Both residential and commercial buildings will be considered main buildings and will be required to meet the main building setbacks when on the same premises.
10. Accessory uses and structures shall be permitted provided they are incidental to and do not

substantially alter the character of the permitted principle use or structure. Such permitted accessory uses and structures include, but are not limited to, buildings such as garages, carports, equipment and supply storage buildings which are customarily used in conjunction with and incidental to a principle use or structure permitted in the B-C Zone.

11. Agriculture, including the raising of row crops, grains and fruits and the incidental pasturage of animals. See Section 3.21.9.
12. Other uses which are determined by the Planning Commission to be similar to and compatible with the foregoing uses and in harmony with the intent of the zone.
13. Water, sewer and utility transmission lines and facilities required as an incidental part of development within the zone, and subject to the approval of a site plan by the Planning Commission.
14. Motor vehicle roads and rights-of-way subject to compliance with City standards for design and construction for such uses, and upon approval of site plan by the Planning Commission.
15. Customary household pets.
16. The keeping and raising of animals and fowl, subject to the provisions of Article 3.21.9 of the Development Code.

3.7.3 CONDITIONAL USES

The following buildings, structures and uses of land shall be permitted upon compliance with the requirements set forth in this Ordinance and after approval has been given by the designated reviewing agencies (Approval of other agencies or levels of government may be required.):

1. Planned Commercial Developments Projects which are designed, approved, constructed and maintained in accordance with the provisions of Article 3.10 Development Code.
2. Commercial Condominium Projects subject to the applicable provisions of law relating thereto.
3. Hotels and motels.
4. Schools, churches, hospitals (human care), nursing homes and other similar quasi-public buildings subject to approval by the Planning Commission.
5. Civic Buildings. (Ord. 95-10, 4/25/9)
6. Restaurants, provided that any such facility providing drive-up window service shall also include an area for inside service to patrons in an amount not less than fifty (50%) of the total floor area of the structure. In addition, the following shall apply to restaurants. (Ord. 97-05, 5/27/97)
 1. A traffic analysis shall be provided as part of the conditional use application.
 2. The drive-up window and driveway shall be unobtrusive and be screened from the street by berming and landscaping.
 3. Odors and noise shall be controlled as to not have an adverse impact on any nearby residential structures.
 4. Restaurants must comply with provisions of the sign ordinance.

5. Restaurants must comply with the landscaping and design provisions in the B-C zone.
6. Any drive-through window must be located on the side of the restaurant building which does not abut a public street and must be screened from the street side with berming and landscaping.
7. Any drive-through window must have a stacking lane which will accommodate at least six cars off of the public street.
7. Single family dwellings (conventional construction) when proposed for placement on a lot not in a recorded subdivision, subject to compliance with the applicable conditions within the zone and approval of a site plan by the Planning Commission.
8. Seasonal sales such as produce or Christmas trees provided a business license is obtained from Alpine City.
9. Sexually-oriented businesses are a conditional use in the Business Commercial (BC) zone and are subject to the provisions of this chapter, including (Ord. 2010-07, 5/11/10):
 1. No sexually-oriented business shall be located within:
 - a. One thousand (1,000) feet of a school, day care facility, public park, library, and religious institution;
 - b. Four hundred (400) feet of any residential use (no matter which zoning district) or residential zoning boundary;
 - c. One thousand (1,000) feet of a liquor store; and
 - d. One thousand (1,000) feet of any other sexually-oriented business.

For the purposes of this section, distance shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the sexually-oriented business is located, and:

- a. The closest property line of any school, day care facility, public park, library, and religious institution;
 - b. The nearest property line of any residential use or residential zone;
 - c. The nearest property line of any liquor store; and
 - d. The closest exterior wall of another sexually-oriented business.
10. Home occupations, subject to the provisions of Section 3.23.7.3 of the Development Code.
11. Accessory apartments, subject to the provisions of Section 3.23.7.1 of the Development Code.
12. Mechanical Automotive Repair Shops
 1. Odors and noise shall be controlled as to not have an adverse impact on any nearby structures.
 2. There shall be no more than 4 automobile bays.
 3. No automobiles shall be stored on the property for more than 14 days.
 4. Mechanical automotive repair shops shall comply with the regulations of the applicable entities including but not limited to the State of Utah, Timpanogos Service

District, Lone Peak Fire Marshall, and Environmental Protection Agency.

5. Mechanical automotive repair shops must abut directly upon and have access to Main Street (south of southern property line of the property located at 30 South Main Street) or Canyon Crest Road within the Business Commercial zone.
6. Mechanical auto repair shops shall comply with the off-street parking requirements excepting there shall be no more than 3 parking spaces provided per bay.
7. Mechanical automotive repair shops shall conform to the provisions of the Gateway/Historic Zone (Article 3.11).

3.7.4 AREA AND WIDTH REQUIREMENTS

3.7.4.1 Lot Occupied by a Dwelling Structure

1. Lot Size. The minimum lot area for a single-unit dwelling shall be 10,000 square feet (Amended by Ord. 94-06).
2. Lot Coverage. No lot within the BC Zone may have more than fifty (50) percent of its land area covered by buildings or other impervious material.
3. Lot Width. The minimum width of any lot for a dwelling shall be ninety (90) feet, measured at the required front yard set back line.

3.7.4.2 Lot Occupied by an Office and Commercial Structure

There shall be no minimum lot area or width requirements except that an area sufficient to accommodate the structure, landscaped areas, minimum setback, required off-street parking, loading and unloading, vehicular ingress and egress shall be provided and maintained.

3.7.5 LOCATION REQUIREMENTS (Amended by Ord. 98-05, 3/10/98)

All buildings shall comply with the following setbacks:

1. Front setback shall be not less than thirty (30) feet from the property line on all streets. No portion of the setback area adjacent to a street shall be used for off-street parking.
2. In commercial developments adjacent to other commercial areas, the side yard and rear yard setbacks will be not less than 20 feet unless recommended by the Planning Commission and approved by the City Council where circumstances justify.
3. Where a commercial zone abuts a residential zone, the side yard and rear yard setbacks will be not less than 20 feet unless recommended by the Planning Commission and approved by the City Council where circumstances justify.
4. A lot occupied by a dwelling structure shall comply with the setback requirements set forth in the TR-10,000 zone (Section 3.2.5.1) unless recommended by the Planning Commission and approved by the City Council where circumstances justify.

3.7.6 ACCESS REQUIREMENTS

Each lot shall abut directly upon and have access to a City street which is improved in accordance with City street improvement standards.

3.7.7 UTILITY REQUIREMENTS

- 3.7.7.1 Culinary Water.** All dwellings and other structures to be used for human occupancy shall be served by the City's water system. The system serving the dwelling shall be capable of providing water to the dwelling at a volume sufficient for both culinary and fire fighting purposes and at a pressure of not less than forty (40) psi as determined by the City Engineer.
- 3.7.7.2 Domestic Sewage Disposal.** All dwellings and other structures intended for human occupancy shall be served by the City's central sewage collection system.

3.7.8 SPECIAL PROVISIONS

1. Uses Within Buildings. All commercial activities and storage shall be conducted entirely within a fully enclosed building, except those uses deemed by the City to be customarily and appropriately conducted in the open, including, but not limited to, gasoline dispensing, plant nursery displays, temporarily parked automobiles in need of repair, temporary sale of Christmas trees, etc.
2. Site Plan to Be Approved For All New Commercial Uses. Prior to the establishment of a new commercial use or the construction of a new building, a site plan shall be submitted, reviewed and recommended by the Planning Commission and approved by the City Council. (Amended by Ord. 2004-13, 9/28/04).
3. Off-street Parking. Off -street parking area which requires backing from the off-street parking space onto the street right-of-way in order to exit shall not be permitted. All ingress and egress shall be by forward motion only.

All points of ingress and egress to a commercial use or off-street parking areas shall be as shown on the site plan and shall be located not less than forty (40) feet from any intersection of public streets.

All off-street parking areas shall be hard-surfaced and shall be bordered by a curb or other barrier.

The number of required parking spaces and other particulars about the design and construction of off-street parking shall conform to the provisions of Article 3.24 of this ordinance.

4. Trash Storage. Adequate facilities for the disposal of solid waste shall be provided. All containers for the temporary storage and disposal solid waste material shall be of a size, type and quantity approved by the City shall be maintained in a location as shown on the Site Plan.
5. Storage Containers. The use of any portable unit, pod, or similar type of storage container is prohibited in this zone unless approved by the city.
6. Surface Water Drainage to be Retained On-site. All additional surface drainage generated as a result of development activity shall be disposed of on-site, as determined by the City Engineer.
7. Height of Buildings. The maximum height of any dwelling or other main building shall be thirty-four (34) feet, as determined in accordance with the provisions of Article 3.21.8 of the Development Code. (Ord. 96-15, 12/18/96).
8. Landscaping Required. As a means of mitigating safety hazards or adverse visual impacts all

areas of the site not devoted to buildings or off street parking shall be landscaped. The landscaped area shall be not less than twenty (20) percent of the total area of the site. In addition to all other plan elements, the site plan shall contain a landscape plan showing the location, type and initial size of all planting materials and other landscape features, and the location of the proposed sprinkler system.

9. Design of Commercial Structures. Commercial buildings shall comply with the following architectural design criteria. (Preliminary architectural design drawings of all building elevations shall be presented to the Planning Commission for review).
 1. The exterior of all commercial buildings shall be finished predominantly with wood and/or brick, stucco, stone or similar materials in accordance with guidelines in the Historical/Commercial/Residential Ordinance. Pitched roofs are preferred.
 2. The architectural styles of the business district should be consistent and harmonious. The style of building design and trim should be compatible with the relatively uncomplicated rural, small town character of Alpine. Extremely irrelevant, contrived or inconsistent styles will be discouraged.
10. Water Rights Conveyance Requirements. Water rights shall be conveyed to the City in accordance with the provisions of Article 3.21.7 of the Development Code.
11. Nuisances Prohibited. No land or building shall be used in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard, noise, or vibration, smoke, dust, odor, or other form of air pollution; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to adversely affect the surrounding area or adjoining premises.
12. Accessory Buildings. All accessory buildings shall be located in accordance with the following (Ordinance 2002-13) (Amended by Ord. 2006-14, 9/12/06; Ord. 2010-03, 8/24/10):
 1. Setback from main building. Accessory buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building.
 2. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
 3. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
 4. Side and Rear Setback - Interior Lot Line. Accessory buildings shall be set back no less than ten (10) feet from the rear lot line and five (5) feet from the side lot line, except that no minimum rear or side setback shall be required when all the following conditions are met:
 - a. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - b. The accessory building contains no openings on the side contiguous to the lot line;
 - c. No drainage from the roof will be discharged onto an adjacent lot;

- d. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - e. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement; and
 - f. The building will not be taller than ten (10) feet to the top of the roof line.
5. Accessory Building Height. The maximum height of any accessory building shall be twenty (20) feet as measured from the average finished grade of the ground surface adjacent to the foundation of the structure to the top of the ridge line.
- 1. Exceptions to the Height Requirement. Chimneys, flag poles, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height, provided that no such ancillary structure shall extend to a height in excess of fifteen (15) feet above the building.
 - 2. Additional Accessory Building Height. For every one (1) foot of additional height above twenty (20) feet, an additional two (2) feet of side yard and rear yard setback will be required. The maximum height of the accessory building as measured to the ridgeline shall be thirty (30) feet.
13. Heliports. The installation of a heliport for the use of a helicopter or other manned rotary wing aircrafts capable of vertical takeoff or landing is prohibited.

ARTICLE 3.8

Reserved

ARTICLE 3.9 PLANNED RESIDENTIAL DEVELOPMENTS (PRD) (Ord. No. 95-04, 2/28/95; Amended Ord. No. 95-28, 11/28/95; Ord No. 2001-10, 4/10/01; Ord. No. 2004-13, 9/28/04; Ord. No. 2011-04, 01/11/11; Ord. No. 2012-10, 12/11/12; Ord. No. 2014-14, 09/09/14; Ord. No. 2015-11, 07/28/15)

3.9.1 PURPOSE AND INTENT

It is hereby declared to be the intent and purpose of the City Council in authorizing and establishing provisions relating to Planned Residential Developments (PRD):

1. To provide an alternative form of development for residential housing projects within the City which permits increased flexibility and encourages the preservation of open space and ingenuity in design while preserving a quality of residential amenities equal or superior to that possible under conventional subdivision requirements. In order to qualify for approval as a PRD, the proposed project must demonstrate that it will:
 - A. adequately recognize and incorporate natural conditions present on the site;
 - B. efficiently utilize the land resources and provide increased economy to the public in the delivery of municipal services and utilities;
 - C. provide increased variety in the style and quality of residential dwellings available within the City;
 - D. preserve open space to meet the recreational, scenic, and public service needs; and
 - E. do all the above in a manner which is consistent with the objectives of the underlying zone and under conditions which will result in the creation of residential environments of sustained desirability.
2. To establish criteria and standards for the design of PRD projects by developers and also guidelines for evaluation by the City. It shall be the City's sole discretion to decide if a project should be a PRD within the intent of the ordinance as noted above. The Planning Commission shall make a recommendation to the City Council and the City Council shall make the final decision in deciding whether a project should be a PRD prior to a concept approval being given.
3. To set forth the duties and responsibilities of developers and residents with respect to the approval, construction, and maintenance of such projects.
4. To clearly establish the relationship of the City and the developer with respect to the review and approval of such projects.
5. PRDs are permitted only in the CR-20,000, CR-40,000, CE-5, and CE-50 zones.

3.9.2 PERMITTED USES. The following buildings, structures, and uses of land may be permitted within a PRD:

1. Any use permitted within the underlying zone and those authorized under this section.
2. Common areas and recreational facilities (public and private) including, but not limited to, golf courses, swimming pools, tennis courts, club houses, recreational buildings, landscape parks and similar recreational facilities for the use and enjoyment of the residents.
3. Streets, fences, walls, utility systems and facilities, common storage areas, ponds, landscape features and similar uses and structures incidental to the main use.

3.9.3 MINIMUM PROJECT AREA. No minimum project area will be required. (Amended by Ord. 2012-10, 12/11/12)

3.9.4 OPEN SPACE (Amended by Ord. No. 2005-02, 2/8/05; Ord. No. 2014-14, 9/9/14; Ord. No. 2015-05, 04/14/15)

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

Minimum Open Space Required

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

2. The designated open space areas may include natural open space, (applicable to steep hillside, wetland, flood plain area etc.) and developed useable open space areas, or a combination thereof.
3. Notwithstanding the minimum open space requirements set forth under Section 3.9.4 #1, the designated open space area shall include and contain all 100 year flood plain areas, defined floodways, all avalanche and rock fall hazard areas, all areas having a slope of twenty five (25) percent or greater, or any other area of known significant physical hazard for development.
 - A. An exception may be made with a recommendation by the Planning Commission to the City Council with the final determination to be made by the City Council that up to 5% of an individual lot may contain ground having a slope of more than 25% in the CR-20,000 and CR-40,000 zones as long as the lot can meet current ordinance.
 - B. An exception may be made that an individual lot may contain up to 15% of the lot having a slope of more than 25% in the CE-5 and CE-50 zone as long as the lot can meet current ordinance without the exception. The exception shall be recommended by the City Engineer to the Planning Commission, and a recommendation by the Planning Commission to the Alpine City Council with the final determination to be made by the City Council. (Ord. 2005-02, 2/8/05)
 - C. An exception may be made with a recommendation by the Planning Commission to the City Council with the final determination to be made by the City Council that an individual lot may contain up to another 5% of the lot (on top of the percentage as mentioned in Sections 3.9.4.3.A or 3.9.4.3.B) having a slope of more than 25% if it can be shown that the extra percentage of area acquired is being used to straighten and eliminate multiple segmented property lines as long as the lot can meet current ordinance.
4. The designated open space area shall be maintained so that its use and enjoyment as open space are not diminished or destroyed. The City will have sole discretion in determining if open space is held in private or public ownership. To assure that all designated open space area will remain as open space, the applicants/owners shall:
 - A. Dedicate or otherwise convey title to the open space area to the City for open space

purposes;

- B. Convey ownership of the open space area to the homeowners association established as part of the approval of the PRD or to an independent open space preservation trust organization approved by the City.

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

- C. A combination of A and B above.

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

3.9.5 DENSITY - DETERMINATION OF MAXIMUM BASE DENSITY - DENSITY BONUS PERMITTED

1. Maximum Total Density of Project. The total number of dwelling units permitted in a PRD (Maximum Total Density) shall be the sum of the Maximum Base Density Units, determined in accordance with the provisions of Paragraph 2 below, plus any Density Bonus Units which may be approved in accordance with the provisions of Paragraph 3 below.
2. Base Density. The Base Density for a project area shall be determined by the City upon a detailed slope analysis of the proposed project area in accordance with the following schedule. Calculations ending a fraction shall be rounded to the nearest whole number.

Base Density (in acres per dwelling unit)

Percent of Slope	CR-20,000	CR-40,000	CE-5	CE-50
0 - 9.9%	.58 acre/unit	1.00 acre/unit	5.00 acres/unit	50.00 acres/unit
10 – 14.9%	.86 acre/unit	1.50 acres/unit	7.50 acres/unit	50.00 acres/unit
15 – 19.9%	1.15 acres/unit	2.00 acres/unit	15.00 acres/unit	50.00 acres/unit
20 – 24.9%	1.72 acres/unit	3.00 acres/unit	30.00 acres/unit	50.00 acres/unit
25 – 29.9%	2.30 acres/unit	4.00 acres/unit	50.00 acres/unit	50.00 acres/unit
30+%	5.00 acres/unit	5.00 acres/unit	50.00 acres/unit	50 acres/unit

Example of Base Density Slope Calculations (amended by Ord. 2004-13 on 9/28/04)

Example: 25 acres in the CR-20,000 zone

Percent of Slope	Area within Slope Range (acres)	Required Area per Dwelling Unit (acres)*	Allowable Lots**
0 - 9.9%	7.5	0.58	12.93103448
10 - 14.9%	5.5	0.86	6.395348837
15 - 19.9%	4	1.15	3.47826087
20 - 24.9%	3.5	1.72	2.034883721
25 - 29.9%	2.5	2.3	1.086956522
30 + %	2	5	0.4
Total	25		26.3

* Required area per dwelling is found in the table under Section 3.9.5 #2.

** Allowable lots is determined by dividing the area within the slope range by the required area per dwelling unit. For example, in the slope range 0-9.9% divide 7.5 (area within slope range) by 0.58 (required area per dwelling unit).

3. Bonus Density.

A bonus density may be granted by the City Council to a PRD project subject to the prior recommendation of the Planning Commission and a finding that the density bonus is justified. The maximum bonus density eligible for award for a specific project shall be as set forth in the following schedule. The cumulative maximum bonus amount shall not exceed the percentages shown in the public open space column in the following schedule.

Maximum Bonus Amount

Zone District	Percentage of Base Density	
	Public Open Space	Private Open Space
CR-20,000	20%	10%
CR-40,000	25%	10%
CE-5	30%	10%
CE-50	0%	0%

- A. Natural Open Space Bonus Density. Any award of bonus density for natural open space shall be as determined by the City in accordance with the following density bonus criteria.

By providing additional natural open space in excess of the minimum requirement, a developer may receive 1% of the base density for each 1% of additional natural open space dedicated. Private open space will receive 50% less bonus density.

Examples of Bonus Density

25 acres in the CR-20,000 zone with 5% slope and developer donates additional 2.5 acres of natural open space.

Base Density:

To determine the base density, divide 25 (area within slope range) by 0.58 (required area per dwelling unit). Base Density = $25/0.58 = 43.103$. Round to the nearest whole number and base density is 43 lots.

Bonus Density:

If the developer donates 2.5 acres (10% of total acreage) of additional land as natural open space, he will receive a 10% bonus (1% of additional natural open space = 1% of the base density as a bonus). To calculate the bonus density, multiply 43 lots (base density) by 10% which equals 4.3. Round to the nearest whole number and the bonus density is 4 lots for a total of 47 lots (43 base density lots + 4 bonus density lots).

25 acres in the CR-40,000 zone with 5% slope and developer donates additional 2.5 acres of natural open space.

Base Density:

To determine the base density, divide 25 (area within slope range) by 1.00 (required area per dwelling unit). Base Density = $25/1.00 = 25$. Base density is 25 lots.

Bonus Density:

If the developer donates 2.5 acres (10% of total acreage) of additional land as natural open space, he will receive a 10% bonus (1% of additional natural open space = 1% of the base density as a bonus). To calculate the bonus density, multiply 25 lots (base density) by 10% which equals 2.5. Round to the nearest whole number and the bonus density is 3 lots for a total of 28 lots (25 base density lots + 3 bonus density lots).

B. Developed Open Space Bonus

Developed useable open space shall be determined on a case-by-case basis and evaluated by the Planning Commission. Development may include one or more of the following or other items as the Planning Commission may determine: landscaping, including lawns, trees, shrubbery, sprinkler systems, drip watering systems, etc.; other amenities may include such things as park benches, playground equipment, walking paths, etc.

By providing additional developed useable open space in excess of the minimum requirement, a developer may receive 3% of the base density as a bonus for each 1% of additional developed useable open space dedicated. Private open space will receive 50% less bonus density.

Examples of Developed Open Space Bonus

25 acres in the CR-20,000 zone with 5% slope and developer donates additional 1 acre of developed open space.

Base Density:

To determine the base density, divide 25 (area within slope range) by 0.58 (required area per dwelling unit). Base Density = $25/0.58 = 43.103$. Round to the nearest whole number and the base density is 43 lots.

Bonus Density:

If the developer donates 1 acre (4% of total acreage) of additional developed open space, he will receive a 12% bonus (for each 1% of additional developed open space, the developer may receive 3% of the base density as a bonus – 4% extra is being given so $4\% \times 3\% = 12\%$). To calculate the bonus density, multiply 43 lots (base density) by 12% which equals 5.16. Round to the nearest whole number and the bonus density is 5 lots for a total of 48 lots (43 base density lots + 5 bonus density lots).

25 acres in the CR-40,000 zone with 5% slope and developer donates additional 1 acre of developed open space.

Base Density:

To determine the base density, divide 25 (area within slope range) by 1.00 (required area per dwelling unit). Base Density = $25/1.00 = 25$. Round to the nearest whole number and the base density is 25 lots.

Bonus Density:

If the developer donates 1 acre (4% of total acreage) of additional land as developed open space, he will receive a 12% bonus (for each 1% of additional developed open space, the developer may receive 3% of the base density as a bonus – 4% extra is being given so $4\% \times 3\% = 12\%$). To calculate the bonus density, multiply 25 lots (base density) by 12% which equals 3. Round to the nearest whole number and the bonus density is 3 lots for a total of 28 lots (25 base density lots + 3 bonus density lots).

The developed open space bonus may be used in conjunction with the natural open space bonus in any combination up to the maximum bonus allowed.

3.9.6 DWELLING CLUSTERS - LOT SIZE - BUILDABLE AREA - SETBACK

1. All lots shall be located within a designated development cluster. A project may contain more than one development cluster. Each cluster shall contain not less than three (3) separate lots (except for developments having fewer than 3 lots for the entire development). Where a project contains land located within and outside the Sensitive Lands Overlay Zone, development clusters will be located outside of the Sensitive Lands Overlay Zone, to the maximum extent possible. No portion of lots within a PRD shall be located on lands which are required to be designated as open space.

2. (Ord. 97-23: 9/24/97) The size of each individual lot shall conform to the following:

Minimum Lot Size

Zone District	Minimum Lot Size
CR-20,000	10,000 square feet
CR-40,000	20,000 square feet
CE-5	20,000 square feet
CE-50	N/A

3. (Ord 97-02, 2/25/97). Each individual lot shall contain at least one Designated Buildable Area of not less than five-thousand (5,000) square feet. All dwellings and other habitable structures and accessory buildings shall be located within the Designated Buildable Area.

- A. Each Designated Buildable Area shall conform to the criteria for qualification as a "buildable area" as defined in this ordinance. Except that the Planning Commission may approve or require the placement of the Designated Buildable Area in a location within the lot which does not conform to one or more of the criteria for buildable area, upon a finding that the proposed Designated Buildable Area:
 1. will more adequately accommodate subsequent development of the lot,
 2. will not constitute a potential hazard to life or property, and
 3. will serve to diminish the negative impact of subsequent development upon the lot or community (i.e. extraordinary construction of driveway access, mitigate visual intrusion of structure on ridge line).
 - B. The location of each Designated Buildable Area shall be designated upon the preliminary plan and shall also be identified and described on the final recorded plat, together with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area.
 - C. Where a Designated Buildable Area is shown on a lot, the boundary of said area shall constitute the Designated Setback envelope applicable to the lot. Where an entire lot area qualifies as a Buildable Area no designation on the final plat shall be required.
 - D. Except as permitted pursuant to Paragraph 3.9.6.3 Item A above, any portion of a lot which has been graded to produce a percent of slope to qualify under the Buildable Area criteria shall be excluded from consideration as part of the Designated Buildable Area.
 - E. The Designated Buildable Area may be amended by the City Planner and City Engineer as long as the minimum setback requirements of the underlying zone are met. (Ord. 2004-13, 9/28/04)
4. Each dwelling in the project shall be setback from the property line in accordance with the setback lines as shown on the approved plat (Designated Setback Envelope). The Designated Setback Envelope shall be established in accordance with the following (setbacks are measured from the property line to the nearest foundation):
 - A. Front Yard. The minimum front yard setback shall be thirty (30) feet.
 - B. Side Yard - Corner Lots. On corner lots, the side that faces onto a public street shall be not less than thirty (30) feet.
 - C. Side Yard – Interior Lots. The minimum side yard setbacks for interior lots shall be an aggregate of thirty (30) feet with no less than twelve (12) feet on a side.
 - D. Rear Yard. The minimum rear yard setback shall be thirty (30) feet.

Subject to the prior recommendation of the Planning Commission, the City Council may approve an exception to the Designated Setback Envelope standards above for one or more lots within a PRD project, upon a finding that such exception is appropriate for the proper development of the lot and that the exception will not result in the establishment of a hazardous condition.

Where no designated building envelope is provided, the setbacks shall be the same as the minimum requirements within the underlying zone.

5. The maximum height of any dwelling or other main building shall be thirty-four (34) feet, as determined in accordance with the provisions of Section 3.21.8 of this Ordinance, (Ord. 96-15, 12/18/96) except in the CE-50 zone the height shall not exceed 25 feet. (See Section 3.6.7.1 of this Ordinance.)

3.9.7 DESIGN CRITERIA

1. The design of the project shall incorporate the open space and all other criteria applicable to PRD projects.
2. All existing public streets and all streets proposed to be dedicated to the public shall be improved in accordance with City standards for public streets.
3. To the maximum extent possible, the design of the road system shall provide for continuous circulation throughout the project. Cul-de-sacs (dead end roads) shall be allowed only where unusual conditions exist which make other designs undesirable. Cul-de-sac streets shall be not longer than 450 feet and shall be terminated by a turn-around or loop road of not less than 120 feet in diameter.
4. No street shall be constructed in a location or in a manner which results in the creation of a cut or fill slope face exceeding the cut and fill standards of the City or the critical angle of repose for the soils in the disturbed area or a disturbed cross-section area exceeding the cut and fill slope standards for streets in the City. Use of retaining walls shall conform to the provisions of Section 3.32 of the Alpine City Development Code. Any driveway providing access to a buildable area shall conform to the provisions of Section 3.1.11.5 of the Alpine City Development Code. (Ord. 96-13, 10/9/96; Amended by Ord. No. 2007-04, 4/10/07; Ord. No. 2015-11, 07/28/15)
5. All disturbed cut and fill slopes created in the course of constructing streets, utility systems or other improvements shall be stabilized and revegetated. The materials submitted in support of a request for approval of any PRD project shall include a detailed slope stabilization and revegetation plan showing the intended measures to be employed in stabilizing and revegetating the cut and fill slope areas to be created as part of the project. The performance guarantee amounts shall include the estimated cost of stabilization and revegetation. (Ord. 96-13, 10/9/96)
6. Each lot within the Project Area shall abut upon and have direct access to an adjacent public street. The width of each lot shall be not less than 90 feet (as measured along a straight line connecting each side lot line at a point 30 feet back from the front lot line), and the length of the front lot line abutting the City street shall be not less than 60 feet (Amended Ord. 95-18, 7/11/95).

3.9.8 PROJECTS CONTAINING TERRITORY IN MORE THAN ONE ZONE

1. Where a PRD project area contains territory in more than one zone the base density and any bonus density awarded shall be determined separately for the portion of the project area within each zone district and the maximum total density shall be the sum of density amounts permitted for each zone district area.
2. The size of lots within the various zone districts shall be in accordance with the requirements applicable within the underlying zone.
3. When approved as part of the project plan the City may authorize the transfer of density from one zone district within the project to another, except that no such transfer of density into territory located within the CE-5 and CE-50 zones shall be permitted.

3.9.9 DOCUMENTATION REQUIREMENTS

The following documents and statements shall be submitted as part of the application for approval, as applicable.

1. Organizational documents (articles of incorporation, by-laws etc.)
2. Open space preservation documents.
3. Water rights documents.

3.9.10 WATER RIGHTS CONVEYANCE REQUIREMENTS

Water rights shall be conveyed to the City in accordance with the provisions of Section 4.7.23 of the Alpine City Development Code as applicable.

Where the proposed development anticipates a building(s) to be located on common property, the lot area used to determine the amount of water right required to be conveyed pursuant shall include the territory occupied by the building(s) and the area proposed to be occupied as open space.

If it is proposed that a specific open space area remain in its natural, unimproved state, the developer may petition the City Council, following a recommendation from the Planning Commission, for an exception to the water requirement. The request shall be evaluated according to the following criteria:

1. The open space is a naturally wooded area with indigenous plants and trees such as scrub oak that will not need to be watered, or;
2. The open space is in the flood plain and the trees and vegetation will receive sufficient water from naturally occurring streams.

3.9.11 REVIEW GUIDELINES AND STANDARDS ADOPTED

In conducting their review, the Planning Commission and the City Council shall be guided by the terms of this Section of the zoning ordinance, the Standards and Specifications of the City, the terms and conditions set forth under the Sensitive Lands Ordinance (Article 3.12) in the Alpine City Development Code, and the subdivision ordinance.

3.9.12 APPROVAL PROCEDURE - COMPLIANCE WITH RELATED REQUIREMENTS

3.9.12.1 Approval Procedure

1. The procedure to be followed in obtaining approval of a PRD, or any amendment thereto shall be the same as required for a subdivision. The Planning Commission shall hold a public hearing on the application prior to concept approval and after a recommendation from the City Planner and City Engineer.
2. Upon receipt of all plats, plans, documents and other materials required for review and recommendation the Planning Commission shall consider the application and may recommend approval to the City Council upon a determination that:
 - a. All plans, documents, and other materials required for consideration have been submitted in a form suitable for evaluation, including a computer generated slope analysis in a compatible format specified by City Staff.
 - b. The plan conforms in all respects to the design standards and criteria applicable to the PRD.
 - c. The site is suitable for development of the PRD and that such a project will be consistent with existing development in the vicinity and compatible with the General Plan for the area.

- d. The arrangement of the buildings, roadways, open space and other project elements will result in a safe and attractive living environment equal or superior to that which would be provided under lot by lot development.
 - e. The project, if developed, will accomplish the objectives for PRD's as stated under Article 3.9 in the Alpine City Development Code.
- 3. For PRD projects not meeting the review criteria the Planning Commission shall submit a recommendation of denial.
 - 4. The Planning Commission may recommend changes in the plan in order to more fully accomplish the intent of the PRD provisions and compliance with the General Plan. Such changes may include but are not limited to, adjustments in the density or the number of structures, relocation of project elements, redesign of the road system, increase in the amount of open space, and provisions for the disposal of surface water drainage.

3.9.12.2 Compliance With Related Regulations. In addition to the requirements of Article 3.9, a PRD project which includes the division of land into separate ownership shall also constitute a subdivision and shall conform to all applicable requirements for subdivisions.

3.9.13 IMPROVEMENT REQUIREMENTS

PRD projects shall be subject to the same improvement and bonding requirements as all other subdivisions.

ARTICLE 3.10 PLANNED COMMERCIAL DEVELOPMENT PROJECTS (Ord. 95-22, 8/22/95)

3.10.1 INTENT. The intent of these provisions shall be:

1. To facilitate the development of the various commercial and related activities permitted pursuant to Paragraph 2 below when situated in a harmonious, integrated, safe and convenient environment, and
2. To establish guidelines pertaining to the design, approval, construction and maintenance such projects.

3.10.2 PERMITTED USES. The following buildings, structures and uses of land may be permitted within a Planned Commercial Development.

1. Any use permitted within the underlying zone subject to compliance with the applicable terms and conditions for such use.
2. Other uses which are determined by the Planning Commission to be similar to and compatible with the foregoing uses and in harmony with the intent of the zone.

3.10.3 APPROVAL PROCEDURE. The procedure leading to approval shall be the same as for Planned Residential Developments as set forth in Article 3.9 in this Development Code.

3.10.4 AREA REQUIREMENTS. Each Planned Commercial Development Project shall contain not less than three (3) acres. The City Council may make exceptions to this minimum if the City may be better served by a Planned Commercial (PCD) type development.

3.10.5 DESIGN REQUIREMENTS

1. Layout. The layout and design of each project shall provide for safe and convenient access and circulation within the project and between contiguous projects.
2. Separate Utility Services Required. Each separately owned structure within a project shall be served by individual water and sewer service lines. Provided, where several structures within a project are to remain in single ownership the City may authorize the use of a single connection therefore, subject to the providing of adequate assurances of continued unified ownership.
3. Off-street Parking. Adequate off-street parking shall be provided for each structure in accordance with the provisions of Chapter VI of this Ordinance. When the documentation and layout so provide parking may be combined with other structures in the project. Parking areas shall be subordinate in visual impact to pedestrian areas.
4. Disposal of Surface Water. The plan shall provide for the disposal of surface water generated as a result of the development on-site.
5. Landscaping. Not less than twenty (20) percent of the area contained in the site shall be landscaped, part of which shall include a landscaped strip at least ten (10) feet wide around the outside perimeter of the site. All territory located within a SLO Sensitive Lands Overlay Zone shall be included in the open space area.
6. Outside Storage Prohibited. There shall be no storage of merchandise materials, refuse, or equipment outside of enclosed buildings.
7. Signs. Business signs must comply with the Alpine City Sign Ordinance.

8. Building Setback. The Planning Commission shall review all proposals for new commercial structures, or the commercial conversion of existing structures, to assure protection of abutting residential dwellings.

All buildings shall comply with the following setbacks:

1. Front setback shall be not less than thirty (30) feet from the property line on all streets. No portion of the any setback area adjacent to a street shall be used for off-street parking.
2. In commercial developments adjacent to other commercial areas, the side yard and rear yard setbacks will be not less than 20 feet unless recommended by the Planning Commission and approved by the City Council where circumstances justify.
3. Where a commercial zone abuts a residential zone, the side yard and rear yard setbacks will be not less than 20 feet unless recommended by the Planning Commission and approved by the City Council where circumstances justify.
4. Building Height. The maximum height of any dwelling or other main building shall be thirty-four (34) feet, as determined in accordance with the provisions of Section 3.21.8 of the Development Code. (Ord 96-15, 12/18/96)
5. Architectural Criteria. Commercial buildings shall comply with the following architectural design criteria. (Preliminary architectural design drawings of all building elevations shall be presented to the Planning Commission for review).
 - (1) The exterior of all commercial buildings shall be finished predominantly with wood and/or brick, stucco or stone or similar materials according to guidelines in the Historical/Commercial/Residential Ordinance. Pitched roofs are preferred.
 - (2) The architectural styles of the business district should be consistent and harmonious. The style of building design and trim should be compatible with the relatively uncomplicated, rural, small town character of Alpine. Extremely irrelevant, contrived or inconsistent styles will be discouraged.
6. Nuisances Prohibited. No land or building shall be used in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard, noise, or vibration, smoke, dust, odor, or other form of air pollution; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to effect adversely the surrounding area or adjoining premises.

3.10.6 IMPROVEMENT REQUIREMENTS

The following improvements shall be constructed in all developments. All such improvements shall meet minimum City standards and shall be completed within one year from the date of approval of the final plat by the City Council. Financial assurances (bonds) guaranteeing the construction of all required improvements shall be submitted and approved as a condition of final approval and shall be administered in the same manner as for subdivisions.

1. Streets and travelways and off-street parking areas.
2. Water and sewerage mains and facilities.
3. Fire hydrants.
4. Any required drainage or flood control structures.
5. Any required restoration of cut and fill slopes.
6. The costs of installing landscaping and common facilities within any common open space area.

3.10.7 DOCUMENTATION REQUIREMENTS

The following documents and statements shall be submitted as part of the application for approval, as applicable.

1. Organizational documents (Articles of incorporation, by-laws etc.), where project is to be owned by more than one entity or person
2. Open space preservation documents.
3. Water rights conveyance documents.

3.10.8 WATER RIGHTS CONVEYANCE REQUIREMENTS

Water rights shall be conveyed to the City in accordance with the provisions of Section 4.7.23, or Section 3.21.7 of the Alpine City Development Code, as applicable. Where the proposed development anticipates the buildings to be located on common property (i.e. Condominium Ownership) the lot area used to determine the amount of water right required to be conveyed pursuant shall include the territory occupied by the dwelling and the area proposed to be occupied as open space.

If it is proposed that a specific open space area remain in its natural, unimproved state, the developer may petition the City Council, following a recommendation from the Planning Commission, for a variance to the water requirement. The request shall be evaluated according to the following criteria:

1. The open space is a naturally wooded area with indigenous plants and trees such as scrub oak that will not need to be watered, or;
2. The open space is in the flood plain and the trees and vegetation will receive sufficient water from naturally occurring streams.

ARTICLE 3.11

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

3.11.1 PURPOSE AND INTENT

The purpose of this Article is to maintain a high character of community development, to protect and preserve property, to promote the stability of property values and to protect real estate from impairment or destruction of value for the general community welfare by regulating the exterior architectural characteristics of structures and preservation and protection of buildings of architectural or historical significance throughout the hereinafter defined Gateway/Historic District.

It is the further purpose of this chapter to recognize and preserve the historical and architectural character of this community, which has been greatly influenced by the architecture of an earlier period in this community's history. It is also the intent of the district to allow for a mixture of commercial and residential uses. These purposes shall be served by the regulation of exterior design, use of materials, the finish grade line, landscaping and orientation of all commercial structures hereinafter altered, constructed, reconstructed, erected, enlarged or remodeled, removed or demolished for commercial purposes in the hereinafter defined Gateway/Historic District.

3.11.2 DISTRICT BOUNDARIES

There is hereby established a Gateway-Historic District Overlay Zone which shall include the area shown as Business Commercial (BC) on the Alpine City Zoning Map.

3.11.3 APPLICABILITY

An application for a site plan shall be filed with the City Planner whenever:

1. A commercial structure, as defined by this Zoning Ordinance, whether public or private, within the above describe district is proposed to be constructed or erected; or
2. An existing commercial structure is proposed to be altered, reconstructed, enlarged, or remodeled if such alteration, reconstruction, enlargement, or remodeling involves the exterior design, material, finish grade line, landscaping or orientation of the structure; or
3. An existing structure is proposed to be altered, reconstructed, enlarged or remodeled into a commercial structure, if such alteration, reconstruction, enlargement or remodeling involves the exterior design, material, finish grade line, landscaping or orientation of the structure.

3.11.4 SITE PLAN PROCESS

- 3.11.4.1** During the review process, the City Planner and City Engineer, the Planning Commission, and the City Council may request reasonable additional information from the applicant from time to time; and may ask other advisors to review the plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

After submittal of the required application materials, no excavation or alteration of the property may be undertaken prior to written final approval by the City Council of the site plan. Excavation or alteration of the property prior to approval may be cause for disapproval. Additionally, work on existing structures prior to final approval is not permitted.

3.11.4.2 City Planner and City Engineer

1. The applicant shall meet with the City Planner and City Engineer to review the proposed site plan before submitting an application.
2. The applicant shall prepare a concept site plan, properly and accurately drawn to scale.
3. The City Planner and City Engineer shall review the site plan to determine compliance with the Alpine City General Plan and applicable City ordinances.
4. When the City Planner and City Engineer determines that the site plan is ready for Planning Commission review, the City Planner, in consultation with the Planning Commission Chairperson, shall establish a review date. The applicant may prepare a site plan that incorporates all changes recommended by City Planner and City Engineer.

3.11.4.3 Planning Commission

1. The applicant shall submit the following to the City Planner at least fourteen (14) days before the scheduled Planning Commission meeting:
 - a. the site plan application;
 - b. pay the associated fee(s) in accordance with the current fee schedule (payable to Alpine City);
 - c. four (4) D size (22" x 34") copies of the site plan;
 - d. ten (10) 11" x 17" copies of the site plan drawn to scale;
 - e. building elevations including building height;
 - f. a landscape plan including a list of plant types; and
 - g. an electronic copy of the site plan and building elevations in a compatible format as specified by City Staff.

In addition, the application shall be accompanied by a detailed narrative description of the proposed design or change of design, use of materials, finish grade line, landscaping. In addition, the Planning Commission may require submission of colored perspectives or architectural renderings in applications where the Planning Commission feels it is required.

2. The site plan will not be presented to the Planning Commission until the application is complete, including submitting all required information and paying all fees. The application must be complete and accepted in writing by the City Planner.
3. The Planning Commission shall give guidance to the applicant to assist in meeting the requirements and constraints for development within Alpine City.
4. The Planning Commission shall determine whether the site plan promotes, preserves and enhances the distinctive historical village character of the community and would not be at variance with existing structures within that portion of the district in which the site plan is or is proposed to be located as to be detrimental to the interests of the District as set forth in Section 3.11.1. In conducting its review, the Planning Commission shall make examination of and give consideration to the elements of the Gateway Historic District Design Guidelines.
5. The Planning Commission may recommend exceptions to the Business Commercial Zone requirements regarding parking, building height, signage, setbacks and use if it

finds that the plans proposed better implement the design guidelines to the City Council for approval.

6. If the Planning Commission finds that the proposed site plan complies with all applicable requirements, it shall recommend approval to the City Council. If the Planning Commission finds that the proposed site plan does not meet the requirements, it shall recommend disapproval of the site plan.

3.11.4.4 City Council

1. Following the recommendation of approval or disapproval of the site plan by the Planning Commission, the City Council shall consider the site plan at a public meeting. If the City Council determines that the site plan is in conformity with all applicable requirements and any reasonable conditions as recommended by City Staff, the Planning Commission, or on its own initiative, it shall approve the site plan.
2. If the City Council determines that the site plan is not in conformity with all applicable requirements or any reasonable conditions imposed, it shall disapprove the site plan specifying the reasons for such disapproval.

3.11.5 PLAN REQUIREMENTS

The site plan shall include the following items:

1. Address of the site plan
2. A vicinity map
3. The property boundaries of the proposed site plan and the names of all adjacent property owners
4. The location of all existing and proposed easements
5. Lot dimensions
6. Location and orientation of all structures on the lot
7. Setbacks of all structures on the lot
8. Location of garbage dumpster
9. Location of all existing and proposed utilities
10. Parking plan
11. Lighting plan
12. Other information which may allow the City Planner, City Engineer, Planning Commission, and City Council to evaluate the proposed site plan.

3.11.6 REPAIR OR MAINTENANCE EXCEPTION

Nothing in this article shall be construed to prevent any ordinary repair or maintenance of an exterior architectural feature or any ordinary planting and landscaping now in the District.

3.11.7 PERMITTED USES

The permitted uses listed in the Business Commercial Zone shall be permitted in the Gateway/Historic Zone.

3.11.8 CONDITIONAL USES

The conditional uses listed in the Business Commercial Zone shall be conditional uses in the Gateway/Historic Zone.

3.11.9 WATER RIGHTS REQUIREMENTS

Developments occurring under the provisions of this Article must comply with the water rights requirements of Alpine City.

ARTICLE 3.12

SENSITIVE LAND ORDINANCE (Original Ordinance No. 2002-01. Amended by Ordinance 2005-03, 1/25/05)

3.12.1 PURPOSE AND INTENT

The following ordinance is designed as overlay zones for sensitive and hazard areas. It depends on maps, adopted as zoning overlay maps, which identify the approximate areas where the hazard lands are to be located. The purpose of this Chapter is to provide for safe, orderly and beneficial development of areas characterized by diversity of sensitive and hazardous conditions as shown on the Official Sensitive and Hazard Area Maps (flood plain, urban/wildlife, geologic hazards, hillside); to limit alteration to topography and reduce encroachment upon, or alteration of, such areas. Sensitive land conditions can be considered to include fire, slope of the land, slope and soil stability, natural drainage ways, flood plains, wetlands, soil characteristics, potential landslide areas, seismic areas, and other such potential hazards.

3.12.2 REGULATIONS

Any development or change to a parcel of ground, which alters it from its natural state in any way, including clearing, excavation, grading, installation of any infrastructure or erection of any types of buildings within a sensitive land area as shown on the Alpine City Sensitive and Hazard Area Maps shall comply with this ordinance. The type of regulations applicable to the land depend upon the classification in which the land is placed.

3.12.3 APPROVAL

3.12.3.1 If the proposed development is involved in a Site Plan Review, or approval of a planned unit development, conditional use permit, subdivision, partition, or other regulatory process, the review shall be conducted simultaneously with the regulatory process and no additional fee shall be charged.

3.12.3.2 If a development is exclusive of any other regulatory process but in a sensitive land area then the Sensitive Land Area Review may be processed by the City Engineer.

3.12.3.3 Criteria for Approval. An approval shall be issued by Alpine City when the applicant demonstrates the following:

That the development is in compliance with the requirements of this Chapter and all other applicable Alpine City Ordinances.

3.12.3.4 Planning Commission. Shall have the power to amend plans to include any or all of the following conditions if it is deemed necessary to mitigate any potential impact caused by the development.

If in the opinion of the Planning Commission, the Environmental Impact Study is deficient in any area, or the mitigation plan is deficient in any way, the Planning Commission may order another study, and the findings of the City study may be used in determining the safety of the proposed development.

3.12.4 SENSITIVE LAND CLASSIFICATIONS

The following factors shall be used to determine the classification of various lands and their constraints to building and development on them:

- 3.12.4.1 Geologic Hazard Lands.** Lands identified on the Official Alpine City Hazards map as having landslide, debris flow, rock fall, soil liquefaction or surface-fault-rupture hazards.
- 3.12.4.2 Hillside Lands.** Lands identified on the Official Alpine City Hazard map as having an elevation above 5350 feet Mean Sea level.
- 3.12.4.3 Urban/Wildland Lands.** Lands identified on the Official Alpine City Hazard map as having potential wild fire hazard.
- 3.12.4.4 Flood Plain Lands.** Lands with potential stream flow and flood hazard. Flood plain lands consist of all lands contained within the 100-year flood plain as defined by Federal Emergency Management Agency, in Flood Insurance Rate Map (FIRM) #490228005A, dated April 4, 1983. The April 4, 1983 FIRM map is also adopted as the Official Alpine City Hazard map for flood damage prevention overlay zone.

3.12.5 OFFICIAL MAPS

- 3.12.5.1** The Alpine City Council shall adopt official overlay zoning maps denoting the above identified areas. Substantial amendments of these maps shall require City Council approval. The official Alpine City Sensitive, Flood, and Hazard Land maps may be amended by the City Council after a receiving a recommendation from the Planning Commission.
- 3.12.5.2** Map as Reference to Text
1. The text provisions of this ordinance shall be used to determine which sensitive land category the applicant is in and what requirements they are subject to under this ordinance.
 2. Applicants are required to provide the Planning Department with a delineation of the Sensitive Land Area on the subject property as part of the application. An application shall not be considered complete until this delineation is submitted.
 3. An applicant may identify and delineate Sensitive Areas by gathering and reviewing information other than the Alpine City Sensitive and Hazard Land Maps, such as aerial photographs or coring of soils.
- 3.12.5.3** The attached maps are hereby adopted as the Official Alpine City Sensitive and Hazard Land Maps until such time as they may be amended or supplemented.

3.12.6 GEOLOGIC HAZARDS OVERLAY

- 3.12.6.1 Purpose of Provisions.** The purpose of the geologic hazards overlay is to promote the safety of the citizens of Alpine City, and minimize the adverse effects of geologic hazards. The geologic hazard overlay includes surface fault rupture, landslide, debris flow, rockfall, and soil liquefaction.
- 3.12.6.2 Definitions.** The following terms have the following meanings:
- Active Fault: A fault displaying evidence of greater than four inches of displacement along one or more of its traces during Holocene time (about 10,000 years ago to the present).

Avalanche: A large mass of snow, ice, soil, and rock, or a mixture of these materials, falling, sliding, or flowing rapidly under the force of gravity.

Buildable Area: A lot or portion thereof possessing all of the following physical characteristics:

- a. The area contains no territory having a natural slope of twenty (20) percent or greater;
- b. The area contains the portion of a site where an approved engineering geology and/or geotechnical report, as required, has indicated is not impacted by geologic hazards, or concluded that the identified hazards can be mitigated where risk to human life and property are reduced to an acceptable level, and where structures may be safely sited.
- c. The engineering properties of the soil provide adequate structural support for the intended use;
- d. The area does not possess any other recognized natural condition, which renders it unsafe for building purposes;
- e. The area is within the building setback envelope as determined in accordance with the setback provisions of the zone; and
- f. The area is readily capable of vehicular access from the adjacent public street over a driveway having a slope of not more than twelve (12) percent with no cut or fill greater than five feet.

Critical Facilities: Essential facilities and lifelines such as major utility, transportation, and communication facilities and their connections to essential facilities, e.g. tanks or other structures supporting water or other fire-suppression materials or equipment required for the protection of essential or hazardous facilities, or special occupancy structures.

Debris Flow: A slurry of rock, soil, organic material and water transported in an extremely fast and destructive flow that flows down channels and onto and across alluvial fans; includes a continuum of sedimentation events and processes including debris flows, debris floods, mudflows, clearwater floods, and alluvial fan flooding.

Engineering Geologist: A geologist, who through education, training and experience, is able to conduct field investigations and interpret geologic conditions. Professional licensing is required through the State of Utah.

Engineering Geology: The application of Geologic data, principles and interpretations so that geological factors affecting planning, design, construction, and maintenance of engineered works are properly recognized and adequately interpreted.

Essential Facility: Buildings and other structures that are intended to remain operational in the event of extreme environmental loading from snow or earthquakes.

Fault: A fracture in the earth's crust forming a boundary between rock or soil masses that have been moved relative to each other.

Fault activities class: Age of most recent surface rupture on a fault (Holocene - <10,000 yrs; Late Quaternary-<130,000 yrs; Quaternary-<1.6 Million yrs); as defined in UGS MP 03-06.

Fault setback: An area on either side of a fault within which structures for human occupancy or critical facilities is not permitted.

Fault Scarp: A steep slope or cliff formed by movement along a fault.

Fault Trace: The intersection of a fault plane with the ground surface, often present as a fault scarp, or detected as a lineament on aerial photographs.

Fault Zone: A corridor of variable width along one or more fault traces, within which deformation has occurred.

Geologic Hazard Area: A potentially hazardous area as shown on the Alpine City Hazard maps as geologic hazards where hazard investigations are required prior to development.

Geotechnical Engineer: A professional, licensed engineer whose education, training, and experience is in the field of geotechnical engineering. Professional licensing is required through the state of Utah.

Geotechnical Engineering: The investigation and engineering evaluation of earth materials including soil, rock and man-made materials and their interaction with earth retention systems, foundations, and other civil engineering works. The practice involves the fields of soil mechanics, rock mechanics, and earth sciences and requires knowledge of engineering laws, formulas, construction techniques, and performance evaluation of engineering.

Landslide: A general term for the downslope movement of a mass of soil, surficial deposits or bedrock, including a continuum of processes between landslides, earthflows, mudflows, debris flows and debris avalanche, and rockfall.

Non-Buildable Area: That portion of a site which an engineering geology report has concluded may be impacted by geologic hazards that cannot be feasibly mitigated to a safe level, and where citing of habitable structures is not permitted.

Rockfall: A rock, or mass of rock, newly detached from a cliff or other steep slope which moves downslope by falling, rolling, toppling, or bouncing; includes rockslides, rockfall avalanches, and talus.

Setback: An area within which habitable structures or critical facilities are not permitted.

3.12.6.3 Applicability

The regulations contained in this category shall apply to all lands in Alpine City within the Geologic Hazards Overlay Zone as shown on the Alpine City Hazard Maps.

3.12.6.4 Required Geologic Hazard and Engineering Geology Reports

An engineering geology report may be required in Geologic Hazard areas that include a geologic hazards investigation and assessment prepared by a qualified engineering geologist upon the recommendation of the City Engineer or at the request of the Planning Commission or City Council. The report shall be site-specific and shall identify all known or suspected geologic hazards, whether previously mapped or unmapped, that may affect the particular property. All reports will be prepared by a qualified geologist or engineer and all reports shall be signed and stamped by the preparer and include their qualifications. Reports are:

- A. Surface-fault rupture hazard reports shall be prepared in accordance with "Guidelines for Evaluating Surface-Fault-Rupture Hazards in Utah, UGS MP 03-6."
- B. Debris flow hazard studies and reports shall be prepared in accordance with "Guidelines for the geologic evaluation of debris flow hazards on alluvial-fans in Utah," draft UGS Miscellaneous Publications, Misc 04-X. Debris flow hazard analyses may require contributions from qualified hydrologists and engineers. Clear-water alluvial-fan flood hazards are to be addressed as part of debris flows; and should comply with FEMA standards.
- C. Landslide reports shall be prepared in accordance with the Utah Geological Survey's "Guidelines for Evaluating Landslide Hazards in Utah," (UGS Circular 92). Slope stability or other analyses included in these reports shall include both static and dynamic conditions.
- D. Rockfall reports may include models as outlined in Colorado Rockfall Simulation Program, by Jones, Higgins, and Andrew; March, 2000.
- E. Liquefaction reports will be based on the corings or trenches and any soils with the propensity for liquefaction will be outlined, and their hazard addressed and mitigation measures evaluated.
- F. Other geologic hazard or engineering geology reports shall be prepared in accordance with Utah Geological Survey Miscellaneous Publication M, "Guidelines for Preparing Engineering Geologic Reports in Utah." Generally, these reports must be prepared by a qualified engineering geologist, commonly in collaboration with a professional engineer. Liquefaction and geotechnical soil reports may be prepared by a professional engineer.
- G. All reports shall include, at a minimum:
 - a. A 1:24,00-scale geologic map (with reference) showing the surface geology, bedrock geology (where exposed), bedding attitudes, faults or other structural features, and the locations of any geologic hazards.
 - b. A detailed site map of the subject area showing any site-specific mapping performed as part of the geologic investigation, and including boundaries and features related to any geologic hazards, topography, and drainage. The site map must show the location of test pits, trenches and corings, boundaries of the hazard(s), delineation of any recommended setback distances from hazard(s), and recommended location(s) for structures. Buildable and non-buildable areas shall be clearly identified. Scale shall be one inch equals one hundred feet or larger.
 - c. Trench logs and test pit logs (scale: 1 inch equals 5 feet, or larger), aerial photographs, references with citations, and other supporting information, as applicable. Ten days prior to trenching the land owner will notify Alpine City. Alpine City reserves the right to have a third-party present for consultation on trench location.
 - d. Conclusions that summarize the characteristics of the geologic hazards, and that address the potential effects of the geologic conditions and geologic hazards on

the proposed development and occupants thereof in terms of risk and potential damage.

- e. Specific recommendations for additional or more detailed studies, as may be required to understand or quantify the hazard, evaluate whether mitigation measures are required and evaluate mitigation options.
- f. Specific recommendations for avoidance or mitigation of the effects of the hazard(s) shall be included in the report. These recommendations shall include design or performance criteria for engineered mitigation measures and all supporting calculations, analyses, modeling or other methods, and assumptions. Final design plans and specifications for engineered mitigation must be signed and stamped by a qualified professional licensed geotechnical or structural engineer, as appropriate. Evidence on which recommendations and conclusions are based shall be clearly stated in the report.

3.12.6.5 Review of reports—Approval procedure

- A. In order to fulfill the purposes of the geologic hazard overlay, the Planning Commission shall review any proposed land use which requires preparation of a geologic hazard report under this category to determine the possible risks to the safety of persons or property from geologic hazards.
- B. Prior to consideration of any such development for preliminary plat by the City, the geologic hazard report shall be submitted to Alpine City and Utah State Geological Survey for review and recommendation. Alpine City may request at the developer's expense other experts to review the report (third-party review) and provide additional recommendations. Alpine City shall retain a copy in the Alpine City development file.
- C. Alpine City and other retained experts in their review of the report, and the City Council in its consideration of the development, shall determine whether the development complies with all of the following standards:
 - (1) The proposed land use does not present an unreasonable risk to the safety of persons or property (including buildings, storm drains, public streets, utilities or critical facilities, whether off-site or on-site), or to the aesthetics and natural functions of the landscape (e.g. slopes, streams or other waterways, drainage, wildlife habitat, etc., whether off-site or on-site) because of the presence of geologic hazards or because of modifications to the site due to the proposed land use;
 - (2) The proposed land use may be approved if the reports submitted by the applicant demonstrate that, consistent with the state of the practice, the identified hazards can be mitigated to a level where the risk to human life and damage to property are reduced to an acceptable and reasonable level in a manner which will not violate applicable federal, state, or local statutes, ordinances, or regulations. Mitigation measures should consider, in their design, the intended aesthetic functions of other governing ordinances.
- D. Any area determined to contain geologic hazards to life or property shall not be approved for development unless the applicant demonstrates that the identified hazards or limitations can be reduced to an acceptable and reasonable manner. The applicant must include, with the geologic hazards report, a mitigation plan that

defines how the identified hazards or limitations will be addressed, as described in Chapter 3.12.6.4 above, and without impacting or affecting off-site areas.

- E. Alpine City may set other requirements as are necessary to overcome any geologic hazards and to ensure that the purposes of this Chapter are met. These requirements may include, but are not limited to:
 - (1) Additional or more detailed studies to understand or quantify the hazard or determine whether mitigation measures recommended in the report are adequate;
 - (2) Specific mitigation requirements; establishing buildable and/or non-buildable areas; limitations on slope grading; and/or revegetation;
 - (3) Installation of monitoring equipment and seasonal monitoring of surface and subsurface geologic conditions, including groundwater levels;
 - (4) Other requirements such as time schedules for completion of the mitigation, phasing of development, etc.
- F. Alpine City may also set requirements necessary to reduce the risks from geologic hazards as a condition to the approval of any development which requires a geologic hazards report.

3.12.6.6 Requirements in Surface Fault Rupture Areas

- A. No critical facility (excluding transportation lines or utilities, which by their nature may cross faults) or structures designed for human occupancy shall be built astride a Holocene fault. A fault study must be prepared prior to final approval of the land use or applicable building permits. If a fault is discovered in the excavation, a special study must be performed to determine the activity class of the fault; the procedures set forth in UGS MP 03-6 shall be followed. If the fault activity class is Holocene, the fault study report shall establish a fault setback on either side of the fault within which no critical facilities or structures for human occupancy shall be placed. If the fault activity class is Late Quaternary or Quaternary, recommendations in USC MP 03-06 shall be followed.
- B. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks from a fault scarp shall be the requirements as recommended in USG MP 03-06 or the slope requirements of the adopted International Building Code (IBC Appendix J), whichever is more stringent. The Building Official may increase footing setback requirements where information from a geologic report indicates slope conditions warrant a greater setback distance.
- C. Setback requirements do not apply to accessory buildings.

3.12.6.7 Disclosure when a geologic hazards report is required

- A. Whenever a geologic hazards report is required, the owner of the parcel shall record a notice running with the land in a form satisfactory to Alpine City prior to the approval of any development or subdivision of such parcel. Disclosure will include

signing a Disclosure and Acknowledgement Form provided by the City, which will include the following:

1. Notice that the parcel is located within a Geologic Hazard Overlay Zone on the Alpine City Hazard Maps.
2. Notice that a geologic hazards report was prepared and is available for public inspection in Alpine City's files.

B. Where geologic hazards and related setbacks are delineated in the subdivision, the owner shall also place additional notification on the plat stating the above information, prior to final approval of the plat.

3.12.6.8 Compliance with Geologic Hazard Overlay

The consulting firm or consultant shall ensure all mitigation standards and requirements enumerated in the geological hazard report and additional requirements made by Planning Commission are correctly implemented and shall submit a letter to Alpine City detailing the completion.

3.12.6.9 Warning and Disclaimer

The geologic hazards in this overlay zone represent only those geologic hazard areas known to the City, and should not be construed to include all possible potential hazard areas. The geologic hazards areas may be amended as new information becomes available. The provisions of the geologic overlay zone do not in any way assure or imply that areas outside its boundaries will be free from the possible adverse effects of geologic hazards. This chapter shall not create liability on the part of Alpine City, any officer or employee thereof for any damages from hazards that result from reliance on this chapter or any administrative requirement or decision.

Any development in a hazard area approved by Alpine City or any officer or employee thereof will not be liable.

3.12.7 URBAN/WILDLAND INTERFACE OVERLAY (Original Ordinance No. 94-11. Amended by Ord. 2001-05. Incorporated into Sensitive Lands Ordinance by Ord. No. 2005-03, 1/25/05)

3.12.7.1 Purpose. To establish standards for development and fire prevention in areas bordering on wildlands.

3.12.7.2 Definitions.

Urban/Wildland Interface. Whenever the term "Urban/Wildland Interface" is used it shall be held to mean any area where development and heavily forested or brush land remaining in a relatively natural state meet. Specifically, the land that meets this criteria is identified in the overlay map in the Alpine City Hazard Maps of this chapter.

Development. The term "Development" shall be construed to include any man-made change to improved or unimproved real estate, including but not limited to paving, excavation, drilling operations, storage of equipment or materials, or landscaping.

Classification of Roof Coverings. Whenever the term "Classification of Roof Covering" is used it shall be held to refer to the classification of a covering established by the International Building Code (hereinafter "IBC"). The two classifications of roof coverings

allowed in the Urban/Wildland Interface are as follows:

Class A. These roof coverings are effective against severe fire exposures. Under such exposures, roof coverings of this class are not readily flammable, afford a fairly high degree of fire protection to the roof deck, do not slip from position and pose no flying brand hazard.

Class B. These roof coverings are effective against moderate fire exposures. Under such exposures, roof coverings of this class are not readily flammable, afford a moderate degree of fire protection to the roof deck, do not slip from position and pose no flying brand hazard.

Construction. For use in this section, "Construction" means the erection, building, enlargement, alteration, repairing or moving of a structure. This term also applies to the wiring, piping, heating, cooling, ventilation, refrigeration, sanitation or transportation of fixtures and equipment therein, as well as to the excavation, filling or paving of land.

Defensible Space. Whenever the term Defensible Space is used it will refer to an area denoted by a thinning of native vegetation, removal of dead plant material and/or the replacing of highly flammable vegetation with fire resistant plants and/or irrigated areas as indicated in this ordinance.

3.12.7.3 PERMITS

3.12.7.3.1 Requirement. Consistent with Section 68-27-109(5)(a) of the Utah Code Annotated 1953 as amended, which provides for the issuance of permits, no new building or structure shall commence construction nor be occupied until a Fire Safety Permit therefore has been issued by the Fire Chief stating the conditions under which the building has been approved in accordance with the provisions of this ordinance. This requirement shall not apply to dwellings outside of the Urban/Wildland Interface area identified in Alpine City Hazard Maps.

3.12.7.3.2 Fire Safety Permit. All requests or applications for a building permit within the Urban/Wildland Interface area shall be deemed to be a concurrent request for a Fire Safety Permit providing certification by the Fire Chief that the provisions of this ordinance are being met.

3.12.7.3.3 Conditions. No building permit for sites within the Urban/Wildland Interface area shall be issued until a Fire Safety Permit is approved and issued by the Fire Chief. All construction and use of the premises shall be in accord with such conditions as may be attached to the Fire Safety Permit.

3.12.7.4 ROADS

3.12.7.4.1 Access. All developments in the Urban/Wildland Interface area shall have more than one access route which provides simultaneous access for emergency equipment and civilian evacuation. The design of access routes shall take into consideration traffic circulation and provide for looping of roads as required to ensure at least two access points. Looped roads with a single access are not allowed.

3.12.7.4.2 Exceptions. Where terrain features or other physical obstacles make provision of a second access impractical, a single access may be approved by the City Council

after obtaining the recommendation of the Fire Chief and the Planning Commission.

- 3.12.7.4.3 Specifications.** All secondary access roads shall have a minimum paved width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches to permit two-way traffic. These provisions will apply in lieu of those provided in Article 9.02-2-1 of the Uniform Fire Code.

3.12.7.5 ADDRESSES

- 3.12.7.5.1 Specifications.** Notwithstanding Section 9.01-4-4 of the Uniform Fire Code, each premise must have approved numbers or addresses, a minimum of 5 inches in size, placed in such a position as to be plainly visible and legible from the road fronting the property. Numbers shall contrast with their background and their positions shall be suited for visibility in all seasons.

3.12.7.6 FIRE HYDRANTS

- 3.12.7.6.1 Standards.** Notwithstanding Appendix III-B of the Uniform Fire Code, each fire hydrant shall be installed in accordance with the recommendations of the City Engineer, Fire Chief and Table No. A-III, B-1 of the Uniform Fire Code.
- 3.12.7.6.2 Requirement.** No combustible materials may be installed, framed or assembled within the Urban/Wildland Interface area unless within 250 feet of a usable fire hydrant connected to the city water supply.

3.12.7.7 CHIMNEYS AND FLUES

- 3.12.7.7.1 Spark Arresters.** Notwithstanding Appendix II-P Section 7 of the Uniform Fire Code, every chimney, flue or vent shall be provided with an approved spark arresting device consisting of 12 gauge welded or woven wire mesh with openings not exceeding 1/2 inch.
- 3.12.7.7.2 Clearance.** In accordance with Appendix I-A of the Uniform Fire Code, chimney outlets shall be constructed with at least a 15-foot clearance from all vegetation and obstructions.

3.12.7.8 STRUCTURAL DESIGN AND CONSTRUCTION

- 3.12.7.8.1 Roof Coverings.** Non-combustible roof coverings are required on all new structures within the Urban/Wildland Interface area. Roof coverings shall be constructed of UL listed Class A or B materials in accordance with Chapter 32 of the UBC. No wood roof coverings are permitted in the Urban/Wildland Interface. Homes previously constructed in the Urban/Wildland Interface, which do not comply with this paragraph will be brought into compliance when one-half or more of the existing roof covering is replaced. The Fire Chief will provide notice of this requirement to any homeowners who may be affected upon passage of this ordinance.
- 3.12.7.8.2 Sprinkler Protection.** All new homes in the Urban/Wildland Interface area shall be provided with automatic sprinkler protection in accordance with the National Fire Protection Association (NFPA) Standard 13 R, modified as follows:

- 3.12.7.8.2.1 Decks and Walks.** Decks and walkways greater than 4 feet wide shall have

quick response sprinkler heads placed ten feet on center if an exposure hazard is present. Eaves of the structure will also be provided with sprinkler heads 10 feet on center and attic vents shall be similarly protected if an exposure hazard is present. For the purposes of this paragraph, an exposure hazard is defined as the presence of any of the following at the time of construction or evidence of such in the construction plans provided:

1. Shrubs within 20 feet of the structure, unless in islands of no more than five shrubs separated from other vegetation by at least 50 feet.
2. Trees within 30 feet of the structure, unless separated from other trees by at least 30 feet measured at the base.
3. Native brush, including oak, within 100 feet of the structure, unless in islands not to exceed 30 feet on their longest axis, separated from other vegetation by at least 50 feet and at least 30 feet from the structure.

3.12.7.8.2.2 Flows. The system calculations shall be based on a minimum of four flowing quick-response sprinklers hydraulically calculated to provide flows in accordance with manufacturer's specifications for sprinklers. Calculations shall be based on 90% of the available flow at the base of the riser.

3.12.7.8.2.3 Loop Systems. The use of anti-freeze loop systems is allowed when an acceptable back-flow prevention assembly is provided. Anti-freeze loops shall be relieved by using either an approved expansion tank or relief valve. Drilled clapper valves are not permitted.

3.12.7.8.2.4 Inspection. An inspector's test valve is required upstream of the anti-freeze loop check valve.

3.12.7.8.2.5 Control Valves. Automatic sprinkler systems shall be provided with an indicating control valve accessible to the fire department.

3.12.7.8.2.6 Certification. Approval of any system shall be based on final inspection and receipt of hydrostatic and flushing certificates provided by the installer.

3.12.7.8.2.7 Notwithstanding Article 10 Section 1.001.5.2 of the Uniform Fire Code, automatic sprinkler protection, where installed, shall be inspected annually at the owner's expense by a licensed sprinkler contractor. A copy of the inspection shall be submitted to the Fire Chief by December 31st of each year.

3.12.7.8.3 Other Construction Features. Other construction features, vents, overhangs and stilt construction shall meet the following standards:

3.12.7.8.3.1 Vents. All vents shall be screened with a corrosion resistant, non-combustible wire mesh with nominal openings not to exceed 1/4 inch.

3.12.7.8.3.2 Projections. Combustible projections of 10 inches or more and wood decks shall be protected as follows:

- a. Materials specified in Section 7.d below shall be applied to the underside of the exposed edge or, in the case of a deck, a wall shall be constructed

around its perimeter using the aforementioned materials; or

b. The use of heavy timber in compliance with the provisions of the code; or

c. An approved outside sprinkler system shall be provided on the underside of the projection or deck.

3.12.7.8.4 Construction Materials. Exterior vertical walls shall be constructed of concrete masonry, brick veneer not less than 3 inches in thickness, cement plaster in compliance with the exterior finish requirements of the UBC, or any other non-combustible material (including some types of siding) meeting the intent of this code if such material is approved by the building official.

3.12.7.8.5 Windows. Glazed openings having three or more panes or shrubs within 30 feet shall be provided with double pane or safety glass. Double pane or safety glass shall be utilized in all windows on the down slope side of a dwelling.

3.12.7.9 VEGETATIVE CLEARANCE

3.12.7.9.1 Notification. Applications for building permits shall contain a site plan with sufficient detail to allow for evaluation of clearances between vegetative fuels and structures.

3.12.7.9.2 Defensible Space. The following minimum clearances shall be maintained, notwithstanding Appendix II-A, Section 16 of the Uniform Fire Code:

3.12.7.9.2.1 Dead Material. All dead vegetative material shall be removed and maintained clear at least 100 feet from dwellings and 50 feet from non-inhabited structures.

3.12.7.9.2.2 Defensible Space. Each defensible space shall meet the following specifications:

1. **Grasses and Spreading Plants.** Grasses, spreading plants and ground cover within 50 feet of dwellings must be of types that are identified as fire resistant. The Fire Chief will make information on fire resistant species available to property owners.
2. **Shrubs.** Shrubs may be used for ornamental plantings against the walls or foundations of dwellings if such shrubs are served by an automated sprinkler or other irrigation system approved by the building inspection official.
3. **Trees.** Trees must be at least 30 feet at the base from dwellings or at least 30 feet from other trees, non-deciduous shrubs and native brush, except that up to five trees may be grouped together if a clearance of at least 50 feet is maintained to any dwelling or to other trees, non-deciduous shrubs and native brush.
4. **Native Brush.** Native species, such as scrub oak and other indigenous vegetation, may not be within 50 feet of dwellings unless such vegetation

is grouped into islands not more than 30 feet on their longest axis. Such islands must be kept free of any dead vegetative material in accordance with Section 8.b.1 above and must be at least 30 feet from other trees, shrubs or brush unless protected by an automated sprinkler system. Islands must be at least 30 feet from dwellings or 10 feet if served by an automatic sprinkler system approved by the building inspection official. Native grasses must be removed, replaced with fire resistant species or maintained at a height not to exceed 6 inches unless protected by an automatic sprinkler system.

- 3.12.7.9.2.3 Public Lands.** Defensible Space on property adjacent to public lands, whether controlled by Alpine City, the State of Utah, the United States Government or any other governmental entity, shall meet the same fuel break requirements as any other cluster not so located.
- 3.12.7.9.3 Disposal of Vegetation.** Disposal of flammable vegetation shall be completed prior to final building inspection. Such vegetation may be disposed of by chipping, burying or removal to an approved landfill. Burning of such materials is prohibited.
- 3.12.7.9.4 Fuel Tanks.** Propane or fuel tanks shall have no ground vegetation more than 4 Inches in height within a 10 foot radius, notwithstanding Section 82.109 of the Uniform Fire Code. Trees and brush shall be trimmed so as to maintain a clearance of at least 3 feet from the sides and top of the tank.
- 3.12.7.9.5 Fire Hydrants.** Vegetation and other obstructions shall be maintained at no more than 4 inches in height around a fire hydrant, notwithstanding Section 01-7-2 of the Uniform Fire Code. Clearance shall be provided for three feet on all sides of the hydrant and must extend to the roadway.
- 3.12.7.9.6 Recreational Fires.** Open recreational fires shall be located a minimum of 25 feet from a structure or combustible material unless contained in an approved barbecue pit located a minimum of 10 feet from combustible foliage, walls or roofs. An opening in any overhead vegetative canopy shall be provided to prevent pyrolysis of the foliage.
- 3.12.7.9.6.1 Fuel Pile Limitation.** Fuel piles for recreational fires shall be no larger than 3 feet in diameter and 2 feet high.
- 3.12.7.9.6.2 Extinguishing Devices.** A garden hose connected to a water supply or other approved fire extinguishing device shall be readily available for use at recreational fires. A person knowledgeable in the use of such fire extinguishing devices shall supervise the burning material until the fire has been extinguished.
- 3.12.7.10 ENFORCEMENT**
- 3.12.7.10.1 Responsibility.** The conditions outlined in the urban/wildland overlay shall be maintained by the property owner and/or the applicable homeowners' association as a condition of maintaining "adequate fire protection" in accordance with Section 11-7-1 of the Utah Code Annotated and protective agreements, if any, made with Alpine City at the time of annexation.

- 3.12.7.10.2 Non-Exclusive Nature.** The provisions of the urban/wildland overlay represent minimum standards. Each owner of property in the Urban/Wildland Interface area is expected to use reasonable care in mitigating potential fire hazards, whether or not the potential hazard is enumerated in this section.
- 3.12.7.10.3 Pre-Existing Conditions.** Property not in compliance with the vegetative clearance section of the urban/wildland overlay at the time of passage shall have one year in which to conform to its provisions, except that retrofitting of sprinklers will not be required.
- 3.12.7.10.4 Enforcement Official.** Provisions of the urban/wildland overlay shall be enforced by the Alpine City Fire Chief or his appointed designees. The Fire Chief is authorized to recommend alternatives to any of the provisions of this code upon application in writing by the owner, lessee or a duly authorized representative where there are practical difficulties that prevent carrying out the such provisions, provided that the spirit and intent of the code shall be maintained, public safety furthered and substantial justice done. The particulars of such modifications and decision of the Fire chief shall be submitted to the City Council.
- 3.12.7.10.4.1 Inspections.** The Fire Chief or his designee shall conduct inspections to determine compliance with the urban/wildland requirements at the time of building permit inspections and at least once a year or at any other reasonable time. The Fire Chief or designee shall also conduct inspections based on the request of any other property owner, lessee, City official or employee who has reasonable cause to believe that a potential fire hazard exists in violation of the provisions of this ordinance.
- 3.12.7.10.4.2 Notice.** The Fire Chief or his designee will annually publish and as needed periodic notices to remind residents of the provisions of the urban/wildland and will make available information on the provisions of the ordinance, as well as guidance on fire-resistant vegetation and suitable landscaping.
- 3.12.7.10.5 Recourse.** Any person adversely affected by any decision made in the exercise of the provision of this section may pursue administrative and legal remedies in accordance with the following provisions:
- 3.12.7.10.5.1 Procedure.** No person may challenge Alpine City's land use decisions under this section in district court until all administrative remedies have been exhausted.
- 3.12.7.10.5.2 Judicial Review.** Any person having exhausted all possible administrative remedies may file a petition for review of the decision with the district court within 30 days after the local decision is rendered.
- 3.12.7.10.5.3 Validity of Ordinance.** The courts shall presume that land use decisions and regulations are valid and determine only whether or not the decision is arbitrary, capricious or illegal.
- 3.12.7.10.6 Remedies.** Alpine City, its officers and employees, the city attorney or any owner of real estate within Alpine City may, in addition to other remedies provided by law, institute proceedings to secure injunction, mandamus, abatement or any other remedies provided by law, including prevention, enjoinder or removal.

3.12.7.10.6.1 Injunction. Alpine City need only establish the violation in order to secure injunction.

3.12.7.10.6.2 Building Permits. Alpine City, its officers and employees, may enforce this ordinance by withholding building permits and it shall be unlawful to erect, construct, alter or change the use of any building or other structure within Alpine City without approval of such building permit.

3.12.7.10.6.2.1 Failure to Obtain Permit. Any architect, lending agency, builder, contractor or other person doing or performing such work as described in Section 3.13.10.6.2 shall be deemed guilty of violating this ordinance at least to the same extent or manner as the owner of the premises, or the person for whom the use is established or for whom such buildings are erected or altered, and shall be subject to the penalties herein prescribed for a violation.

3.12.7.10.6.2.2 Compliance. The City may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to all ordinances then in effect.

3.12.7.10.7 Violation. Any violation of the provisions of the urban/wildland overlay is punishable as a Class C misdemeanor upon conviction. Each person, firm or corporation found guilty of such violation shall be deemed guilty of a separate offense for every day during which any violation is committed, continued or permitted by such person, persons, firm or corporation, and shall be punished as provided in this ordinance.

3.12.7.10.8 Nothing in this ordinance may be construed to prevent enforcement under the provisions of the current edition of the Uniform Fire Code as adopted by the State of Utah and the City of Alpine.

3.12.7.11 Warning and Disclaimer

The degree of wildfire protection required by urban/wildland interface overlay is considered reasonable regulatory purposes and is based on fire safety considerations. This section does not imply that land outside the areas of urban/wildland overlay zone or uses permitted within such areas will be free from damages from wildfires. This ordinance shall not create liability on the part of Alpine City, Utah, any officer or employee thereof, or the city's fire agency for any wildfire damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

3.12.8 FLOOD DAMAGE PREVENTION OVERLAY

(Ord. 1998-02; Incorporated into the Sensitive Land Ordinance by Ord. 2005-03, 01/25/05; Amended by Ord. 2016-13, 07/26/16)

3.12.8.1 Statutory Authorization The Legislature of the State of Utah has in Utah Code sections 10-3-701 and 10-8-84 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Alpine City Council does ordain as follows:

3.12.8.2 Findings of Fact

1. The flood hazard areas of Alpine, Utah are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

3.12.8.3 Statement of Purpose It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the second use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
7. Insure that potential buyers are notified that property is in a flood area.

3.12.8.4 Methods of Reducing Flood Losses In order to accomplish its purposes, this ordinance uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
3. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
4. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
5. Control filling, grading, dredging and other development which may increase flood damage.

6. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

3.12.8.5 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
2. APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
3. AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
4. AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.
5. BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year.
6. BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides.
7. CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
8. DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
9. ELEVATED BUILDING - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the

structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

10. EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
11. EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by community.
12. EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
13. FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland or tidal waters.
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
14. FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
15. FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.
16. FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).
17. FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
18. FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose

ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

19. FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
20. FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
21. FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
22. FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
23. HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
24. HISTORIC STRUCTURE - means any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
 - d. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 1. by an approved state program as determined by the Secretary of the Interior or;

2. directly by the Secretary of the Interior in states without approved programs.
25. LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
26. LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
27. LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.
28. MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
29. MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
30. MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
31. NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
32. NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
33. RECREATIONAL VEHICLE - means a vehicle which is:
 - a. built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projections;

- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

34. START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of building, whether or not that alteration affects the external dimensions of the building.
35. STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
36. SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
37. SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
 - b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."
38. VARIANCE - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.).
39. VIOLATION - means the failure of a structure or other development to be fully

compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

40. WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

3.12.8.6 General Provisions

1. Lands to Which This Section Applies. This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Alpine City, Utah.
2. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Alpine City," dated September 2, 2016, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.
3. Establishment of Development Permit. A Development Permit shall be required to ensure conformance with the provisions of this ordinance.
4. Compliance. No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.
5. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
6. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and,
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
7. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or

any administrative decision lawfully made hereunder.

3.12.8.7 Administration

1. Designation of the Floodplain Administrator. The City Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
2. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
 - a. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
 - b. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
 - c. Review, approve or deny all applications for development permits required by adoption of this ordinance.
 - d. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 - e. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
 - f. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Utah Division of Water Rights, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - g. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - h. When base flood elevation data has not been provided in accordance with section 3.12.8.6.2, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of section 3.12.8.8.
 - i. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not

increase the water surface elevation of the base flood more than one foot at any point within the community.

- j. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community **first** applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).
 - k. Where flood way velocities are generally determined to be under five feet (5') per second and maximum flood depth will not exceed three feet (3'), such uses as cultivated agriculture, nurseries, parks and recreation facilities and accessory parking may be permitted.
 - l. Lots that contain land in the floodplain area shall contain a minimum area outside the floodplain corresponding to the underlying zone. For example, a lot in the TR-10,000 zone must have at least 10,000 sq. ft. of land above the 100-Year Recurrence Interval Flood. CR-20,000 lots in a floodplain must have at least 20,000 sq. ft. of land above 100-Year Recurrence Interval Flood. A CR-40,000 lot in a floodplain must have at least 40,000 sq. ft. of land above 100-Year Recurrence Interval Flood. Whenever 100-Year Recurrence Interval Flood data is not available, the required area as described above will be five feet above the elevation of the maximum flood of record.
3. Permit Procedures. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
- a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the flood proofing criteria of section 3.12.8.8.2.b;
 - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 - e. Maintain a record of all such information in accordance with section 3.12.8.7.2.a.

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

- a. The danger to life and property due to flooding or erosion damage;
- b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- j. The relationship of the proposed use to the comprehensive plan for that area.

4. Variance Procedures.

- a. The Alpine City Land Use Appeal Authority as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
- b. The Appeal Authority shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- c. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- d. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- e. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

- f. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 3.12.8.7.3.b of this ordinance have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- g. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (section 3.12.8.3).
- h. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- i. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- j. Prerequisites for granting variances:
 - 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 2. Variances shall only be issued upon:
 - a. showing a good and sufficient cause;
 - b. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - 3. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- k. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - 1. the criteria outlined in section 3.12.8.7.4.a through 3.12.8.7.4.i are met, and
 - 2. the structure or other development is protected by methods that minimize

flood damages during the base flood and create no additional threats to public safety.

3.12.8.8 Provisions for Flood Hazard Reduction

1. General Standards. In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:
 - a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 - c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 - d. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
 - g. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
2. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) section 3.12.8.6.2, (ii) section 3.12.8.7.2.h, or (iii) section 3.12.8.8.3.c, the following provisions are required:
 - a. Residential Construction. - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in section 3.12.8.7.3.a, is satisfied.
 - b. Nonresidential Construction. - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic

loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

- c. Enclosures. - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- d. Manufactured Homes.

1. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject

to the provisions of the previous paragraph (3.12.8.8.2.d.2) of this section be elevated so that either:

- a. the lowest floor of the manufactured home is at or above the base flood elevation, or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- e. Recreational Vehicles. - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
1. be on the site for fewer than 180 consecutive days,
 2. be fully licensed and ready for highway use, or
 3. meet the permit requirements of section 3.12.8.7.3.a, and the elevation and anchoring requirements for "manufactured homes" in section 3.12.8.8.2.d.2. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

3. Standards for Subdivision Proposals.

- a. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with section 3.12.8.2 through section 3.12.8.4 of this ordinance.
- b. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of section 3.12.8.6.3, section 3.12.8.7.3 and the provisions of 3.12.8.8 of this ordinance.
- c. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions.¹⁸ which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to section 3.12.8.6.2 or section 3.12.8.7.2.h of this ordinance.
- d. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- e. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

4. Standards for Areas of Shallow Flooding (AO/AH Zones).

Located within the areas of special flood hazard established in section 3.12.8.6.2, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- a. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- b. All new construction and substantial improvements of non-residential structures;
 - 1. have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
 - 2. together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- c. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in section 3.12.8.7.3.a, are satisfied.
- d. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

5. Floodways.

Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- a. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- b. If section 3.12.8.6.2 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 3.12.8.8.
- c. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National

Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

3.12.8.9 Penalties for Noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute an infraction. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 750, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Alpine City from taking such other lawful action as is necessary to prevent or remedy any violation.

3.12.9 HILLSIDE PROTECTION OVERLAY (Original Ordinance No. 98-10. Incorporated into the Sensitive Land Ordinance by Ordinance No. 2005-03, 1/25/05)

3.12.9.1 INTENT AND PURPOSE

The purpose of the Hillside Protection Overlay Zone is to promote health, safety and the general public welfare of the residents of the City, by establishing standards for development of certain hillsides located in the City to minimize soil and slope instability, erosion, and to preserve the character of the hillsides.

The Hillside Protection Overlay shall comply with paragraph 4.5.4 #4-9, limits to development of the Land Use Element of the Alpine City General Plan as adopted by the Alpine City Council on July 28, 1997 as follows:

Development will not be permitted where any part of the zoning lot is above an elevation of 5350 feet Mean Sea Level except it is demonstrated that such development or structure complies with the following conditions in addition to all other conditions defined in the underlying zone, and additions or conditions as recommended by the Planning Commission and approved by the City Council.

3.12.9.2 PROVISIONS. The provisions herein are designed to accomplish the following:

1. Encourage the location, design and development of building sites to provide maximum safety, and human enjoyment while adapting the development to the natural terrain;
2. Provide for safe circulation of vehicular and pedestrian traffic to public and private areas minimizing the scarring and erosion effects of cutting, filling and grading related to hillside construction;
3. Prohibit activities and uses, which would result in degradation of fragile soils and steep slopes.
4. Encourage preservation of open space to preserve the natural terrain.
5. Minimize flooding by protecting streams, drainage channels, absorption areas and

flood plains from substantial alteration of the natural functions.

3.12.9.3 OVERLAY ZONE - SCOPE - CONFLICT RESOLUTION

The Hillside Protection Zone shall be an overlay zone of the zone classifications set out in the Alpine Zoning Ordinance. Any permitted use in a district overlaid by the Hillside Protection Zone is a conditional use. Conditional uses authorized in districts overlaid by the Hillside Protection Zone remain conditional uses. In case of conflict between the provisions of the existing zoning classification, building code, subdivision ordinance and/or other City ordinance and the Hillside Protection Overlay Zone, the most restrictive provision shall apply. Nothing contained herein shall be construed to expand a use, make less restrictive a use, or allow a use which is not otherwise permitted in the zoning district overlaid by the Hillside Protection Zone.

3.12.9.4 SPECIFIC REQUIREMENTS

3.12.9.4.1 Viewscape Protection

Structure will not exceed 25' in height from lowest elevation of finished or natural grade, whichever is most restrictive, to the top of the structure nor will it be placed on any ridge line or protrude against the skyline when viewed from any major roadway in Alpine classified as collector or greater in intensity. Hillside developments will be designed to minimize visual impact and will make maximum use of hollows and draws. (See attachment A to this section for acceptable examples.) A landscaping plan designed to minimize the visual impact of any hillside structure or development shall be provided. All buildings constructed will make maximum use of neutral colors and non-reflective glass for structures. An exterior materials plan will be provided designating types of exterior materials and colors. (See attachment A for examples.)

3.12.9.4.2 Outdoor Lighting Regulations

Outdoor lighting must be so organized and constructed so as to minimize the view of such lights more than 300' away.

All street and all outdoor lighting plans must be reviewed and a recommendation given by the Planning Commission and approved by the City Council.

3.12.9.4.3 City Services

1. **Culinary water** - Development above 5350 ft. will provide all additional infrastructure required to provide adequate water and pressure. This includes piping, valves, pumps and storage tanks of appropriate size as determined by the City Engineer. The development shall provide both on-site and off-site improvements. The development shall also pay the cost of pumping water to the development.
2. **Waste disposal** - Development will provide infrastructure to connect to the Alpine City sewer regardless of the distance of the structure from the existing line. (The 300 ft. limitation for use of septic tanks will not apply.) Such lines will be sized in accordance with the requirements of the City Engineer.
3. **Storm drainage** - Development will provide infrastructure to connect to the

Alpine City drainage complex or provide other drainage satisfactory to the City Engineer and the Planning Commission.

3.12.9.4.4 Safety

All habitable structures above 5350 feet shall meet the requirements of the Urban/Wildland, Flooding, and Geologic Hazard overlays contained in this, Hazard Ordinance chapter. In addition the following requirements for Recharge and Groundwater Areas and Erosion shall be met.

1. **Recharge Areas and Groundwater:** The developer shall demonstrate that the proposed development will not have an adverse effect on groundwater recharge areas and local groundwater conditions.
2. **Erosion:** No structure shall be located so as to cause an increase in erosion.

3.12.9.4.5 Design Standards

1. Development shall not be allowed within fifty (50) feet of slopes in excess of forty (40) percent, areas subject to landsliding, or other high-hazard geologic areas as determined by a soils report and/or geology report produced pursuant to the requirements of item H-5 documentation.
2. Grading of the lot or parcel which is related to creation of the primary building site or construction of the structure shall not extend closer than twenty (20) feet from the lot or parcel boundary lines, nor more than (30) feet horizontally, in front, to the rear or to the side of the proposed structure unless a lesser distance is approved by the City Council upon recommendation of Planning Commission upon a showing by the developer that a lesser distance will not be contrary to the purposes of this section.
3. Building sites for accessory buildings or structures such as tennis courts, swimming pools, outbuildings etc. shall be approved by the City Council upon recommendation of the Planning Commission and follow the requirement of this Section H.

3.12.9.4.6 Documentation

1. **Plans and reports required.** The following reports and plans are to be provided by the applicant. The Planning Commission may waive any reports and plans it determines are not necessary to determine whether the development meets the requirements of this section.
2. **Soils report.** The soils report shall be prepared by a qualified soils engineer, and must contain at least the following information:
 - (1) Slope analysis;
 - (2) An estimate of the normal highest elevation to the seasonal high-water table;
 - (3) The location and size of swamps, springs and seeps, which shall be shown on the site plan, and the reasons for the occurrences of these underground water sources. An analysis of the vegetative cover or other

surface information may be used by show the presence of underground water;

- (4) A unified soil classification for the major horizons or layers of soil profile, or of the zone of the footing foundation;
- (5) Appropriate accepted soils engineering tests to determine bearing capacity, settlement potential, and shrink/swell potential of the site soils;
- (6) Potential frost action, based on the depth to the water and the Unified Soil Classification;
- (7) An analysis of the soil suitabilities, constraints and proposed methods of mitigating such constraints in implementing the proposed development;
- (8) An analysis of the propensity of the area to have hazards that may or may not be included in the geologic hazard maps such as landslides, rock fall, surface fault rupture, or debris flow;
- (9) A written statement by the person or firm preparing the soils report, identifying the means proposed to minimize hazard to life, property, adverse effects on the safety, use or stability of a public right-of-way or drainage channel, and adverse impact on the natural environment. This statement shall be reviewed by the Planning Commission and approved by the City Engineer.

3.12.9.4.7 Geologic Report

A geologic report shall be prepared by a licensed and qualified engineering geologist and contain:

1. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and recommendations covering the adequacy of sites to be developed;
2. A written statement by the person or firm preparing the geologic report identifying the means proposed to minimize hazard to life or property, adverse effects on safety, use or stability of a public right-of-way or drainage channel, and adverse impact on the natural environment.

This statement shall be reviewed by the Planning Commission and approved by the City Engineer.

3.12.9.4.8 Grading and Drainage Plan

A grading and drainage plan shall be prepared by a professional engineer registered in the state. The plan must be sufficient to determine erosion control measures necessary to prevent soil loss during construction and after project completion. The plan shall contain at least the following information:

1. A map of the entire site, showing existing details and contours of the property and proposed contour modifications, using a minimum of ten-foot contour intervals at a scale of one inch equals one hundred (1" = 100') feet.
2. Map(s) of area(s) to be graded, showing existing details and contours at five-foot intervals where terrain will not be modified, and proposed details and contours of two-foot intervals where terrain modification is proposed, using a scale of one inch equals twenty (1" = 20') feet.

3. An investigation of the effects of the 100 year storm evaluating how the proposed drainage system will handle the predicted flows, including effects of drainage areas outside the development which drain through the subject area and the anticipated flow of the drainage leaving the development.
4. The history, including frequency and duration of prior flooding.
5. The location of any existing buildings or structures on the development, and any existing buildings or structures on land of adjacent owners which are within one hundred (100) feet of the property, or which are on the land of adjacent owners and may be affected by the proposed development.
6. The direction of proposed drainage flow and the approximate grade of all streets (not to be construed as a requirement for the final street design).
7. Proposed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with or as a part of the proposed work, together with a map showing drainage areas and the proposed drainage network, including outfall lines and natural drainage ways which may be affected by the proposed project. Include the estimated runoff of the areas served by the drainage plan.
8. A written statement by the person or firm preparing the grading and drainage plan identifying any grading and drainage problems in the development and further stating an opinion as to the ability of the proposed plan to mitigate or eliminate such problems so as to prevent hazard to life or property; adverse effects on the safety, use or stability of a public way or drainage channel; and adverse impact on the natural environment.

This statement must be accepted and approved by the Planning Commission and the City Engineer.

9. A plan for the prevention and control of erosion during the course of construction approved by the City Engineer.

3.12.9.4.9 Fire Protection Report

A fire protection report including but not limited to identification of potential fire hazards, mitigation measures approved by the Alpine/Highland Public Safety District Fire Chief, access for fire protection equipment, and existing and proposed fire flow capacity. The fire protection report shall address, as appropriate, the State Forester's Wildlife Hazards and Residential Development Identification Classification and Regulation Report. This report must be accepted and approved by the Alpine/Highland Public Safety District Fire Chief and the City Engineer.

3.12.9.4.10 Vegetation Plan

The vegetation plan and report shall be prepared by a person or firm qualified by training and experience to have expert knowledge of the subject and shall include at least the following:

1. A survey of existing trees, large shrubs, and ground covers
2. A plan of the proposed revegetation of the site, detailing existing vegetation to be preserved, new vegetation to be planted, and any modifications to existing vegetation
3. A plan for the preservation of existing vegetation during construction activity
4. A vegetation maintenance program, including initial and continuing maintenance necessary
5. A written statement by the person or firm preparing the vegetation plan and report, identifying any vegetation problems, and further stating an opinion as to the ability of the proposed plan to mitigate or eliminate such problems as to prevent hazard to life or property; adverse effects on the safety, use and stability of a public way or drainage channel; and adverse impact on the natural environment.

This statement must be accepted and approved by the City engineer.

3.12.9.4.11 Other Report and Plans

Other reports and plans as deemed necessary by the Planning Commission. The Planning Commission may require second source verification.

3.12.10 Warning and Disclaimer

The hazards ordinance codified in this chapter and geologic, urban/wildlife, flood, and hillside hazard overlay zone represent only those hazardous areas known to the City, and should not be construed to include all possible potential hazard areas. The hazards ordinance and the applicable overlay zone may be amended as new information becomes available. The provisions of the chapter do not in any way assure or imply that areas outside its boundaries will be free from the possible adverse effects of hazards. This chapter shall not create liability on the part of Alpine City, any officer or employee thereof for any damages from hazards that result from reliance on this chapter or any administrative requirement or decision.

ARTICLE 3.13

RESERVED

ARTICLE 3.14

RESERVED

ARTICLE 3.15 GROUP LIVING ARRANGEMENTS (Ord. 2015-02, 02/10/15)

3.15.1 GROUP LIVING ARRANGEMENTS PROHIBITED. Group Living Arrangements which are not expressly permitted within a zone or by the Development Code are expressly prohibited.

ARTICLE 3.16 OPEN SPACE ORDINANCE (Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

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 viewsapes, 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 a recommendation from the Planning Commission and approval of a site plan by the City Council 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 materially changed, improved, altered, disposed of in any manner or used for any other purpose except after a recommendation of the Planning Commission following a public hearing and by a super majority vote of the City Council (4 positive votes out of 5 City Council members are required). A material change shall include, but is not limited to, a change to the park's present and essential defining characteristics, creation of or improvement of roadways or parking lots within the park.

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 or residential building or 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. The two types of publicly-owned open spaces are defined as follows:
 - a. Natural 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;
 3. Recreational improvements which are incidental to the natural area;
 4. Construction and maintenance of City utilities shall be permitted; and/or
 5. Structures for the maintenance and operation of city business shall be conditionally approved.

b. Developed Open Space:

1. Formal grading;
2. Landscaping, including grass areas, shrubbery, trees, and other plants requiring watering and other maintenance;
3. Recreational areas with sufficient parking;
4. Construction and maintenance of City utilities shall be permitted; and/or
5. Structures for the maintenance and operation of city business shall be conditionally approved.

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 eight (8) 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.

ARTICLE 3.17 TRAIL ORDINANCE (Ord. 99-08, 8-10-99; Amended by Ord. 2004-11, 7/13/04; Ord. 2008-05, 7/22/08; Ord. 2009-06, 4/28/09)

3.17.1 PURPOSE

The purpose of this Ordinance is to provide off-street venues for activities such as walking, jogging, cross-country skiing, snow-shoeing, cycling, horseback riding, etc.

3.17.2 PERMITTED USES

- 3.17.2.1 Trail Usage.** Alpine trails are multi-use for pedestrians, equestrians, bicyclists and other similar non-motorized uses. ADA (American Disability Act) access for motorized wheelchairs shall be indicated by signage.

3.17.3 SPECIAL PROVISIONS

- 3.17.3.1** All present and future trails in the City of Alpine as noted on the attached map are hereby made a portion of this Ordinance. Usage and restrictions of usage are noted on the map.
- 3.17.3.2** Land included in these trails, paths and walkways 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 by the City Council, and by a majority vote of the City Council.

3.17.4 PROHIBITED ACTIVITIES

All activities not expressly permitted in this Ordinance are prohibited.

3.17.5 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.

1. Trails serve to protect the terrain. Without improved trails, pedestrians, equestrians, and cyclists create erosion and can effectively destroy the aesthetic aspects of any open space. In sensitive areas, the City may limit usage to improved trails only.
2. Trails sanction public use of these lands. Without a clearly marked trail, it is difficult for citizens to know if they are within their rights to traverse open spaces; therefore, usage is inhibited.
3. Trails are an effective way to direct traffic. They can and should be placed to maximize the privacy of neighboring residences.

3.17.6 GENERAL RESTRICTIONS

- 3.17.6.1 General Restrictions.** Certain restrictions apply to all publicly owned trails, regardless of designation.
1. No motorized vehicles shall be allowed on trails except for vehicles performing trail maintenance, emergency vehicles, motorized wheel chairs on trails which are ADA (American Disability Act) accessible, or as designated by the City Council.

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, cross country skiing or 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 with the notification of and a permit from City Hall.
5. All dogs are to be leashed, except in Lambert Park in which case the dog is to be under the owner's direct control at all times. All animal excrement is to be cleaned up by the dog owner.
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.

3.17.7 TRAIL DEFINITIONS AND DESIGNATIONS

3.17.7.1 Definition of Trail Types. The following definitions include the types of trails allowed in the Ordinance. (See Appendix A for cross sections of the trail types.)

1. Class A: Six (6) foot sidewalk.
2. Class B: Eight (8) foot asphalt trail.
3. Class C: Eight (8) foot crushed rock trail.
4. Class D: Four (4) foot crushed rock trail.
5. Class E: Two (2) foot dirt trail.

3.17.7.2 Trail Design

1. Trail types will be designed on a case-by-case basis. Width may vary within a given trail if topography so indicates. (e.g., wide in flat areas, narrow when winding up or down hills.) Trails may consist of those types defined in Section 3.17.7.1 and shall be constructed to Alpine City Standards.
2. All trail corridors shall be a minimum of 20 feet in width and shall be on land deeded to Alpine City in fee simple or on trail easements obtained by the City.
3. All trails installed in the City's ROW through or leading to open spaces should be located in the center of the ROW wherever possible, or in such a way as to maximize the privacy of adjacent property owners, while at the same time considering topography, aesthetics, views and land use plans.
4. All proposed trails shall be located in accordance with the Trail Master Plan. The Trail Master Plan shall be used as a guideline in determining the precise placement of the trail. Precise location and type of trails shall be determined by the City Council upon the recommendation of the Planning Commission. The Planning Commission may utilize the Parks, Recreation, and Open Space (PRO) Committee to study and evaluate trail proposals.

5. Signs shall be placed at entry points to trails or to open space from public roads or other public lands. These signs shall identify the trail and also note usage restrictions.
6. Trailheads designated on the Trail Master Plan shall include off-street parking and may include other facilities such as restrooms or picnic tables.
7. Alpine City is responsible for the landscaping and maintenance needs of all publicly-owned open space and trails.

3.17.8 PUBLIC RIGHT OF WAY AND PLACEMENT OF TRAILS THROUGH OPEN SPACE

- 3.17.8.1** The attempt to restrict trail placement is, in effect, an attempt to restrict public use, and therefore not in keeping with the definition of public open space.
- 3.17.8.2** On all publicly-owned lands and trail easements, the City retains the right, subject to standards specified in Section 3.17.7, to install trails as it deems necessary, in order to protect, direct and enhance public use of the open space.

3.17.9 MASTER TRAIL PLAN

- 3.17.9.1** When a proposed development includes a trail, trailhead or any segment of a trail as shown on the Trail Master Plan, incorporated on the attached map, the building or subdivision plans and plats shall incorporate such trails or trailhead, and they shall be built by the developer.
- 3.17.9.2** The City may also indicate future trails in any publicly-owned open space, which will not be required to be constructed by the developer at the time of subdivision improvement, but may be constructed in the future. Such future trails shall be shown on the plans and plats so that future homeowners can be aware of them.

3.17.10 TRAIL IMPROVEMENTS AND MAINTENANCE

- 3.17.10.1 Maintenance and Improvements to Public Trails by Private Individuals/Groups.** 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 trails. However, these improvements shall be governed by guidelines incorporated in this ordinance, which includes specific rules for each designation.
 - 3.17.10.1.1** All requests for improvements and long-term maintenance of City-owned property by citizens shall be presented in writing to the Planning Commission. 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.
 - 3.17.10.1.2** Any landscaping, maintenance or other improvements to trails which do 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.

3.17.10.2 General Improvement Guidelines

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

3.17.10.2.1 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 express permission from the City, all of the following apply:

1. Grass, trees or shrubbery may not be planted.
2. Fences or other obstructions may not be erected across trails.
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 trails.
7. Waterways within trail easements shall not be piped unless approved by the City Council.
8. All other encroachments are expressly forbidden.

3.17.10.2.2 When permission is granted to individuals or groups to improve trails, 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.

3.17.10.2.3 When permission is given to private parties to improve trails, these same parties will be required to maintain these improvements, unless otherwise specified.

3.17.10.2.4 When written permission is given to improve public open spaces and trail easements, the following general guidelines apply to all designations except natural (conservation) areas:

1. 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.
2. Non-invasive groundcovers may be planted in the trail easement but shall be kept off from the trail. Low and slow-growing junipers, cotoneaster, vines and grasses are examples of acceptable plants.
3. All trees are to be planted outside the trail corridor.
4. All sprinkling piping and heads are to be located entirely on private property. Drip irrigation pipes may go into the easement and would be the preferred watering method.

3.17.10.3 Improvements to Private Property Bordering Trails

3.17.10.3.1 Fences or borders along property lines adjacent to a trail must meet specific standards.

1. When the width of the trail easement is less than 50 feet, bordering fences may not exceed 6 feet in height, and shall not obstruct visibility (open designs such as rail fence, field fence, or chain link are preferable.)

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.

3.17.10.3.2 Domestic animals on property adjacent to the trail shall be restrained such that they cannot enter the trail easement.

3.17.10.3.3 All trees are to be planted entirely on private property. Any trees with branches that overhang the trail must have those branches pruned to a height of at least 10 feet above the trail to provide headroom for cyclists, equestrians and general safety.

3.17.11 ENFORCEMENT

3.17.11.1 Subdivision Approval Stage

1. Trail designations and ownership shall be included on all plats and recorded on deeds.
2. Trail signs shall be provided by the City. These signs shall indicate City-owned trails and penalties for misuse or damage.
3. Developers are required to stake, clearly tape off and post signs marking all trail corridors prior to the start of construction. The site may be walked by City staff, PRO Committee, Planning Commission, and City Council.
4. A bond to be approved by the City Engineer shall be posted by the developer against damage to public trails during construction.

3.17.11.2 Before Bond Release

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

3.17.11.3 Before Building Permit is Issued

1. Before building permits are issued, all potential homeowners with property adjacent to trails 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.
2. Public trails must be staked, clearly taped and marked with signs so that all construction crews will be aware of these public lands.

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

3.17.11.4 Before Occupancy Permits are Issued

1. All damage to public trails and/or improvements upon it caused by home construction must be repaired by the homeowner at his or her expense.
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 is to be determined by the City Engineer.

3.17.12 OTHER REMEDIES

Notwithstanding the enforcement measures in Section 3.17.11 above, all penalties contained in Article 3.26 of this ordinance may be imposed in lieu of or in addition to all other remedies in case of infractions.

3.17.13 TRAIL SAFETY AND ETIQUETTE (Ordinance 2004-11 adopted 7/13/04)

3.17.13.1 Purpose

The purpose of this Ordinance is to secure the safe, quiet, orderly and suitable use and enjoyment by the public on Alpine City Trail, and to ensure the public's right quiet, lawful enjoyment, both users and homeowners.

3.17.13.2 General Restrictions

1. Trails will be closed between dusk and dawn. This excludes the trails in all City parks and sidewalks designated as trails.
2. Do not serve, possess, or consume any alcoholic beverages or illegal drugs within or upon the Trail Corridor.
3. No discharge of any weapons.
4. No Fires, Fireworks and Smoking along the trail corridor.
5. No Dumping or any discharge of waste.
6. Do not remove, alter, injure or destroy the natural resources in city open spaces and trail corridors (rocks, flowers, trees, etc.).
7. No operation of motorized vehicles except in designated areas. Motorized vehicle trails shall be closed from dusk to 7:00 am.
8. All dogs must be leashed except within the boundaries of Lambert Park.
9. Trail users shall not leave the trail corridor and enter on private property without permission of the landowner.
10. New trails and trail realignments shall be approved by the City.

11. Nothing will be constructed or placed to restrict the trail right of way.

12. Any abuse of the above restrictions could result in closing the trail by the City

3.17.13.3 Trail Etiquette

1. Stay on established, marked trails.
2. Do not cut cross country where there are not trails.
3. Try to prevent widening of trails.
4. Bikers yield to Hikers, both yield to horses. Motorized vehicles yield to all.
5. Do not enter private property.
6. Keep noise level appropriate.
7. Keep speed under control.

3.17.13.4 Trail Events

Any organization wishing to use Alpine City trails must post a refundable deposit for events such as races, etc. to protect against the damage to public trails and clean-up costs. The refundable deposit shall be set by the Alpine City Council on the City Fee Schedule. Alpine City Council shall approve the trail/course to be used in the event. Alpine City shall not take responsibility for injury resulting from said activities.

3.17.13.5 Trail Watch

The Alpine City PRO Committee is charged with the job of creating and overseeing the trail-watch program. The trail-watch program shall be created too provide a safe city trail system. The trail-watch program shall consist of the following four categories: 1) volunteer patrols, 2) trail maintenance reporting system, 3) better signage, and 4) training and notifying the public on various trail issues including what to do in an emergency or how to report on general trail problems.

ARTICLE 3.18 SENIOR HOUSING OVERLAY ZONE (Ord. No. 2003-11/10-14-03, Ord. No. 2008-02/3-11-08; Ord. No. 2016-11, 06/14/16)

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.
- H. 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; Ord. 2016-11, 06/14/16):

- 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.

ARTICLE 3.19 ASSISTED LIVING AND NURSING CARE OVERLAY ZONE (Ord. No. 2003-13/11-25-03; Ord. No. 2008-02/3-11-08)

3.19.1 Findings. The City Council of Alpine hereby finds that Assisted Living and Nursing Care facilities are necessary components 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 opportunity for proper housing and health and human services to meet the needs of its aging residents.

3.19.2 Definitions:

Elderly or Older. Age definition that meets the Fair Housing Act definition of housing for older persons including housing specifically designed for and occupied by elderly 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 a least 80 percent of the occupied units and adheres to a policy that demonstrates intent to house persons who are 55 or older.

Assisted Living Facility. A residential facility, conforming to the requirements of the State Division of Human Services or successor agency, as a Type I or Type II facility, occupied or intended to be occupied by two or more elderly persons and providing assistance with "Activities of Daily Living" and social care to residents.

Activities of Daily Living. The term shall include the following activities:

- 1) Dressing;
- 2) Eating;
- 3) Grooming;
- 4) Bathing;
- 5) Toileting;
- 6) Ambulation;
- 7) Transferring; and
- 8) Administration of medication.

Congregate Living Unit. A residential dwelling, occupied or intended to be occupied by elderly persons who may require assistance with one or more activities of daily living, in a multi-unit apartment or condominium setting, having common dining and social areas and having meals prepared by staff for the residents. Congregate Living Units may also include kitchenettes in the private areas.

Nursing Care. Means a health care facility, other than a hospital, constructed, licensed and operated to provide patient living accommodations, twenty four (24) hour staff availability, and at least two (2) of the following patient services: A) a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health related or paraprofessional personal care services; B) a structured supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or C) a supervised living environment that provides support, training or assistance with individual activities of daily living.

Dwelling Unit. The living space occupied by one resident including bathroom facilities not to be less than 300 square feet.

3.19.3 Purpose. The purpose of the Assisted Living and Nursing Care Overlay Zone is to promote the public health, safety and welfare by allowing increased land use flexibility through specialized zoning techniques to assure that health and human services are appropriately located throughout the community and that neighborhood diversity is permitted without ignoring legitimate concerns regarding impacts on surrounding residential areas, and to further the objective of federal law by integrating health and human service facilities into normal surroundings.

3.19.4 Overlay Zone Created. To further the purposes stated herein, there is hereby established an Assisted Living and Nursing Care Overlay Zone within Alpine City in the Business Commercial Zone. In considering a request to rezone a parcel as an Assisted Living and Nursing Care 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 Health and Human Services Facilities in the area of the proposed location.
- H. It shall be the City Council's sole discretion to decide if a project should be a Assisted Living and Nursing Care Overlay within the intent of the ordinance as noted above.

3.19.5 Uses. The following uses shall be permitted in the Assisted Living Overlay Zone containing one or a combination of all:

- A. Assisted Living Facilities
- B. Congregate Living Units
- C. Nursing Care facility

3.19.6 Underlying Zone Development Standards and Regulations. All uses within the Assisted Living and Nursing Care Overlay Zone shall be conducted within buildings, which conform to the requirements of the underlying zone.

3.19.7 Overlay Zone Development Standards and Regulations. The following development standards and regulations shall apply to all developments within the Assisted Living and Nursing Care Overlay Zone.

- A. As part of the submittal, the applicant shall submit a management plan for the operation of the project, which plan shall include provisions to limit occupancy to elderly persons. Each project shall be under one (same) management.

- B. Restrictive Covenants. The developer of a development within the Assisted Living and Nursing Care Overlay Zone shall be required to establish restrictive covenants to assure that the uses approved for the development will be maintained. Such covenants shall be recorded to run with the land to insure against conversion to less desirable land uses.
- C. Occupancy Restrictions.
1. Occupancy of each unit shall be limited to individuals who qualify as elderly persons provided that occupancy by individuals who do not qualify as an elderly person may be permitted, where the non-qualified person is the spouse of an qualified elderly person, or the non-qualified person is required in order to provide essential assistance to the resident elderly person.
 2. Not more than one (1) non-qualified person shall be permitted to occupy a unit.
- D. 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.
- E. Landscaping. Adequate landscaping shall be designed. Landscaping shall be of the same general character 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.
- F. Parking. Minimum primary parking standards shall be as follows:
- | | |
|--------------------------------|--|
| A. Assisted Living Facilities: | one (1) parking spot per three (3) residents |
| B. Congregate Living Units: | 1.3 spaces per dwelling unit |
| C. Nursing Care Facilities: | one (1) parking spot per three (3) residents |
- G. Private travel ways shall provide safe and convenient vehicular movement to and from all off-street parking spaces. Private travel ways shall be not less than 20 feet width of asphalt.
- H. Prior to occupancy of an assisted living or nursing care facility, the person or entity licensed or certified by the Department of Human Services or Department of Health to establish and operate the facility shall:
1. Provide a copy of such license or certification to the City and;
 2. Certify in a sworn affidavit to the City that no person will reside or remain in the facility whose tenancy would likely:
 - a. Constitute a direct threat to the health or safety of other individuals, or
 - b. Result in substantial physical damage to the property of others.
- I. The assisted living and nursing care facility shall comply with all health and safety codes applicable to that type of building and use.

- J. The use permitted by this section is non-transferable and shall terminate if:
 - 1. The facility is devoted to a use other than permitted in the Assisted Living and Nursing Care Overlay Zone;
 - 2. The license or certification issued has been terminated or revoked, or;
 - 3. The facility fails to comply with these conditions;
- K. The total number of residents permitted in an Assisted Living, Congregate Living, or Nursing Care project (maximum allowed) shall be one resident per 1,000 square feet of lot area.
- L. The minimum project size shall be two (2) acres and the maximum project size shall be four (4) acres. The Planning Commission may recommend and the City Council may approve an exception to the maximum project size, not to exceed ten (10) acres.
- M. The maximum height of any structures shall be thirty-four (34) feet as measured from the ridge line.
- N. Setback shall be thirty (30) feet in the front along a public street. The rear and side yard setbacks adjacent to residential properties shall be twenty (20) feet.
- O. No person who is being treated for alcoholism or drug abuse or who is violent will be placed in a residential facility for elderly persons.
- P. Placement in the facility is on a strictly voluntary basis and is not part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
- Q. The group home operator shall provide the city proof of adequate insurance for the program's vehicles, hazard insurance on the home, and liability insurance to cover residents and third party individuals.
- R. A Developer's Agreement shall be executed between the City and the Developer outlining the conditions of approval of the overlay zone.

3.19.8 Compliance with Subdivision Procedure. All proposed development within the Assisted Living and Nursing Care Overlay Zone shall be reviewed and approved in accordance with Alpine City's Subdivision Ordinance and with the following additions for concept approval (Amended by 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.

3.19.9 Compliance with Overlay Zone. All proposed development within the Assisted Living and Nursing Care Overlay Zone shall go through the Zone Change process to have the property zoned for the Assisted Living and Nursing Care Overlay Zone. Planning Commission will review the proposed zone change along with the concept plan and send a recommendation to the City Council.

ARTICLE 3.20 STANDARDS FOR SCHOOLS (Ord. 2006-09/6-15-06)

All schools shall meet or exceed each of the standards outlined below or receive a written exception to one or more of the standards. Each exception shall require review and recommendation by the Planning Commission and approval of the City Council.

3.20.1.1 A school shall coordinate the siting of a new school with the municipality in which the school is to be located, to avoid or mitigate existing and potential traffic hazards to maximize school safety. Prior to the filing of a formal application by the affected school, the City may not disclose information obtained from a school regarding the consideration of, or intent to, purchase a school site or construct a school building, without first obtaining the consent of the school.

3.20.1.2 School site coordination. The school shall meet with the Mayor and City Council to coordinate the siting of a school. The coordination shall include, but not be limited to, 1) review all potential sites for the facility, 2) identify and compare the safety of all sites, and 3) categorize and measure (to the extent possible) the impact of each individual site.

For purposes of siting such building in compliance with Utah State Law, the Mayor and City Council shall be deemed to exclusively represent the municipality (Alpine City). Such findings and such reports shall not be deemed to constitute approval of the City for a building. Each building is subject to all of the relevant City ordinances pertaining to the application, review, and approval for such a building.

3.20.1.3 Any addition of square footage shall constitute a remodel of the school facility and will require the school to abide by this ordinance.

3.20.2 Setback. A school shall have a front setback of not less than 50 feet, side setbacks of not less than 40 feet on each side, and a rear setback of not less than 50 feet.

3.20.3 Height. A school shall have a height no greater than 34 feet as described in Section 3.21.8. Chimneys, flagpoles, bell towers, television antennas, and similar ancillary structures not used for human occupancy shall be excluded in determining height, provided that no such ancillary structure shall extend to a height in excess of fifteen (15) feet above the ridgeline.

3.20.4 Bulk and Massing. The bulk of a school building shall be defined as the ratio of total property acreage per thousand square feet of building footprint. A school shall have a bulk factor of not less than .150.

Example: 10-acre site with a building having a 65,000 square foot building footprint would have a bulk ratio of 0.153 and would be acceptable ($10/65 = .153$). However, a 5-acre site with a 40,000 square foot building footprint would have a bulk ratio of 0.125 and would not be acceptable.

3.20.5.1 Off-site parking. A school must comply with all City ordinances which pertain to parking assuming no off-site parking shall be used in calculating required parking spaces.

3.20.5.2 On-site parking. Parking for schools serving grades K-9 shall be provided at the rate of 0.20 stalls per person (total of students and staff).

- 3.20.6 Curb cut.** A school must receive prior approval from the appropriate agency (e.g. City Engineer, UDOT) for curb cuts. All points of ingress and egress shall be as shown on the site plan and shall be located not less than forty (40) feet from any intersection of public streets.
- 3.20.7 Traffic circulation.** A traffic study provided by the applicant shall be reviewed and accepted by the City Engineer. A school shall disclose to Alpine City the number of students at application by city as supporting documents.
- 3.20.8 Construction staging.** All staging shall be off-street on school property. No street or sidewalk can be blocked.

ARTICLE 3.21

SUPPLEMENTARY AND QUALIFYING REGULATIONS

- 3.21.1 PURPOSE.** The regulations set forth in this chapter shall qualify or supplement, as the case may be, the regulations appearing elsewhere in this ordinance.
- 3.21.2 DWELLING TO BE ON ZONING LOT.** No dwelling or other main building shall be constructed upon a lot or parcel of land unless said parcel qualifies as a zoning lot. Not more than one structure which contains a dwelling shall be located or maintained on each zoning lot. (Ord. 94-02, 2/8/94) except as permitted in Section 3.23.7.2 regarding guest houses.
- 3.21.3 SUBSTANDARD LOTS.** The requirements of this ordinance as to minimum lot area or lot width shall not be construed to prevent the use for a single-unit dwelling of any lot or parcel of land in the event that such lot has been held in separate ownership since and compiled with zoning regulations in effect prior to that date.
- 3.21.4 SALE OR LEASE OF REQUIRED SPACE.** No space needed to meet with the width, yard, area left in natural condition, off-street parking or other such requirements of this ordinance for lot or building shall be sold or leased away from such lot or building.
- 3.21.5 FRONTAGE ON ARTERIAL STREETS.** No driveway, or other vehicular access to an individual lot, shall open onto any public street designated by the official city street plan as an Arterial Street. Lots developed prior to adoption of this ordinance shall be exempt from this requirement.

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

- 3.21.6.1 Requirement.** All fences must be approved by the planning and zoning department and a building permit obtained.
- 3.21.6.2 Front Yard Fences.** Privacy fences, walls and hedges along the street frontage of a lot shall not exceed 3 feet in height when placed within 10 feet of the front property line. Open style fences shall not exceed 4 feet in height when placed within 10 feet of the front property line. Front yard fences may be eight (8) feet in height if they are placed at least 10 feet back from the front property line.
- 3.21.6.3 Interior Side Yard Fences.** Fences alongside yards shall not exceed 3 feet in height for privacy fences and 4 feet in height for open style fences when they are within 10 feet of the front property line. Side yard fences may be eight (8) feet in height when they are located at least 10 feet back from the front property line.
- 3.21.6.4 Rear Yard Fences.** A rear yard fence may be eight (8) feet in height.
- 3.21.6.5 Corner Lot Fences within the Sight Triangle.** The sight triangle on corner lots shall not be obstructed. Privacy fences, walls, or hedges shall not exceed three (3) feet in height, and open-style fences shall not exceed four (4) feet in height, when located within the sight triangle on a corner lot. The sight triangle is defined as the area formed by connecting the corner of the property to points 35 feet back along each property line abutting the street.
- 3.21.6.6 Corner Lot Fences outside the Sight Triangle.** Side yard fences abutting the street may be eight (8) feet in height when they are located at least 35 feet back

from the front property line, outside the sight triangle. For interior side fence see 3.21.6.2.

3.21.6.7 Fences on Retaining Walls. Under no condition shall a fence and wall exceed nine (9) feet on the same plane. If a privacy fence that is on top of a retaining wall would exceed nine (9) feet, the fence shall be set back at least four (4) feet from the back side of the retaining wall. Open style fences including but not limited to rail fences, field fences, or chain link fences are permitted to be on the same plane as a retaining wall.

3.21.6.8 Agricultural Fences. Fences on property where an identifiable commercial agricultural product is produced shall not exceed eight (8) feet in height, and shall be an open style fence.

3.21.6.9 Fences Along Public Open Space and Trails. See Articles 3.16, Section 3.16.10.1 and Article 3.17 Section 3.17.10.3.1.

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

1. When the width of the open space or trail easement is less than 50 feet, bordering fences may not exceed eight (8) feet in height, and shall not obstruct visibility. (Open style fences such as rail fences, field fence, or chain link are preferable.)
2. When the width of the open space or trail easement 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 requirements as fences.
5. The owner of the fence or hedge must maintain the side facing the open space.

3.21.6.10 Conditional Uses for Interior Fences. A conditional use permit may be approved by the City Planner for an interior fence over eight (8) feet in height for such things as sports courts, gardens and swimming pools. A conditionally approved interior fence shall not exceed twelve (12) feet in height and shall be an open style fence. (Ord. No. 2015-06, 05/26/15)

3.21.7 ADDITIONAL WATER RIGHTS MAY BE REQUIRED TO BE CONVEYED TO THE CITY - ADJUSTMENTS (Ord. 95-08, 3/28/95)

1. **Amount Required.** Water rights in an amount sufficient to satisfy the water use requirements for the Zoning Lot shall be conveyed to the City. The amount of additional water rights required, if any, shall be in an amount sufficient to satisfy the water use requirements of the proposed use of the Zoning Lot determined in accordance with the following formula, as may be adjusted based on the provisions below:

(1) Residential Uses. Water rights in an amount sufficient to satisfy the water use

requirements for the lot for which the dwelling is proposed based on the following formula:

Water Right Requirement (in acre feet) = (1.66) area in lots (in acres) + 0.45 x number of lots

- (2) Other Users. An amount sufficient to satisfy the projected needs of the proposed development, as determined by Alpine City.

NOTE: The above requirements are based on the results of the 1994 Alpine City Water Use Study by Horrocks Engineers and reflected in an amendment to the Alpine City General Plan adopting a water rights acquisition policy.

2. **Type of Water Rights Acceptable For Conveyance.** Water rights proposed for conveyance to the City shall be of a type which allow for municipal use within the City, or, if not, the water rights must be of the type which can be amended to provide for municipal use in accordance with the procedures of Utah's change application statute, Utah Code Ann. ' 73-3-3. The water rights may include one or a combination of the following:

- (1) Alpine Irrigation Company Stock.
Primary Shares - One-third (1/3) share for each acre-foot of water right required.
Secondary Shares - One full share for each acre foot required.
- (2) Other irrigation water stock or water rights sufficient water rights to equal the number of acre feet required for the proposed development, after any reduction in quantity by the State Engineer.
- (3) Well Rights. The right to divert from a well source. These water rights shall be evidenced by an approved application to appropriate, an underground water claim or court decree.
- (4) Previously Conveyed Rights. Assignment of interest in water shares or credits to the use of water which have been previously conveyed to the City in anticipation of development (e.g., Busch Well).

Prior to acceptance of water rights, the City shall evaluate the rights proposed for conveyance and may refuse to accept any right which it determines to be insufficient in annual quantity or flow rate, or not reasonably likely to be approved for change to municipal purposes within the City by the State Engineer. In determining the quantity of water available under the water rights, the City will evaluate the priority of the water rights and the historic average quantities of water available to the water rights.

3. **Not Applicable to Lots in Subdivisions.** The water conveyance requirements set forth herein shall not be applicable to lots within previously approved and recorded subdivisions.
4. **Credit for Previously Conveyed Water Rights.** All water rights previously conveyed, whether as part of the annexation process or otherwise, shall be considered as a credit toward satisfying the requirements of this section.
5. **Adjustments to Water Conveyance Requirements Permitted Under Certain Circumstances.** Where the Zoning Lot or parcel contains lands where, as a result of topographic features (e.g., steep slopes) or other environmentally sensitive or fragile conditions, the availability of irrigation water for use on the lot, or other conditions, will be permanently restricted from any use or activity requiring the use of water from the City's

culinary water system, the City may reduce the amount of water rights required to be conveyed in an amount commensurate with the portion of the Zoning Lot or parcel so restricted against the use of water. Any request for reduction shall include enforceable provisions for securing the restricted condition in a form to be approved by Alpine City.

6. **Time of Conveyance.** The conveyance of title to the water rights, free and clear of all liens, encumbrances and claims of any nature, shall occur prior to the receipt of a building permit for the Zoning Lot.

7. **Hardship Relief Provisions.**

- (1) **Hardship Relief Petition.** Any applicant for a building permit on a Zoning Lot under the provisions of this section, either prior to or at the time of the submission of an application for a building permit to the Building Official, may file a hardship relief petition with the City Recorder seeking relief from all or a part of the water rights acquisition policy requirements as contained in this ordinance on the basis that the requirements, as applied to the applicant or the specific property for which a building permit is being requested, has no reasonable relationship to the needs created or benefits conferred upon the proposed development, does not demonstrably benefit the proposed development, is duplicative, results in the deprivation of all reasonable use of the property, or is otherwise unlawful pursuant to the standards of applicable case law or statutes then in effect.
- (2) **Economic Hardship Standard.** For the purposes of this ordinance, a substantial economic hardship shall be defined as applying the requirements of the water rights acquisition policy in such a manner that it has no reasonable relationship to the needs created or benefits conferred upon the proposed development, does not demonstrably benefit the proposed development, is duplicative, results in the deprivation of all reasonable use of the property, or is otherwise unlawful pursuant to the standards of applicable case law or statutes then in effect. The Planning Commission and City Council shall not find a substantial economic hardship if such a hardship is self imposed. The mere fact that the land or parcel of property in question has not historically had water rights associated with it is not a sufficient basis to determine the existence of a substantial economic hardship. The City Council may not modify or grant the petitioner relief from any of the provisions of the Alpine City water rights acquisition policy unless it finds that granting the petition will not substantially affect the General Plan, will not be contrary to the public interest, and will not undermine the ability of Alpine City to provide water rights in a sufficient amount to meet the reasonable needs of its residents for culinary, irrigation, fire protection and other purposes.
- (3) **Information to be Submitted with Hardship Relief Petition.** The hardship relief petition must be submitted in a form acceptable to the City, shall be signed by the applicant and verified and must be accompanied by a minimum of the following information:
 - i. Name of the applicant;
 - ii. Name and business address of the current owner of the property and form of ownership;
 - iii. Nature of the interest owned by the applicant in the subject property;
 - iv. A complete description of all water rights and/or water shares owned by the applicant;
 - v. A complete description of all water rights and water shares which have been utilized on the subject property during the ten (10) years prior to the date of the application;
 - vi. A description of all water rights and water shares conveyed to the City by the

- applicant, related to the subject property;
- vii. A description of any water rights or water shares conveyed to the City by any prior owner of the subject property during the ten (10) years prior to the date of the application, related to the subject property;
- viii. A complete description of the disposition or sale of any water rights or water shares related to the subject property during the ten (10) years prior to the date of the application;
- ix. All studies and reports prepared by the applicant, their agents or prior owners regarding water usage and/or availability of water related to the subject property during the previous ten (10) years prior to the date of the application;
- x. A report in a form acceptable to Alpine City showing all recorded liens, encumbrances and ownership interests related to all water rights and water shares related to the subject property as of the date of the petition;
- xi. Copies of all relevant documents evidencing or relating to water rights and water shares related to the subject property;
- xii. A specific and detailed description of the basis for the applicant's assertion that the water rights acquisition policy is unlawful, inequitable or otherwise should be modified with respect to the applicant and the subject property for which the building permit is requested based on the standards set forth in this ordinance;
- xiii. A specific description of the modifications of the Alpine City water rights acquisition policy which petitioner is requesting with the supporting factual basis for such assertion.

The Planning Commission and/or City Council may request additional information reasonable necessary, in their opinion, to arrive at a conclusion regarding the hardship relief petition.

- (4) **Failure to Submit Information.** In the event that any of the information required to be submitted by the applicant is not reasonably available, the applicant shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.
- (5) **Review and Recommendation by the Planning Commission.** Within thirty (30) days of the filing of a completed hardship relief petition, together with all required and requested supporting information and documentation required by the City Council or the Planning Commission, the Planning Commission shall review the petition and shall submit its written report and recommendation to the City Council, with a copy to be mailed to the petitioner, within thirty (30) days following the conclusion of the meeting of the Planning Commission at which the review has been completed and the report and recommendation prepared, stating its reasons in writing for the report and recommendation to the City council for approval or disapproval of the petition.
- (6) **Hearing by the City Council.** Within thirty (30) days following receipt of the Planning Commission's report and recommendation, the City council shall schedule a public hearing with appropriate notice. At the public hearing, the applicant shall be entitled to present evidence and call witnesses.
- (7) **Burden of Proof.** The applicant shall have the burden of proving that the strict application of the Alpine City water rights acquisition policy is inequitable, unreasonable, unlawful, or should be modified, in whole or in part, as applied to the specific applicant or property for which building permit is sought based on the standards set forth in this

ordinance.

- (8) **Findings of the City Council.** The City council may modify the Alpine City water rights acquisition policy to the extent reasonable necessary to prevent the policy from being applied unlawfully, unreasonable or inequitable based on the standards and provisions set forth in this ordinance. The City council shall, on the basis of the evidence and testimony presented, make specific findings as part of its decision. The decision of the City Council shall be mailed to the applicant within thirty (30) days following the conclusion of the public hearing.

- (9) **Decision Final.** The decision of the City Council shall be final.

3.21.8 RULES FOR DETERMINING HEIGHT OF DWELLINGS AND OTHER MAIN BUILDINGS.
(Amended by Ordinance No. 2001-06)

3.21.8.1 Wherever the terms of this Ordinance require a building height, said height shall be the vertical distance from the "average elevation of the finished grade" of the structure to the "roof line of the structure" except in the CE-50 zone. For purposes of compliance with this Ordinance:

1. Average elevation of the finished grade shall be the proposed finished grade of each major corner of the structure, divided by the number of corners.
2. Roof line of the structure shall be as follows, as applicable:
 - (1) Flat roof - the highest of a flat roof or top of any adjacent parapet wall, whichever is higher.
 - (2) Mansard type roof - the deck line.
 - (3) Gable, hip or gambrel roof - the elevation measured at the midway point between the highest part of the roof ridge line and the lowest elevation of the eaves or cornice of the main roof structure (not including independent, incidental roof structures over porches, garages and similar add-on portions of the structure).

Notwithstanding the provisions above, buildings which exceed the maximum height of thirty-four (34) feet may be approved by the issuance of a conditional use permit upon findings of no significant loss of light, air, and views of surrounding properties, or where by reason of topography one side of the dwelling may exceed thirty-four (34) feet. (Ord 96-15, 12/18/96)

3.21.8.2 Taller accessory buildings may be permitted as a conditional use upon approval by the Planning Commission if the following conditions are met:

1. Accessory buildings are listed as a conditional use within the zone.
2. The lot or parcel upon which the accessory building is proposed to be placed shall have a lot area of not less than two (2) acres.
3. The accessory building shall be located not less than 75 feet to the primary dwelling and not closer than 50 feet to any side or rear property line.
4. Prior to approval, a site plan showing the proposed location of the accessory building

shall be submitted, and approved by the Planning Commission.

5. The Planning Commission may attach other conditions as deemed necessary.
6. The height of the accessory building shall not exceed 34 feet as measured from average finished grade to the ridge line.

3.21.9 FARM ANIMAL AND AGRICULTURAL REGULATIONS (Ord. 2002-05, Amended Ord. 2007-15; Ord. 2011-12, 10/25/11)

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

1. **Horses/cows.** One horse or cow, and suckling offspring up to 6 months, shall be permitted on a 10,000 square foot lot, plus one animal for each additional 10,000 square feet. There shall be a maximum of five (5) animals per lot.
2. **Pigs.** One pig, and suckling offspring up to 6 months, shall be permitted on a 10,000 square foot lot, plus one more pig for an additional 10,000 square feet. There shall be a maximum of two (2) pigs regardless of lot size.
3. **Goats/sheep.** One goat or sheep, and suckling offspring up to 6 months, shall be permitted on a 10,000 square foot lot or two goats or sheep on a 20,000 square foot lot, plus two additional sheep or goats for each additional 10,000 square feet with a maximum of ten sheep or goats.
4. **Other animals.** Exotic animals or animals not mentioned above may be permitted after review and recommendation by the Planning Commission and approval by the City Council.
5. **Animal enclosures.** Barns, stables, corrals, pens, coops and runs for the keeping of animals and fowl are allowed provided such uses are located at least seventy-five (75) feet from any neighboring dwelling. Animal enclosures may be located closer than seventy-five (75) feet to the animal owner's home. Such facilities shall be maintained in a clean and inoffensive condition. A fence around the perimeter of the parcel is not considered an enclosure.
6. **Fur bearing animals.** The raising of fur bearing animals shall require review and recommendation by the Planning Commission and approval of the City Council.
7. **Slope.** On lots greater than twenty (20) percent average slope, the type and extent of agricultural use shall require review and recommendation by the Planning Commission and approval by the City Council.
8. **Additional animals.** Conditional approval for additional animals may be granted by the City Council upon recommendation by the Planning Commission.
9. **Pre-existing rights.** In instances where a new dwelling is built within seventy-five feet of an existing animal enclosure, the animal owner shall have a pre-existing right and shall not be required to move the animals or enclosure. If the animal enclosure is removed, the right is abandoned. If a new enclosure were built, the property owner would have to comply under the new ordinance.

10. Beekeeping.

- A. Purpose. The purpose of this section is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.
- B. Hives.
 - 1 A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.
 - 2 Hives shall be placed at least five (5) feet from any property line; provided, however, that this requirement may be waived in writing by the adjoining property owner.
- C. Beekeeper Registration. Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah State Code, as amended.
- D. Flyways. A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located within fifteen (15) feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height shall be established and maintained around the hive except as needed to allow access. Such flyway, if located along the property line or within five (5) feet of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six (6) feet above ground level over property lines in the vicinity of the apiary.
- E. Water. Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

3.21.10 LIQUEFIED PETROLEUM GASES (LGP) (Ordinance No. 2011-10, 5/10/11)

The following information is to be used whenever residential underground or aboveground propane tanks are installed in Alpine City. This information is to correlate with the NFPA 58 and International Fire Code.

- 3.21.10.1** All installations shall comply with this ordinance and with all applicable regulations including Utah State Code, the International Fire Code, and NFPA 58.
- 3.21.10.2** All approved LPG installations and burying of underground tanks and lines must be witnessed in the presence of an LPG licensed contractor and inspected by the Fire Department.
- 3.21.10.3 Installer Certification.** Installation and burying of any LPG tank(s) is only to be done by individuals or companies that are certified and licensed through the Utah State Fire Marshal's Office.
- 3.21.10.4 Building Permit.** A building permit shall be required for all underground LPG tanks. A permit shall be required for all aboveground LPG tanks that are 125 gallons water capacity or greater. Two sets of plans shall be submitted and a permit must be obtained prior to any installation and all fees paid in advance.
- 3.21.10.5 Tank Capacities and Type.** Tank capacity shall not exceed a maximum tank size of 1,000 gallons water capacity and no more than 2,000 aggregate gallons water capacity may be

installed on a property. Tank types shall be in accordance with the International Fire Code and NFPA 58.

3.21.10.6 Inspections. All tanks shall be inspected upon installation, eighteen (18) months from the date of installation, and then on a three (3) year basis. The owner of the tank shall be responsible for obtaining the inspection and submitting a copy of the inspection report to the Fire Department. Inspections shall be done by individuals or companies that are certified and licensed through the Utah State Fire Marshal's Office.

3.21.10.7 Underground LPG Tanks

1. **Sand Base.** Although concrete foundations are required, sand should still be used in the bottom of the hole for drainage. It is a good practice to put a 6-12 inch layer of coarse sand in the bottom of the hole before setting the tank. (NFPA 6.6.6.1 (k))
2. **Water Tables.** Underground LPG tanks are not allowed in areas of Alpine City where high water tables exist or in federal flood zones, unless approved by the Fire Chief. Provisions must be made to adequately secure the tank to the ground, or by a concrete slab to prevent flotation. Remember that a properly filled propane tank can float because the density of propane is about half that of water. Where straps come in contact with the tank, protection between the tank and the straps is to be provided. Thick tar-paper, celestex, etc. that is water resistant will suffice. (NFPA 6.6.1.6)
3. **Corrosion Protection Equipment.** In order to reduce the problem of corrosion of underground LPG tanks, sacrificial anodes are to be installed in the ground near the tank. The anodes are connected by a copper cable to the tank. Anodes are usually a soft metal, such as magnesium or zinc. They are made as solid rods or stakes, as well as soft powder in small bags. These must be installed as per tank manufacturer's specifications. (NFPA 6.14)
4. **Tank Coating.** Underground tanks must be designed and coated for underground installation. They are usually factory coated. However, coatings may have been scratched off during transportation and installation. As a result, the tank must be touched up with the same type of paint or coating on site prior to being installed in the ground. (NFPA 6.6.6.1 & 6.6.6.2 (2))
5. **Tank Depth.** The top of the tank when set in the hole must be at least six (6) inches below grade. If the tank is to be installed in an area where vehicles may travel close to the tank, the tank must be installed at least eighteen (18) inches below grade with compacted soil on top. (NFPA 6.6.6.1a, b)
6. **Backfill.** The hole is to be backfilled with coarse sand and will be free of rocks and abrasives. The tank surface is not to be scratched. A minimum of twelve (12) inches of backfill is to be tamped down around the tank, then an additional twelve (12) inches is filled in and tamped, etc. until the hole is full. (NFPA 6.6.6.1 (K))
7. **Location of Containers.** The minimum separation between containers installed underground will be three (3) feet. No part of an underground ASME container will be less than 10 feet from a building or line of adjoining property that can be built upon. See attached tables. (NFPA Table 6.3.1) (IFC 3804)
8. **Vehicular Traffic.** Where containers are installed underground and within 10 feet of where vehicular traffic can be expected, protection against vehicular damage will be provided for the fitting housing cover, tank connections, and piping. (NFPA 6.6.6.1 d)
9. **LPG Testing of Piping System.** All residential piping for LPG installations will be tested a minimum of 10 minutes and tested with an approved gas detector, a non-corrosive leak detection fluid or other approved leak detection methods.
10. **Burying Lines.** Buried metallic pipe and tubing shall be installed underground with a minimum twelve (12) inch of cover. The minimum cover shall be increased to eighteen (18) inches if external damage to the pipe or tubing from external forces is likely to result.

If a minimum twelve (12) inch of cover cannot be maintained, the piping shall be installed in conduit or shall be bridged (shielded). (NFPA 6.8.12) Where an underground piping is beneath driveways, roads, or streets, possible damage by vehicles shall be taken into account. (NFPA 6.8.13)

11. **Tracer Wire.** An electrically continuous corrosion-resistant tracer wire (minimum AWG 14) or tape shall be buried with the polyamide or polyethylene pipe to facilitate locating the pipe.
 - a. One end of the tracer wire shall be brought aboveground at a building wall or riser.
 - b. The tracer wire or tape shall not be in direct contact with the polyamide or polyethylene pipe.

3.21.10.8 Aboveground LPG Tanks

1. **Tank Locations.** Tank location must comply with proper distances from buildings, roadways, property lines, separation distances from other tanks and away from overhead electrical lines. (Consult IFC Table 3804.3) (NFPA 6.3.1)
2. **Combustible Materials.** Weeds, grass, bush, trash and other combustible materials are kept a minimum of ten (10) feet away from LPG tanks. (IFC 3807.3)
3. **Guard Posts.** If exposed to vehicular damage due to proximity to alleys, driveways or parking areas, LPG tanks, regulators and piping will be protected by guard posts constructed of steel, not less than four (4) inches in diameter, filled with concrete. Posts are to be spaced not more than four (4) feet apart, buried three (3) feet in the ground in concrete not less than fifteen (15) inches in diameter. Set with the tops of the posts not less than three (3) feet above the ground and located not less than three (3) feet from the tank. Other means of tank protection if approved may consist of landscape type boulders, cement walls, etc. (NFPA amended) (IFC 3807.4)
4. **Underneath Buildings.** LPG cylinders cannot be installed underneath any building unless the space is open to the atmosphere for fifty (50) percent of its perimeter or more. (NFPA 6.3.8)
5. **Painting.** The tank is to have a light color to prevent heat absorption. (NFPA 6.6.1.4)
6. **Power Lines.** The LPG tanks and any of its parts will not be located within six (6) feet of a vertical plane beneath overhead electric power lines that are more than 600 volts. (NFPA 6.4.5.12)
7. **Installation Foundation.** Tanks will be installed upon a firm foundation or be otherwise firmly secured. Recommended is a four (4) inch thick concrete pad. The cylinder will not be in contact with the soil. (NFPA 6.6.1.4)
8. **LPG Testing of Piping System.** All residential piping for LPG installations will be tested a minimum of ten (10) minutes and tested with an approved gas detector, a non-corrosive leak detection fluid or other approved leak detection methods.
9. **Burying Lines.** Buried metallic pipe and tubing shall be installed underground with a minimum twelve (12) inch of cover. The minimum cover shall be increased to eighteen (18) inches if external damage to the pipe or tubing from external forces is likely to result. If a minimum twelve (12) inch of cover cannot be maintained, the piping shall be installed in conduit or shall be bridged (shielded). (NFPA 6.8.12) Where underground piping is beneath driveways, roads, or streets, possible damage by vehicles shall be taken into account. (NFPA 6.8.13)
10. **Tracer Wire.** An electrically continuous corrosion-resistant tracer wire (minimum AWG 14) or tape shall be buried with the polyamide or polyethylene pipe to facilitate locating the pipe.
 - a. One end of the tracer wire shall be brought aboveground at a building wall or riser.
 - b. The tracer wire or tape shall not be in direct contact with the polyamide or polyethylene pipe.

ARTICLE 3.22

NON-CONFORMING BUILDINGS AND USES (Amended by Ordinance 2015-03 on 03/24/15)

3.22.1 Purpose. This chapter describes the status of the uses of land or structures which were lawful before this ordinance was passed but which are now prohibited or restricted. It is the purpose of this ordinance to define how non-conforming buildings and uses will be administered.

3.22.2 Status of Pre-existing Illegal Uses. Any building or use of land or any construction thereon, or any subdivision of land, which was not authorized by or under the pre-existing zoning or subdivision regulations, as amended, or which is illegal under such regulations, shall remain unauthorized and illegal unless expressly authorized or permitted in the provisions of this Ordinance.

3.22.3 Uses on Leased Land to Comply With Ordinance. Any person who may obtain State or Federal properties by purchase, lease or other arrangement must utilize such properties in accordance with the provisions of this Ordinance.

3.22.4 Non-conforming Buildings and Uses May Be Continued - Repair Permitted. The owners of land and buildings shall not be deprived of any use of property for the purpose to which it is lawfully devoted at the time of enactment of this ordinance.

Any building, structure or use of land, including but not limited to the raising of livestock, which is existing and lawful at the time of the enactment of this Ordinance, but which does not conform to the provisions of this Ordinance, shall be considered a non-conforming use and shall be allowed to continue, to the same extent and character as that which legally existed on the effective day of the application regulations, although such use does not conform to provisions of the Ordinance or amendment.

Repairs may be made to a non-conforming building or structure, or to a building or structure housing a non-conforming use, provided such repair: 1) shall be made in accordance with the provisions of the City building regulations, when applicable, and 2) does not have the effect of increasing the size or altering the character of the non-conforming building, structure or use.

3.22.5 Damaged Building and Structure May Be Restored. A non-conforming building or structure or a building or structure occupied by a non-conforming use which is damaged or destroyed by fire, flood or other calamity or act of nature may be restored or reconstructed and the use thereof resumed, provided that such restoration or reconstruction:

- 1) Is commenced within a period of two years from the date of occurrence of the damage, and
- 2) Does not have the effect of increasing the size of the building or structure or the floor space in excess of that which existed at the time the building became non-conforming, except when approved in accordance with the provisions of Section 3.22.7 below.

Any such restored or reconstructed structure shall be constructed in accordance with the provisions of the current City building regulations.

3.22.6 Expansion of Non-conforming Uses Within Existing Structures Permitted. A non-conforming use located within a building may be extended through the same building in which said non-conforming use is located, provided no structural change is made or proposed in the building for the purpose of accommodating such extension.

3.22.7 Extension (Enlargement) and Reconstruction of Non-conforming Buildings - Conditions. A non-conforming building or structure or a building housing a non-conforming use may be extended or enlarged or reconstructed, subject to the prior approval by the City Council, after recommendation of the Planning Commission and such compliance with the following:

1. The proposed extension or replacement shall be located entirely on the same lot or parcel as the present non-conforming structure and will conform with all existing setback and location requirements.
2. The applicant shall submit a detail site plan showing the location of existing and proposed structures on the site and in the vicinity, existing lot boundaries, roads, driveways, parking areas, utilities and other significant features on the site and in the immediate vicinity.
3. A finding made by a majority vote of the Council that:
 - a. The proposed enlargement or extension will not significantly alter the character of the building or use or its impact upon the area.
 - b. The building or use, if extended, will not have the effect of diminishing the value of property or the quality of living environment of adjacent properties.
 - c. The proposed enlargement will not significantly increase the number of vehicles or pedestrians, or result in the establishment or increase of a safety hazard to the area.
 - d. The proposed enlargement will not result in the establishment of a condition incompatible with the neighborhood area and the stated objective of the zone in which it is located.

The Council may attach such conditions to its approval as are necessary to adequately protect the property and uses in the surrounding territory and the intent of the zone, including but not limited to, the providing of off-street parking access ways, landscaping features and additional setback of structures.

3.22.8 Substitution of Non-conforming Uses. A non-conforming use or building may be changed to a conforming use or building. Any non-conforming building or use, which has been changed to a conforming building or use shall not thereafter be changed back to a non-conforming use.

A non-conforming use of a building or lot shall not be changed to another non-conforming use whatsoever. Changes in the use shall be made only to a conforming use.

3.22.9 Discontinuance or Abandonment. A non-conforming building or structure or portion thereof, or a lot occupied by a non-conforming use which is, or which hereafter becomes, abandoned or discontinued for a continuous period of two (2) years or more shall not thereafter be occupied, except by a use which conforms to the regulations of the zone in which it is located. Provided, the City Council may, upon appeal, authorize the re-establishment of a non-conforming use which as been discontinued for a period longer than provided herein, where the weight of evidence clearly shows that the owner had no intention to terminate the non-conforming use and that the longer period of discontinuance was beyond the control of the owner.

3.22.10 Reclassification of Territory. The provisions pertaining to non-conforming uses of land and buildings shall also apply to land and buildings which hereafter become non-conforming due to an amendment of this Ordinance or the zone map.

3.22.11 Non-conforming Lots of Record. In all zones where one-family dwellings are listed as a permitted use, a one-family dwelling may be constructed on any lot or parcel of land, even though such lot or parcel does not comply with the area or width requirements for one-family dwellings within the zone, subject to a determination by the Zoning Administrator that the lot complies with all of the following:

1. The lot or parcel qualifies as a non-conforming lot of record (existed as separately described parcel on the records of the County Recorder prior to the effective date of the Ordinance) and the parcel does not constitute an illegal subdivision lot.
2. One-family dwellings are listed as a permitted use in the present zone, and
3. All setbacks, height, access, building size, utility and special provision requirements of the existing zone and all applicable supplementary regulations can be met.

The authorization in this Section 3.22.11 shall be applicable only in the instance of one-family dwellings. The Hearing Officer shall not have the authority to approve a dwelling having two or more dwelling units on a parcel which does not fully comply with the requirements applicable thereto.

ARTICLE 3.23

CONDITIONAL USES (Amended by Ordinance 2005-21 on 12/20/05)

3.23.1 PURPOSE. The conditional use permit is intended to allow the use of certain lands and structures which may be acceptable under special conditions and in specific locations within a zone, but unacceptable under general conditions or in other locations. Such uses are described as conditional uses and require conditional use permits.

3.23.2 PERMIT REQUIRED. A conditional use permit shall be required for those uses listed as conditional uses following or elsewhere in the zoning ordinance. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the permit.

3.23.3 CONDITIONAL USE STANDARDS OF REVIEW. Alpine City may permit a conditional use in any zone in which the particular use is designated as a conditional use in the use regulations of this ordinance.

The City shall not issue a conditional use permit unless the City Administrator or his designee, in the case of an administrative conditional use, or the Planning Commission, for all other conditional uses, concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditionals uses, as well as the specific standards for the use.

1. **General Review Criteria.** An applicant for conditional use in the zone must demonstrate:
 - a. The application complies with all applicable provisions of this chapter, state and federal law;
 - b. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
 - c. The use is not detrimental to the public health, safety and welfare;
 - d. The use is consistent with Alpine City General Plan as amended;
 - e. Traffic conditions are not adversely affected by the proposed use;
 - f. There is sufficient utility capacity;
 - g. There is sufficient emergency vehicle access;
 - h. The location and design of off-street parking as well as compliance with off-street parking standards;
 - i. A plan for fencing, screening and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
 - j. Exterior lighting that complies with the lighting standards of the zone;
 - k. Within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site.
2. **Specific Review Criteria for Certain Conditional Uses.** In addition to the foregoing, the Planning Commission or the City Administrator/designee must evaluate the applicant's compliance with each of the listed criteria under the specific use when considering whether to approve, deny or conditionally approve an application for conditional uses.

3.23.4 PERMIT REVOCATION

1. The City Council may revoke the conditional use permit of any person upon a finding that the holder of the permit has failed to comply with any of the conditions imposed at the time the permit was issued. The City Council shall send notice of revocation to the permit holder and the permit holder shall immediately cease any use of the property which was based on the conditional use permit.

2. If the City revokes any permit under this section, the permit holder shall have the right to appeal the revocation of the permit. The holder must file the appeal with the City Recorder within fifteen (15) days of the notice that the City has revoked the conditional use permit.
3. Upon receipt of the appeal, the City Council shall set a hearing on the appeal at its next regularly scheduled meeting which is more than fifteen (15) days after the time the City Recorder received the appeal. The City shall supply the permit holder of the time, date and place of the hearing at least fifteen (15) days before the hearing. At the hearing, the permit holder shall have the right to be heard on the revocation.

3.23.5 BUILDING PERMIT. Following issuance of a conditional use permit, the Building Inspector may approve an application for a building permit and shall insure that development is undertaken and completed in compliance with said permits and conditions pertaining thereto.

3.23.6 TIME LIMIT

1. A conditional use permit for temporary uses may be issued for a maximum period of six (6) months, with renewals at the direction of the Planning Commission for not more than three (3) successive periods thereafter.
2. Action authorized by a conditional use permit must commence within one (1) year of the time the permit was issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The Planning Commission may grant an extension for good cause shown. Only one extension may be granted and the maximum extension shall be six (6) months. In order to obtain an extension, the permit holder must apply for an extension in writing before the expiration of the original permit. The application must be submitted to the City Recorder and the application must describe the cause for requesting the extension.

3.23.7 REVIEW CONDITIONS AND CRITERIA FOR CERTAIN CONDITIONAL USES (Ord. 94-06, 5/24/94; Amended by Ord. 2004-13, 9/28/04)

3.23.7.1 Accessory Apartments (Amended by Ord. 95-04, 02/28/95; 2004-13, 09/28/04; 2009-12, 07/14/09). An accessory apartment shall be considered a subordinate dwelling unit within and part of a principle dwelling and which has its own cooking, sleeping, and sanitation facilities. Accessory apartments may be permitted as a conditional use, upon approval of the City Planner and Building Official. Approval shall be subject to the following:

1. Accessory apartments are listed as a conditional use within the zone.
2. Accessory apartments shall be permitted only in owner-occupied single-unit detached dwellings.
3. A maximum of one (1) accessory apartment shall be permitted in each owner occupied single-unit detached dwelling.
4. Accessory apartments shall be permitted only in a basement, above an attached garage, or on the main floor limiting it to twenty-five percent (25%) of the main floor.

5. A single-unit detached dwelling with an accessory apartment shall provide not less than four (4) off-street parking spaces. Parking spaces may include garage and driveway space. At least one (1) space shall be designated for the accessory apartment.
6. The accessory apartment shall contain no less than 300 square feet of living area and shall comply with all size and access specifications of the International Residential and Building Codes.
7. Accessory apartments shall have at least one (1) separate entrance from the main dwelling accessible from outside. The entrance shall be located on the side or rear of the main dwelling.
8. A single-unit detached dwelling containing an accessory apartment shall have not more than one (1) meter for each water, gas and electric utility service, and the meter shall be in the name of the owner.
9. All construction and remodeling to accommodate the accessory apartment shall be in accordance with the International Residential and Building Codes in effect at the time of construction or remodeling.
10. Any person constructing or causing the construction of a residence that has an accessory apartment or any person remodeling or causing the remodeling of a residence for an accessory apartment, or any person desiring to provide an accessory apartment within a single-unit detached dwelling, shall obtain an Accessory Apartment Permit from the Building Department. Such permit shall be in addition to any building permits that may be necessary.

3.23.7.2 Guest Houses (Ord. 94-06, 5/24/94). Guest houses may be permitted as a conditional use, upon approval of the Planning Commission and subject to compliance with the following:

1. Guest Houses are listed as a conditional use within the zone.
2. The lot or parcel upon which the guesthouse is proposed to be placed shall have a lot area of not less than five (5) acres.
3. The guesthouse shall be located not less than 30 ft. to the rear of the primary dwelling and not closer than twelve (12) ft. to any side or rear property line.
4. The water and sewer service shall be the same as for the principle dwelling.
5. The hookup fees for a single-unit dwelling with a guest house shall be one and one-half (1 and 1/2) times the rate for a single family dwelling.
6. The guesthouse shall be an integral part of the site plan for the principle dwelling and attendant lot area. Vehicular access to the guest house shall be over the same driveway as for the primary dwelling.
7. Prior to approval, a site plan showing the proposed location of the guesthouse and provision for utilities, vehicular access and other standards and conditions shall be submitted and approved by the Planning Commission.

8. Any person desiring to construct a guest house shall convey to the City water rights in the amount of 1/2 acre foot.

3.23.7.3 Home Occupations (Ord. 95-04, 2/28/95. Amended Ord. 08-18, 12/16/08; Ord. 2009-14, 9/22/09; Ord. 2010-07, 5/11/10; Ord. 2010-11, 10/12/10; Ord. 2013-04, 3/12/13; Ord. 2014-06, 3/25/14; Ord. 2016-23, 11/09/16). Home occupations may be permitted as a conditional use, upon review of Staff and approval by the City Planner. If the City Planner determines that the home occupation may create significant impacts, approval from the Planning Commission may be required. All home occupations will be subject to compliance with the following:

1. Terms and Conditions.

- (1) Home occupations are listed as a conditional use in the zone.
- (2) The home occupation is conducted entirely within the livable area of a dwelling or attached garage. Business outdoor activities such as swimming lessons, tennis lessons, horseback riding lessons or other similar activities as determined by the Planning Commission may be considered as a home occupation.
- (3) The business activity of the Home Occupation carried out on the premises shall be conducted only by members of the residing family, except that not more than one person, not a member of the residing family, may be engaged in the conduct of the home occupation if such person is utilized in the capacity of a support function.
- (4) The home occupation does not involve the use of any accessory buildings or yard space for storage outside of the dwelling or attached garage
- (5) The home occupation shall contain no facilities for the display of goods. Any sale of goods and services shall constitute a clearly incidental part of the operation of the home occupation.
- (6) No commercial vehicles shall be stored at the premises except one delivery truck which does not exceed 12,000 gvw rated capacity.
- (7) The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling.
- (8) Home occupation signs shall be limited to one (1) identification nameplate, not larger in area than two (2) square feet fastened to the home, and one (1) sign, not larger in area than one (1) square foot, fastened to the side of the mailbox structure at or below the level of the mail box. No off-site advertising signs shall be permitted.
- (9) The home occupation shall not occupy an area not more than the equivalent of twenty-five percent (25%) of the livable area of the dwelling or 1000 square feet, whichever is less. The livable area does not include the garage.
- (10) The home occupation shall obtain a business license from the City.
- (11) The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire or

explosion. Activities of the home occupation shall not decrease safety to the structure or occupants of the dwelling or adjacent dwellings.

- (12) The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is discernible outside the dwelling.
- (13) The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and, in the opinion of the Planning Commission, the activities of the home occupation will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the Planning Commission.
- (14) A sexually-oriented business shall not be a home occupation.
- (15) An automotive repair business shall not be a home occupation.
- (16) If the home occupation will have customers/clients coming to the home as part of the business, an inspection(s) of the business portion of the home is required to determine compliance with zoning, building, and life safety requirements. When no customers/clients will be coming to the home as part of the business, the applicant shall be required to submit the home business self fire inspection form.

2. Commission May Attach Conditions.

In order to achieve the objectives of this Code and to protect the health, safety and quality of life in the community the Planning Commission or City Planner may attach conditions to the granting of a home occupation consistent with the standards hereinabove stated.

3. Continuing Obligation - Business License Required.

All home occupations shall be operated in compliance with the conditions herein above set forth and any conditions which may be attached as part of the approval. Upon approval of a home occupation the applicant shall be eligible to acquire a business license to operate. Issuance of the Business License shall be conditioned upon continued performance of the conditions of approval and said license shall be refused or revoked upon failure of the owner and/or operator to maintain or operate the home occupation in accordance therewith.

The approval shall be valid for the remainder of the year in which it is first granted. Thereafter the approval will be extended for successive one year periods, commencing on January 1 of the calendar year, or such other date as the Council or City Planner may from time to time establish as the effective date for business licenses, provided (1) that the home occupation remains substantially the same as initially approved and (2) that the home occupation has remained active as evidenced by the acquisition of a valid business license for the previous year.

3.23.7.4 Produce Stands (Ord 96-05, 4/10/96). Incidental Produce stands may be permitted as a conditional use, upon approval by the Planning Commission and subject to compliance with the following:

1. **Intent.** The Intent and purpose of this paragraph is to allow the operation of incidental produce stands which supply the local market with needed food and farm products produced on the premises.

2. **Terms and Conditions.**

- (1) Incidental Produce Stands are listed as a conditional use in the zone.
- (2) Only plants, animals, or parts thereof which are products of the subject lot shall be offered for sale.
- (3) The Produce stand shall provide sufficient off-street parking space to safely accommodate the anticipated level of patrons. The required off-street parking shall be in addition to the spaces required to meet the parking requirements of the primary use.
- (4) Each produce stand shall be entitled to one sign. Said sign shall have not more than thirty-two (32) sq. ft. of sign area and shall advertise only products of the lot. The sign shall not extend into the road right-of-way.
- (5) An annual business license to operate the produce stand shall be obtained from the City.
- (6) The application shall include a detailed site plan showing the location of all dwellings and other buildings on the site and also all facilities and areas intended for use in the production, processing, storage and sales of the products intended to be offered for sale on the premises.

ARTICLE 3.24 OFF-STREET PARKING (Amended Ord. No. 2006-14, 9/12/2006; Ord. No. 2008-06, 5/27/08; Ord. No. 2008-13, 8/26/08; Ord. No. 2014-05, 3/25/14)

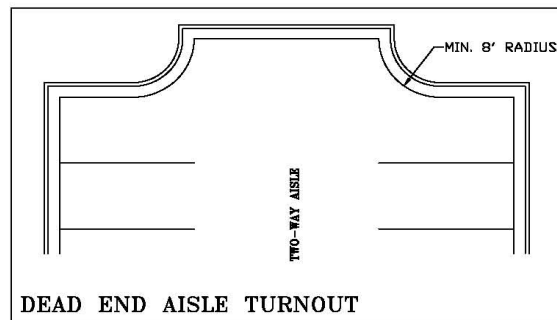
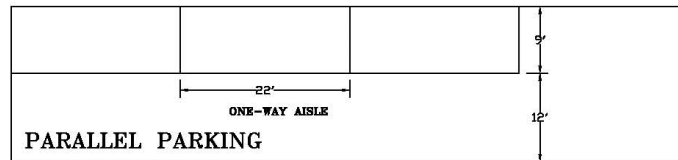
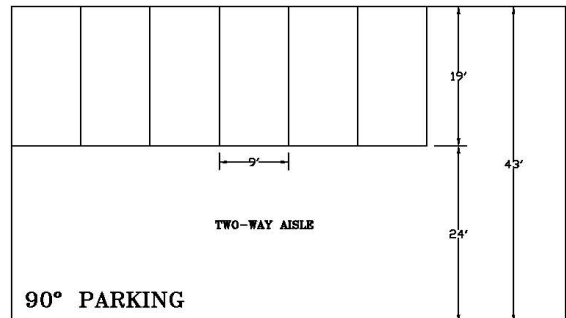
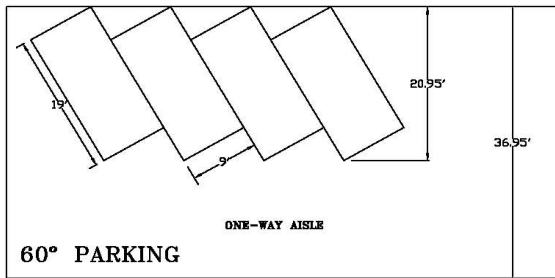
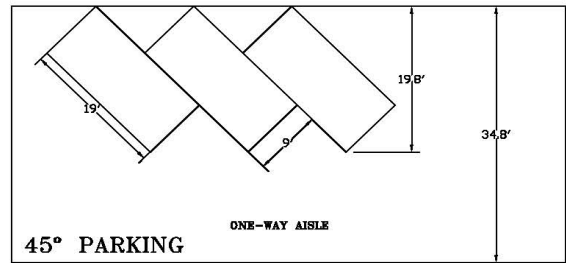
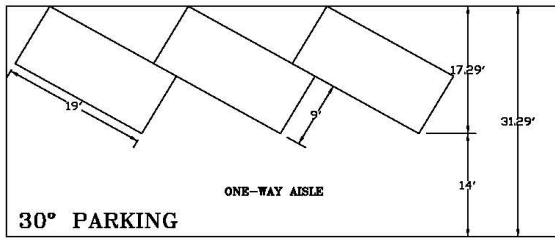
3.24.1 REQUIREMENT. Except as may be provided elsewhere in this ordinance, parking lot lighting and parking with adequate provisions for ingress and egress by standard-sized automobiles shall be provided at the time of construction, or if any of the following occur:

- (a) the building is enlarged or increased in capacity; or
- (b) there is a change of commercial use of the building.

The City's current off-street parking ordinance shall be met for the proposed use, including parking lot lighting requirements. The required off-street parking shall be a continuing obligation of the property owner so long as the use requiring vehicle parking continues. It shall be unlawful for any owner of any commercial building or use to discontinue or dispense with the required vehicle parking without providing another vehicle parking area on-site, which meets the requirements of this Chapter.

3.24.2 PARKING LOT CHARACTERISTICS. Each parcel of land developed for off-street parking in response to the requirements of this chapter shall provide the following characteristics:

1. Paving. Each lot shall be paved with an all weather surface material (asphalt or concrete), and be maintained in good condition and kept in an unobstructed and usable condition at all times. Responsibility for maintenance of the lot shall rest with the property owner. The lot shall provide adequate access to a street or alley.
2. Wheel Stops. Off-street parking shall be designed with wheel stops or curbing. Wheel stops shall be located in a manner so as to prevent any portion of the parked vehicle from extending over a property line or sidewalk. Manufactured wheel stops are preferred. All curbing shall be maintained in a functional and safe condition.
3. Striping. All off-street parking shall be striped to clearly show required parking spaces. Striping shall be maintained in functional condition. Striping shall be at least three (3) inches wide and shall consist of white or yellow paint designed for this purpose.
4. Grading. Parking lots shall be graded for proper drainage with surface water diverted in such a way as to keep the parking area free of accumulated water or ice.
5. Parking Lot Lighting. A lighting plan provided by the applicant shall be reviewed and approved by the City Engineer. Lots shall be illuminated with standards arranged so as to reflect light away from any adjoining residential buildings. Parking lot lights shall be fully shielded to direct light downward in order to decrease light pollution.
6. Parking Lot Dimensions and Size of Parking Spaces. See diagram below. (next page)



7. Accessible Parking Spaces. All accessible parking spaces shall meet the requirements of the ADA Standards for Accessible Design (28 CFR Part 36).
8. Oil separators. Oil separators and other pollution control devices may be required to minimize storm water pollution, as recommended by the City Engineer.
9. Screening. The sides and rear of any off-street parking area that adjoins a residence or residential zone shall be required to be screened by a masonry wall or solid visual barrier fence.

10. Landscaping. All off-street parking areas shall be landscaped and permanently maintained as required by Section 3.7.8.7.

11. Off-Street Loading. Every building or use receiving or distributing materials or merchandise by truck shall provide and maintain on the same lot as the building or use adequate off-street loading space(s).

3.24.3 SPECIFIC REQUIREMENT FOR EACH LAND USE. Required off-street parking shall be provided for each use as listed below. Requirements shall be calculated on total square footage of building space. In calculating the required parking for any given use, if the number of required parking ends in a fraction, the number shall be rounded up to the next whole number. Parking for uses not specifically listed below shall be provided in the same ratio as the use most nearly approximating the characteristics of the unlisted use, as determined by the Planning Commission.

Parking shall be provided as follows, with spaces based upon one or a combination of the uses listed:

USE	OFF-STREET PARKING REQUIREMENT
Residential Uses Single-unit Dwelling Multiple-unit Dwelling Single Dwelling with Accessory Apartment	Two (2) parking spaces Two (2) parking spaces per unit Three (3) parking spaces
Intensive retail commercial shops selling directly to the public	Four and one-half (4.5) spaces for each 1,000 sq. ft.
Less intensive commercial businesses such as furniture, appliance, and lumber sales	Three and one-half (3.5) spaces for each 1,000 sq. ft.
Offices and personal services	Four (4) spaces for every 1,000 sq. ft.
Restaurants, dining rooms	One (1) space for every four (4) seats.
Auditoriums, theaters, assembly halls, amphitheaters, art centers	One (1) space for every (3) seats.
Commercial recreation	Two (2) spaces for every 1,000 sq. ft.
Industrial and wholesale establishments	One (1) space for every two (2) employees on the largest shift.
Mortuary	One (1) space for every three hundred (300) sq. ft.
Hospitals and civic buildings	Determined by specific review.
Shopping centers, or complexes of rentable commercial space	At least four (4) spaces per 1,000 sq. ft.
Churches, house of worship, reception center	Thirteen and one-half (13.5) spaces for every 1,000 sq. ft. for buildings 20,000 sq. ft. or less. Eleven (11) spaces for every 1,000 sq. ft. for buildings 20,001 sq. ft. or more.

Schools	<p>Parking for schools serving grades below Kindergarten shall provide parking at a rate of 2 stalls per employee.</p> <p>Parking for schools serving grades K-9 shall provide parking at a rate of 0.20 stalls per person (total of students and staff)</p> <p>Parking for schools serving grades 10 and above shall provide parking at a rate of 0.50 stalls per person (total of students and staff)</p>
Mechanical Automotive Repair Shops	No more than three (3) parking spaces provided per bay (no more than 4 bays).

3.24.4 EXCEPTION TO OFF-STREET PARKING REQUIREMENTS. Requests for an exception to the off-street parking requirement(s) may be recommended by the Planning Commission and approved by the City Council, if the Applicant shows:

1. The unique nature of the existing or proposed land use, or an unusually large number of pedestrian or transit trips, below-normal parking demands will be generated.
2. A reduced number of off-street parking spaces will meet the demands of the proposed use without increasing traffic or on-street parking problems in adjacent areas and neighborhoods.

3.24.5 LOCATION OF REQUIRED OFF-STREET PARKING. All required off-street parking spaces shall be located on-site on the same lot as the use or building it serves, unless otherwise recommended by the City Planner, City Engineer, the Planning Commission, and approved by the City Council.

1. Off-street parking is prohibited in all access ways, fire lanes, or similar areas not designated for parking purposes. These areas shall be posted with "No Parking" signs and/or other means.
2. No portion of the setback area adjacent to a street shall be used for off-street parking unless recommended by the Gateway Historic Committee and Planning Commission, and approved by the City Council.

ARTICLE 3.25

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

3.25.1 PURPOSE and SCOPE

The City of Alpine, Utah finds and declares that by controlling and standardizing signs in the community, the regulations set forth in this Article will:

- A. reduce confusion and potential hazards to motorists and pedestrians;
- B. encourage signs which are harmonious with the buildings and sites which they occupy;
- C. preserve and improve the appearance of the City;
- D. allow each business to clearly identify itself and the goods and services it offers;
- E. safeguard and enhance property values; and
- F. protect public and private investment in buildings and open space.

3.25.2 GENERAL STANDARDS

3.25.2.1 Except as provided herein, it shall be unlawful to erect, construct, reconstruct, alter, or change the use of any structure, wall marquees, or any other parts jointed together to form a sign without first obtaining a sign permit from Alpine City.

3.25.2.2 Except as provided herein, all applicants for signs within Alpine City must receive a permit from the City prior to construction, placement, or replacement of any sign.

3.25.2.3 For permanent signs, the signs shall be colorfast and resistant to corrosion and rotting.

3.25.2.4 **General Location.** All permanent signs shall be set back at least three (3) feet behind the sidewalk or twelve (12) feet behind the curb if there is not a sidewalk. All temporary signs shall be set back at least three (3) feet behind the sidewalk or three (3) feet behind the curb if there is not a sidewalk. No sign shall be placed closer than fourteen (14) feet to a driveway.

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

3.25.2.5 **Maintenance.** All signs shall be maintained in a safe, presentable and good condition including the replacement of defective parts, cleaning, painting, oiling, changing of light bulbs, or other acts required for the maintenance of said sign. Maintenance shall also include the restoration or repair of any exterior wall penetrations, discolorations, or other damages caused by the installation, removal, or placement of signs on a building.

3.25.2.6 **Inspections.** Alpine City may make an initial inspection or re-inspection of any sign for which a permit has been issued and/or for which an inspection has been deemed necessary. Such inspections shall be performed to determine that all signs, constructions, and all reconstructions or modifications of existing signs are built or constructed in conformance with this ordinance and as represented at application for a permit.

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

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

3.25.3 STANDARDS OF CONSTRUCTION

- 3.25.3.1 Licensed Contractor Required.** No sign, fixture, or device involving electrical wiring or connections shall be erected or installed in Alpine City except by a licensed and bonded sign or electrical contractor, or as required by the City.
- 3.25.3.2 Engineering Required.** All signs shall be engineered in conformance with the applicable provisions of the International Building Code.
- 3.25.3.3 Power Source.** Permanent power sources for signs must be concealed underground away from public view or within the structure of the sign or building to which the sign is attached and comply with all provisions of the National Electric Code.
- 3.25.3.4 Foundations.** All signs mounted on foundations and footings must conform to the International Building Code as adopted by Alpine City.

3.25.4 PERMIT APPLICATION

- 3.25.4.1** All applications for a sign permit shall be submitted to Alpine City and shall include:
- A. a color drawing, picture, or rendering with dimensions of the proposed sign,
 - B. a site plan of the location showing the placement of the sign in relation to the building and any driveways, including the setback measurements, and
 - C. all other applicable information requested on the sign permit application.
- Alpine City will not consider an application without such rendering, site plan, or other information as requested on the sign permit application.
- 3.25.4.2** All signs involving footings or foundations and/or electrical wiring or connections, or as required by Alpine City, shall be accompanied by a drawing stamped by an appropriate engineer, licensed by the State of Utah, attesting to the adequacy of the proposed construction of the sign and its supports.
- 3.25.4.3** Alpine City will review and approve or disapprove or request further information on the application.

3.25.5 DEFINITIONS

1. Community or Civic Event: A public event that is of interest to the community as a whole rather than the promotion of any product, or commercial goods or services.
2. Height: The vertical distance measured from the ground level to the highest point of the sign including sign supports.
3. Public Property: Any property owned by a governmental entity.
4. Quasi Public Use: A use operated by a private non-profit educational, religious, recreational, charitable or philanthropic institution, having the primary purpose of serving the general public, such as churches, private schools, hospitals, and similar uses.

5. Sight Triangle: The area formed by connecting the corner of the property to points thirty-five (35) feet back along each property line abutting the street, or as per AASHTO policy on geometric design of highways and streets regarding safe sight distances.
6. Sign: Sign shall mean and include a display of an advertising message, usually written, including an announcement, declaration, demonstration, product reproduction, illustration, insignia, surface or space erected or maintained in view of the observer thereof primarily for identification, advertisement, or promotion of the interest of any person, entity, product, or service, and visible from outdoors. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, flags, ornaments or other features used to draw the attention of observers.
7. Sign, Activity Sponsor: Signs advertising an individual, business, corporation, or other entity that sponsors sports, such as Alpine Youth Baseball.
8. Sign, A-frame: A two-sided sign which is self-supporting, easily moved, and not permanently attached to the ground or any structure or building (shaped similar to the graphic shown in Figure 3.25.5.7).
9. Sign, Construction: A temporary sign placed on a site identifying a new development, the contractor, builder, and/or financial institution; and may include a plat map, project marketing sign, and real estate information. The sign shall be placed only on the site for which it provides information.
10. Sign, Directional: Temporary, off-premise sign giving directions.
11. Sign, Election and Political: A temporary sign announcing, promoting, or drawing attention to any candidate(s) seeking public office in a forthcoming election; or signs announcing, promoting, or discouraging political issues.
12. Sign, Electronic: A sign that flashes, blinks, revolves or is otherwise in motion; or a sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. This definition includes an electronic message display terminal, screen, or monitor used to receive or provide information, advertise a good or service, or promote an event.
13. Sign, For-Profit Community Event: Temporary signs advertising community events that are sponsored by a for-profit business.
14. Sign, Free-Standing (Monument): A sign that is supported by one or more uprights or braces which are fastened to or embedded in the ground or a foundation in the ground, and is not attached to any building or wall.
15. Sign, Neighborhood Information: A sign that is located entirely on private property and is designed to provide information or notifications to local residents regarding neighborhood events, meetings, or issues.
16. Sign, Outdoor: Any wood, metal, glass, stone, concrete, or painting on any surface that is designed for outdoor advertising, identification, or directional purposes, and is placed on the ground or attached to any tree, wall, fence, post, or building structure. Outdoor signs may be temporary or permanent.
17. Sign, Portable: Any sign that can be moved from place to place and is not permanently affixed to the ground or building.
18. Sign, Real Estate: A temporary sign advertising the sale, rental, or lease of the premises, part of the premises, or lot on which the sign is displayed.



Figure 3.25.5.7

19. Signs, Regulatory: A range of signs used to indicate or reinforce traffic laws, regulations, or requirements which apply either at all times or at specified times or places upon a street or highway, the disregard of which may constitute a violation.
20. Sign, Temporary: A sign which is intended for use during a specified, limited time.

3.25.6 PROHIBITIONS

- 3.25.6.1** For the purposes of this ordinance, all commercial outdoor advertising commonly referred to as billboards or off-premise signs, except those expressly permitted, are prohibited.
- 3.25.6.2** Signs shall not be placed on any public property, unless expressly permitted, and shall not be attached to public utility poles.
- 3.25.6.3** Non-permanently affixed signs and off-premise commercial signs, except as expressly permitted.
- 3.25.6.4** Temporary commercial signs are prohibited, except as outlined in 3.25.14.
- 3.25.6.5** Signs that flash, blink, revolve or are otherwise in motion are expressly prohibited, except as permitted in Section 3.25.9.
- 3.25.6.6** Flags, banners, streamers and the like are not allowed to be used as signs or for purposes to gain attention, except as expressly permitted in Section 3.25.14.
- 3.25.6.7** Off premise "Garage Sale" signs or similar signs.

3.25.7 SIGN ILLUMINATION

- 3.25.7.1** Neon signs which advertise a product sold on the premises and do not exceed two (2) square feet in size are allowed when placed inside and behind a window.
- 3.25.7.2** Lighted signs are permitted provided the lighting is contained in the immediate vicinity of the sign. There shall be no spillover onto adjacent properties. Lumens shall not create a shadow of greater than thirty (30) feet from the existing sign.
- 3.25.7.3** All signs involving electrical work shall comply with applicable electrical codes and shall be inspected by Alpine City.
- 3.25.7.4** Electronic Message Display Signs shall comply with Section 3.25.9.

3.25.8 COMMERCIAL BUILDING SIGNS

- 3.25.8.1** Signs shall be painted on, attached to, or erected on the building that houses the business, or upon the property occupied by the business which the sign(s) advertise.
- 3.25.8.2** All signs attached to a building shall meet the approval of Alpine City to assure that the sign meets the applicable building and electrical codes.
- 3.25.8.3** The total area of all sign(s) on any one building shall not exceed 15% of the area of the side of the building that a sign is displayed.

- 3.25.8.4** The area of a sign shall be construed as the area of the overall background. Signs without a background, such as letters or numbers hung together, shall be assumed to be attached to a background which shall be depicted on the application rendering.
- 3.25.8.5** Permanent outdoor free-standing (monument) signs shall not exceed six (6) feet in height and eight (8) feet in width.
- 3.25.8.6** Each planned commercial development shall display no more than one (1) permanent freestanding (monument) sign at each entrance.
- 3.25.8.8** Signs on cloth awnings shall be permitted subject to review by Alpine City, and shall comply with the guidelines in Sections 3.25.8.3, 3.25.8.4, and 3.25.8.9.
- 3.25.8.9** Within any planned commercial development or on any single building housing a number of uses, or in any arrangement of buildings or shops which constitute a visual entity as a whole, if addresses are to be used, all numbers, letter, or other symbols shall be identical in size, design, color, and installation.

3.25.9 ELECTRONIC MESSAGE DISPLAY SIGNS (Amended by Ord. 2008-01, 3/11/08)

- 3.25.9.1** For the purpose of providing parent and student information and displaying community and civic events, Electronic Message Display Signs are allowed at primary and secondary schools and City-owned property and shall comply with the following:
 - a. Electronic message display shall be limited to amber channel lettering display types;
 - b. Electronic message display area shall not exceed an area two (2) feet in height and eight (8) feet in width;
 - c. Electronic message display lumens shall not create a shadow at a distance greater than thirty (30) feet;
 - d. Electronic message display shall not be illuminated or active between the hours of 8:00 PM and 6:00 AM. The sign may be operated at any time in the event of an emergency as designated by the Police Chief and/or Fire Chief.

3.25.10 ELECTION AND POLITICAL SIGNS

- 3.25.10.1** Temporary election and political signs shall not exceed twelve (12) square feet in area and shall not exceed a height of six (6) feet.
- 3.25.10.2** Temporary political and election signs shall be placed only on private property, with the permission of the property owner. Property owners shall determine the location of the sign.
- 3.25.10.3** A permit shall not be required for temporary political or election signs.

3.25.11 HOME OCCUPATION SIGNS

- 3.25.11.1** Home occupation signs shall be limited to one (1) identification nameplate, not larger in area than two (2) square feet fastened to the home, and one (1) sign, not larger in area than one (1) square foot, fastened to side of the mailbox structure at or below the level of the mailbox. No off-site advertising signs shall be permitted.

3.25.12 PUBLIC, QUASI-PUBLIC, AND SCHOOL SIGNS

3.25.12.1 For City-owned property, temporary or permanent signs may be erected as directed and approved by the Alpine City Council.

3.25.12.2 Schools and quasi-public signs shall comply with the following:

- A. The total area of all sign(s) on any one building shall not exceed 15% of the area of the side of the building that a sign is displayed.
- B. The area of a sign shall be construed as the area of the overall background. Signs without a background, such as letters or numbers hung together, shall be assumed to be attached to a background which shall be depicted on the application rendering.
- C. Permanent outdoor free-standing (monument) signs shall not exceed a height of six (6) feet and eight (8) feet in width.
- D. Shall not display more than one (1) permanent freestanding (monument) sign.

3.25.13 REAL ESTATE AND CONSTRUCTION / DEVELOPMENT SIGNS

3.25.13.1 Temporary signs designed to advertise or promote real estate developments shall be approved, constructed, erected, and maintained in accordance with all applicable provisions outlined in the Alpine City Sign Ordinance, including placement and location.

3.25.13.2 Temporary Development Signs. The following shall apply:

- A. A permit shall be required.
- B. Signs shall not exceed thirty-two (32) square feet in size, including background;
- C. Signs shall not exceed a height of six (6) feet;
- D. Only two (2) signs will be allowed within each subdivision or development that has received final plat approval and met all the requirements for plat recordation;
- E. Only two (2) signs per subdivision shall be allowed regardless of the number of phases in the subdivision; and
- F. The signs shall be placed on private property within the subdivision and shall be at least ten (10) feet apart.

3.25.13.3 For lots with a residential use, temporary signs:

- A. A permit shall not be required.
- B. May be erected to advertise the sale, rent, or lease of property on which the sign is located, and to advertise the builder of the home;
- C. Shall be limited to two (2) signs per lot;
- D. Shall not exceed an area of eight (8) square feet per sign, including signs and headers;
- E. Shall not exceed a height of four (4) feet;
- F. Shall be set back so all portions of the sign are at least three (3) feet behind the sidewalk or three (3) feet behind the curb if there is not a sidewalk;
- G. Signs shall be at least ten (10) feet apart; and

3.25.13.4 Off-premise real estate signs are not allowed.

3.25.13.5 For temporary signs in commercial zones that advertise the sale, rent, or lease of property on which the sign is located, the following shall apply:

- A. A permit shall be required.
- B. Signs shall not exceed thirty-two (32) square feet in size, including background;
- C. Signs shall not exceed a height of six (6) feet;
- D. More than one (1) tenant may advertise on the sign;
- E. Two (2) signs per complex will be allowed;
- F. Signs shall be at least ten (10) feet apart;
- G. If the current use of the property is residential, the regulations of paragraph 3.25.13.3 shall apply even if the property could be converted to a commercial use, and

3.25.14 TEMPORARY SIGNS

Banners are permitted to be used as temporary signs and shall follow all applicable regulations. Banners and temporary signs attached to buildings are permitted and shall follow all applicable regulations including Section 3.25.8.3. A-frame signs, or equivalent, are permissible and shall not exceed a height of four (4) feet and a width of three (3) feet and shall comply with all applicable regulations. As indicated in Section 3.25.6, off-premise commercial signs are prohibited, except as expressly permitted.

3.25.14.1 Business Signs. The following shall apply:

- A. A permit shall be required.
- B. Temporary business signs shall comply with all applicable regulations of the sign ordinance including, but not limited to Sections 3.25.2, 3.25.3, 3.25.4, 3.25.6, 3.25.7, and 3.25.8.
- C. Grand Opening Period.
 - 1. Temporary signs announcing the initial opening of a business, or the relocation, or change of ownership of an existing business may be allowed within the first year of operations for a period not to exceed 45 calendar days. The signs must be removed at the end of the 45 day period.
 - 2. No more than two (2) signs shall be allowed per location, including businesses located within a planned commercial development. Signs shall be placed at least twenty (20) feet apart.
- D. Special Promotion Periods.
 - 1. A business may apply for three (3) special promotion periods during the calendar year. Each period may not exceed fourteen (14) days. These periods may run consecutively.
 - 2. No more than two (2) signs shall be allowed per location, including businesses located within a planned commercial development. Signs shall be placed at least twenty (20) feet apart.

3.25.14.2 Community or Civic Event Signs. The following shall apply:

- A. A permit shall be required.
- B. Signs shall be permitted for no more than fourteen (14) days.
- C. Signs, including headers and supports shall not exceed an area of twenty-four (24) square feet.
- D. Signs shall not exceed a height of six (6) feet.
- E. Sign placement is on a first come first serve basis at City-approved locations.

- F. Alpine City must approve the sign and the event as a community event in order to use banners or other means to advertise the community event that are not in conflict with this ordinance
- G. Placement of each sign shall require the approval of Alpine City, and shall comply with Section 3.25.2.
- H. All other Temporary Community or Civic Event signs are prohibited.

3.25.14.3 Business Community Event Signs. The following shall apply:

- A. A permit shall be required.
- B. Signs shall be permitted for no more than fourteen (14) days.
- C. Signs, including headers and supports, shall not exceed an area of twenty-four (24) square feet.
- D. Signs shall not exceed a height of four (4) feet.
- E. No more than two (2) signs shall be allowed per location, including businesses located within a Planned Commercial Development. Signs shall be placed at least twenty (20) feet apart.
- F. Alpine City must approve the sign and the event as a community event in order for the business to use banners or other means to advertise the community event that are not in conflict with this ordinance
- G. Alpine City shall use the following definition when determining whether the event is a community event:
 - 1. A community event includes special occasions, such as anniversary, thank you, customer appreciation, get to know the neighborhood, religious, charitable, civic or festive occurrences, or in celebration of some event of national, state, or civic significance or in honor of a visit from a person of persons of note.
- H. It is specifically prohibited to incorporate in any event sign decorations advertising of a commercial nature.

3.25.14.4 Church, Home Owners Association & School Information Signs. The following shall apply:

- A. A permit shall not be required.
- B. Signs shall be permitted for no more than fourteen (14) days.
- C. Signs shall be placed on private property.
- D. Be limited to two (2) signs per block per event.
- E. Shall not exceed an area of twelve (12) square feet per sign, including signs and headers.
- F. Signs shall not exceed a height of four (4) feet.

3.25.14.5 Activity Sponsor Signs. The following shall apply:

- A. A permit shall not be required.
- B. Signs, including off-premise commercial signs of activity sponsors, may be included as part of a City approved sports facility.
- C. Sponsor logos shall constitute a maximum of 25% of a scoreboard.
- D. Scoreboards and outfield signs shall be removed to winter storage or covered with fitted weather protectors during the off-season.

3.25.14.6 Alpine Days. During the annual Alpine Days Celebration, businesses in the commercial zone shall comply with the following:

- A. A permit shall not be required.
- B. Signs may be erected one (1) week before the start of Alpine Days and must be removed within two (2) days after the end of Alpine Days.
- C. Businesses in the commercial zone may use temporary signs for promotional and community events in order to create a festive nature in the downtown area.
- D. Such signs shall be in accordance with this ordinance and with the following guidelines:
 - 1. Size: Signs shall not exceed twenty-four (24) square feet in size (including background and supports).
- E. Alpine City may use flags, banners, streamers and the like as signs for Alpine Days.

3.25.15 APPEALS AND VARIANCES

- 3.25.15.1** Any person dissatisfied with the decision of Alpine City in regards to this Article shall have the right to appeal the decision to the Alpine City Board of Adjustment within ten (10) days after said decision is made final in writing. The appellant shall follow the appeal process as outlined in Section 2.3.4 (Appeals from Land Use Decisions) of the Alpine City Development Code.

3.25.16 ENFORCEMENT

- 3.25.16.1** The erection, construction, operation, or maintenance of any sign contrary to any provision of this code is declared to be a Class C Misdemeanor and may be cited as such.
- 3.25.16.2** Any sign violating the provisions of this ordinance shall constitute a public nuisance and shall be subject to abatement pursuant to the provisions of this section. Alpine City shall immediately, upon determination of any such violation, institute injunction, abatement, or removal of such violation.
- 3.25.16.3** Signs placed on public property, except as expressly permitted in paragraph 3.25.14.2, shall be removed immediately. Violators may be cited with a Class C misdemeanor.
- 3.25.16.4** Signs on private property. After a period of not less than five (5) days after notice has been given to remove the sign or remedy the violation, Alpine City may direct the sign to be removed or remove the sign. Violators shall be cited with a Class C misdemeanor.
- 3.25.16.5** Alpine City may direct any sign which is an immediate peril to persons or property to be removed summarily and without prior notice. If a sign is summarily removed by the City without prior notice, the City may charge the appropriate parties for the cost of removal and shall give notice of the removal in writing to the appropriate parties as soon as possible after the removal.
- 3.25.16.6** Any enlargements or alterations to a non-conforming sign must be in compliance with the provisions of this code.
- 3.25.16.7** Any sign not properly maintained, or destroyed by natural or unnatural causes and not repaired within thirty (30) days time loses any previous approvals or non-conforming rights. Such a sign must be reviewed by and receive approval from Alpine City prior to it being used for the same or a different purpose.
- 3.25.16.8** Notice to property and/or business owners. In the event of any of the following:
 - A. A business failure, non-use, voluntary closing, or any other reason or

B. A sign owner or user discontinues, abandons, or is no longer responsible or accountable for a sign,

the business and/or sign owner shall immediately remove or cause to be removed from the property any signs that do not apply to the business. If the owner does not remove or cause to be removed from the property such signs, he/she shall immediately apply to Alpine City, under the provisions of this ordinance, for permission to use the previously existing sign and shall identify any changes in the use or appearance of such sign.

ARTICLE 3.26

PENALTIES (Ord. 94-02, 2/8/94)

3.26.1 VIOLATION

It shall be unlawful for any person to violate any of the provisions of this Ordinance. Any owner or agent of the owner of any land who shall fail to comply with any of the provisions of this Ordinance or who knowingly makes false statements, representations or certifications in any application or document filed or required to be maintained under this Ordinance shall be guilty of a violation of this Ordinance.

3.26.2 ENFORCEMENT - REMEDIES FOR VIOLATION - PENALTY

1. Withholding Building Permits. In addition to all other remedies, the City may enforce the provisions of this Ordinance by withholding building, grading, excavation or similar permits, and may also refuse to issue such a permit for a building or development upon a parcel which has not been subdivided in accordance with the provisions of this Ordinance.

2. Injunction, Mandamus, Abatement. The City or any owner of real estate within the City in which a violation of this Ordinance occurs or is about to occur may, in addition to other remedies provided by law, institute;

(1) Injunction, mandamus, abatement or any other appropriate actions; or

(2) Proceedings to prevent, enjoin, abate or remove any unlawful building, use, or act.

The City need only establish the violation to obtain the injunction.

3. Penalties. In addition to the foregoing remedies, violation of any of the provisions of this Ordinance or of any regulation, order or permit adopted or issued under this ordinance, is punishable as a class C misdemeanor upon conviction either:

(1) As a Class C misdemeanor; or

(2) By imposing a civil penalty not to exceed \$1,000.00 per violation per day.

ARTICLE 3.27

WIRELESS TELECOMMUNICATIONS ORDINANCE

(Ord. No. 2006-06, 4/25/06; Amended by Ord. No. 2012-05, 7/10/12;
Ord. No. 2014-15, 09/23/14)

3.27.1 GENERAL PROVISIONS

1. Title. This Ordinance shall be known as the Wireless Telecommunications Ordinance.
2. Purpose & Intent. The unique character, landscapes and scenic vistas of Alpine are among its most valuable assets. Preserving and promoting those assets are essential to the long-range social and economic wellbeing of the City and its inhabitants. Protecting these assets requires sensitive placement and design of wireless communication facilities so that these facilities remain in scale and harmony with the existing character of the community.
 - a. To amend Ordinance No. 2006-06 to accommodate new technology and develop regulations on the use and development of City property for new cell tower facilities.
 - b. To regulate personal wireless services antennas, with or without support structures, and related electronic equipment and equipment structures.
 - c. To provide for the orderly establishment of personal wireless services facilities in the City.
 - d. To minimize the number of antenna support structures by encouraging the co-location of multiple antennas on a single new or existing structure.
 - e. To establish siting, appearance and safety standards that will help mitigate the potential impacts related to the construction, use and maintenance of personal wireless communication facilities.
 - f. To comply with the Telecommunication Act of 1996 by establishing regulations that (1) do not prohibit or have the effect of prohibiting the provision of personal wireless services, (2) do not unreasonably discriminate among providers of functionally equivalent services, and (3) are not based on the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's regulations concerning such emissions.
3. Findings.
 - a. Personal wireless services facilities (PWSF) are an integral part of the rapidly growing and evolving telecommunications industry, and present unique zoning challenges and concerns by the City.
 - b. The City needs to balance the interests and desires of the telecommunications industry and its customers to provide competitive and effective telecommunications systems in the City, against the sometimes differing interests and desires of others concerning health, safety, welfare, and aesthetics, and orderly planning of the community.
 - c. The City has experienced an increased demand for personal wireless services facilities to be located in the City, and expects the increased demand to continue in the future.
 - d. It is in the best interests of the City to have quality personal wireless services facilities available, which necessarily entails the erection of personal wireless services facilities in the City.
 - e. The unnecessary proliferation of personal wireless services facilities through the City creates a negative visual impact on the community.
 - f. The visual effects of personal wireless services facilities can be mitigated by fair standards regulating their siting, construction, maintenance and use.
 - g. A private property owner who leases space for a personal wireless services facility is the only one who receives compensation for the facility, even though numerous other property owners in the area are adversely affected by the location of the facility.

- h. Chapter 69-3, Utah Code Annotated, grants cities the authority to create or acquire sites to accommodate the erection of telecommunications tower in order to promote the location of telecommunication towers in a manageable area and to protect the aesthetics and environment of the area. The law also allows the City to require the owner of any tower to accommodate the multiple use of the tower by other companies where feasible and to pay the City the fair market rental value for the use of any City-owned site.
 - i. Telecommunications towers located on government property with the lease payments being paid to Alpine City instead of individual property owners evenly distributes the income from the lease payments to all citizens of Alpine through increased government services thus indirectly compensating all of the citizens of Alpine for the impact all citizens experience. The public policy objectives to reduce the proliferation of telecommunications towers and to mitigate their impact can be best facilitated by locating telecommunications and antenna support structures on property owned, leased or used by Alpine City as a highest priority whenever feasible.
- 4. Definitions. The following words shall have the described meaning when used in this ordinance, unless a contrary meaning is apparent from the context of the word.
 - a. Antenna. A transmitting or receiving device used in telecommunications that radiates or captures radio signals.
 - b. Antenna Support Structure. Any structure that can be used for the purpose of supporting an antenna(s).
 - c. City. The City of Alpine, Utah.
 - d. City-owned property. Real property that is owned by the City.
 - e. Close to Tower Mount. Also known as slim mount, antennas on cell towers mounted very close to tower in order to appeal less noticeable.
 - f. Co-location. The location of an antenna on an existing structure, tower or building that is already being used for personal wireless services facilities.
 - g. Monopole. A single, self-supporting, cylindrical pole that acts as the support structure for one (1) or more antennas for a personal wireless services facility.
 - h. Personal Wireless Services. Commercial mobile telecommunications services, unlicensed wireless communications services, and common carrier wireless telecommunications exchange access services.
 - i. Personal Wireless Services Antenna. An antenna used in connection with the provision of personal wireless services.
 - j. Personal Wireless Services Facilities (PWSF). Facilities for the provision of personal wireless services. Personal wireless services facilities include transmitters, antennas, structures supporting antennas, and electronic equipment that is typically installed in close proximity to a transmitter.
 - k. Private Property. Any real property not owned by the City, even if the property is owned by another public or government entity.
 - l. Quasi public use. Uses such as a school or church or other uses defined as quasi public uses in Section 3.1.11 of the Alpine City Zoning Ordinance.
 - m. Tower. A freestanding structure that is used as a support structure for antenna.
 - n. Whip antenna. An antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending on the frequency and gain for which they are designed.
- 5. Applicability. This ordinance (the Wireless Telecommunications Ordinance) applies to both commercial and private low power radio services and facilities, such as "cellular" or PCS (personal communications system) communications and paging systems. This ordinance shall not apply to the following types of communications devices, although they may be regulated by other City ordinances and policies.

- a. Amateur Radio. Any tower or antenna owned and operated by an amateur radio operator licensed by the Federal Communication Commission.
- b. Amateur T.V. Any tower or antenna owned and operated by an amateur T.V. operator licensed by the Federal Communication Commission.
- c. Satellite. Any device designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service or direct satellite service.
- d. Cable. Any cable television head-end or hub towers and antennas used solely for cable television services.

3.27.2 LOCATION AND TYPES OF TOWERS/ANTENNAS

1. Personal Wireless Services Facilities Site Locations. The following are currently approved locations:

- a. Co-location on an existing tower.
- b. City owned property.
- c. Property in conjunction with a quasi-public or public use.
- d. Commercial property in the business commercial zone.

No new towers shall be located in Lambert Park.

New towers shall be located no closer than a one-quarter (1/4) mile radius from another tower and shall be no closer to a residence than two (2) times the height of the tower.

If the applicant desires to locate on a site other than the approved sites listed above, the applicant shall have the burden of demonstrating to the City why it cannot locate on an approved site. To do so, the applicant shall provide the following information to the City:

- a. The identity and location of any approved sites located within the desired service area.
- b. The reason(s) why the approved sites are not technologically, legally, or economically feasible. The applicant must make a good faith effort to locate towers and antennas on an approved site. The City may request information from outside sources to justify or rebut the applicant's reason(s) for rejecting an approved site.
- c. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network. If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing towers.

2. Permitted and Non-Permitted Towers and Antennas.

- a. Permitted. The following are permitted:

- 1. Co-location on existing towers.
- 2. Existing towers may be maintained, used, and upgraded or replaced. A replacement tower shall not exceed the height of the tower being replaced.
- 3. Monopoles are permitted subject to the following:
 - a. A monopole shall not exceed eighty feet (80').
- 4. Roof-mounted Antennas are permitted subject to the following:
 - a. A roof-mounted antenna shall be screened, constructed, and/or colored to match the structure to which it is attached.

- b. A roof-mounted antenna shall be set back from the building edge one (1) foot for every one (1) foot of antenna height and shall not exceed fifteen (15) feet in height.
- 5. All new antennas shall be slim-mounted or mounted to an existing array.
- b. Not Permitted. The following are not permitted:
 - 1. Lattice Towers. Lattice appearance is not permitted.
 - 2. Guyed Towers.
- 3. Co-location Requirement. Unless otherwise authorized by the approving authority for good cause shown, every new tower shall be designed and constructed to be of sufficient size and capacity to accommodate at least two (2) additional wireless telecommunications providers on the structure in the future.
- 4. Lease Agreement. The City has no implied obligation to lease any particular parcel of City-owned property to an applicant. The City shall enter into a standard lease agreement with the applicant for any facility built on City property. The Mayor or designee is hereby authorized to execute the standard lease agreement on behalf of the City. The lease shall contain the condition that the approving authority must first approve the site plan before the lease can take effect, and that failure to obtain such approval renders the lease null and void.

3.27.3 PROCEDURE (Amended by Ord. No. 2014-15, 9/23/14)

State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. For purposes of this subsection, the term "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves:

- (A) collocation of new transmission equipment;
 - (B) removal of transmission equipment; or
 - (C) replacement of transmission equipment.
- 1. Application Requirements. Any person desiring to develop, construct or establish a personal wireless services facility in the City shall submit an application for site plan approval to the City. A site plan shall be required for all new towers and antennas and any modification or replacement of a tower or antenna. The City shall not consider the application until all required information has been included. The application shall be submitted to the City Planner at least fourteen (14) days prior to the public meeting at which it will be presented to the Planning Commission. The applicant shall include the following:
 - a. Fee. The applicable fee shall be paid to the City Recorder, payable to Alpine City, as set forth in the Alpine City Consolidated Fee Schedule.
 - b. Site Plan. A site plan meeting the City's standard requirements for site plans.
 - c. Notification Letter. The applicant shall submit a list of all property owners within five hundred (500) feet of the boundaries of the property where the proposed tower or antenna is to be located. The applicant shall also submit envelopes that have been stamped and addressed to all property owners on the list. The City may require a greater distance if deemed necessary or appropriate. The City shall prepare a notification letter to be sent to the property owners on the list submitted by the applicant to be mailed out at

least seven (7) days prior to the public meeting at which the application will be presented to Planning Commission. The letter shall contain the following information:

1. Address or location of the proposed tower, co-location, tower modification, etc.
 2. Name of the applicant.
 3. Type of tower/antenna (e.g. monopole, roof antenna, etc.)
 4. Date, time, and place of the public meeting at which the application will be presented to the Planning Commission.
- d. Sign. The applicant shall erect a sign of sufficient durability, and print and size quality that is reasonably calculated to give notice to passers-by. The sign shall be posted at least fourteen (14) days prior to the public meeting at which the application will be presented to the Planning Commission. The sign:
1. Shall be 4 ft. (H) x 8 ft. (W)
 2. Shall not be more than six (6) feet in height from the ground to the highest point of the sign; and
 3. Shall be posted five (5) feet inside the property line in a visible location on the property where the tower/antenna is to be located. If the property is located in such a spot that the sign would not be visible from the street, the sign shall be erected in another location close by that will give notice to passers-by, or at Alpine City Hall. The applicant shall be responsible to obtain permission of the property owner to erect the sign. The sign shall include the following information:
 - a. Address of location of the proposed tower, co-location, tower modification, etc.
 - b. Type of tower/antenna (e.g. monopole, roof antenna, etc.)
 - c. Date, time, and place of the public meeting at which the application will be presented to the Planning Commission.
- e. Written Information. The following written information shall be submitted:
1. Maintenance. A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic noise or safety impacts of such maintenance.
 2. Service Area. A description of the service area for the antenna or tower and a statement as to whether the antenna or tower is needed for coverage or capacity.
 3. Licenses and Permits. Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the antenna.
 4. Radio Frequency Emissions. A written commitment to comply with applicable Federal Communications Commission radio frequency emission regulations.
 5. Liaison. The name of a contact person who can respond to questions concerning the application and the proposed facility. Include name, address, telephone number, facsimile number and electronic mail address, if applicable.
2. Approval Process. The application and site plan shall be reviewed by the City pursuant to its standard site plan approval process. The City shall process all applications within a reasonable time and shall not unreasonably discriminate among providers of functionally equivalent services. Any decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. The application and site plan will be reviewed by Planning Commission for a recommendation to City Council. The City Council shall review the application and site plan and shall act as the land use authority in approving or denying the application and site plan.

The Planning Commission may, if it deems necessary, require each application to be reviewed independently by a certified radio frequency engineer, licensed to do such work in the State of Utah. The purpose of the review is to determine if other locations are available to achieve an equivalent signal distribution and not significantly affect the operation of the telecommunications facility. Such a review may be required when an applicant indicates that no other acceptable location exists. The costs of an independent review shall be borne by the applicant.

3. Building Permits.

- a. General Requirements. No tower or antenna support structure shall be constructed until the applicant obtains a building permit from the City. No building permit shall be issued for any project for which a site plan or amended site plan is required, until the site plan or amended site plan has been approved by the appropriate authority. If the design or engineering of the antenna support structure is beyond the expertise of the Building Official, the City may require third party review by an engineer selected by the City prior to the issuance of a building permit. The applicant shall pay an additional fee to cover the cost of the third party review.
- b. Additional Requirements for New Towers. If the applicant is constructing a new tower, the applicant shall, if requested by the City, submit a written report from a qualified structural engineer licensed in the State of Utah, documenting the following:
 1. Height and design of the new tower, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design.
 2. Seismic load design and wind load design for the new tower.
 3. Total anticipated capacity of the new tower, including number and types of antennas which can be accommodated.
 4. Structural failure characteristics of the new tower and a demonstration that the site and setbacks are adequate size to contain debris.
 5. Soil investigation report, including structural calculations.

3.27.4 SAFETY

1. Regulation Compliance.
 - a. Compliance with FCC and FAA Regulations. All operators of personal wireless services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan.
 - b. Other Licenses and Permits. The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with the jurisdiction over the design, construction, location and operation of the facility to the City, shall maintain such licenses and permits in good standing, and shall provide evidence of renewal or extension thereof upon request by the City.
2. Protection Against Climbing. Towers shall be protected against unauthorized climbing by removing the climbing pegs from the lower 20 feet of the towers.
3. Fencing. Towers shall be fully enclosed by a minimum 6-foot tall fence or wall, as directed by the City, unless the City determines that a wall or fence is not needed or appropriate for a particular site due to conditions specific to the site.

4. Security Lighting Requirement. Towers shall comply with the FAA requirements for lighting. The City may also require security lighting for the site. If security lighting is used, the lighting impact on surrounding residential areas shall be minimized by using indirect lighting, where appropriate.
5. Emergency. The City shall have the authority to move or alter a personal wireless services facility in case of emergency. Before taking any such action, the City shall first notify the owner of the facility, if feasible.

3.27.5 ADDITIONAL REQUIREMENTS

1. Regulations for Accessory Structures.
 - a. Storage Areas and Solid Waste Receptacles. No outside storage or solid waste receptacles shall be permitted on site.
 - b. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, the structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure.
 - c. Accessory Buildings. Freestanding accessory buildings used with a personal wireless services facility shall not exceed 450 square feet and shall comply with the setback requirements for structures in the zone in which the facility is located.
2. Parking. The City may require a minimum of one (1) parking stall for sites containing a personal wireless services facility and/or accessory buildings, if there is insufficient parking available on the site.
3. Maintenance Requirements. All personal wireless services facilities shall be maintained in a safe, neat, and attractive manner.
4. Landscaping. A landscaping plan shall be submitted to the Planning Commission who will make a recommendation to the City Council who will approve the landscape plan.
5. Site Restoration Upon Abandonment. All sites shall be restored to the original configuration upon abandonment.
6. Fencing. The City will determine the type of fencing used on wireless telecommunications sites on a case by case basis. In the case of the Rodeo Grounds, the fencing shall match the existing fencing. Fencing will recommend by the Planning Commission and approved by the City Council.
7. Color and material standards. The City shall make an administrative decision as to the color. To the extent the personal wireless services facilities extend above the height of the vegetation immediately surround it, they shall be painted in a nonreflective light gray, light blue or other hue, which blends with the skyline and horizon or a brown to blend in with the surrounding hillside.
8. Facility Lighting and Signage Standards. Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety and/or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA and no other alternatives are available. In all instances, the lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties. Lighting shall also comply with any applicable City lighting standards.
9. Facility Signs. Signs shall be limited to those needed to identify the numbers to contact in an emergency, public safety warnings, certifications or other required seals. These signs shall also comply with the requirements of the City's sign regulations.
10. Utility Lines. All utility lines serving new cell towers shall be located underground.
11. Business License. Each facility shall be considered as a separate use; and an annual business license shall be required for each facility.

ARTICLE 3.28**WIND ENERGY CONVERSION SYSTEMS (WECS)
(Ord. 2009-05, 3/10/09; Amended by Ord. 2010-04, 2/23/10)**

Alpine City recognizes the increased demand for alternative energy generating systems and the need/desire for more inexpensive power and self-reliance that wind energy conversion systems (WECS) may provide. The purpose of these supplemental regulations is to protect the community's interest in properly siting WECS in a manner consistent with sound land use planning, while also allowing property owners to meet their power generating objectives.

3.28.1 PERMITTED AND PROHIBITED USES

- A. Pole mounted WECS shall be permitted in all zones upon issuance of a building permit and compliance with all applicable regulations. No more than two (2) WECS shall be permitted per parcel.
- B. Roof mounted WECS shall be permitted to meet existing building regulations.
- C. Commercial Wind Power Generating Facilities (windfarms) shall not be permitted.
- D. WECS producing less than five hundred (500) watts of electricity, not exceeding twenty-four (24) volts; not connected to the power grid/source for the property; and with an overall height less than twenty (20) feet, including the blade at its highest point, shall be exempt from this ordinance.

3.28.2 ADDITIONAL STANDARDS. No permit shall be granted for a WECS unless the City determines that the proposed use meets all of the following criteria and any other applicable requirements.

3.28.2.1 Building Permit & Inspections

- A. A building permit shall be required for all WECS.
- B. The owner shall submit two (2) complete sets of detailed plans and specifications for the WECS, including a site plan, a structural and electrical design including standard drawings of the wind turbine structure, including the tower, base, and footings, completed by a registered professional engineer, licensed to do such work in the state of Utah, whose seal shall be affixed to all such drawings and plans.
- C. The owner shall submit all other information as requested by the Building Department and/or Chief Building Official.
- D. Utility Notification: No WECS shall be installed and connected to the power grid until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned turbine. All WECS connected to the utility grid shall meet all applicable codes and standards, including ESR requirements.
- E. All engineering and electrical wiring/connections shall conform to the applicable provisions of the International Building Code and National Electric Code and shall be inspected by the City.
- F. Permanent power sources shall be concealed from public view and comply with all applicable provisions of the National Electric Code.

3.28.2.2 Setbacks

- A. The minimum setback distance between overhead utility lines, any other WECS, and above-ground generation facilities shall be no less than the height of the wind tower plus the rotor radius.
- B. WECS may not be located on a recorded easement or in a public right-of-way.
- C. No part of the WECS shall be located in the area between the front of a residential structure and the front property line. If a residential structure is placed diagonally on the lot, no WECS shall be placed between the front of the residence and the facing streets. If the house sits further than one hundred (100) feet back from the front property line, a WECS will be allowed no closer than one hundred (100) feet from the front property line.
- D. No part of the WECS shall be located within the minimum side yard setback facing a street on a corner lot.
- E. The minimum setback distance from a WECS shall be no less than 110% in tower height plus the rotor radius from all neighboring dwellings and public roads.

3.28.2.3 Height

- A. The height of the tower shall not exceed forty-five (45) feet. The height including the turbine and rotor blades shall not exceed fifty-five (55) feet.
- B. The minimum distance between the ground and any part of the rotor blade system shall be 20 feet.

3.28.2.4 Safety Measures

- A. There shall be sufficient safety measures to prevent the tower from becoming a climbing hazard.
- B. No WECS shall be permitted that lack an automatic braking, governing, or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the tower structure, rotor blades, and turbine components.
- C. Procedures for emergency shutdown of power generation units shall be established and posted prominently and permanently within three (3) feet of the meter panel.
- D. If an alternative energy facility is not functional or operational or maintained for a period of one (1) year, the owner upon notification shall either immediately dismantle the WECS or repair it.

3.28.2.5 Sound

- A. All WECS shall be located with relation to property lines so that the level of noise produced during any WECS operation shall not exceed 60 decibels, measured at the boundaries of all of the closest parcels that are owned by a non-site owner or at any point past the property line.

ARTICLE 3.29

**RESIDENCES FOR PERSONS WITH A DISABILITY (Ord. 2010-05, 5/11/10;
Ord. 2015-02, 02/10/15)**

- 3.29.1 PURPOSE AND INTENT.** It is the intent of the City that this section shall be interpreted and applied in such a manner that is consistent with Title 57, Chapter 21, Utah Fair Housing Act, and the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq.
- 3.29.2 DEFINITIONS.** The definition of disability shall be as defined in Title 57, Chapter 21, Utah Fair Housing Act, and shall include definition of "Handicap" under the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq. as may be amended from time to time. All other definitions shall be as found in Chapter 3 Section 3.1.11 of the Alpine City Development Code. If a word or term is not defined in the Development Code that word or term is intended to have the definition found in any good English language dictionary.
- 3.29.3 PERMITTED USE.** A Residential Facility for Persons With a Disability shall be a permitted use in any zone in the City where Group Living Arrangements are allowed as a permitted or conditional use, subject to the same land use regulations applied to other Group Living Arrangements in the zone in which the facility is proposed to be located, except as may be specifically modified in this section.

ARTICLE 3.30 REASONABLE ACCOMODATIONS (Ord. No. 2010-06, 5/11/10; Ord. 2015-02, 02/10/15)

3.30.1 PURPOSE. This chapter establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the City.

3.30.2 APPLICABILITY. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities.

3.30.3 REQUESTING REASONABLE ACCOMMODATION.

A. Requests for reasonable accommodations shall be in writing and provide the following information:

- (1) Name and address of the individual(s) requesting reasonable accommodation;
- (2) Name and address of the property owner(s);
- (3) Address of the property for which accommodation is requested;
- (4) Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought;
- (5) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling; and
- (6) All information necessary for the findings set forth in Sec.3.30.5

B. Requests for reasonable accommodations shall be submitted to the City Administrator.

C. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

D. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

E. If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible.

3.30.4 REVIEWING AUTHORITY.

A. Requests for reasonable accommodations shall be reviewed using the criteria set forth in Sec. 3.30.5 below.

B. The City Administrator shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Sec. 3.30.5 below.

C. It is the applicant's burden to demonstrate that the accommodation is necessary and

reasonable under the standards and definitions set forth in federal and state law, including federal and state case law.

3.30.5 REQUIRED FINDINGS.

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be based on the following factors:

- A. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
- B. Whether the requested accommodation is necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling when compared to similarly-situated persons or groups without a disability;
- C. Whether the requested accommodation would impose an undue financial or administrative burden on the City;
- D. Whether the requested accommodation would require a fundamental alteration in the nature of the City's land use, zoning or building programs;
- E. Whether the requested accommodation is reasonable;
- F. Whether the request for accommodation would result in a dwelling being made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others; and
- G. Any other relevant considerations under the federal or state law.

3.30.6 WRITTEN DECISION ON THE REQUEST FOR REASONABLE ACCOMMODATION.

- A. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the reviewing authority's findings on the criteria set forth in Sec. 3.30.5. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.
- B. The written decision of the City Administrator shall be final unless an applicant timely appeals it to the Land Use Hearing Officer, as the Alpine City Appeal Authority.
- C. If the City Administrator fails to render a written decision on the request for reasonable accommodation within the thirty (30) day time period allotted by Sec. 3.30.4(B), the request shall be deemed denied based upon the insufficiency of the applicant's information to satisfy the criteria set forth in Sec. 3.30.3.
- D. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

3.30.7 APPEALS.

- A. Within ten (10) days of the date of the City Administrator's written decision or expiration of the

thirty (30) day time period allotted by Sec. 3.30.4(B), an applicant may appeal an adverse decision to the Alpine City Appeal Authority. Appeals from the adverse decision shall be made in writing.

- B. If an individual needs assistance in filing an appeal on an adverse decision, the City will provide assistance to ensure that the appeals process is accessible.
- C. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. The review of all such appeals shall be based upon the record presented to the City Administrator.

ARTICLE 3.31

BOUNDARY LINE ADJUSTMENTS (Ord. No. 2011-02, 01/11/11)

3.31.1 During the review process, the City Planner, the City Engineer, the Planning Commission, and the City Council may request reasonable additional information from the applicant(s) from time to time; and may ask other advisors to review the proposed application if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

3.31.2 A boundary line adjustment may be approved by the City Planner and City Engineer unless the adjustment involves a change of use or change of zone of any of the property. If a change of use or change of zone is involved, the boundary line adjustment will require a recommendation from the City Planner and City Engineer to the Planning Commission, a recommendation from the Planning Commission to the City Council, and a final approval by the City Council.

3.31.3 PROPERTY WITHIN A RECORDED SUBDIVISION. If any property included in a proposed boundary line adjustment is located within a recorded subdivision, the boundary line adjustment must be done by plat amendment and will require the notification and approval of all applicable utilities. In addition to the provisions below, the plat amendment shall comply with Utah State Code.

1. The applicant(s) shall meet with the City Planner and City Engineer to review the proposed boundary line adjustment prior to submitting an application.
2. The applicant(s) shall have all of the property included surveyed by a surveyor licensed to do such work in the State of Utah and shall have a plat amendment prepared.
3. If there is no change of use or change of zone for any of the property included, the City Planner and City Engineer may approve the application.
 - a. The applicant(s) shall submit the following materials to the City Planner for review:
 1. Three (3) D (22x34) size copies,
 2. Four (4) 11x17 copies,
 3. An electronic copy in a format specified by City Staff,
 4. A completed boundary line adjustment application, and
 5. Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted and the fee is paid.

- b. The City Planner and City Engineer shall review the application for compliance with the Alpine City General Plan and all applicable City ordinances. If the City Planner or City Engineer determines that the application complies with all applicable requirements, they shall approve the application. If the City Planner or City Engineer determines that the proposed boundary line adjustment would violate local ordinances and regulations, no further review of the application shall be made. A new application shall be required to reinstate the process.
4. If there is a change of use or change of zone for any of the property included, the application must be reviewed by the Planning Commission and City Council.

- a. When the City Planner and City Engineer determines that the application is ready for Planning Commission review, the applicant(s) shall submit the following information to the City Planner fourteen (14) days prior to a regularly scheduled Planning Commission meeting:

1. Four (4) D (22x34) size copies,
2. Ten (10) 11x17 copies,
3. An electronic copy in a format specified by City Staff,
4. A completed boundary line adjustment application, and
5. Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted and the fee is paid.

- b. The application shall be reviewed by the Planning Commission for compliance with the Alpine City General Plan and all applicable City ordinances. If the Planning Commission determines that the proposed boundary line adjustment complies with all applicable requirements, it shall make a favorable recommendation to the City Council.

If the Planning Commission determines that the proposed boundary line adjustment would violate local ordinances and regulations, no further review of the proposed boundary line adjustment shall be made by the Planning Commission. A new application shall be required to reinitiate the boundary line adjustment process.

- c. The City Council shall review the application at a regularly scheduled meeting. If the City Council determines that the proposed boundary line adjustment complies with all applicable requirements, it shall approve the proposed boundary line adjustment.

3.31.4 PROPERTY OUTSIDE AN APPROVED, RECORDED SUBDIVISION. If all of the property included in a proposed boundary line adjustment is not located in an approved, recorded subdivision, boundary lines may be adjusted through the use of legal descriptions following the process outlined below.

1. The applicant(s) shall meet with the City Planner and City Engineer to review the proposed boundary line adjustment prior to submitting an application.
2. The applicant(s) shall have all of the property included surveyed by a surveyor licensed to do such work in the State of Utah.
3. If there are any recorded easements located on any of the properties, the applicant(s) shall notify the appropriate entity and obtain their approval and submit documentation of approval to Alpine City.
4. If there is no change of use or change of zone for any of the property included, the City Planner and City Engineer may approve the application.

- a. The applicant(s) shall submit the following materials to the City Planner for review:

1. Five (5) copies of before and after legal descriptions of the properties;
2. Five (5) copies drawn to scale showing the properties before and after the adjustment,
3. An electronic copy in a format specified by staff,

4. A completed boundary line adjustment application, and
5. Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted and fee is paid.

- b. The City Planner and City Engineer shall review the application for compliance with the Alpine City General Plan and all applicable City ordinances. If the City Planner or City Engineer determines that the application complies with all applicable requirements, they shall approve the application. If the City Planner or City Engineer determines that the proposed boundary line adjustment would violate local ordinances and regulations, no further review of the application shall be made. A new application shall be required to reinitiate the process.
5. If there is a change of use or change of zone for any of the property included, the application must be reviewed by the Planning Commission and City Council.
 - a. When the City Planner and City Engineer determines that the proposed boundary line adjustment is ready for Planning Commission review, the applicant shall submit the following to the City Planner fourteen (14) days prior to a regularly scheduled Planning Commission meeting:
 1. Fifteen (15) copies of before and after legal descriptions of the properties,
 2. Fifteen (15) copies drawn to scale showing the properties before and after the adjustment,
 3. An electronic copy in a format specific by City Staff,
 4. A completed boundary line adjustment application, and
 5. Pay the associated fee in accordance with the current fee schedule.

The application will not be accepted unless all materials are completed and submitted and fee is paid.

- b. The application shall be reviewed by the Planning Commission for compliance with the Alpine City General Plan and all applicable City ordinances. If the Planning Commission determines that the proposed boundary line adjustment complies with all applicable requirements, it shall make a favorable recommendation to the City Council.

If the Planning Commission determines that that proposed boundary line adjustment would violate local ordinances and regulations, no further review of the proposed boundary line adjustment shall be made by the Planning Commission. A new application shall be required to reinitiate the boundary line adjustment process.

- c. The City Council shall review the application at a regularly scheduled meeting. If the City Council determines that the proposed boundary line adjustment complies with all applicable requirements, it shall approve the proposed boundary line adjustment.

3.31.5 EXPIRATION. All Planning Commission recommendations shall be null/void 180 calendar days after a recommendation is given. If the boundary line adjustment is not recorded, all final approvals, whether granted by the City Planner and City Engineer or City Council, shall be null/void 180 calendar days after final approval is granted.

The applicant(s) may request a reinstatement within fourteen (14) days of any expiration. The voided/null boundary line adjustment may be submitted to the City Planner for reinstatement. If there are no changes to the voided/null boundary line adjustment and there have been no changes in ordinances that would affect the boundary line adjustment, the City Planner may approve the reinstatement of the boundary line adjustment. If there are any changes in the boundary line adjustment or any changes in ordinances that would affect the boundary line adjustment, the voided/null boundary line adjustment may be submitted for reinstatement with a recommendation from the Planning Commission and approval by the City Council, but will be subject to all applicable ordinances at the time of reinstatement.

A current reinstatement fee will be charged in accordance with the current fee schedule for each reinstatement. The plat must be recorded within 180 days after the reinstatement approval or the approval shall be null and void. No further extensions/reinstatements will be approved. A new application shall be required to reinitiate the boundary line process.

3.31.6 RECORDING.

1. Plat amendment. The applicant(s) shall submit the final approved plat in a recordable format (mylar) to the City Recorder. The City Recorder shall record the final plat with the Utah County Recorder. Any expenses incurred by the applicant(s) shall be borne by the applicant(s) and paid prior to recording. The applicant(s) shall meet all recording requirements prior to recording.
2. Legal Descriptions. The applicant(s) shall use the approved notice of approval form to be provided by the City and shall have the responsibility to obtain the necessary property owner(s) signatures following a final approval. The applicant(s) shall submit the signed form to the City Recorder. The City Recorder shall obtain the necessary signatures on behalf of the City. The City Recorder shall have the responsibility to record the approved and signed document with the Utah County Recorder. Any expenses incurred by the applicant(s) shall be borne by the applicant(s) and paid prior to recording. The applicant(s) shall meet all recording requirements prior to recording.

ARTICLE 3.32

RETAINING WALLS (Ord. No. 2015-07, 06/09/15)

3.32.1 APPLICABILITY. This section applies to all retaining walls as defined in Article 3.1.11.45

3.32.2 EXCEPTIONS FROM ARTICLE 3.32. The City Council may grant an exception from these standards. Prior to the City Council considering the exception, the City Engineer shall submit a written recommendation to the Planning Commission. The recommended exception shall be based on generally accepted engineering practices. The Planning Commission shall review the recommendation and advise the City Council as to whether or not the exception should or should not be granted.

3.32.3 PURPOSE AND INTENT. The purpose of this ordinance and the intent of the City Council in its adoption is to promote the health and safety and general welfare of the present and future inhabitants of Alpine City. The ordinance will accomplish this purpose by:

1. Building Permit Required. Except as otherwise provided in Subsection (2), all retaining walls require a building permit prior to construction or alteration. Permit applications shall be processed and issued in accordance with building permit procedures and applicable provisions of this section. Building permit review fees will be assessed and collected at the time the permit is issued.
2. Building Permit Exemptions. The following do not require a building permit:
 1. Retaining walls less than four feet in exposed height with less than 10H:1V (Horizontal: Vertical) front and back slopes within ten feet of the wall;
 2. Non-tiered retaining walls less than four feet in exposed height with back slopes flatter than or equal to 2H:1V and having front slopes no steeper than or equal to 4H:1V;
 3. Double tiered retaining walls less than three feet in exposed height per wall and which have front slopes and back slopes of each wall no steeper than or equal to 10H:1V within ten feet of the walls, 1.5 foot spacing between front face of the upper wall and back edge of the lower wall;
 4. Retaining walls less than 50 square feet in size, less than 4 feet tall.
3. Geologic Hazards. If construction of any retaining wall, which requires a building permit, occurs within sensitive land areas as outlined by Article 3.12, then all analyses required for the design of retaining walls or rock protected slopes shall follow the Sensitive Lands Ordinance, specifically in regards to limits of disturbance and the required geologic hazard and engineering geology reports (3.12.6.4)
4. Engineer Design Required. All retaining walls required to obtain a building permit shall be designed by an engineer licensed by the State of Utah.
5. Height, Separation and Plantings.
 1. For the purposes of this subsection, the height of a retaining wall is measured as exposed height (H) of wall of an individual tier.
 2. A single retaining wall shall not exceed nine feet in height if exposed or can be seen from the nearest public right-of-way to which it is exposed.

3. Terracing of retaining walls is permitted where justified by topographic conditions, but the combined height of all walls shall not exceed a height of 18 feet if exposed or can be seen from the nearest public right-of-way or adjacent properties. Walls with a separation of at least $2H$ (H of largest of 2 walls) from face of wall to face of wall shall be considered as separate walls for analysis purposes and applicability to this ordinance. If walls are within $2H$ (H of largest of 2 walls), then the combined height of the terrace shall be used for limitation of height.
 4. In a terrace of retaining walls, a minimum horizontal separation of $H/2$ (H of largest of 2 walls) is required as measured from back of lower wall to face of higher wall. If the walls are not viewable from the nearest public right-of-way or adjacent properties, then there is no limitation of height.
 5. The view of the nearest public right-of-way or adjacent property shall be verified by the City Official during the review process and prior to permit for construction.
 6. For terraces walls viewable from the nearest public right-of-way, the horizontal separation between walls shall be planted with a minimum of five shrubs for every 20 linear feet of planting area. The size of the shrubs shall be less than one-half the width of the terrace. Shrubs shall be watered by drip irrigation to minimize erosion by property owner, not by Alpine City.
6. Submittals. The following documents and calculations prepared by a licensed engineer of the State of Utah shall be submitted with each retaining wall building permit application:
1. profile drawings if the retaining wall is longer than 50 lineal feet, with the base elevation, exposed base elevation and top of wall labeled at the ends of the wall and every 50 lineal feet or change in grade;
 2. cross-sectional drawings including surface grades and structures located in front and behind the retaining wall a distance equivalent to three times the height of the retaining wall, and if the retaining wall is supporting a slope, then the cross section shall include the entire slope plus surface grades and structures within a horizontal distance equivalent to one times the height of slope;
 3. a site plan showing the location of the retaining walls with the base elevation, exposed base elevation and top of wall labeled at the ends of wall and every 50 lineal feet or change in grade;
 4. a copy of the geotechnical report used by the design engineer. The geotechnical report shall include requirement of Item 5 below otherwise additional laboratory testing is required in Item 5;
 5. material strength parameters used in the design of the retaining wall, substantiated with laboratory testing of the materials as follows:
 - a. for soils, this may include, but is not limited to, unit weights, direct shear tests, triaxial shear tests and unconfined compression tests;

- b. if laboratory testing was conducted from off-site but similar soils within a 2000 foot radius of the proposed wall location, the results of the testing with similar soil classification testing needs to be submitted;
 - c. minimum laboratory submittal requirements are the unit weight of retained soils, gradation for cohesionless soils, Atterberg limits for cohesive soils, and shear test data;
 - d. soil classification testing shall be submitted for all direct shear or triaxial shear tests;
 - e. if a Proctor is completed, classification testing shall be submitted with the Proctor result; and,
 - f. laboratory testing should be completed in accordance with applicable American Society for Testing and Materials (ASTM) standards;
 - g. for segmented block walls, the manufacturer's test data for the wall facing, soil reinforcement, and connection parameters shall be submitted in an appendix.
6. the design engineer shall indicate the design standard used and supply a printout of the input and output of the files in an appendix with factors of safety within the design standard used as follows:
- a. design calculations ensuring stability against overturning, base sliding, excessive foundation settlement, bearing capacity, internal shear and global stability;
 - b. calculations shall include analysis under static and seismic loads, which shall be based on the PGA as determined from probabilistic analysis for the maximum credible earthquake (MCE), with spectral acceleration factored for site conditions in accordance with the current IBC;
 - c. Mechanically Stabilized Earth (MSE) walls shall be designed in general accordance with current FHWA or AASHTO standards for design of Mechanically Stabilized Earth Walls and Reinforced Soil Slopes or the current National Concrete Masonry Association (NCMA) Design Manual for Segmental Retaining Walls;
 - d. rock walls shall be designed in general accordance with 2006 FHWA-CFL/TD-06-006 "Rockery Design and Construction Guidelines," or current FHWA standard of care and;
 - e. concrete cantilever walls shall be designed in general accordance with specifications provided in current American Concrete Institute or American Society of Civil Engineers standards and specifications.
7. a global stability analysis with minimum factors of safety of at least 1.50 under static conditions and at least 1.10 under seismic loading conditions as follows:
- a. factors of safety results shall be presented to the nearest hundredth;

- b. seismic loads shall be based on the PGA as determined from probabilistic analysis for the maximum credible earthquake (MCE), with spectral acceleration factored for site conditions in accordance with the current IBC;
 - c. the cross-sectional view of each analysis shall be included, and the printout of the input and output files placed in an appendix; and,
 - d. the global stability analysis may be omitted for concrete cantilever retaining walls that extend to frost depth, that are less than nine feet in exposed height, absent of supporting structures within 30 feet of the top of the wall, and which have less than 10H:1V front and back slopes within 30 feet of the retaining structure.
 - 8. a drainage design, including a free draining gravel layer wrapped in filter fabric located behind the retaining wall with drain pipe day-lighting to a proper outlet or weep holes placed through the base of the wall, however:
 - a. a synthetic drainage composite may be used behind MSE walls if a materials specific shear testing is completed to determined friction properties between the backfill and synthetic drainage composite;
 - b. a synthetic drainage composite is not allowed behind rock walls;
 - c. a synthetic drainage composite may be used behind the stem of the concrete cantilever walls;
 - d. if the engineering can substantiate proper filtering between the retained soils and the drain rock, then the filter fabric may be omitted, and;
 - e. if the retaining wall is designed to withstand hydrostatic pressures or the retained soils or backfill is free-draining as substantiated through appropriate testing, then drainage material may be omitted from the design.
 - 9. the design engineer's acknowledgement that the site is suitable for the retaining wall;
 - 10. an inspection frequency schedule.
7. Preconstruction Meeting. At least 48 hours prior to the construction of any approved retaining wall, a preconstruction meeting shall be held as directed by the Building Official. The meeting shall include the Building Official, the design engineer, the contractor and the project or property owner. The preconstruction meeting can be waived at the discretion of the Building Official.
 8. Inspections and Final Report. The design engineer shall make all inspections needed during construction. A final report from the engineer shall state that the retaining wall was built according to the submitted design. The report shall include detail of the inspections of the wall in accordance with the inspection frequency schedule. All pertinent compaction testing shall also be included with the final report.
 9. Maintenance. All retaining walls shall be maintained in a structurally safe and sound condition and in good repair.

CHAPTER 4

ALPINE CITY SUBDIVISION ORDINANCE (Ord. 98-19 amending Ord. 78-03)

ARTICLE 4.1 SCOPE OF ORDINANCES, VARIANCES, AND EXEMPTIONS

4.1.1 SUBDIVISION PLATS REQUIRED - PLANNING COMMISSION TO REVIEW SUBDIVISION PROPOSALS

1. Subdivision Plats Required for all Subdivision Projects - Plats to be Recorded. No person shall subdivide any tract of land which is located wholly or in part within the corporate limits of the City nor shall any person sell or offer for sale, exchange, purchase, offer for recording, or otherwise convey a parcel of land which is part of a larger tract, if such sale or agreement would have the effect of creating a subdivision as defined by this Ordinance, unless and until performance of the following:
 - (1) A final plat, prepared in accordance with the provisions of the Alpine City Subdivision Ordinance, shall have been first reviewed by and received a recommendation from the Planning Commission, be approved by the City Council, and recorded in the Office of the County Recorder; and
 - (2) All other applicable requirements as provided in the Alpine City Subdivision Ordinance have been complied with.
2. Planning Commission to Review and Recommend Approval of Subdivision. In accordance with Sections 10-9-204, 10-9-801 and 10-9-805, Utah Code Annotated (1953, as amended), and other provisions of similar import, the Planning Commission shall:
 - (1) Recommend subdivision regulations and amendments to those regulations to the City council as provided in the Municipal Land Use Development and Management Act (Utah Code Ann. SS10-9-101 et seq., 1953, as amended);
 - (2) Recommend approval or denial of subdivision applications as provided in the Municipal Land Use Development and Management Act;
 - (3) Review and recommend approval or denial to the City Council of all proposed subdivision projects within the City;
 - (4) Require such changes in subdivision plans and documents as it deems necessary to more fully implement the purposes and provisions of state law, this Ordinance and the City's general plan;
 - (5) Ensure that proposed subdivision projects and the plans and documents submitted in support thereof conform to City requirements;
 - (6) Withhold a planning commission recommendation and the submission of a recommendation to the City Council until the Commission is satisfied that a proposed project and appurtenant documents conform to the city standards and that the proposed design represents an appropriate balance between the interests of the property owner and public purposes, as set forth in this Ordinance and state law (however, any such action or inaction on the part of the planning commission can be appealed to the City Council); and

(7) Exercise any other powers delegated to it by the City Council.

4.1.2 EXCEPTIONS FROM DESIGN AND IMPROVEMENT STANDARDS (Amended by Ord. No. 2001-14 and Ord. 2004-13, 9/28/04)

When in the opinion of the City Planner and City Engineer, the best interest of the City would not be served by the literal enforcement of the design or improvement standards in this ordinance, the City Council may grant an exception from these standards.

Prior to the City Council considering the exception, the City Planner and City Engineer shall submit a written recommendation to the Planning Commission. The recommended exception shall be based on generally accepted planning and engineering. The recommended exception may not vary the zone, use or lot size of the development. The Planning Commission shall review the recommendation and advise the City Council as to whether or not the exception should or should not be granted.

ARTICLE 4.2

INTENT AND PURPOSE

4.2.1 INTENT AND PURPOSE

The purpose of this subdivision ordinance and the intent of the City Council in its adoption is to promote the health, safety, convenience, and general welfare of the present and future inhabitants of Alpine City. The subdivision ordinance will accomplish this purpose by:

1. Providing policies, standards, requirements, and procedures to regulate and control the design and improvement of all residential subdivisions.
2. Assisting in the implementation of the objectives, policies, and programs of the Land Use Element of the Alpine City General Plan by ensuring that all proposed subdivisions, together with provisions for their design and improvement, are consistent with the Comprehensive Plan and all applicable specific plans, such as projected road systems, parks, church sites, etc.
3. Preserving and protecting, to the maximum extent possible, unique and valuable natural resources and amenities, including topographic and geologic features, natural water courses, wildlife habitats, historical and cultural places, and scenic vistas and attractions; and improving the public's access to and enjoyment of such resources and amenities through the dedication or continuance of appropriate public easements thereto.
4. Preserving and protecting the special environmental quality and aesthetic character of all hillside and mountainous areas; preventing detrimental impacts on the soil mantle, vegetative cover, and other environmental factors; reducing the hazards to life and property from fire, flood, erosion, sedimentation and soil slippage; and relating the amount of grading within a subdivision to the slope of the natural terrain.
5. Encouraging the placement of housing developments where subdivisions are permitted in hillside and mountainous areas, minimizing grading, preserving the natural terrain, and enhancing the open space.
6. Relating land use intensity and population density to existing developments, street capacity and traffic access, the slope of the natural terrain, the availability and capacity of public facilities and utilities, and open spaces.
7. Providing lots of sufficient size and appropriate design for the purposes for which they are to be used.
8. Providing streets of adequate capacity and design for the traffic that will utilize them, and ensuring maximum safety for pedestrians and users of vehicles.
9. Ensuring adequate access to each building site.
10. Providing sidewalks, pedestrian-way, and equestrian and hiking trails for the safety, convenience, and enjoyment of residents of new developments.
11. Providing adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting as requested by the City Council, and other utilities needed for public health, safety and convenience.
12. Providing adequate sites for public facilities needed to serve residents of new developments.

13. Ensuring that costs of providing land for streets, pedestrian-ways, easements, and other rights-of-way and for the improvements therein needed to serve new developments are borne by the subdivider(s)/developers.
14. Preventing land which is actually or potentially dangerous by reason of flood hazard, inundation, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, or hazardous geological conditions from being subdivided for any use or in any manner tending to create an increased detriment to the public health, safety, or welfare.
15. Ensuring that, insofar as possible, land is subdivided in a manner that will promote the public health, safety, convenience, and general welfare and the physical, social and economic development of the area in conformance with the Land Use Element of the General Plan.

ARTICLE 4.3

DEFINITIONS

4.3.1 DEFINITIONS

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure;" the words "used" and "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and not directory; and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words plot, or parcel. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other Ordinance adopted by the City of Alpine.

1. **Average Slope.** The definition shall conform with that in the Alpine Zoning Ordinance, Article 3.1.11.4.
2. **Block.** The land surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block or any recorded subdivision plat.
3. **Building Official.** Building official is the official, or his duly authorized deputy, charged with the administration and enforcement of this ordinance.
4. **Condominium.** The ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property as provided by state law.
5. **Crosswalk or Walkway or Pedestrian Way.** A right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a cross-walk or walkway or pedestrian-way may be located within or without a street right-of-way, at grade, or grade-separated from vehicular traffic.
6. **Designated Buildable Area.** A lot or portion thereof possessing all of the following physical characteristics: (Added by Ord. 2004-13, 9/28/05)
 - a. The area contains no territory having a natural slope of twenty (20) percent or greater;
 - b. The area contains no territory which is located in any identified flood plain or within any recognized inundation zone, mud flow zone or zone of deformation, or lands subject to earth slippage, landslide or rockfall;
 - c. The engineering properties of the soil provide adequate structural support for the intended use;
 - d. The area does not possess any other recognized natural condition, which renders it unsafe for building purposes;
 - e. The area is within the building setback envelope as determined in accordance with the setback provisions of the zone; and
 - f. The area is readily capable of vehicular access from the adjacent public street over a driveway having a slope of not more than twelve (12) percent with no cut or fill greater than five feet.
7. **Driveway.** A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the lot on which the roadway is located.
8. **Dwelling.** Any building or portion thereof designed or used exclusively as the more or less permanent residence or sleeping place of one of more persons or families.

9. **Easement.** That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property/ies. The easement may be for use on, under, or above said lot or lots.
10. **Environmental Impact Study.** A study which is described by means of written narrative as well as maps, a geographical area in terms of existing: (1) slope, (2) soils, (3) water courses, (4) water table, (5) flood hazard areas, (6) geologic hazards, (7) vegetative types, (8) wildlife, (9) wildlife habitat, and (10) available urban services, i.e., electricity, gas, roads, schools, culinary water, sewage facilities, police and fire protection, (11) air quality and movement, (12) noise, (13) aesthetics and cultural, (14) land use, (15) open space and trails, (16) recreational facilities.

The study recommends measures which, if undertaken, will mitigate or obviate acts resulting from development of the proposed subdivision, and discusses the benefits to be gained from such subdivision.

The study also evaluates the potential area-wide economic impact of the subdivision on both private and public economic sectors and the potential impact on school systems.
11. **Essential Facilities.** Utilities, sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical substation or transmission line of fifty (50) KV or greater capacity, except by conditional use permit.
12. **Final Plat.** A subdivision map prepared in accordance with the provisions of this Ordinance, which is designed to be placed on record in the office of the County Recorder.
13. **Fire Protection.** Such water supply, water lines, fire hydrants, and other protective devices as may be required in accordance with the provisions of this Ordinance.
14. **Flood Hazard.** A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.
15. **Frontage.** The width of the lot or parcel of land measured at the required front setback lines.
16. **Geological Hazard.** A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movements, failure or shifting of the earth.
17. **Improvement.** Work, objects, devices, facilities, or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, street construction to required standards water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities or construction required by the Subdivision Ordinance, Subdivision Regulations, or by the Planning Commission and/or City Council for the necessary proper development of the proposed subdivision.
18. **Land, Agricultural.** Land whose primary use is determined to be agricultural in the Land Use Element of the Alpine City General Plan, or which is included in an agricultural district in the Alpine Zoning Ordinance.

19. **Land, Commercial.** Land whose optimum use is determined to be commercial in the Land Use Element of the Alpine City General Plan, or which is included in a commercial district in the Alpine Zoning Ordinance.
20. **Land, Industrial.** Land whose optimum use is determined to be industrial in the Land Use Element of the Alpine City General Plan, or which is included in an industrial or manufacturing district in the Alpine Zoning Ordinance.
21. **Land Use Element of the General Plan.** A coordinated plan which has been prepared and adopted for the purpose of guiding development of land use.
22. **Lot.**
 - (1) An independently described parcel of land as shown on the records of the County Recorder; or
 - (2) Two or more contiguous parcels each of which qualify under (1) above and for which a Declaration of Zoning Lot has been approved and filed in the office of the County Recorder.
23. **Lot, Corner.** A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.
24. **Major Street Plan.** A map of the City of Alpine which shows existing public streets and which has been officially adopted by the Planning Commission and City Council as the Major Street Plan.
25. **Off-street Parking Space.** An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.
26. **Off-site.** Of or pertaining to land, area or facilities not located within the boundaries of a final plat of a subdivision.
27. **On-site.** Of or pertaining to land, area or facilities located within the boundaries of a final plat of a subdivision.
28. **Permanent Monument.** Any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of the local jurisdiction for permanent monuments.
29. **Site Plan.** A plot of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, north point, scale, utility easements, vehicle access, and such other information as may be required by the Planning Commission.
30. **Streets, Roads, and Highways.**
 - (1) Street, Arterial. A street, existing or proposed, which serves or is intended to serve as a major traffic way, and is designated an arterial street on the Major Street Plan.
 - (2) Street, Collector. A street, existing or proposed, of considerable continuity, which is the main means of access to arterial streets, and is designated a collector street on the Major Street Plan.

- (3) Street, Cul-de-sac. A street which is designed to remain permanently closed at one end with the closed end terminated by a vehicular turnaround. For purposes of these regulations, the length of a cul-de-sac street shall be measured from center of turnaround to the point of connection to the next intersection street. (Article 4.7.4.9, Subdivision Ordinance)
 - (4) Street, Frontage, or Frontage Road. A minor street or road which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.
 - (5) Street, Minor. A street, existing or proposed, which is supplementary to a collector street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood and to give access to abutting properties.
 - (6) Street, Partial, Width. A street parallel and contiguous to a property line and of lesser right-of-way width than will eventually be required; the additional needed right-of-way width to be obtained in the future from the abutting property owner prior to development as frontage.
 - (7) Street, Public. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority.
 - (8) Street Right-of-Way. That portion of land dedicated to public use for street and utility purposes.
 - (9) Street, Stub. A street or road extending from within a subdivision boundary and terminating there; with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later by continuing the stub street to the extended connecting street system.
31. **Structure.** Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground, includes "building."
32. **Subdivider.** Any person, firm, corporation, partnership or association who causes land to be divided into two or more parcels of land for himself or others.
33. **Subdivision.** Subdivision means any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on the installment plan or upon any and all other plans, terms and conditions. The term "Subdivision includes:
- (1) The division or development of land whether by deed, metes and bounds description, devise and testacy, lease map, plat or other recorded instrument; and
 - (2) Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.
34. **Vicinity Map (Location Map).** A map or drawing showing where a subdivision, or proposed subdivision is located.

ARTICLE 4.4

Reserved

ARTICLE 4.5

MINOR SUBDIVISION OPTION (Amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2011-07, 5/10/11; Ord. No. 2013-12, 07/23/13; Ord. No. 2017-07, 05/23/17)

4.5.1 PURPOSE

The intent of the minor subdivision process is to allow for small subdivisions to be processed more easily. Minor subdivisions include those developments of three (3) or fewer lots which meet the requirements of this Code. In this process, the preliminary and final plats required for most subdivisions, are simplified and combined.

4.5.2 APPLICABILITY

The procedures set forth in this Chapter shall govern the processing of, and the requirements pertaining to, minor subdivisions, and shall take precedence over any other provisions of the Code to the contrary.

4.5.3 MINOR SUBDIVISION PROCESS

During the review process, the City Planner or City Engineer may request reasonable additional information from the subdivider from time to time; and may ask other advisors to review the plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

After submittal of the required application materials, no excavation nor alteration of the terrain within a proposed subdivision may be undertaken prior to written approval by the City Planner and City Engineer of the final plat. Excavation or alteration of the land prior to approval of the final plat may be cause for disapproval of the proposed subdivision.

4.5.3.1 CITY PLANNER AND CITY ENGINEER

1. The subdivider of a minor subdivision shall meet with the City Planner and City Engineer to review the proposed subdivision before submitting an application.
2. The subdivider shall prepare a preliminary plan showing the land to be subdivided, properly and accurately drawn to scale that complies with the drawing requirements in Section 4.6.3.3. The plan shall be certified as to accuracy by a licensed land surveyor licensed to do such work in the State of Utah.
3. The subdivider shall submit the Minor Subdivision Application and three (3) D size (22" x 34") and three (3) 11' x 17" paper copies of the plan drawn to scale to the City Planner to be reviewed by the City Engineer and City Planner. The subdivider shall also submit an electronic copy of the plan in a compatible format as specified by City Staff. The subdivider shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Recorder payable to Alpine City.
4. The City Planner and City Engineer shall review the plan to determine compliance with the Alpine City General Plan and all applicable City ordinances. The City Planner shall notify the subdivider of the review findings, including questionable design or engineering feasibility, inadequacy of submittals, non-compliance with local regulations, and the need for other information which may assist in the evaluation of the proposed subdivision.
5. If the City Planner and City Engineer determines that the plat is in conformity with all applicable requirements and any reasonable conditions or on its own initiative, they shall approve the plat.

6. If the City Planner and City Engineer determines that the plat is not in conformity with all applicable requirements or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval.
7. After all necessary approvals have been granted by the City, the subdivider shall meet all requirements for recordation prior to the final plat being recorded. If the recording requirements have not been met within 180 calendar days from the date of City Planner and City Engineer approval, such approval shall be null and void. The voided/null final plat may be submitted for but will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule. The final plat must be recorded within 180 days after the reinstatement approval or the approval shall be null and void.

4.5.4 REQUIRED CONDITIONS AND IMPROVEMENTS

The following requirements shall be imposed as a condition of approval of a minor subdivision:

1. No more than three parcels shall be created in the minor subdivision.
2. New or extended street dedications shall not be allowed. Minor right-of-way dedications on existing streets is permissible.
3. The area to be subdivided should be immediately adjacent to existing streets and utilities and shall not involve the extension of any such streets or utilities.
4. The minor subdivision shall conform to the general character of the surrounding area.
5. Lots created shall not adversely affect the remainder of the parcel or adjoining property and shall conform to the applicable provisions of the Zoning Code.
6. Any remainder of the parcel must be capable of further subdivision.
7. Utility easements shall be dedicated.
8. Any further lot splits would be processed under the major subdivision process.
9. Derelict parcels shall not be created.
10. Minor Subdivision Plat shall comply with the drawing requirements of Section 4.6.3.3 (Final Plat).
11. A Developer's Agreement shall be executed between the City and the Developer outlining the conditions of approval of the subdivision. The Development Agreement may include, but is not limited to, the following requirements: any special conditions, trails, landscape issues, or off-site improvements.

4.5.5 BOND AGREEMENTS FOR IMPROVEMENTS REQUIRED

Prior to recordation of an approved plat, the subdivider shall comply with the requirements of Article 4.10 of the Subdivision Ordinance.

4.5.6 RECORDING OF PLAT

After approval, the filing of the bond agreement, and the signing of the plat by the Mayor, City Attorney, City Planner and City Engineer, the plat shall be presented by the City Recorder to the Utah County Recorder for recordation.

4.5.7 EXPIRATION OF FINAL APPROVAL

If the recording requirements set forth above are not met by the subdivider within 180 days from the date of City Planner and City Engineer approval, such approval shall be null and void (amended by Ord. 2004-13, 9/28/04).

4.5.8 REINSTATEMENT OF THE FINAL PLAT (Ord. 2004-13, 9/28/04; Ord. 2008-07, 5/27/08)

The voided/null Final Plat may be submitted to the City Planner for reinstatement. If there are no changes to the voided/null final plat and there have been no changes in ordinances that would affect the voided/null final plat, the City Planner may approve the reinstatement of the final plat. If there are any changes on the final plat or any changes in ordinances that would affect the plat, the voided/null final plat may be submitted for reinstatement, but will be subject to all applicable ordinances at the time of reinstatement, and a current reinstatement fee will be charged in accordance with Alpine City's current fee schedule. The final plat must be recorded within 180 days after the reinstatement approval or the approval shall be null and void.

ARTICLE 4.6

MAJOR SUBDIVISION OPTION

4.6.1 CONCEPT PLAN PROCEDURE (Ord. No. 2000-21; amended by Ord. No. 2007-05, 5/8/07; Ord. No. 2010-14, 9/14/10; Ord. No. 2011-07, 5/10/11)

4.6.1.1 PLAN REQUIREMENTS

The subdivider shall submit a concept plan to the Planning Commission prior to the submission of a preliminary plan. The concept plan shall enable the subdivider and the Planning Commission to review the proposed subdivision for general scope and conditions, which might affect said subdivision. The concept plan shall consist of a simple layout of existing and proposed streets, trails, lots, major buildings, planned residential developments, utilities, drainage channels, ditches and waterways.

The plan shall include the following items:

1. The scale on the concept plan should not be less than 1 inch to 200 feet (1" = 200'). Math scale may change as required on the 11"x17" copy.
2. The proposed name of the subdivision.
3. The address of the subdivision.
4. A vicinity plan showing significant natural and man-made features on the site and within one half (2) mile of any portion of it.
5. The property boundaries of the proposed subdivision, the names of adjacent property owners; topographic contours at no greater intervals than two feet, and north arrow. If the topography is steep, five-foot contour intervals shall be used.
6. A proposed lot and street and trail layout, indicating general scaled dimensions of lots to the nearest foot.
7. The acreage of the entire tract proposed for the subdivision and number of lots.
8. The location of waterways, ditches and easements.
9. Soil profiles for the tract proposed for subdivision where there are geologic hazards known to the subdivider or Alpine City.
10. Source of water rights to be conveyed to the City.
11. Other information, which may allow the City Planner, City Engineer and the Planning Commission to evaluate the proposed subdivision.

4.6.1.2 REVIEW PROCEDURES

During the concept plan review process, the City Planner, City Engineer and the Planning Commission may request reasonable additional information from the subdivider from time to time; and may ask other advisors to review the plan if, in the opinion of the City, it may contribute to a decision in the best interest of the City.

After submittal of the required application materials, no excavation nor alteration of the terrain within a proposed subdivision may be undertaken prior to written approval by the City Council of the final plat. Excavation or alteration of the land prior to approval of the final plat may be cause for disapproval of the proposed subdivision.

4.6.1.2.1 CITY PLANNER AND CITY ENGINEER

1. The subdivider shall meet with the City Planner and City Engineer to discuss the proposed subdivision before submitting an application or any plans.
2. The subdivider shall prepare and submit four (4) D size (22" x 34") copies of the concept plan to the City Planner to be reviewed by the City Planner and City Engineer. The subdivider shall also submit an electronic copy of the plan in a compatible format as specified by City Staff.

3. The City Planner and City Engineer shall review the concept plan to determine compliance with the Alpine City General Plan and all applicable City ordinances. The City Planner shall notify the subdivider of the review findings, including questionable design or engineering feasibility, inadequacy of submittals, non-compliance with the local regulations, and the need for other information which may assist in the evaluation the proposed subdivision.
4. When the City Planner and City Engineer determines that the concept plan is ready for Planning Commission review, the City Planner, in consultation with the Chairperson of the Planning Commission, will establish a date for a public hearing and initial presentation and review of the concept plan. In case of an impasse between the City Planner/City Engineer and the developer, the developer may appeal to the Planning Commission.

4.6.1.2.2 PLANNING COMMISSION

1. Upon recommendation of the City Planner and City Engineer, the subdivider shall prepare and submit the following required documentation to the City Planner at least fourteen (14) days prior to the scheduled public hearing and ten (10) days prior to a regularly scheduled Planning Commission meeting for a resubmission:
 - a. a completed Concept Plan Checklist and Application;
 - b. a list of all property owners within 500 feet of the boundaries of the proposed development, and envelopes that have been stamped and addressed to all the property owners named on the list;
 - c. five (5) D size (22" x 34") copies of the plan (including any revisions recommended by the City Planner and City Engineer in its initial review),
 - d. ten (10) 11" x 17" copies drawn to scale, and
 - e. an electronic copy in a compatible format, as specified by City Staff.

A concept plan will not be considered by the Planning Commission until the application is complete and all required materials have been submitted within the required timeline.

2. The subdivider shall erect a sign of sufficient durability, and print and size quality that is reasonably calculated to give notice to passers-by. The sign shall be posted at least fourteen (14) days prior to the public hearing held by the Planning Commission. The sign:
 - a. shall be 4 ft. (H) x 8 ft. (W);
 - b. is to be no more than six (6) feet in height from the ground; and
 - c. shall be posted five (5) feet inside the property line in a visible location on the property proposed for the development.

The following information shall be on the sign:

- a. Nature of the proposed development, i.e., residential, commercial, church, etc.;
- b. Current zoning of the property and proposed zoning, if applicable;
- c. Number of proposed lots and sizes, if applicable; and
- d. Date, time, and place of the public hearing at which the concept plan will be presented.

3. Alpine City shall prepare a notification letter to be sent to all property owners within 500 feet of the boundaries of the proposed development that will include the following information:
 - a. Address or location of the proposed subdivision and the zoning designation;
 - b. Name of the developer(s);
 - c. Type of development that is proposed;
 - d. Number of acres in the proposed development;
 - e. Number of lots in the proposed development and approximate lot size;
 - f. Date, time, and place of the public hearing at which the concept plan will be presented; and
 - g. Reference to the applicable ordinances that govern the development.

Alpine City shall mail the notification letter to the listed property owners at least seven (7) days prior to the public hearing.

4. The developer shall resubmit all required information, including a list of all property owners and erecting a new sign, if the application lapses for six (6) months or more. The Planning Commission will hold a new public hearing on the concept plan.
5. The Planning Commission shall give guidance to the subdivider to assist in meeting the requirements and constraints for subdivision development within the City of Alpine.
6. If the Planning Commission finds that the proposed concept plan complies with all applicable requirements, it shall approve the concept plan. If the Planning Commission determines that the proposed subdivision would violate local ordinances and regulations, no further review of the proposed subdivision shall be made by the Planning Commission, and a new concept plan shall be required to re-initiate the subdivision process.

4.6.1.2.3 CITY COUNCIL

1. If concept plan approval is granted by the Planning Commission, the concept plan shall be presented to the City Council for information and any such direction as the City Council deems appropriate or necessary.
2. After concept approval has been granted and the concept plan presented to the City Council, the subdivider may apply for preliminary design plan approval. If preliminary plans have not been submitted within 180 calendar days of the date the concept plan was approved, such approval shall be null and void. The voided/null concept plan may be submitted for reinstatement by the Planning Commission, but will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule.

4.6.2 PRELIMINARY DESIGN PLAN (PRELIMINARY PLAT) (Amended by Ord. No. 2010-14, 9/14/10)

4.6.2.1 SUBMISSION REQUIREMENTS

The following shall be submitted to the City Planner by the subdivider or his authorized representative fourteen (14) days prior to a regularly scheduled Planning Commission meeting or ten (10) days prior to the meeting for a preliminary revision or resubmission:

1. An electronic copy in a compatible format as specified by staff
2. Five (5) D size copies (22" x 34")
3. Ten (10) 11" x 17" copies (drawn to scale)
4. Other informational material required by this chapter
5. The Preliminary Plan Checklist, the Preliminary Plan Application and required fees.

For developments with more than 15 lots or with complex issues such as geologic hazards, hillside development or other similar issues, additional time beyond the 14 day review time may be necessary. In such cases, the developer may work with the City Engineer and City Planner to determine an acceptable schedule.

All information required by the Alpine City Development Code shall be turned in with the application. Incomplete submission will not be placed on the Planning Commission agenda.

Prints submitted pursuant to this section shall be present on black and white or blue line copies.

4.6.2.2 DRAWING REQUIREMENTS

The accuracy of location of alignments, boundaries, and monuments shall be certified by a registered land surveyor licensed to do such work in the State of Utah. A workman-like execution of the Design Plan shall be made in every detail. A poorly-drawn or illegible Design Plan is sufficient cause for rejection. The following data shall be submitted as part of the Preliminary Design Plan submission:

1. A vicinity plan showing perimeter outline of the proposed subdivision, accesses, abutting subdivision outlines and names and names of adjacent property owners, and adjacent streets within 2 mile of proposed subdivision.
2. A traverse map of the monumented (see Article 4.6.3.5) perimeter of the proposed subdivision. The traverse shall have an error of closure of not greater than one part in 30,000. Survey tie into a legal corner or other permanent marker established by the County Surveyor is required.
3. The existing contours at two foot intervals for predominant ground slopes within the tract between level and five per cent (5%) grade and five foot contours for predominant ground slopes within the tract over five per cent (5%) grade. Elevations shall be based on National Geodetic Survey area level data. In cases of predominantly level topography throughout a subdivision, one-foot interval contours may be required.
4. Lot and street layout with accommodation of streets proposed by the Alpine Major Street Plan and Land Use Element of the General Plan.
5. Dimensions of all lots to the nearest foot.
6. Dimensions of all building pads when required.
7. Total acreage of entire proposed subdivision and acres of open space.
8. Lots, blocks, or cluster or complex units numbered consecutively.
9. Locations and identification of all existing and proposed public and private

easements.

10. Existing and proposed street names.
11. Street profiles to show proposed grades including centerline grades of existing streets in adjacent properties for a minimum distance of 100 feet.
12. The Plat shall be drawn to a scale no smaller than one inch equals one hundred feet (1" = 100 ft.), and shall indicate the basis of bearings, map north, name of subdivision, name of county, name of municipality, township, range, section, and quarter section, block and lot number of the property under consideration.
13. General location in the subdivision area of trees over four inches in diameter, measured at four and one half feet (4 2 ft.) above the ground. In cases of heavily wooded areas, indication of the outline of wooded area and location of trees which are to remain.
14. An affidavit (Certificate for Clear Title) that the applicant is the owner, the equitable owner, or authorized by the owner in writing to make application for the land proposed to be subdivided.
15. Sites, if any, to be reserved or dedicated for parks, playgrounds, schools, trails or other public uses.
16. Sites, if any, for multi-family dwellings, shopping centers, community facilities, industry, or other uses, exclusive of single-family dwellings, as may be permitted by the Alpine Zoning Ordinance.
17. A map showing soil types and their boundaries in the area proposed for subdivision.
18. The map shall include a table of interpretation for the soil types shown. (Requests for these maps and tables may be made to the local Soil Conservation District Office.) The soil map shall conform to AASHTO guidelines.
19. A description of the type of water system proposed.
20. Soils profiles for the tract proposed for subdivision where there are geologic hazards known to the subdivider or Alpine City.
21. Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use (in compliance with the Alpine City Open Space Zone).
22. Location of water and sewer lines and storm drainage system.
23. Location of waterways and ditches. Where improvements to irrigation ditches are required, written approval from the irrigation company, or private ditch owner, or easement holder must be submitted.
24. Location and type of street lighting, street signs, street planting, and U.S. Post
25. Location of 5350 foot elevation line and the sensitive lands overlay line (SLO) if applicable.
26. Location of buildings with animals.

27. A map at suitable scale showing the following:

- (1) Proposed future street layout in dashed line for any portion or parcel of the plan which is not being subdivided at the present time.
- (2) Proposed sewer lines.
- (3) Water courses, and proposed storm water drainage systems including culverts, water areas, streams, areas subject to occasional flooding.
- (4) Approximate boundaries of areas subject to inundation or storm water overflows of an intensity estimated to occur with a return frequency of once every hundred years.
- (5) Existing buildings, other easements, telephone lines, gas lines, power lines, and other features located on the subdivision or adjacent to its boundaries.
- (6) A composite utilities easement plan showing location, size and proposed use of all easements. All utilities must be constructed within approved easements.

28. Location of each lot's Buildable Area in a PRD, irregular lots or any other lots as requested by the City Planner, City Engineer or Planning Commission. The designated buildable area should not be less than five thousand (5,000) sq. ft. except in the TR-10,000 zone, and shall be shown on the preliminary and final plat together with a notation to the effect that all main and accessory buildings shall be located within the Designated Buildable Area. (Amended by Ord. 2004-13, 9/28/04)

- (1) The Designated Buildable Area may be amended by the City Planner and City Engineer as long as the minimum setback requirements of the underlying zone are met.

4.6.2.3 SUPPORTING DOCUMENTS

Twenty-one (21) copies of the following shall accompany and be part of the submission. The Planning Commission may specifically determine that any one of the following documents may not be required.

1. A vicinity map, showing the following: (at scale of one inch equals five hundred feet [1" = 500 ft.]) should be attached to the application on an 8.5 " x 11" sheet.)
 - (1) Related existing and planned streets and highway systems within 100 feet.
 - (2) Subdivision boundary lines.
 - (3) Zones within 100 feet.
2. The substance of all other covenants, grants of easements or restrictions to be imposed upon the use of the land, buildings, and structures.
3. Geologic maps and investigation reports regarding area suitability for the proposed development.
4. An environmental impact study (Section 4.3.1.10) shall be delivered **fourteen (14) days** prior to the Planning Commission meeting for public inspection. It shall be prepared by an independent consultant chosen from a list approved by the City of

qualified consultants. It shall address the following issues that impact the community and shall identify remedies to any of the issues. The Plan must be accepted and approved by the City Engineer and Planning Commission.

Impact on Environment

1. Faults and Earthquake Hazards. A hazard inherent in the crust of the earth which is dangerous or potentially dangerous to life, property or improvements, due to the movements, failure or shifting of the earth. Distances to major geological fault lines must be shown.
2. Subsurface Rocks and Soils. Rock formation and soil types should be shown. Areas shall be identified that may be susceptible to slippage or other problems related to stability. The report must also address potential impacts of development on adjacent areas.
3. Slope and Elevations. Contours of the land in 2-foot intervals. Minimum 5-foot contour on steep hills or at 2-foot intervals on a larger scale map.
4. Groundwater Recharge. Identify potential impacts on the purity of ground water or subsurface aquifers that may result from the planned development.
5. Flood Hazards. A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses. Any increases in potential downstream flooding or silt flows as a result of development must be identified, along with impacts on downstream areas of any planned runoff diversions. All handling of waterflows must be in accordance with the Federal Water Pollution Control Act (FWPCA).
6. Flood Plains. Areas identified by the Federal Emergency Management Agency (FEMA) as floodplain areas must be specifically noted, along with anticipated impacts. Proposals which include alteration to any established creek, stream or other natural watercourse must include approval from the U.S. Army Corps of Engineers and Division of Water Resources.
7. Erosion Hazards. Areas defined by the City Engineer as being subject to erosion.
8. Wildlife Habitat. Specific types of wildlife that are to be found at the site prior to development, including reptiles, birds and mammals. Animal movement corridors must be identified, along with any barriers that development might present to existing animal movement and migration patterns. Special attention should be devoted to any species listed as endangered or protected by the Environmental Protection Agency.
9. Air Quality. Address any changes in air quality that are to be anticipated beyond those that would be expected as a result of normal residential development and resulting traffic flows. Any features of development, such as large structures, which might alter existing air current must also be identified.
10. Flora. Information on the existing vegetation in the area to be developed, as well as plans to retain the natural flora. Types of trees, shrubs, grasslands and crops must be identified, with special attention devoted to any species listed as endangered or protected. An estimate will be provided of the percentage of natural vegetation to be retained.

Impact on Infrastructure

1. Traffic and Transportation. Information on anticipated traffic impacts resulting from a new development. Such analysis shall address traffic increases on residential streets, addition to traffic flows during peak period (such as the morning commute) and any anticipated needs created for new traffic corridors.
2. Culinary Water and Sewer. Impacts on the sewer and culinary water supply must be addressed. Utility accesses should be noted and any potential impacts discussed as they relate to health, safety or barriers to movement of residents or wildlife.
3. Storm Drainage. In addition to the drainage plan required with subdivision submission, the report must address any potential impacts on the purity of ground water or subsurface aquifers that may result from the planned development. Point sources of any discharge to public waterways must be shown and non-point sources shall be identified if changes are anticipated as a result of the proposed development. Any increases in potential downstream flooding or silt flows must be identified, along with the impacts on downstream areas of any planned runoff diversions. All handling of waterflows must be in accordance with the Federal Water Pollution Control Act (FWPCA).
4. Public Safety/Fire Protection. Identify water supply, water lines, fire hydrants and other protective devices as may be required in accordance with the provisions of this ordinance.

Impact on Quality of Life

1. Aesthetics and Cultural. Address aspects of development that may impact the rural environment of Alpine City, including any landscape design features that may be inconsistent with retention of views or a rural atmosphere. Any features of development that will contrast with surrounding land uses will also be addressed, including population densities that are significantly different from adjacent areas or any anticipated changes in cultural patterns in the area. The report must also note any sites of historical significance either on or within a quarter-mile of the development site.
2. View Scapes. Address aspects of development that may impact view sheds including any landscape design features that may be inconsistent with retention of views. This section should also include any unusual cuts or fills required and any development on hillsides or prominent rises.
3. Parks, Trails and Recreational Facilities. Address the impact on demand for existing Alpine City recreational facilities in accordance with Article 4.7.20 of the Subdivision Ordinance, and indicate what features or facilities, if any, will be included in the development to contribute to the recreational needs of both residents and non-residents of the development. The following specific recreational aspects will be considered and any significant impacts addressed:
 1. Hiking, walking and jogging
 2. Access to mountains
 3. Location of parks

4. Open space
 5. Picnicking
 6. Sports activities
4. Noise. Proposed developments that include other than residential uses must contain an evaluation of the potential for increased noise. If an increase is anticipated in the ambient noise level as a result of the development, all other land uses within a half-mile radius must be identified, and the potential impact of the noise increase on those existing uses will be evaluated. Intermittent noise that may result from uses anticipated at the completed development must be identified if it will be out-of-character, whether due to intensity or frequency, with noise generated by existing uses within a half-mile radius.
 5. Survey notes of subdivision perimeter survey.
 6. American Society of State Highway Transportation Officials (AASHTO) soil classification for subgrade material within proposed street area. (i.e. A-1, A-2...A-7.)
 7. A statement, obtained by the developer, from each utility company involved, stating that they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easement.

4.6.2.4 SUMMARY STATEMENT OF PROPOSAL

A Summary Statement shall be prepared by the subdivider and submitted in a cover letter with the Preliminary Design Plan submittals. The Summary Statement shall include:

1. Location of the subdivision.
2. Total development area, lot sizes, current zoning, number of proposed dwelling units, and number of acres in public and/or private open space.
3. Estimated number of gallons per day of water requirements where distribution system is utilized.
4. Estimated number of gallons per day of sewage to be treated.
5. Itemized construction cost estimate and proposed method of financing of the streets and related facilities; water distribution system; sewage collection system; storm drainage facilities; and such other utilities as may be necessary, including trails, landscaping and revegetation and erosion control.
6. Survey notes of subdivision perimeter survey, and copies of all monument records.
7. Plan, profile and typical cross-section drawings of roads, bridges, culverts, sewers, and other drainage structures.
8. Grading and drainage plan. The proposed grading plan shall be indicated by solid-line contours superimposed on dashed-line contours of existing topography for the area of the Preliminary Plat. Such contours shall be at two-foot (2') intervals for predominant ground slopes within the tract between level and five per cent (5%) grade, and five foot (5') contours for predominant ground slopes within the tract over five per cent (5%) grade. In case of predominantly level topography throughout a subdivision, one-foot (1') contour intervals may be required.

9. Erosion control plan, when required, to be submitted as result of plan review.
10. A letter from all utilities (power, cable, gas, phone and post office) agreeing to

4.6.2.5 REVIEW PROCEDURE - PRELIMINARY DESIGN PLAN

The subdivider shall distribute copies of the plan for review by other agencies as follows:

1. Local school districts
2. Interested governmental departments of the City or County.
3. Other agencies which in the opinion of the Planning Commission may contribute to a more intelligent design solution to problems which may be encountered by the subdivision in question.
4. City Council.
5. City Staff as appropriate.
6. Planning Commission
7. Post Office
8. Telephone Company
9. Natural gas company
10. Electric company
11. Cable company

4.6.2.6 THE PLANNING COMMISSION APPROVAL

1. The City Planner and Planning Commission shall determine whether the preliminary plan conforms to the Zoning Ordinance.
2. The Planning Commission upon the advice of the City Engineer, or other advisors shall determine from a review of the Preliminary Design Plan whether the soil, slope, vegetation and the drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earth-moving operations in the construction of the subdivision, or otherwise entail an erosion hazard, and, if so, the Planning Commission shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such control plans and specifications shall be prepared by a person trained and qualified in such matters, as is determined by the Planning Commission using the County conservation standards, with the costs of preparation of such plans and specifications being borne by the subdivider, and to be approved by the City Engineer.
3. When, in the opinion of the Planning Commission, public facilities should be constructed within the boundaries of a proposed subdivision to achieve community standards established in the Alpine General Plan, the subdivider shall reserve a site appropriate in area and location for such public facility. Such site shall be reserved by the subdivider for a period of not less than two (2) years from the date of Preliminary Design Plan approval, to provide the appropriate public agency an opportunity to purchase the site. A determination by the Planning Commission to require such a reservation by a subdivider shall be made in writing and shall state the reasons for such requirement.
4. After review of the preliminary plan at a public meeting, the Planning Commission shall approve, disapprove, or approve with conditions the preliminary design plan, and notify the subdivider in writing of such action, or may postpone action to allow the subdivider time to provide material or additional information needed by the Planning Commission to then determine appropriate action.
5. Planning Commission approval of the preliminary plan shall expire 180 calendar days after the date of approval. Reinstatements may be granted by the Planning

Commission, and will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule.

4.6.3 FINAL PLAT (Amended by Ord. No. 2010-14, 9/14/10)

4.6.3.1 SUBMISSION REQUIREMENTS

1. An electronic copy in a compatible form as specified by City Staff, seven (7) D size (22" x 34") copies and ten (10) 11" x 17" copies of all maps (drawn to scale), and all material required by this Chapter shall be submitted by the subdivider to the City Planner fourteen (14) days prior to the Planning Commission meeting or ten (10) days for a final plat revision or resubmission.
2. Materials required for final plat approval shall be submitted within 180 calendar days of the date a preliminary plan has been approved by the Planning Commission. Fees for final plat review shall be paid at the time of submittal of the final plat. Final plat submission shall not be accepted which has exceeded this time lapse period, unless approved by the Planning Commission.

4.6.3.2 PLAT REQUIREMENTS

1. The Final Plat submission shall conform in all major respects to the Preliminary Plat as previously reviewed and approved by the Planning Commission, and shall incorporate all modifications required in its review. If a Final Plat has been modified to reflect improvements in design or changes which have occurred in its natural surroundings and environment since the time of the Preliminary Plat review and approval, the Plat will be returned to the Planning Commission for further review and approval. The Planning Commission may redline a revised plat.
2. A Final Plat shall be a phase of an approved Preliminary Plan, except as provided in Section 4.6.3.4
3. Two copies of the application form for review of a Final Plat and all required supporting documents shall be submitted.
4. The Final Plat drawing and twenty-one (21) black on white or blue on white prints of the Final Plat shall be submitted.
5. The Final Plat will conform to the Alpine City Standard Drawings and Specifications.

4.6.3.3 DRAWING REQUIREMENTS

The Final Plat drawing shall have the following standards:

1. The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work in the State of Utah.
2. The plat shall be delineated in permanent ink on water-proof tracing cloth or mylar.
3. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside the lot dimensions.
4. If a plat is revised, a copy of the old plat shall be provided for comparison purposes.
5. All blocks and all lots within each block shall be consecutively numbered.

6. On curved boundaries and all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. This curve data shall include the following for circular curves:
 - (1) radius of curve
 - (2) central angle
 - (3) tangent
 - (4) arc length
 - (5) chord length
 - (6) chord bearing
7. Derelict parcels shall not be allowed.
8. All streets and walkways shall be designated as such and streets shall be named; bearings and dimensions must be given.
9. All easements shall be designated as such and bearings and dimensions given.
10. All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, or ground in common ownership, public paths, open space and excepted parcels.
11. All dimensions of irregularly-shaped lots shall be indicated in each lot.
12. All bearings and lengths shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.
13. Buildable areas when required by the City Planner, City Engineer or Planning Commission, shall be noted with all dimensions. The Designated Buildable Area should be not less than five thousand (5,000) sq. ft. All dwellings and other habitable structures and accessory building shall be located within the Designated Buildable Area. (Amended by Ord. 2004-13, 9/28/04)
14. Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided all owners join in dedication and acknowledgment.
15. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc.
16. The information on the plat shall include:
 - (1) Name of subdivision, map north arrow and date
 - (2) Name and address of owner or owners of record
 - (3) Total acreage of subdivision; total number of lots
 - (4) Township, range, section (and quarter section, if portion) and public and private open space.
 - (5) Graphic scale
 - (6) Local engineer and County surveyor's certificate
 - (7) Local attorney's approval certificate
 - (8) Planning Commission approval certificate
 - (9) City Council approval certificate
 - (10) Any additional information required by local ordinance, or by State law.
 - (11) An address block.
 - (12) Current zoning at time of final approval.

- (13) Design criteria for elevation of 5,000 feet. Design criteria for snow load of 45 pounds per square foot.
 - (14) Show orientation of driveway in cases where lot fronts on arterial street.
17. The dimensions and format of the plat shall be established by the City Council.
18. Location of all monuments must be shown on the plat.
19. Any other requirements, restrictions and improvements approved by the Planning Commission and City Council.

4.6.3.4 PHASE DEVELOPMENT

1. The final platting of subdivisions containing more than twenty-five (25) lots shall be done in phases. Each phase shall consist of the number of lots which can be completely developed with both off-site and on-site improvements within a two-year period, or twenty-five (25) lots, whichever is larger. The development of the subdivision shall be in an orderly manner and in such a way that the phases will be contiguous, the required improvements will be continuous, and all of the said off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or the grantees of any of the lands subdivided within the time hereinafter specified.
2. When the off-site improvements have been one hundred per cent (100%) completed for the recorded plat and approved by the City Engineer, and on-site improvements are seventy per cent (70%) completed, the subdivider may submit the next phase of the proposed development in accordance with the rules and regulations of this Subdivision Ordinance.

4.6.3.5 MONUMENTS

1. Permanent reference monuments, as approved by the City Engineer, shall be set on the external boundary of the subdivision, and at all street center line intersections, and all beginning and end points of curves to provide line of sight control for re-establishing the survey. The number of monuments may be reduced by the City Engineer.
2. All monuments shall be the manhole type. D&L Model K6313 with ring extension or City approved equivalent.
3. The developer shall be responsible to have all property corners of lots surveyed by a licensed surveyor with each property corner being identified with a rebar and cap. Brass pins shall be set in the top of curb at the projected property line. All other property corners shall be marked with a steel tee-post placed near the rebar and cap. Developers will be required to post a bond for this requirement. The subdivision will not be given final bond release until the requirements of this section have been met.
4. At least one second order benchmark shall be set (where practical to tie in) within every subdivision or subsequent filing prior to submission of the Final Plat for approval.
5. Detail requirements on monument construction, marking, and setting are contained in the City Standards.

4.6.3.6 SURVEY CERTIFICATION

The surveyor making a plat shall certify on the plat that it conforms to city survey regulations and to all applicable State laws and that the monuments described in it have been placed as described. He shall affix his name, seal and signature.

4.6.3.7 SUPPORTING DOCUMENTS

The following documents shall be submitted with the Final Plat drawing, and be considered a part of the submission:

Drawings showing layout, profile, and detail design of:

1. All utilities and easements.
2. Plan, profile and typical cross-section drawings of roads, bridges, culverts, sewers, and other drainage structures.
3. Grading and drainage plan. The proposed grading plan shall be indicated by solid-line contours superimposed on dashed-line contours of existing topography for the area of the Final Plat. Such contours shall be at two-foot (2') intervals for predominant ground slopes within the tract between level and five per cent (5%) grade, and five foot (5') contours for predominant ground slopes within the tract over five per cent (5%) grade. In case of predominantly level topography throughout a subdivision, one-foot (1') contour intervals may be required.
4. Erosion control plan when required and submitted as a part of Preliminary Design Plan. It shall be resubmitted in final form.
5. An exact copy of a certificate of title insurance company or attorney's opinion, which shall set forth the names of all property owners included in the plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record in the County which shall affect the property covered by such plats. If the opinion of title discloses such encumbrances, then at the option of the City Council, the holders or owners of such mortgages, judgments, liens, easements, contracts, or agreements shall be required to join in and approve the application before the Plat shall be acted upon by the Planning Commission.
6. Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the Planning Commission must be submitted.
7. Where the subdivider is to dedicate land for schools, roads, parks, or other public purposes, a letter of intent is required from the public agency receiving the dedication, agreeing to such dedication, and stating how applicable improvement standards will be met. When land within a subdivision is to be purchased by a public agency for public use, a letter of intention to purchase shall be required.
8. When a new street will intersect with a State Highway, a copy of the State Highway permit shall be submitted.
9. Cost estimates shall be submitted for construction of streets and related facilities,

water distribution system, sewage collection system, flood plain protection, storm drainage facilities, erosion control, trails, revegetation and such other facilities as may be required, to be reviewed by the City Engineer.

10. Copies of protective covenants, trust agreements, and home owner's association articles and by-laws, including those required by the City Council to govern re-subdivision, and other potential changes which might significantly alter the subdivision as approved by the City Council with regard to the criteria and standards of these regulations.
11. Monument record.
12. Irrigation Company letter and/or letter from ditch easement holder.
13. The Alpine City Utility Easement Verification form shall be signed by all utilities which will service the subdivision including power, gas, post office, etc. prior to submitting the final plat into the City Recorder.

4.6.3.8 REVISED SUMMARY STATEMENT OF PROPOSAL

A revised proposal summary statement shall be submitted to reflect any changes made from the summary statement of the approved Preliminary Design Plan.

4.6.3.9 PLANNING COMMISSION REVIEW

1. When a Final Plat has been received it shall be acted upon at a Planning Commission meeting scheduled for subdivision review.
2. If the final plat and all supplementary data comply with the applicable requirements of these regulations and the requirements of the approved preliminary design plan, the Planning Commission shall recommend approval of the final plat to the City Council and certify approval on the space provided.
3. After review of the final plat at the public meeting, the Planning Commission shall send written notification of its review and official action to the City Council. This notification shall specify the modifications of the final plat, if any, which were made an incident to approval of such plat by the Planning Commission.
2. After 180 calendar days, any Planning Commission recommendation for final approval shall be null and void. The voided/null plan may be resubmitted for reinstatement by the Planning Commission, but will be subject to all applicable ordinances at the time of reinstatement and a reinstatement fee will be charged in accordance with the current fee schedule.

4.6.3.10 CITY COUNCIL REVIEW AND APPROVAL

1. The City Council shall review the final plat at a regularly scheduled public meeting. If the City Council determines that the final plat submission complies with the applicable requirements of these regulations, they shall certify approval of the final plat on the space provided.

The City Recorder shall provide copies of the recorded plat together with the official notification of the action to be distributed as follows:

- (1) Two copies for City files,

- (2) One copy for each utility company serving the subdivision,
- (3) One copy for the City Engineer,
- (4) One electronic copy for the City Engineer.

2. Acceptance of dedication of proposed public lands or streets, or street rights-of-way in an approved plat can be made only by the City Council. Final plat approval by the City Council will be deemed an acceptance of dedication, unless streets and other public spaces are shown as "not intended for dedication."

4.6.3.11 RECORDING FINAL PLAT

1. The City Recorder shall record the Final Plat with the County Clerk and Recorder. Any expenses incurred by the developer shall be borne by the developer and paid prior to recording; i.e. impact, plan check, etc.

4.6.3.12 EXPIRATION OF FINAL APPROVAL (Amended by Ord. 2004-13, 9/28/04)

If the recording requirements set forth above are not met by the subdivider within 180 days from the date of City Council approval, such approval shall be null and void.

4.6.3.13 REINSTATEMENT OF FINAL PLAT (Amended by Ord. 2004-13, 9/28/04; Ord. 2008-07, 5/27/08)

The voided/null Final Plat may be submitted to the City Planner for reinstatement. If there are no changes to the voided/null final plat and there have been no changes in ordinances that would affect the voided/null final plat, the City Planner may approve the reinstatement of the final plat. If there are any changes on the final plat or any changes in ordinances that would affect the plat, the voided/null final plat may be submitted for reinstatement with a recommendation from the Planning Commission and approval by the City Council, but will be subject to all applicable ordinances at the time of reinstatement and a current reinstatement fee will be charged in accordance with current fee schedule. The final plat must be recorded within 180 days after the reinstatement approval or the approval shall be null and void.

4.6.3.14 PRECONSTRUCTION CONFERENCE (Amended by Ord. 2004-13, 9/28/04)

A preconstruction conference will be conducted prior to construction. A preconstruction meeting provides an opportunity to begin communication and problem solving between the City Staff and the subdivider prior to the start of a major construction project. Typically the City Engineer, City Administrator, City Planner and City Public Works Director will meet with the subdivider prior to construction.

4.6.3.15 RESUBDIVISION PROCEDURE (Amended by Ord. 2004-13, 9/28/04)

Amended Plats

1. No change shall be made in a plat which has received final approval unless the subdivider has complied with the procedures for vacating or changing a subdivision plat as outlined in Section 10-9-808 of the Utah State Code, and until the change has met current city ordinance, plat amendment fees have been paid in accordance with the City's current Fee Schedule, and the change has been reviewed by and received a recommendation from the Planning Commission and approval by the City Council.

4.6.3.16 FILE OF RECORDED SUBDIVISIONS

The City of Alpine shall maintain a filing system of all subdivisions, which includes copies of all maps, data, and official subdivision actions; also, a master location map (or maps) referenced to the filing system, for public use and examination.

ARTICLE 4.7

DESIGN STANDARDS (Amended by Ord. 2014-12, 7/08/14; Ord. 2016-03, 02/23/16)

4.7.1 DESIGN STANDARDS

All subdivisions shall comply with the following standards unless an exception from one or more provisions of this chapter is approved by the City Council in accordance with the exception procedure of this ordinance.

4.7.2 GENERAL STANDARDS

1. The design and development of subdivisions, shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.
2. Land subject to hazardous conditions such as slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.
3. The subdivider shall comply with landscape requirements of approval and mow and maintain vacant lots, keep sidewalks clear and streets swept during subdivision construction and until the lots are sold.

4.7.3 LOTS

1. No single lot shall be divided by a municipal or County boundary line.
2. A lot shall not be divided by a public road or alley or other lot.
3. Lot Lines. Side lot lines shall be at right angles or radial to street lines, except where justified by the subdivider and recommended by the Planning Commission and approved by the City Council.
4. Street Frontage. All residential lots in subdivisions shall front on a public street, or on a private street recommended by the Planning Commission and approved by the City Council. Double frontage lots are prohibited unless recommended by the Planning Commission and approved by the City Council.
5. Buildable Area. A Designated Buildable Area shall be not less than five thousand

4.7.4 STREETS AND STREET REQUIREMENTS

1. Subdivision plans shall be consistent with the Major Street Plan, which has been adopted as part of the Transportation and Circulation element of the General Plan of the City.
 - (1) Collector Streets (feeder). Where the area of a proposed subdivision includes any Collector class streets, as shown on the Major Street Plan, the subdivision plan shall incorporate such streets in the location shown on the Major Street Plan, and the approval of the Final Plat shall include the dedication of the right-of-way and its improvement in accordance with the applicable City standards.
 - (2) Minor Streets (local service). Where the area of a proposed subdivision includes any Minor class streets, as shown on the Major Street Plan, the subdivision plan

shall provide for such street in the approximate location shown on the Major Street Plan, and the approval of the Final Plat shall include the dedication of the right-of-way and its improvement in accordance with the applicable City standards.

- (3) Arterial Streets. Where the area of a proposed subdivision includes any arterial class streets, as shown on the Major Street Plan, the subdivision plan shall incorporate such streets in the location shown on the Major Street Plan, and the approval of the Final Plat shall include the dedication of the right-of-way and its improvement in accordance with the applicable City standards.
2. Through Traffic. Minor streets shall be laid out to encourage circulation but discourage through traffic. Subdivisions with 20 or more lots shall provide two working accesses to the development.
3. Stub Streets (Amended by Ord. 96-08, 5/28/96; Amended by Ord. 2013-01, 1/15/13) Shall be required to provide adequate circulation -- Temporary turnaround required in certain instances--Subsequent development of adjacent property to incorporate.
 - (1) In order to facilitate the development of an adequate and convenient circulation system within the City, and to provide access for the logical development of adjacent vacant properties, the City shall, as a condition of approval, require the subdivision plan to include one or more temporary dead end streets (stub streets) which extend to the boundary of the parcel, and dedicate the right-of-way to the property line to the City to insure that adjacent properties are not landlocked.
 - (2) All such stub streets shall be fully developed with full City street and utility improvements to the boundary of the subdivision unless it can be shown by the applicant for the subdivision that the need for a fully improved street does not have an essential link to a legitimate government interest or that the requirement to fully improve the stub street is not roughly proportionate, both in nature and extent to the impact of the proposed subdivision on the City.
 - (3) Factors to be considered in determining whether or not the requirement to install a fully improved street is considered proportionate may include but not be limited to:
 - The estimated cost to improve the stub street;
 - Whether or not the stub street will be essential to provide reasonable access to the undeveloped parcel;
 - The number of lots in the proposed subdivision that will be accessed from the improved stub street;
 - The estimated number of lots that can be developed in the future on the adjacent undeveloped parcel through use of the stub street.

After receiving a recommendation by the Planning Commission, if the City Council determines that the stub street need not be fully developed either because it does not further a legitimate government interest or that the requirement is disproportionate to the impact of the proposed subdivision on the City, then only the right-of-way for the stub street shall be dedicated to the City and the requirement to improve the stub street shall be placed on the undeveloped adjacent parcel as a condition of the development if the adjacent property is ever developed.

- (4) Any such stub street having a length of more than 150 feet or providing primary

vehicular access to one or more lots shall be terminated by an improved temporary turn-around designed and constructed in accordance with the City Standards. Where any portion of the temporary turn-around is to be located on private property, use of the portion located on private property by the public shall be secured through the conveyance of an easement for that purpose.

- (5) Any plan for the subsequent development of the adjacent property shall provide for the continuation of any such stub street and shall bear the burden of designing such stub street or streets in accordance with City standards.
4. Intersections. Intersections of minor streets with major streets shall be kept to the minimum.
5. Right-of-Way Width. Minimum right-of-way widths for local streets shall be the following:
 - (1) Arterial major street: 66 feet
 - (2) Collector street: 60 feet
 - (3) Minor street, rural road or frontage road: 54 feet
6. Roadway Width. Local streets shall have roadway widths and classifications as follows (add four feet [4'] for curb):
 - (1) Arterial street: 42 feet
 - (2) Collector street: 36 feet
 - (3) Minor street or frontage road: 30 feet
 - (4) (Rural roads: 26 feet) - Requires a recommendation by the Planning Commission and approval by the City Council through the Subdivision exception procedure.
7. Road Shoulders. Where curbs are not required to be installed, a minimum of ten foot shoulders shall be provided on each side of the street unless parking is prohibited.
8. Partial-Width Streets. All streets within and adjacent to a subdivision shall either have been previously conveyed to the City by deed or dedication or shall be shown on the final plat for dedication to the City for street purposes.

All streets shown on the final plat for dedication to the City shall conform to the minimum standards for street width and improvements for the entire width of the street, except that the City Council may accept the dedication and improvement of partial width streets provided:

- (1) That the proposed partial width street is located at the border of the subdivision and the land abutting the proposed uncompleted side of the street is not owned by the subdivider.
- (2) The width of the right-of-way of the partial width street shall be not less than thirty-nine (39) feet in the instance of a minor class street and forty-two (42) feet in the instance of a collector class street.
- (3) Upon approval of the City Council the improvements constructed on the partial width street may include: (a) the curb, gutter and sidewalk improvements adjacent to all abutting lots in the subdivision, (b) the water and sewer line, (c) a hard surfaced travelway portion having a width not less than one-half that required for the specified street class plus an additional twelve (12) feet of width, (d) all utility systems in the partial width street shall be located and constructed as set forth in City standards,

and (e) storm drains.

- (4) That there are no existing conditions which would have the effect of preventing the subsequent development of the remaining portion of the street.
- (5) That construction of the partial width street at the proposed location will not create an unsafe or hazardous condition.

No final plat shall be approved where access to a proposed or existing street from adjacent property is proposed to be prohibited or is impaired by an access retainer strip ("nuisance" or "protective" strip).

- 9. Cul-de-sac Streets.(Ord 96-08 amended 5/28/96) Cul-de-sacs (dead end streets) shall be used only where unusual conditions exist which make other designs undesirable. Each cul-de-sac street shall have a minimum right-of-way width of fifty-four (54) feet and must be terminated by a turn-around having a radius of not less than sixty (60) feet to the property line. The maximum length of a cul-de-sac shall be four hundred and fifty (450) feet as measured from the center of the turn-around to the point of connection to the next intersecting street. Surface water must drain away from the turn-around, except where surface water cannot be drained away from the turn-around along the street, due to grade, necessary catch basins and drainage easements shall be provided.
- 10. Number of Streets at Intersection. No more than four streets shall enter an intersection.
- 11. Angle of Street Intersections. Streets shall intersect at ninety degrees, except where otherwise recommended as necessary by the Planning Commission and approved by the City Council.
- 12. Centerline of Intersecting Streets. The centerline of two subordinate streets meeting a through street from opposite sides shall extend as a continuous line, or the centerline shall be offset at least one hundred fifty (150') feet. An exception may be given to the off-set requirement of up to 15 feet as recommended by the City Engineer and Planning Commission and approved by the City Council. (Amended by Ord. 2004-13, 9/28/04)
- 13. Curved Streets Preferred. In the design of subdivisions, curving streets shall be preferred to straight streets or rigid ninety degree grid systems.
- 14. Frontage on Arterial Streets. Driveways or other vehicular accesses to an individual lot that open onto any public street designated by the official City Street Plan as an arterial street may be used as an access if it is recommended by the City Engineer and Planning Commission and approved by the City Council. Turn-arounds, hammerhead or side-entry driveways must be incorporated to ensure that vehicles will not back out on arterial streets. (Amended by Ord. 2004-13, 9/28/04)

4.7.5 STREET NAMES

Streets shall have the names of existing streets which are in alignment. There shall be no duplication of street names. All street names must be recommended by the Planning Commission for approval by the City Council, and opportunity shall be given to the Public Safety District and the City Recorder for review and recommendation prior to the approval of street names by the Planning Commission.

4.7.6 CURVATURE AND ALIGNMENT

1. Horizontal Curves. To ensure adequate sight distances, street roadway line connections shall be made by horizontal curves. The minimum centerline radii for minor streets shall be one hundred fifty feet (150') and of all other streets shall be three hundred feet (300'). On collector and arterial streets, a minimum tangent of one hundred feet (100') shall be required between a curve and street intersection; a minimum tangent of one hundred feet (100') shall be required between reverse curves.
2. Vertical Curves. Vertical curves shall be used at all changes of grades exceeding one per cent (1%) and shall be designed to provide minimum sight distances of two hundred feet (200') for minor streets and three hundred feet (300') for all other streets, except that vertical curves for major streets shall be as determined by the current specifications of the Utah State Department of Transportation.
3. Where minimum vertical curve lengths cannot be met, the requirements in the AASHTO (American Association of State Highway Officials) publication, AA Policy on Geometric Design of Highways and Streets shall be used. The design of streets shall be based on a 25 mph design speed.

4.7.7 FRONTAGE ON MAJOR HIGHWAYS

Where a residential subdivision abuts a major highway or arterial street, frontage roads may be required.

4.7.8 ROADBED CONSTRUCTION STANDARDS FOR PAVED ROADWAYS FOR PUBLIC STREETS

Minimum roadbed grading and paving for local, collector, and arterial streets shall meet Alpine City Standards. The Planning Commission shall advise as to which streets, if any, within a proposed subdivision should be designed to meet collector or arterial or minor standards. Modification of such standards may be recommended by the Planning Commission and approved by the City Council for mountain areas, or unusual topographic conditions.

4.7.9 ROAD GRADES

All road and street grades (including common-use private roads) shall be designed as follows:

1. Arterial and Collector roads or streets: Limited to a maximum grade of ten per cent (10%). Sustained grades shall be limited to seven per cent (7%).
2. Minor roads or streets and common-use private roads: limited to a maximum grade of twelve per cent (12%). Sustained grades shall be limited to nine per cent (9%).
3. Cul-de-sacs with a negative grade progressing toward the turnaround shall be limited to a maximum grade of four per cent (4%). The cul-de-sac shall terminate with a grade not to exceed two per cent (2%) for the last one hundred feet (100') of traveled surface. The maximum grade of the bubble in a cul-de-sac is not to exceed 3%.
4. Street intersections: Have a vertical alignment such that the grade shall not exceed three per cent (3%) for a minimum distance of fifty feet (50') each way from the centerline of the intersection.
5. Maximum grades: Approved only when accompanied by changes to a lesser grade, and

where length of that portion of that road at maximum grade is less than six hundred feet (600').

6. All changes in vertical alignment: Made by vertical curves with minimum length of two hundred feet (200') for minor streets and three hundred feet (300') for major streets. (See Section 4.7.6, item 3).
7. Roads in mountainous terrain: Shall be designed at less than maximum allowable slope in order that they can be safely negotiated and that snow can be removed during winter.
8. All cuts and fills must be treated with top soil and vegetated.

4.7.10 SIDEWALKS, CURBS AND GUTTERS (Amended by Ord. 2014-12, 7/08/14)

Sidewalks, curbs, planter strips and gutters may be required on both sides of all streets to be dedicated to the public. Sidewalks, curbs, planter strips and gutters may be required by the Planning Commission and City Council on existing streets bordering the new subdivision lots.

General: The Developer of the project shall only be responsible for the cost of system improvements that are roughly proportionate and reasonably related to the service demands and needs of such development activity.

- 4.7.10.1 Exception.** On occasion, there may be circumstances in which an exception from the curb, gutter and sidewalk requirements may be warranted. An applicant should meet with the City Engineer to discuss the circumstances.

Exception Criteria: A successful applicant should be prepared to have the requested exception evaluated under the following criteria:

- Impractical to install curb, gutter or sidewalk because of drainage, topography or similar circumstances.
- Special circumstances, features or conditions of the property, normally of a technical nature.
- Relationship to surrounding patterns of land use and street and circulation.

- 4.7.10.2 Fees in Escrow for Future Improvements.** Where present conditions exist which make it unfeasible or impractical to install any required public improvements, the city may require the subdivider to pay to the city a fee equal to the estimated cost of such improvements as determined by the City Engineer. Upon payment of the fee by the developer, the city shall assume the responsibility for future installation of such improvements.

The Treasurer shall establish a special account for such fees and shall credit to such account a proportional share of interest earned from investment of city monies. Records relating to identification of properties for which the fees have been collected, fee amounts collected for such properties and money transfer requests shall be the responsibility of the Building Department.

4.7.10.3 Planter Strip Requirements: (Amended by Ord. 2004-13, 9/28/04)

1. Double Frontage Lot Landscaping Requirements. The park strip or planter area in the City right-of-way on all rear lot frontages shall be fully landscaped by the developer or property owner. Full landscape shall be described as follows:

- 1) Grass, irrigation, and street trees; or
- 2) Colored, stamped decorative concrete and street trees with required irrigation;
- 3) Irrigation standards will be determined by City Staff and available through standard design drawing details provided by Staff.
- 4) Street trees shall be planted at least every 50 ft. Street trees shall be selected from the approved list available from City Staff.

2. Single Frontage Lot Landscaping Requirements. Planter strips in the city right-of-way shall be landscaped and maintained by the property owner. If street trees are desired, the trees shall be selected from the approved street tree list available from City Staff.

4.7.11 BLOCK STANDARDS

Block lengths shall be reasonable as recommended by the Planning Commission and approved by the City Council, and in total design shall provide for convenient access, quality of life, and circulation for emergency vehicles.

4.7.12 PEDESTRIAN CIRCULATION

Where blocks exceed one thousand feet (1,000') in length, pedestrian rights-of-way of not less than ten feet in width may be required by the Planning Commission through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five feet (5') in width shall be placed within the rights-of-way when required by the Planning Commission or City Council.

4.7.13 EASEMENT STANDARDS

1. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of ten feet (10'), apportioned equally in abutting properties.
2. Front-line easements are required. A minimum of ten feet (10') shall be allocated as a utility easement. Perimeter easements shall be not less than ten feet (10') in width, extending throughout the peripheral area of the development, if required by the Planning Commission or City Council.
3. All easements shall be designed so as to provide efficient installation of utilities or tree planting. Special guying easements at corners may be required. Public utility installations shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.

4.7.14 UTILITIES TO BE UNDERGROUND

Unless the Planning Commission and City Council determine, upon application by the subdivider, supported by recommendation of the City Engineer, that it is not feasible to do so, all power lines, telephone lines, cable T.V. lines, and other normally overhead utility lines shall be placed underground by the subdivider.

4.7.15 ALLEYS

The Planning Commission may approve service access to the interior of blocks where deemed to be in the public interest, in which case such alleys must be indicated in the Preliminary Design Plans and on the Final Plat.

4.7.16 SANITARY SEWAGE DISPOSAL - GENERAL REQUIREMENTS

Sanitary Sewerage System Required. The subdivider shall provide, or have provided, a piped sanitary sewerage system to the property line of every lot in the subdivision. The sewerage system shall meet the minimum standards and requirements of the Local Health Officer, the State Division of Environmental Health, and this Ordinance. All sewer lines shall be located in the street unless approved by the City Engineer and Public Works Director. In the event that a sewer line is constructed outside the street, the easement shall be 20 feet and shall be shown on the plat. All sewer lines should be located on the south and west sides of the street.

4.7.17 WATER SYSTEM - PUBLIC SYSTEM REQUIRED

In any subdivision, the subdivider shall provide, or have provided, a piped public water supply to the property line of every lot. The water system shall meet the minimum standards and requirements of the Utah State Division of Health, this Ordinance, and Utah State Section of Forestry and Fire Control, wherever the subdivision is located near forested, grassy or brushy lands. All water lines shall be ductile iron pipe with a minimum diameter of eight inches. Water lines shall be placed on the north and east sides of the street.

- 4.7.17.1 Installation of Pressurized Irrigation System Required.** In any subdivision, the subdivider shall provide, or have provided, a piped pressurized irrigation system to the property line of every lot. The system shall be installed according to the requirements set forth by the City Engineer.

4.7.18 STORM DRAINAGE AND FLOOD PLAINS

1. For storm drain design please refer to Alpine City's "Storm Water Drainage Design Manual."
2. For flood plain information please refer to Alpine City Development Code section 3.12.8.

4.7.19 IRRIGATION SYSTEMS

1. Where an existing irrigation system consisting of open ditches is located on or adjacent to a proposed subdivision, complete plans for relocation or covering, or other safety precautions shall be submitted with an application for preliminary approval of a plat.
2. All irrigation ditches in subdivision/site plans shall be piped underground. Certain ditches that are legally required to be left open by Alpine Irrigation Company are exempt. (Amended by Ord. 2004-13, 9/28/04)
3. Obtain written approval from the irrigation company or easement holder or private ditch owner for any plan that involves irrigation ditches. The irrigation company shall sign off on the final plan.
4. All piped irrigation and drainage systems shall have approved grates.

4.7.20 TRAILS AND WALKING PATHS AND OPEN SPACE

The plat for the subdivision shall incorporate and include any trail shown on the master trail plan in the location shown on the plan. Where trails have been previously constructed or identified on approved subdivision plans for adjacent properties the trail locations shown on the proposed subdivision plan shall provide for the logical connection to the existing trail.

The plat shall show the width of trails, where located, type of trail, and shall comply with the City Master Trail Plan and Open Space Ordinance. Trails and open space shall be clearly marked and

identified.

4.7.21 DERELICT PARCELS PROHIBITED (Ord.93-04, 5/11/93)

No subdivision plat shall have the effect of creating a derelict parcel. Any such parcel must be attached to adjacent lots rather than allowed to remain as an independent parcel. Privately owned protection or retainer strips shall not be permitted.

It is unlawful to divide real property in such a way that a parcel of property is created or left behind that cannot be developed according to the ordinances of Alpine City governing zoning and subdivisions, and other applicable laws, regardless of whether or not a subdivision plat is required for the division. Examples of such divisions include, but are not limited to, nuisance or protection strips, parcels created or left for the sole purpose of denying or restricting another property owner access to his or her property, parcels with insufficient square footage for building, and parcels that do not abut on a dedicated street. (Ord. 93-04, 5/11/93.)

4.7.22 UNIMPROVED RESIDUAL LOTS NOT PERMITTED

No subdivision plan shall have the effect of leaving a residual zoning lot for which the required subdivision improvements: (1) have not been previously constructed, or (2) are not to be included as part of the required improvements for the proposed subdivision. For purposes of this section a residual zoning lot shall be construed to include a parcel created by the proposed subdivision but not included as a lot on the final plat, which qualifies as a zoning lot, but because of insufficient size, dimension or other limitation is not readily capable of further division in accordance with the requirements of the zoning ordinance.

4.7.23 WATER RIGHTS REQUIRED TO BE CONVEYED TO THE CITY. (Ord. 95-09: 3/28/95)

4.7.23.1 Water Rights Required - Determination of Amount. Any person proposing to subdivide land with the City shall, as a condition of subdivision approval, convey to the City water rights that entitle the owner to an annual quantity and rate of flow which is sufficient in amount to meet the water use requirements of the occupants of the subdivision. The amount of water rights required shall be determined as follows:

1. **Residential Uses.** Amount based on the total lot area of the subdivision and the number of lots within the subdivision, in accordance with the following formula:

$$\text{Water Right Requirement (in acre feet)} = 1.66 \times \text{area in lots (in acres)} + .45 \times \text{number of lots.}$$

2. **Other Users.** An amount sufficient to satisfy the projected needs of the proposed development, as determined by Alpine City.

4.7.23.2 Rate of Flow. In addition to the annual quantity of water, determined in accordance with paragraph A above, the water rights conveyed to the City shall entitle the owner to divert the water at a rate of flow sufficient to meet the demands imposed for peak use during the summer months of July and August.

4.7.23.3 Type of Water Rights Acceptable For Conveyance. Water rights proposed for conveyance to the City shall be of a type which allow for municipal use within the City, or, if not, the water rights must be of the type which can be amended to provide for municipal use in accordance with the procedures of Utah's change application statute, Utah Code Ann. ' 73-3-3. The developer shall make application to the State Engineer and shall pay all costs associated with the application. The water rights may include one or a combination of the following as recommended by the City Engineer to the Planning Commission, and a recommendation by the Planning Commission to the Alpine City Council with the final determination to be made by the City Council.

1. **Alpine Irrigation Company Stock.**

Primary Shares - One-third (1/3) share for each acre foot of water right required.

Secondary Shares - One full share for each acre foot required.

2. **Other irrigation water stock or water rights** sufficient water rights to equal the number of acre feet required for the proposed development, after any reduction in quantity by the State Engineer.
3. **Well Rights.** The right to divert from a well source. These water rights shall be evidenced by an approved application to appropriate, an underground water claim or court decree.
4. **Previously Conveyed Rights.** Assignment of interest in water shares or credits to the use of water which have been previously conveyed to the City in anticipation of development (e.g., Busch Well).
5. **Cash.** The City may determine that cash may be given in lieu of other water rights for the purpose of developing new water sources. The cash amount shall be determined by taking the number of shares required times the current market value of Alpine Irrigation Company shares multiplied by 125%.
Prior to acceptance of water rights, the City shall evaluate the rights proposed for conveyance and may refuse to accept any right which it determines to be insufficient in annual quantity or flow rate, or not reasonably likely to be approved for change to municipal purposes within the City by the State Engineer. In determining the quantity of water available under the water rights, the City will evaluate the priority of the water rights and the historic average quantities of water available to the water rights.

4.7.23.4 Supply and Delivery Facilities May Be Required. In addition to furnishing water rights, the subdivider/owner may be required to pay all costs required to construct the needed facilities to supply, store and distribute the water in accordance with the culinary waterworks system component of the Alpine City Capital Improvements Plan as reflected in Ordinance No. 93-09 and any subsequent amendments thereto; the adequate public facilities requirement at adopted level of services standards as established by the Alpine City Construction Standards reflected in the Subdivision Ordinance pursuant to Ordinance No.93-10 and any subsequent amendments thereto; and the studies and analysis with respect to the Alpine City culinary waterworks system which were part of the Alpine City impact fee study; and the adoption of the connection and impact fees for the culinary waterworks system. Items of construction may include, but are not necessarily limited to, wells, storage reservoirs, spring development, pressure regulating stations, booster pumping stations, distribution lines, etc.

4.7.23.5 Status of Previously Conveyed Water Rights. All water rights previously conveyed as part of the annexation process shall be considered as a credit toward satisfying the requirements of this section.

4.7.23.6 Adjustments to Water Conveyance Requirements Permitted Under Certain Circumstances. Where the subdivision contains lands where, as a result of topographic features (e.g., steep slopes) or other environmentally sensitive or fragile conditions, the availability of irrigation water for use on the lot, or other conditions, will be permanently restricted from any use or activity requiring the use of water from the City's culinary water system, the City may reduce the amount of water rights required to be conveyed in an amount commensurate with the portion of the lot so restricted against the use of water. Any request for reduction shall include enforceable provisions for securing the restricted condition in a form to be approved by Alpine City.

4.7.23.7 City May Purchase Surplus Water Rights. In the event that the quantity of water available under the water rights historically used on the parcel proposed for the development is greater than that required to meet the water rights conveyance requirement, the City shall have the right of first refusal to purchase the surplus shares of water rights.

4.7.23.8 Time of Conveyance. The conveyance of title to the water rights, free and clear of all liens, encumbrances and claims of any nature, shall occur prior to, or concurrent with, or as a condition of the final plat by the City Council, at or before the time of plat recordation.

4.7.23.9. Hardship Relief Provisions

1. **Hardship Relief Petition.** Any applicant for subdivision approval, either prior to or concurrent with the submission of an application for approval of a preliminary design plan or preliminary plat, may file a hardship relief petition with the City Recorder seeking relief from all or a part of the water rights acquisition policy requirements as contained in this ordinance on the basis that the requirements, as applied to the applicant or the specific property for which development approval is being requested, has no reasonable relationship to the needs created or benefits conferred upon the proposed development, does not demonstrably benefit the proposed development, is duplicative, results in the deprivation of all reasonable use of the property, or is otherwise unlawful pursuant to the standards of applicable case law or statutes then in effect.
2. **Economic Hardship Standard.** For the purposes of this ordinance, a substantial economic hardship shall be defined as applying the requirements of the water rights acquisition policy in such a manner that it has no reasonable relationship to the needs created or benefits conferred upon the proposed development, does not demonstrably benefit the proposed development, is duplicative, results in the deprivation of all reasonable use of the property, or is otherwise unlawful pursuant to the standards of applicable case law or statutes then in effect. The Planning Commission and City Council shall not find a substantial economic hardship if such a hardship is self imposed. The mere fact that the land or parcel of property in question has not historically had water rights associated with it is not a sufficient basis to determine the existence of a substantial economic hardship. The City Council may not modify or grant the petitioner relief from any of the provisions of the Alpine City water rights acquisition policy unless it finds that granting the petition will not substantially affect the General Plan, will not be contrary to the public interest, and will not undermine the ability of Alpine City to provide water rights in a sufficient amount to meet the reasonable needs of its residents for culinary, irrigation, fire protection and other purposes.
3. **Information to be Submitted with Hardship Relief Petition.** The hardship relief petition must be submitted in a form acceptable to the City, shall be signed by the applicant and verified and must be accompanied by a minimum of the following information:
 - (1) Name of the applicant;
 - (2) Name and business address of the current owner of the property and form of ownership;
 - (3) Nature of the interest owned by the applicant in the subject property;

- (4) A complete description of all water rights and/or water shares owned by the applicant;
- (5) A complete description of all water rights and water shares, which have been utilized on the subject property during the ten (10) years prior to the date of the application;
- (6) A description of all water rights and water shares conveyed to the City by the applicant, related to the subject property;
- (7) A description of any water rights or water shares conveyed to the City by any prior owner of the subject property during the ten (10) years prior to the date of the application, related to the subject property;
- (8) A complete description of the disposition or sale of any water rights or water shares related to the subject property during the ten (10) years prior to the date of the application;
- (9) All studies and reports prepared by the applicant, their agents or prior owners regarding water usage and/or availability of water related to the subject property during the previous ten (10) years prior to the date of the application;
- (10) A report in a form acceptable to Alpine City showing all recorded liens, encumbrances and ownership interests related to all water rights and water shares related to the subject property as of the date of the petition;
- (11) Copies of all relevant documents evidencing or relating to water rights and water shares related to the subject property;
- (12) A specific and detailed description of the basis for the applicant's assertion that the water rights acquisition policy is unlawful, inequitable or otherwise should be modified with respect to the applicant and the subject property for which the subdivision approval is requested based on the standards set forth in this ordinance;
- (13) A specific description of the modifications of the Alpine City water rights acquisition policy which petitioner is requesting with the supporting factual basis for such assertion.

The Planning Commission and/or City Council may request additional information reasonable necessary, in their opinion, to arrive at a conclusion regarding the hardship relief petition.

- 4. **Failure to Submit Information.** In the event that any of the information required to be submitted by the applicant is not reasonably available, the applicant shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.
- 5. **Review and Recommendation by the Planning Commission.** Within thirty (30) days of the filing of a completed hardship relief petition, together with all required and requested supporting information and documentation required by the City Council or the Planning Commission, the Planning Commission shall review the petition and shall submit its written report and recommendation to the City Council, with a copy to be mailed to the petitioner, within thirty (30) days following the conclusion of the meeting of the Planning Commission at which the review has been completed and

the report and recommendation prepared, stating its reasons in writing for the report and recommendation to the City Council for approval or disapproval of the petition.

6. **Hearing by the City Council.** Within thirty (30) days following receipt of the Planning Commission's report and recommendation, the City council shall schedule a public hearing with appropriate notice. At the public hearing, the applicant shall be entitled to present evidence and call witnesses.
7. **Burden of Proof.** The applicant shall have the burden of proving that the strict application of the Alpine City water rights acquisition policy is inequitable, unreasonable, unlawful, or should be modified, in whole or in part, as applied to the specific applicant or property for which building permit is sought based on the standards set forth in this ordinance.
8. **Findings of the City Council.** The City Council may modify the Alpine City water rights acquisition policy to the extent reasonable necessary to prevent the policy from being applied unlawfully, unreasonable or inequitable based on the standards and provisions set forth in this ordinance. The City Council shall, on the basis of the evidence and testimony presented, make specific findings as part of its decision. The decision of the City Council shall be mailed to the applicant within thirty (30) days following the conclusion of the public hearing.
9. **Decision Final.** The decision of the City Council shall be final.

ARTICLE 4.8

CONSTRUCTION AND IMPROVEMENT REQUIREMENTS

4.8.1 CONSTRUCTION STANDARDS

Construction standards, including drawings, tables, charts, references and other regulations adopted by the City Council by resolution, shall constitute subdivision regulations supplementing this Ordinance.

4.8.2 CONFLICTING PROVISIONS

Where specific requirements are made or exemptions allowed under other sections of this Ordinance, those requirements or exemptions shall prevail over the subdivision regulations supplementing this Ordinance.

4.8.3 IMPROVEMENT CONSTRUCTION TO BE OBLIGATION OF SUBDIVIDER (Amended by Ord. 2004-13, 9/28/04)

The following improvements, where required, shall be constructed at the expense of the subdivider, in accordance with the subdivision regulations of this Ordinance, or as elsewhere provided by ordinance: (See also Zoning Ordinance for requirements)

1. Road grading and surfacing
2. Facilities for water supplies, waste water management, and storm water control, irrigation facilities.
3. Water, sewer, gas and pressurized irrigation mains and laterals to each property line.
4. Fire hydrants as specified by City Standards
5. Curb, gutter, planter strips, double-frontage planter strips, and sidewalks
6. Central Mail Box Units
7. Brass pins and other property corners
8. Underground electrical, telephone and cable television lines
9. Monuments
10. Installation or construction of required on-site or off-site improvements
11. Revegetation, erosion control
12. Street signs, street lighting, street planting, planter strips
13. Segments of proposed arterial or collector streets.
14. Trails and trail signs
15. Open space and parks in PRDs.
16. Any other improvements required or specified in the Development Agreement
17. All development is to be in compliance with City Standards and specifications.

4.8.4 COMMENCEMENT OF CONSTRUCTION

Site improvement or grading of a proposed subdivision site prior to Final Plat approval by the Planning Commission is prohibited.

ARTICLE 4.9

ADEQUATE PUBLIC FACILITIES (Ord.93-10,12/14/93)

4.9.1 Requiring Adequate Public Facilities to be Available Concurrent with Subdivision Approval. From and after the effective date of this Amendment to the Alpine City Subdivision Ordinance , no application for subdivision approval shall be granted, approved or issued unless the applicant has provided sufficient information, as determined by the City Engineer, to establish that adequate public facilities in the area affected by the proposed development will have sufficient capacity available at the adopted level of service standards to accommodate the proposed development within a reasonable period of time following the issuance of final subdivision plat approval for the proposed development.

4.9.2 Essential Public facilities to which this requirement will apply include the following:

1. Culinary waterworks system, including quantity, quality, treatment, storage capacity, and transmission/distribution system capacity;
2. Sanitary sewer system, including outfall lines, laterals and collector lines;
3. Storm water drainage, including flood control facilities;
4. Street system, including streets, roads, highways, intersections and related transportation facilities;
5. Recreational facilities, including parks and trails.

4.9.3 Procedures. As part of the material submitted in support of an application for subdivision approval, the applicant shall submit sufficient information in order to demonstrate that adequate public facilities will be available at specified levels of service within a reasonable period of time following the issuance of subdivision plat approval for the proposed development. Such a determination may include the timing, phasing and sequencing of the proposed development. Compliance with level of service standards shall be measured in accordance with the adopted level of service standards as set forth herein as they may, from time to time, be amended. The City Engineer, or the Planning Commission and City Council through the City Engineer, may request additional information from the applicant to address the adequacy and availability of the public facilities referenced above as part of the subdivision approval process.

4.9.4 Level of Service Standards. The level of service standards by which the adequate public facilities requirement referenced herein shall be measured for each of the essential public facilities to which this requirement applies shall be as established in the Alpine City Construction Standards as they may, from time to time, be amended.

4.9.5 Adequate Public Facilities Not Available. If it is determined by the City Engineer that adequate public facilities will not be available at specified levels of service within a reasonable period of time following the issuance of final subdivision plat approval, so as to assure that such services will be available at the time of occupancy of new development being proposed, the City Council, in the exercise of its discretion, shall review, evaluate and discuss with the applicant, the following alternatives and conditions in the order presented:

1. Allow the developer to voluntarily advance the costs necessary to provide those public facilities which are necessary to service the proposed development and meet the applicable level of service standards by entering into an appropriate form of development agreement, which may include, as deemed appropriate, provisions for credits or reimbursement of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or benefit conferred upon the proposed development.

2. Require timing, sequencing and phasing of the proposed development consistent with the available capacity of public facilities;
3. Defer final plat approval and the issuance of building permits until all necessary public facilities are adequate and available; or,
4. Deny subdivision plat approval at the present time and require the applicant to reapply when adequate public facilities are available at adopted level of service standards.

4.9.6 Public Facility Requirements Prior to Issuance of a Building Permit. Prior to the issuance of a building permit the following facilities must be available.

1. Water system must be operational including the fire hydrants.
2. Curb and gutter shall have been installed.
3. Road base shall be in place.

ARTICLE 4.10

FINANCIAL RESPONSIBILITY (Amended by Ord. 2008-08, 5/27/08; Ord. No. 2017-02, 01-10-17)

4.10.1 Improvement Requirements (amended Ord. 97-09 & Ord. 2004-13, 9/28/04). The City Council shall not approve a final plat until the subdivider provides a performance bond approved by the City Administrator to guarantee that improvements will be installed as shown on the final plat and construction drawings and to guarantee and warrant all improvements for a one-year period commencing upon the final inspection of said improvements by the City. Said performance bond shall be for an amount not less than ONE HUNDRED AND TEN PERCENT (110%) of the estimated cost of said work and improvements, as determined by the City Administrator and City Engineer. The purpose of the bond is to insure construction of the required improvements within one year from the date of final approval, without cost to the City, and to guarantee and warrant all improvements for a one-year period commencing upon the final inspection of said improvements by the City. Said required improvements shall include:

1. The grading, graveling, hard surfacing of streets, and installation of culverts in compliance with City standards.
2. The installation of facilities for water supplies, waste water management, storm water control and /or sewers, irrigation facilities when required by the City Engineer.
3. The installation of water, sewer, gas and pressurized irrigation mains and laterals to each lot property line, and fire hydrants as required by the City Engineer, all in accordance with Alpine City Standards.
4. The installation of curbs, gutters and sidewalks on both sides of the street in compliance with City standards.
5. The installation of irrigation and landscaping for planter strips in city-owned areas where there are double frontage lots.
6. The installation of Central Mail Box Units.
7. The installation of brass pins and other property corners.
8. Electrical, telephone and cable television lines shall be located underground except when the subdivider can show the Planning Commission that underground lines are not feasible.
9. The installation of survey monuments in accordance with City specifications.
10. The installation or construction of other on-site or off-site public improvements including but not limited to irrigation culverts, storm runoff detention basins, bridges, public parks, water mains, water pressure reducing stations, access roads, trails.
11. All cut and fill slopes must be treated with topsoil and revegetated.
12. The installation of street signs, street lighting and street planting in accordance with City specifications.
13. Installation of segments of proposed arterial or collector streets.
14. Installation of trails and trail signs when required.
15. Development of open space and parks when required in PRDs.

16. The installation of any other improvements required or specified in the Development

17. All development is to be in compliance with City Standards and specifications.

4.10.2 Improvements Agreement. No final plat shall be approved until the subdivider has submitted a subdivision improvement agreement, on a form obtained from the City Recorder, agreeing to construct the required improvements as shown in documents supporting the final plat and agreeing to guarantee and warrant all improvements for a one-year period commencing upon the final inspection of said improvements by the City.

4.10.3 Guarantee of Performance. No final plat shall be approved until the subdivider has posted a guarantee assuring the completion of all required improvements and guaranteeing and warranting all improvements for a one-year period commencing upon the final inspection of said improvements by the City. Said guarantee shall meet the following requirements:

1. **Type and Amount of Guarantee.** The type of guarantee shall be in the form of a performance bond for an amount not less than ONE HUNDRED TEN PERCENT (110%) of the cost of the required improvements, as determined by the City. The subdivider shall furnish an estimate of the cost of constructing the required improvements. Said estimate shall be prepared by an engineer registered to practice in the State of Utah and approved by the City Engineer.
2. **Duration.** Said performance bond shall begin at the time the bond is obtained and shall terminate at such time as all improvements pass the warranty inspection at the end of the one-year warranty period which commences upon the final inspection of the improvements by the City, or until such earlier time as the City Council may decide.
3. **Default.** In the event the subdivider is in default or fails or neglects to satisfactorily install the required improvements within one year from the date of approval of the final plat by the City Council, or to pay all liens in connection therewith, or the required improvements do not pass warranty inspection by the City at the end of the one-year warranty period, the City Council may declare the bond or other assurance forfeited and the City may install or cause the required improvements to be installed, may repair any improvements found to be in breach of warranty and may pay all liens in connection with the improvements, using the bond and proceeds of the collection of the bond to defray the expenses thereof.
4. **In Process Releases.** Partial bond releases may be made by the City Administrator upon completion of phases of the project satisfactory to the City Engineer and authorized representative. The developer shall make a formal request for a partial bond release to the City Recorder.
5. **Final Inspection and Release.** The subdivider shall be responsible for the quality of all materials and workmanship and shall warrant and guarantee all improvements for a one-year period commencing upon the final inspection of said improvements by the City. At the completion of the work, the City Engineer and authorized representative shall make an inspection of the improvements and shall submit a report to the City Administrator setting forth the condition of such facilities. If all liens are paid and conditions thereof are found to be satisfactory, the City Administrator may release that portion of the bond or other approved security which does not represent the TEN PERCENT (10%) of said performance bond. If the condition of materials or workmanship shows unusual depreciation or does not comply with standards of the City, or if any outstanding liens are not paid, the City Administrator may declare the subdivider in default. At the end of the one-year warranty and guarantee period, the City Engineer and authorized representative shall make a warranty inspection of the improvements and shall submit a report to the City Council setting forth the condition of such improvements. If the improvements are found to be in satisfactory condition, the City Staff

shall release the remaining TEN (10%) of the performance bond or other approved security. If the improvements are not found to be in satisfactory condition, the City Council may declare the subdivider in default.

Note: As a minimum, City Council needs to inspect and sign off after the one-year warranty period before release of the final 10%.

ARTICLE 4.11

PERMITS AND FEES

4.11.1 Permits. From the effective date of this ordinance, the building official shall not grant a permit, nor shall any officer of the City Council grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any of the provisions of this ordinance, or of the subdivision regulations, or on a lot in a subdivision created by judicial decree, until a subdivision plat thereof has been recorded, or approved as required by this ordinance. Any license or permit issued in conflict with such provision shall be null and void.

4.11.2 Fees. At the time of filing an application for approval at any step or stage of the subdivision process, a non-refundable fee must be submitted, payable to the City of Alpine, in accordance with the currently-applicable fee schedule as adopted by resolution of the City Council.

An exception review fee shall be required of subdividers requesting an exception from improvement requirements of this ordinance. Such fee shall be in accordance with the currently applicable fee schedule as adopted by resolution of the City Council.

ARTICLE 4.12

INFRASTRUCTURE PROTECTION BOND (Ord 97-04, 4/8/97; Amended by Ord. 2004-13, 9/29/04; Ord. 2008-03, 4/8/08; Ord. 2008-14, 8/26/08)

AN ORDINANCE REQUIRING AN INFRASTRUCTURE BOND AND ESTABLISHING A PROCEDURE FOR HOLDING, FORFEITING AND APPEALING DECISIONS REGARDING THE BOND.

- 4.12.1 Applicability of Ordinance.** This ordinance shall govern the provisions, nature, use and disposition of an Infrastructure Protection Bond or Guarantee of Performance which are hereby required to be posted with or deposited for the benefit of the City for all building permits unless otherwise exempted by the City Engineer.
- 4.12.2 Type and Amount of Guarantee.** The Infrastructure Protection Bond shall be a cash deposit with the City in the amount indicated in the Consolidated Fee Schedule, which shall be kept by the City in a special escrow account. Any interest earned from the account shall be the property of the person who provides the cash bond upon satisfactory release of the Bond as provided in this ordinance.
- 4.12.3 Final Disposition and Release.** The builder; or other person giving the Infrastructure Protection Bond provided for by this ordinance, shall be responsible for maintaining the Infrastructure, including but not limited to roadway, curb, gutter, sidewalk, trails, parks, planter strips, streetlights, open space, water and sewer pipes and appurtenances, valves, meters, etc., in the same condition as before the permit was issued. The burden of proof will be the responsibility of the Building Permit Holder to verify the condition of the infrastructure before work started. If the builder posts the cash bond, it shall be acceptable to Alpine City for the builder to transfer the bond to the property owner, and the transfer shall be the responsibility of the builder. At the completion of the construction and landscaping, the person giving the guarantee shall submit to the City Building Inspector and the City Public Works Director a request for release of the Protection Bond. The City Building Inspector or the City Public Works Director shall then make a preliminary inspection of the City infrastructure and shall then determine if the City infrastructure has been maintained in a satisfactory condition. If the City infrastructure is found to be satisfactory by the City Building Inspector or City Public Works Director, they shall authorize the release of the cash bond. The release of the bond shall only be made to the person or entity, which posted the bond and to no other person or entity. If the condition of the City infrastructure shows damage, unusual depreciation or does not comply with the acceptable standards of durability, the matter shall be referred to the Mayor through the City Administrator; and in accordance with Section 4.12.6 of this Ordinance, the Mayor may declare the person giving the guarantee in default.
- 4.12.4 Partial Release Not Permitted.** A partial release of the Cash infrastructure Protection Bond shall not be permitted,
- 4.12.5 Duration of Guarantee.** The duration of the Cash Infrastructure Protection Bond shall be for the period of construction and landscaping. The time period shall begin on the date of issuance of the building permit by the City and shall continue until final approval of the improvements governed by the building permit is received and all construction and landscaping material, tools, and machinery used in the prosecution of said building permit are removed from the property.
- 4.12.6 Default.**
1. When the Mayor shall determine that the person posting the Cash Infrastructure Protection Bond has failed or neglected to satisfactory protect the affected City infrastructure or make required repairs and/or corrections, the Mayor may declare the Cash Infrastructure Protection Bond forfeited and the City's intentions to install or cause the required improvements to be installed or repaired using the proceeds of the Cash Infrastructure Protection Bond, plus any accrued interest, to defray the expense thereof. The Mayor shall give written notice of his

decision to the person who posted the bond. The Mayor's decision may be appealed to the City Council. If the person who posted the bond wishes to appeal the Mayor's decision, a notice of appeal must be filed in writing with the City Recorder within five (5) business days from the receipt of notice of the Mayor's decision. The City Council shall hold a hearing to determine the appeal at its next public meeting. At the hearing the person who posted the bond shall be given an opportunity to present evidence as to why the bond should not be forfeited. The evidence may be in the form of written or oral submissions. The Building Inspector or Public Works Director shall be asked to respond to the appeal at the hearing before the Council. After hearing all evidence and considering all relevant facts the City Council shall determine if the bond is to be forfeited or released. If forfeited, the Cash Infrastructure Protection Bond, plus any accrued interest, shall be used to defray the expense of installing or repairing the City infrastructure.

2. In the event that the Cash Infrastructure Protection Bond is not sufficient to pay all the cost and expense of such installation, correction, or repair, the City may maintain an action against the person giving the guarantee for the excess. If the Cash Infrastructure Protection Bond is more than sufficient to pay all the cost and expense, then the excess proceeds shall be returned to the person who posted the bond.

ARTICLE 4.13

CONSTITUTIONAL TAKING ISSUES (ORD 95-12: 5/23/95)

AN ORDINANCE ESTABLISHING A PROCEDURE FOR THE REVIEW OF ACTIONS BY ALPINE CITY, UTAH THAT MAY HAVE CONSTITUTIONAL TAKING ISSUES

4.13.1 Policy Considerations. There is an underlying policy in Alpine City strongly favoring the careful consideration of matters involving Constitutional Taking claims, in fairness to the owner of private property bringing the claim and in view of the uncertainty and expense involved in defending lawsuits alleging such issued. At the same time, the legitimate role of government in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the Constitution. Consistent with this policy, it is desired that a procedure be established for the review of actions that may involve the issue of a Constitutional Taking. These provisions are to assist governments in considering decisions that may involve Constitutional Takings. It is intended that a procedure for such a review be provided, as well as guidelines for such considerations. This ordinance is further intended and shall be construed to objectively and fairly review claims by citizens that a specific government action should require payment of just compensation, yet preserve the ability of Alpine City to lawfully regulate real property and fulfill its other duties and functions.

4.13.2 Definitions

1. **Constitutional Taking** means actions by Alpine City involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:
 - (1) the Fifth or Fourteenth Amendment to the Constitution of the United States;
 - (2) Article I, Section 22, of the Utah Constitution;
 - (3) any court ruling governing the physical taking or exaction of private real property by a government entity.
2. **Actions by Alpine City** involving the physical taking or exaction of private real property is not a Constitutional Taking if the physical taking or exaction:
 - (1) bears an essential nexus to a legitimate governmental interest; and
 - (2) is roughly proportionate and reasonably related on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

4.13.3 Guidelines Advisory. The guidelines adopted and decisions rendered pursuant to the provisions of this section are advisory, and shall not be construed to expand or limit the scope of Alpine City's liability for a Constitutional Taking. The reviewing body or person, shall not be required to make any determination under this ordinance except pursuant to Section 2.4.

4.13.4 Review of Decision. Any owner of private real property who claims there has been a Constitutional Taking of their private real property shall request a review of a final decision of any officer, employee, board, commission, or council. The following are specific procedures established for such a review:

1. The person requesting a review must have obtained a final and authoritative determination, internally, within Alpine City, relative to the decision from which they are requesting review.

2. Within thirty (30) days from the date of the final decision that gave rise to the concern that a Constitutional Taking has occurred, the person requesting the review shall file in writing, in the office of the City Recorder, a request for review of that decision. A copy shall also be filed with the City Attorney.
3. The City Council, or an individual, or body designated by the City Council shall immediately set a time to review the decision that gave rise to the Constitutional Taking claim.
4. In addition to the written request for review, the applicant must submit, prior to the date of the review, the following:
 - (1) name of the applicant requesting review;
 - (2) name and business address of current owner of the property;
 - (3) form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners;
 - (4) a detailed description of the grounds for the claim that there has been a Constitutional Taking;
 - (5) a detailed description of the property taken;
 - (6) evidence and documentation as to the value of the property taken, including the date and cost at the time the property was acquired. This should include any evidence of the value of that same property before and after the alleged Constitutional Taking, the name of the party from whom purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired;
 - (7) nature of the protectable interest claimed to be affected, such as but not limited to, fee simple ownership, leasehold interest;
 - (8) terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application;
 - (9) all appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;
 - (10) the assessed value of and ad valorem taxes on the property for the previous three years;
 - (11) all information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;
 - (12) all listings of the property for sale or rent, price asked and offers received, if any, within the previous three years;
 - (13) all studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;
 - (14) for income producing property, itemized income and expense statements from the property for the previous three years;

- (15) information from a title policy or other source showing all recorded liens or encumbrances affecting the property;
 - (16) the City Council or their designee may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a Constitutional Taking.
5. An application shall not be deemed to be "complete" or "submitted" until the reviewing body/official certifies to the applicant that all the materials and information required above have been received by Alpine City. The reviewing body/official shall promptly notify the applicant of any incomplete application.
- (1) The City Council or an individual or body designated by them, shall hear all the evidence related to and submitted by the applicant, Alpine City, or any other interested party.
 - (2) A final decision on the review shall be rendered within fourteen (14) days from the date the complete application for review has been received by the City Recorder. The decision of the City Council regarding the results of the review shall be given in writing to the applicant and to the officer, employee, board, commission or council that rendered the final decision that gave rise to the Constitutional Takings claim.
 - (3) If the City Council fails to hear and decide the review within fourteen (14) days, the City agency's original decision which lead to the appeal shall be presumed to be approved by the City Council.

4.13.5 Reviewing Guidelines. The City Council shall review the facts and information presented by the applicant to determine whether or not the action by Alpine City, Constitutional Taking as defined in this chapter. In doing so they shall consider:

- 1. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest.
- 2. Whether a legitimate governmental interest exists for the action taken by Alpine City.
- 3. Is the property and exaction taken roughly proportionate and reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.

4.13.6 Results of Review. After completing the review, the reviewing person/body shall make a determination regarding the above issues and where determined to be necessary and appropriate, shall make a recommendation to the officer, employee, board, commission or council that made the decision that gave rise to the Constitutional Takings claim.

ARTICLE 4.14**SITE PLAN TO COMPLY (Ord. No. 92-03 Amended by Ord. No. 2004-13, 9/28/04; Ord. No. 2013-11, 7/23/13)****AN ORDINANCE PROVIDING FOR COMPLIANCE WITH ARTICLE 4.7, ARTICLE 4.8 and ARTICLE 4.10 OF THE ALPINE CITY SUBDIVISION ORDINANCE AND THE ALPINE CITY CONSTRUCTION STANDARDS FOR BUILDING PERMIT APPLICATION FOR SINGLE FAMILY RESIDENTIAL DWELLINGS OR COMMERCIAL STRUCTURES NOT LOCATED IN AN APPROVED SUBDIVISION.****4.14.1 Site Plan Approval Process**

1. The applicant shall submit the following to the City Planner at least fourteen (14) days before the scheduled Planning Commission meeting:
 - a. the Site Plan Checklist and Application;
 - b. three (3) D size (22" x 34") copies of the final plan,
 - c. ten (10) 11" x 17" copies of the plan drawn to scale, and
 - d. an electronic copy of the plan in a compatible format as specified by City Staff.

The applicant shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Recorder, payable to Alpine City.

The plans will not be presented to the Planning Commission until the application is complete, including submitting all required information and paying all fees. The application must be complete and accepted in writing by the City Planner. The City Planner and City Engineer shall review the application and plan to determine whether the proposed construction or alteration conforms to the ordinances of this municipality.

2. A building permit application and plan for a residential single family dwelling or commercial structure which is not located in an approved subdivision shall:
 - a. Conform to Article 4.7, Article 4.8 and Article 4.10 (Subdivision Design and Financial Standards including Water Right Requirements) of the Alpine City Subdivision Ordinance. If it is a commercial site plan, it also conforms to any additional requirements that are applicable to the site plan in Article 3.7 (Business/Commercial District) of the Alpine City Development Code;
 - b. Be reviewed by the City Planner, City Engineer and approved by the Planning Commission for compliance with the foregoing provisions prior to issuance of the permit;
 - c. A Developer's Agreement shall be executed between the City and the Developer outlining the conditions of approval of the site plan. The Development Agreement may include but is not limited to the following examples: any special conditions, trails, landscape issues, or off-site improvements. Rights-of-way must be dedicated to Alpine City.
3. The Building Department shall issue a permit and one set of approved plans to the applicant after the plan has been approved by the Planning Commission.
4. The Building Inspector shall retain one set of the approved plans and may revoke at anytime a permit which has been issued for any building constructed or being constructed which would be or result, if constructed, in a violation of any ordinance of this municipality.

An exception may be obtained from the foregoing provisions by following the procedures set forth in Article 4.1.2 of the Alpine City Subdivision Ordinance.

**ARTICLE 4.15 STREET, WATER AND SEWER EXTENSIONS - REIMBURSEMENT
(ORD 95-11, 5/23/95)**

4.15.1 TITLE AND INTENT

4.15.1.1 Title. This Ordinance shall be entitled THE STREET AND UTILITY ORDINANCE OF ALPINE CITY, UTAH. In addition, the provisions of this Ordinance, as may from time to time be amended are hereby included in and shall be designated as Article 4.15 of the DEVELOPMENT CODE OF ALPINE CITY, UTAH.

4.15.1.2 Intent. It is the intent of this Ordinance to:

1. Provide for the logical extension of City streets and water and sewer systems in a manner consistent with the City's General Plan and the economic capacity of the community.
2. Provide a means whereby property, which is not suitable for development because of inadequate street access or frontage or water or sewer utilities may be made suitable for development.
3. Establish the terms and conditions under which proposed extensions of the City street system and water and sewer mains shall be evaluated and approved.

4.15.2 GENERAL PROVISIONS

4.15.2.1 Design Requirements and Criteria

The design, location, material and standards of construction of all extensions to the City's street and water and sewer utility systems shall be in accordance with City standards and approved by the City Engineer. The design and sizing of all extensions shall be based upon considerations of adequacy to meet both present and future requirements and consistency with the City's Major Street Plan and water and sewer elements of the General Plan. All extension shall connect to the nearest adequate public street or nearest adequate water or sewer line, as applicable, as determined by the City, and shall extend the full length of the frontage of the property to be serviced by such extension.

4.15.2.2 Applicant Responsible to Construct Improvements - Reimbursement for Certain Extensions Permitted

All rights-of-way, and easements required for the placement of required improvements and all costs in connection with the construction of streets or water or sewer main extensions shall be borne by the applicant, provided that the applicant shall be eligible for reimbursement for certain of the improvements as hereinafter set forth or credit for payment of impact fees as applicable.

4.15.3 SYSTEM EXTENSIONS WHEN PART OF A SUBDIVISION OR PLANNED DEVELOPMENT PROJECT

4.15.3.1 All Subdivisions and Planned Development Projects to be Served by Adequate Facilities

All subdivisions and planned development projects shall have adequate vehicular access over public streets and shall be served by the City's central water distribution system and sewage collection system. The required improvements shall include such improvements as are necessary, in accordance with established level of service standards, for vehicular

access and circulation and proper operation of water and sewer utility systems within the boundary of a proposed subdivision or planned development project (On-site facilities) and also those contiguous to the boundary of the proposed project and considered necessary to provide adequate service to the proposed project (Off-site facilities). All such facilities shall be designed, approved and constructed in accordance with the applicable provisions of the Subdivision Ordinance, Zoning Ordinance and other applicable regulations and standards and specifications adopted pursuant thereto.

4.15.3.2 City Engineer to Approve Plans To be Reviewed Concurrently With Development Approval Plan

The City Engineer shall review and approve or disapprove all plans for facilities required for submission for approval of subdivision or planned development projects. The Engineer may, where necessary to adequately accommodate a proposed project, require amendments to the design of the project plan and, pursuant to the provisions of Paragraph 4.15.3.3 require the installation of facilities having capacities in excess of the minimum required to serve the proposed development.

For purposes of compliance with the provisions of this Section the review of the proposed extensions shall be conducted concurrently with, and as part of, the review process for the applicable subdivision or planned development project.

4.15.3.3 Oversize Facilities May be Required

Where identified in the General Plan or where the City Council has determined that future growth of the City necessitates the construction of streets or water or sewer mains having a capacity larger than required to serve the proposed development, the construction of such oversize line or facility shall be required as a condition of approval of the extension. Costs for the construction of the oversize portion of the project shall be borne by the City or be incorporated within the terms of reimbursement agreements, as determined applicable.

4.15.4 EXTENSIONS TO WATER AND SEWER SYSTEM WHEN NOT PART OF A SUBDIVISION OR PLANNED DEVELOPMENT PROJECT

4.15.4.1 Maps and Plans to be Prepared by Applicant- Planning Commission to Approved

Upon receipt of an application for extension of a public street or a water or sewer main to a premises not fronting on an adequate public street or not served by an existing adequate water or sewer main, as applicable, the City Engineer shall prepare or cause to be prepared a map or maps showing:

- (1) The design of the proposed extension,
- (2) The location and ownership of all property fronting upon the proposed extension and the location of all such parcels owned by the applicant, and
- (3) The engineer's recommendations with respect to the design and construction of proposed extension and any rights-of-way or easements required to accommodate the extension.

Construction of any proposed extension, not shown on the City's General Plan shall not commence until the location thereof shall have been approved by the Planning Commission and City Council and any required right-of-way or easement accepted by the City. In the event the construction necessitates the disturbance of existing City facilities,

the City may require a performance guarantee, satisfactory to the council, to insure the restoration of any disturbed improvement.

4.15.4.2 Oversize Facilities May be Required

Where identified in the General Plan or where the City Council has determined that future growth of the City necessitates the construction of a street or water or sewer main having a capacity larger than required to serve the proposed development, the construction of such oversize line or facility shall be required as a condition of approval of the extension. Costs for the construction of the oversize portion of the project shall be borne by the City or be incorporated within the terms of reimbursement agreements, as determined applicable.

4.15.5 EXTENSION CHARGES TO BE ASSESSED TO SUBSEQUENT CONNECTORS - REIMBURSEMENT PERMITTED

4.15.5.1 City Engineer to Determine Cost of Extensions Reimbursement Charge to be Assessed to Subsequent Connectors-Amount and Time Limit

1. Upon completion of construction of any extension installed as part of the off-site street or water or sewer requirements for a subdivision or planned development project (pursuant to the provisions of Section 4.15.3, or any such improvements serving a non-subdivided area (pursuant to the provisions of Section 4.15.4), the City Engineer shall determine:
 - (1) the current reasonable per-foot cost for constructing the extension, but not including the cost of any over-sizing contributed by the City in accordance with the provisions of Section 4.15.3.3 or Section 4.15.3.2,
 - (2) the portion of such off-site extension, not included as part of the applicant's project, which abuts upon one or more parcels of land which qualify as benefited parcels, as hereinafter defined and
 - (3) those benefited parcels to be subject to assessment of a reimbursement charge and the number of lineal feet of each benefited parcel to be subject to the assessment.

For purposes of this Chapter, "Benefited Parcel" shall mean and include any parcel of land which abuts a street or water or sewer main, constructed pursuant to the terms of this Article 4.15 and is capable of receiving service from the main, but not including any such abutting land owned by the applicant or the width of the right-of-way of any existing intersecting public street.

2. Whenever part of all of a benefited parcel is subsequently granted final approval of a subdivision or planned development or building permit for a dwelling or other main building or is connected to an off-site water or sewer line extension, the applicant thereof shall, as a condition of connection thereto, pay to the City an extension reimbursement charge. The amount of the extension charge to be assessed shall be a proportionate amount of any road adjacent to the parcel and one-half the cost per linear foot of any water or sewer mains extension adjacent to the parcel, times the number of linear feet of the parcel fronting upon the extension, all as determined by the City Engineer.

3. The extension reimbursement charge assessed pursuant to this Section shall continue for a period of 10 years from the date of acceptance of the completed extension by the city and shall be in addition to all other charges and fees assessed upon the property.
4. The extension reimbursement charge shall also be applicable to any benefited properties adjacent to streets or water or sewer mains constructed by the City.

4.15.5.2 Reimbursement to Original Developer Authorized - Time Limit

1. Whenever a street, water or sewer system has been constructed in accordance with the provisions of this Chapter the City shall enter into a "Reimbursement Agreement" with the original developer, which agreement shall specify the terms of reimbursement for the cost of the extension, as determined by the City Engineer pursuant to Paragraph 1 of Section 4.15.5.1. Thereafter, the City shall make reimbursement payments to the original applicant for costs incurred in making the extension, after and subject to:
 - (1) the collection of the extension reimbursement charge, as provided under 4.15.5.1 above, and
 - (2) the receipt of a written request from the original applicant, after due notice is delivered to the last known address of the applicant.
2. The period of time during which the original applicant shall be eligible for reimbursement payments shall be 10 years from the date of acceptance of the extension by the City.
3. The City shall also be eligible for extension reimbursement payment whenever any off-site streets, water or sewer mains are constructed by the City.

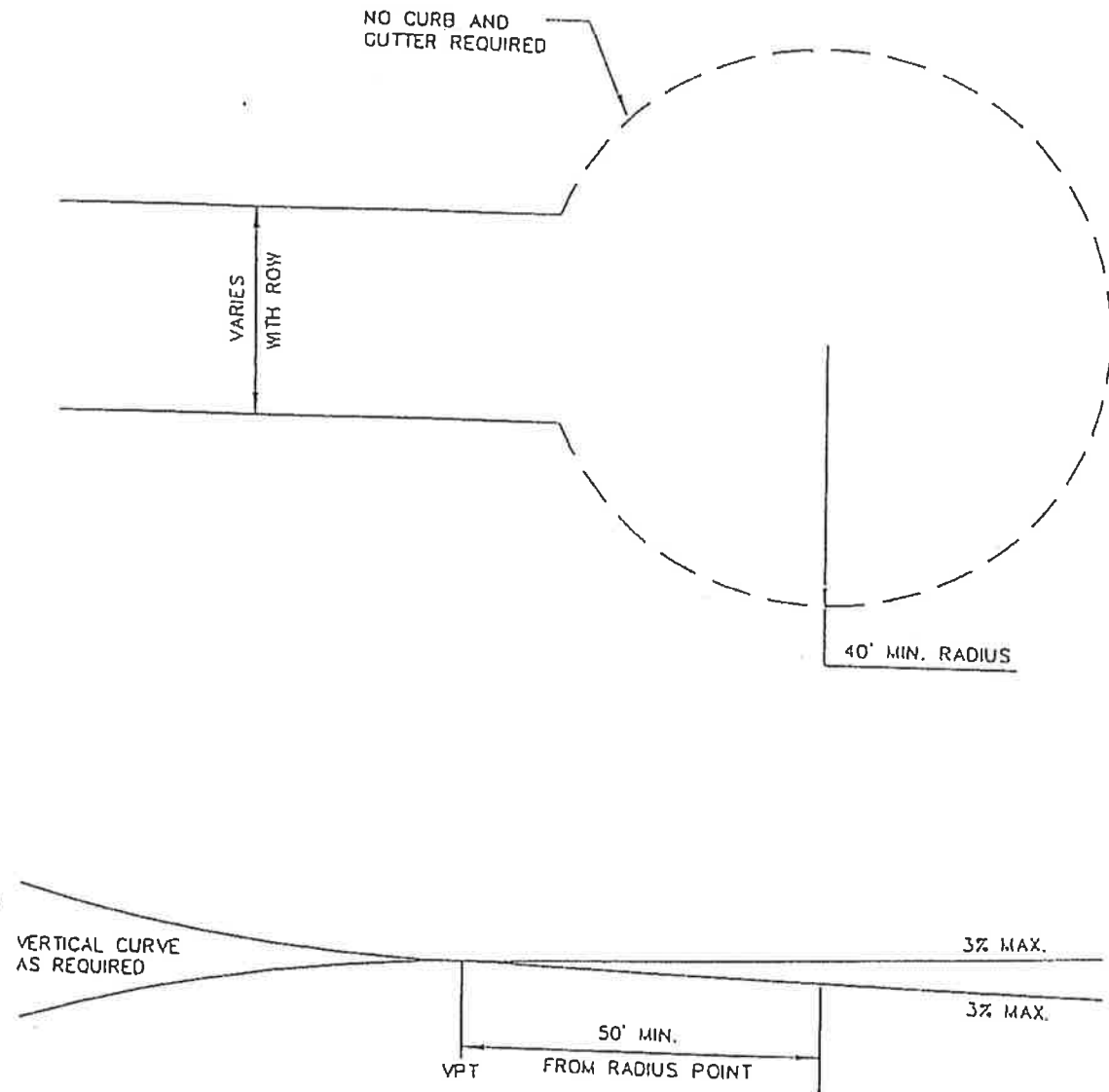
4.15.6 COUNCIL TO ESTABLISH FEES

The City Council may, by resolution, establish fees and charges for the purpose of defraying the cost of processing extension applications and the administration of this Title.

ARTICLE 4.16**CONSTRUCTION OF TEMPORARY TURN-AROUNDS (R96-06, 5/28/96)**

1. The attached Exhibit A shall constitute the standards and specifications for new temporary turn-arounds constructed within Alpine City.
2. The standards shall apply to all new temporary turn-arounds constructed within Alpine City until such time as such standards may be changed and approved by the Alpine City governing body.

ALPINE CITY TEMPORARY TURNAROUND



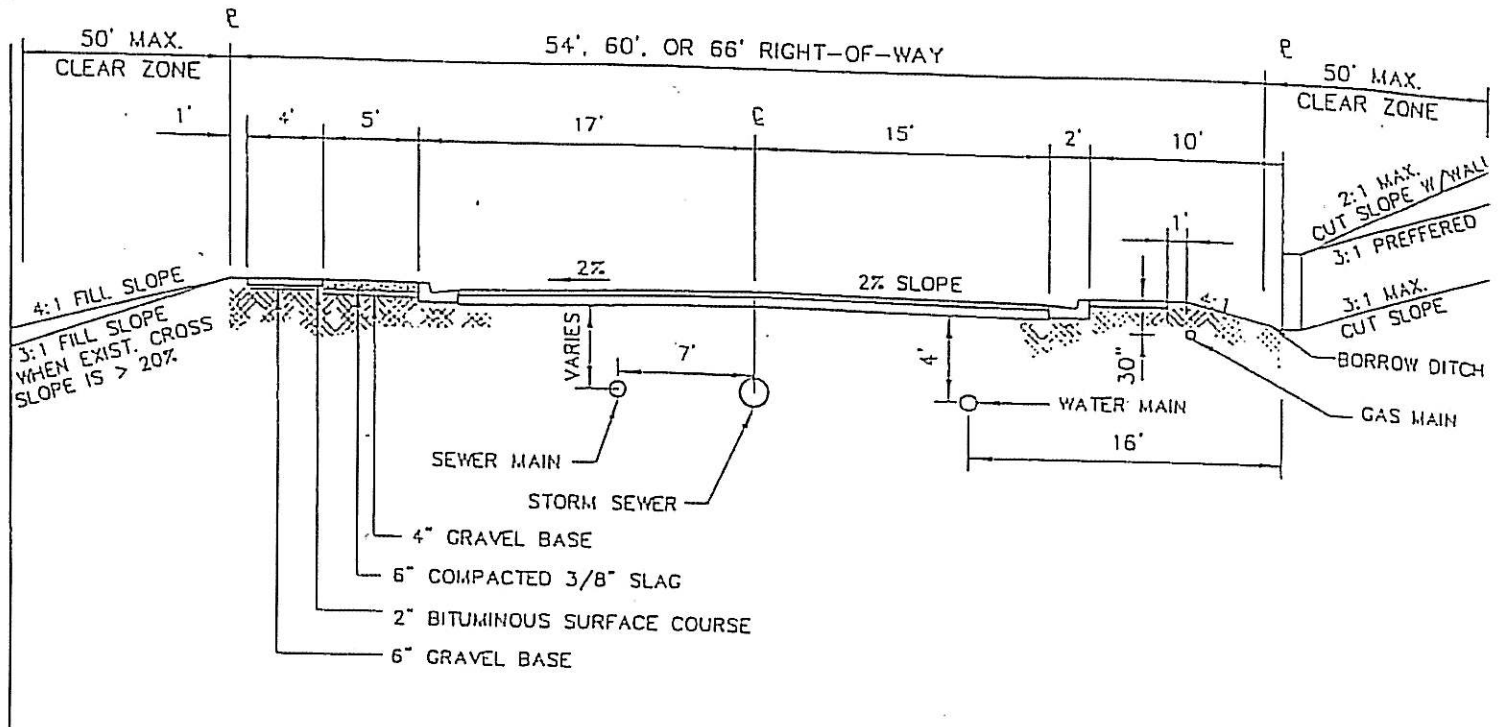
GENERAL CONSTRUCTION NOTES:

1. SUBGRADE SHALL CONFORM TO CITY CONSTRUCTION STANDARDS.
2. 6" MIN. CRUSHED GRAVEL BASE COURSE.
3. 2-1/2" MIN. COMPACTED PLANT MIX ASPHALT SURFACING.

ARTICLE 4.17

CUT AND FILL STANDARDS (R96-04: 3/12/96; amended by Ord. No. 2007-04, 4/10/07)

1. The attached Exhibit A shall constitute the standards and specifications for cut and fills for new streets constructed within Alpine City.
2. The standards shall apply to all new streets constructed within Alpine City until such time as such standards may be changed and approved by the Alpine City governing body.
3. The City Engineer will verify that cuts and fills meet the standards and specifications of Alpine City.
4. Use of retaining walls is prohibited unless approval is recommended by the City Engineer and the Planning Commission, and approved by the City Council.



NOTES:

- * CLEAR ZONE DEFINES THE MAX. HORIZONTAL DISTANCE PERPENDICULAR TO ROAD THAT CAN BE DISTURBED OR ALTERED TO CONSTRUCT STREET SECTION.
- * AN ENGINEERED WALL ON CUT SLOPE MAY BE ALLOWED FOR SHORT DISTANCES AS DESIGNED BY PROFESSIONAL ENGINEER AND APPROVED BY PLANNING COMMISSION AND CITY ENGINEER.
- * BORROW DITCH AND CROSS DRAIN PIPES SHALL BE DESIGNED SUCH THAT SILTS AND MATERIAL WILL NOT ENTER STREET SECTION. POND ON CUT SIDE OF ROAD, AND / OR DRAIN TO APPROPRIATE COLLECTION / DETENTION SYSTEM ON FILL SIDE OF ROAD.

STREET SECTIONS WITH REQUIRED CUT AND FILL SLOPES

N.T.S.

ALPINE CITY
STANDARD DRAWING

ARTICLE 4.18

LEGAL REMEDIES

4.18.1 Violation

1. Any owner or agent of the owner of any land who shall fail to comply with any of the provisions of this ordinance or who knowingly makes false statements, representations or certifications in any application or document filed or required to be maintained under this ordinance shall be guilty of a violation of this ordinance; and
2. Any owner or agent of the owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plan or plat has been approved and recorded in accordance with the provisions of this ordinance, shall be deemed guilty of a violation for each lot or parcel transferred or sold. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt such transaction from a violation or from the penalties and remedies provided in this ordinance.
3. Any plat of a subdivision filed or recorded without the approval required by this ordinance is void.

4.18.2 Enforcement - Remedies for Violation - Penalty

1. Withholding Building Permits. In addition to all other remedies, the City may enforce the provisions of this ordinance by withholding building permit, grading, excavation or similar permits, and may also refuse to issue such a permit for a building or development upon a parcel which has not been subdivision in accordance with the provisions of this ordinance.
2. Injunction, Mandamus, Abatement. The City or any owner of real estate within the City in which a violation of this ordinance occurs or is about to occur may, in addition to other remedies provided by law, institute:
 - (1) Injunction, mandamus, abatement or any other appropriate actions; or
 - (2) Proceedings to prevent, enjoin, abate or remove any unlawful building, use or act. The City need only establish the violation to obtain the injunction.
3. Penalties In addition to the foregoing remedies, violation of any of the provisions of this ordinance or of any regulation, order or permit adopted or issued under this ordinance are punishable as a class C misdemeanor upon conviction either:
 - (1) As a class C misdemeanor; or
 - (2) By imposing a civil penalty not to exceed \$1,000 per violation per day.

**ARTICLE 4.19
SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this ordinance.

**ARTICLE 4.20
EMERGENCY**

In the opinion of the City Council, a public emergency exists in connection with the matters herein contained, and it is therefore necessary for the peace, health, safety and the general welfare of the inhabitants of the City of Alpine that this Ordinance take effect immediately upon its adoption.

**ARTICLE 4.21
ADOPTION**

Passed and adopted by reference by the City Council of the City of Alpine, as per adopting Ordinance.

CHAPTER 5

ANNEXATIONS (Ord. 97-01 7/27/97)

- 5.1 Intent.** This ordinance is intended to outline procedures and conditions with Title 10-2-401 et, seq., Utah Code Annotated, 1953, as amended, and all other applicable State law for the purpose of annexation of additional property into Alpine City boundaries. Annexations are legislative in nature. The City is not required to approve a petition for annexation even though the petitioners may comply with all provisions required for annexation.
- 5.2 Annexation Application and Petition.** The owners of a majority of the private property as shown in the records of the County Recorder's office and the owners of at least one-third in value of the real property as shown by the last assessment rolls, in property contiguous to the corporate boundaries of the City may file with the City Recorder a written annexation application, together with the following:
1. An original and copy of an accurate plat or map of the territory proposed to be annexed made under the supervision of and certified by the municipal engineer or a registered land surveyor licensed to do such work in the State of Utah, which plat or map shall be suitable for recording.
 2. A written petition for the proposed annexation signed by a the owners of the majority of private real property and of at least one-third in value as shown in the latest assessment rolls.
 3. The Application Review Fee, Plat Review and other required fees as may be set by the Alpine City Council by resolution.
 4. The name, address, and telephone numbers of up to five sponsors of the annexation one of whom shall be designated the contact sponsor for the City to work with.
 5. The sponsors shall also deliver or mail a copy of the petition to the Utah County Clerk.
- 5.3 City Council Review and Action.** The City Council shall review the application/petition for annexation and may send the application to the Planning Commission, Staff, and/or Consultants for recommendations. The City Council may request the application/petition be reviewed according to the following review criteria:
1. Whether or not it is in the interest of the City to annex additional land at that time.
 2. The capability of Alpine City to supply adequate municipal services to the area proposed for annexation, such as public streets, water, sewer, police and fire protection including what necessary improvements will be a requirement of the petitioners/owners of the property.
 3. Whether or not Water Rights will be required of all property annexed into Alpine City. If the property has a current water system, the City Council may require the dedication of the that system and the water rights with any necessary improvements being made to the system by the owners of the water system as a condition of annexation.
 4. Whether or not the proposed annexation is consistent with the City's General Plan.
 5. What conditions, if any, should be attached to proposed annexations in order to provide adequate services, protect health or safety, or are necessary for proper implementation of the General Plan such as dedications for parks, trails, open space, road, of other public facilities.

6. Whether as a condition and requirement of annexation, an annexation fee will be negotiated between the City and the petitioners. This fee may be separate and distinct from, and in addition to, any development impact fee assessed pursuant to the terms of the City's impact fee ordinance. The purpose of these fees shall be to reimburse the city for any extraordinary impacts on the City and infrastructure which may be created by the annexation.
7. Such other information as may be required or necessary to understand and evaluate the application/petition.

5.4 Annexations Not To Create Unincorporated Islands. In no event shall the City Council approve annexations which would result in unincorporated islands being left within the boundaries of the City except pursuant to State Law existing stands or peninsulas within the City may be annexed, if they are already developed and require the delivery of municipal type service.

5.5 Acceptance Or Rejection By City Council. After reviewing the annexation request and the recommendations from the Planning Commission, Staff or Consultants, if any were requested, the City Council shall vote to either accept or reject the annexation petitions. If the annexation request is rejected the City Recorder shall notify the contact sponsor and the County Clerk of the rejection within five days of the decision to reject the annexation application.

5.6 Certification of Petitions. If the annexation application is accepted the City Recorder shall within thirty days review the annexation petitions to determine if they comply with all applicable law. If the City recorder certifies that the petitions are valid and sufficient the Recorder shall notify the City Council and the sponsors in writing. If the City Recorder determines that the petitions are insufficient, the Recorder shall notify the City Council and the sponsors of the deficiencies in the petitions and the sponsors may modify the petitions and re file the annexation with the City.

5.7 Notice of Intent to Annex. The City Council shall cause a public notice to be published and mailed as required by law. The notice shall be published within ten days from the date the petitions are certified as valid and sufficient and shall be published once a week for three successive weeks. The notice shall state:

1. That a petition has been filed, accepted and certified by the City.
2. That the complete petition is available for inspection and copying at the office of the City Recorder.
3. That the City may grant the petition unless a written protest to the annexation is filed with the County Boundary Commission and filed with the City Recorder;
4. The address of the Boundary Commission;
5. The date before which a protest must be filed;
6. That a protest may be filed by property owners if it contains the signatures of the owners of private real property that is located in the unincorporated county within 2 mile of the area proposed for annexation and covers at least 25% of the private land area located in the unincorporated area within 2 mile of the proposed annexation and is equal in value to at least 15% percent of all real property located in the unincorporated area within 2 mile of the area proposed for annexation.

5.8 Public Hearing. If no protest is filed within the protest period or if the Boundary Commission approves the annexation after the protest is heard, the City Council may proceed to annex the property. Before acting on the annexation, the City Council shall hold a public hearing and provide notice. At least seven (7) days prior to such hearing notice of the time and place of the hearing and the location(s) shall be published in a newspaper of general circulation within the City and the area proposed for annexation.

5.9 Ordinance of Annexation. Following the public hearing, the City Council may adopt an Annexation Ordinance which is consistent with the decision of the Boundary Commission, if any.

5.10 Recording of Annexation Plat and Documents. Upon passage of the ordinance of annexation, the territory shall be deemed to be annexed. Thereafter, the final duly executed annexation plat, and the ordinance of annexation, shall be recorded within thirty days with the office of the County Recorder. (Ord. 97-01: 5/27/97)

5.11 Water Requirements (Ord. 95-07, 3/29/95). It is intended that land annexed into the City be accompanied by water rights in an amount sufficient to satisfy the needs of the existing and future occupants of the annexed territory. The water rights conveyance requirements of this section shall be considered as a condition and requirement of annexation.

5.11.1 Water Rights Required - Determination of Amount. Any person annexing land into the City shall, as a condition of annexation, convey to the City water rights that entitle the owner to an annual quantity and rate of flow in an amount which is sufficient to meet the water use requirements of the proposed future development. The amount of water rights required shall be determined as follows:

1. Residential Uses. Sufficient water rights to satisfy the water use requirements of each lot as shown on the proposed development plan for the territory within the annexation area in accordance with the following formula:

$$\text{Water Right Requirement (in acre feet)} = (1.66)\text{area in lots (in acres)} + (.45) \text{ Number of lots}$$

2. Other Users. An amount sufficient to satisfy the projected needs of the proposed development, as determined by Alpine City.
3. Rate of Flow. In addition to the annual quantity of water, determined in accordance with paragraphs 1 or 2 above, the water rights conveyed to the City shall entitle the owner to divert the water at a rate of flow sufficient to meet the demands imposed for peak use during the summer months of July and August.

NOTE: The above requirements are based on the results of the 1994 Alpine City Water Use Study by Horrocks Engineers and reflected in an amendment to the Alpine City General Plan adopting a water rights acquisition policy.

5.11.2 Type of Water Right Acceptable for Conveyance. Water rights proposed for conveyance to the City shall be of a type which allow for municipal use within the City, or, if not, the water rights must be of the type which can be amended to provide for municipal use in accordance with the procedures of Utah's change application statute, Utah Code Ann. S 73-3-3. The water rights may include one or a combination of the following:

1. **Alpine Irrigation Company Stock**
Primary Shares - One-third share for each acre-foot of water right required.
Secondary Shares - One full share for each acre-foot required.

2. **Other irrigation water stock or water rights.** Sufficient water rights to equal the number of acre feet required for the proposed development, after any reduction in quantity by the State Engineer.
3. **Well Rights.** The right to divert from a well source. These water rights shall be evidenced by an approved application to appropriate, an underground clamor court decree.
4. **Previously Conveyed Rights.** Assignment of interest in water shares or credits to the use of water which have been previously conveyed to the City in anticipation of development (e.g., Busch Well).

Prior to acceptance of water rights, the City shall evaluate the rights proposed for conveyance and may refuse to accept any right which it determines to be insufficient in annual quantity or flow rate, or not reasonably likely to be approved for change to municipal purposes within the City by the State Engineer. In determining the quantity of water available under the water rights, the City will evaluate the priority of the water rights and the historic average quantities of water available to the water rights.

5.11.3 Supply and Delivery Facilities May be Required. In addition to furnishing water rights, the applicant may be required to pay all costs required to construct the needed facilities to supply, store and distribute the water in accordance with the culinary waterworks system component of the Alpine City Capital Improvements Plan as reflected in ordinance No. 93-09 and any subsequent amendments thereto; the adequate public facilities requirement at adopted level of service standards as established by the Alpine City Construction Standards reflected in the subdivision ordinance pursuant to Ordinance No. 93-10 and any subsequent amendments thereto; and the studies and analysis with respect to the Alpine City culinary waterworks system which were part of the Alpine City impact fee study; and the adoption of connection and impact fees for the culinary waterworks system. Items of construction may include, but are not necessarily limited to, wells, storage reservoirs, spring development, pressure regulating stations, booster pumping stations, distribution lines, etc.

5.11.4 Adjustments to Water Conveyance Requirements Permitted Under Certain Circumstances

1. **Territory Conveyed to City at Time of Annexation.** In determining the amount of water right required to be conveyed, any territory conveyed to the City for a major street or other public purpose as required pursuant to the terms of the policy declaration or Annexation Ordinance, prior to recording the annexation plat shall be excluded.
2. **Lands Which are Restricted Against Future Development.** Where the annexation contains lands where, as a result of topographic extremes (e.g., steep slopes) or other environmentally sensitive or fragile conditions, the availability of existing irrigation water and facilities for use on the property, voluntary limitation by the applicant or other similar purposes, will be permanently restricted from uses or activities requiring the use of water from the City's culinary system, the City may reduce the amount of water right required to be conveyed in an amount commensurate with the portion of the area so restricted against the use of water. Any request for reduction shall include enforceable provisions for securing the restricted condition in a form to be approved by Alpine City.

3. **Lands Owned by Non-Signatory Owners.** Whenever land is annexed without the consent of the owner, the conveyance of water rights by the non-signatory owners will not be required at the time of annexation provided, however, that the resolution or ordinance annexing the territory shall note all parcels annexed without the owner's consent and shall provide that future development of these lands will require the conveyance of water rights prior to the granting of any approval of development or the issuance of a building permit. The City may also file a notice of interest to that effect in the office of the County Recorder and maintain a map showing all parcels which have been annexed without satisfying the water rights requirements.

5.11.5 Time of Conveyance. For all parcels signatory to the petition, the conveyance of title to the water rights shall occur prior to the time of recording the annexation plat.

CHAPTER 6

CONDOMINIUM CONVERSION POLICY

(ORDINANCE 85-07, Amended by Ord. 2009-17, 10/27/09; Ord. 2015-10, 07/28/15)

6.1 Intent

The intent of this section is to establish guidelines and minimum requirements relating to the conversion of existing commercial structures to condominium ownership and the maintenance and operation of such projects. These provisions shall be supplemental and in addition to the general requirements for major subdivisions contained under existing City ordinances, and also the requirements of Title 57 Chapter 8 of the Utah Code Annotated, 1953, as amended.

6.2 Permitted Uses

Uses permitted within a condominium project shall be limited to those uses specifically permitted within the zone which underlies the area of the project and shall be subject to all conditions and restrictions required within the zone for the use.

6.3 Layout and Improvement

1. Commercial Conversion Projects. Each project shall conform to the minimum City standards with regard to locations, parking, landscaping, access and similar issues which existed at the time the structure was established.

6.4 Structural Quality - Variance

1. All structures proposed for conversion shall conform to all applicable provisions of the International Building Code in effect at the time of application.
2. Variances to the building code, as required above, may be granted by the City Council as a condition of approval of the conversion project, following the prior recommendation of the Planning Commission and upon the finding that said requirements are impractical because of unique circumstances associated with the structure, and that the gravity of said variance will not result in the creation or perpetuation a health or safety problem or a reduction in structural quality which is significantly less than would be achieved by full compliance with said requirements. In making its recommendation the Council on any such request for variance, the Planning Commission shall give due consideration to the recommendations of the Building Inspector, City Engineer, Fire Department or other affected agency.

6.5 Utility and Facility Requirements

1. All units shall be separately metered for water, gas, electricity, and sewer, unless the covenants, conditions and restrictions provide for the Association to pay the costs of services.
2. Each unit shall be provided with readily accessible individual shut-off valves.
3. All storage and solid waste receptacles outside of units must be housed in a closed structure compatible with the design of the development.

6.6 Approval Procedure

The procedure to be followed shall be the same as set forth in City ordinances dealing with major subdivisions.

6.7 Required Documents

The following documents shall be prepared and submitted by the developer for each condominium conversion project:

1. Articles of Incorporation
2. Corporation By-Laws
3. Declaration of Covenants, Conditions, Restrictions and Management Policies/Declaration of Condominium
4. Management Agreement
5. Open Space Easement
6. Sales Brochure
7. Record of Survey or Final Subdivision Plat
8. Property Report

Where, in the opinion of the City Council, a particular document required under this Section is inapplicable for the particular project proposed, the City may waive the requirement for submitting said document.

6.8 Special Provisions

1. Property Report (as required under Section 6.7 above). The developer shall submit two (2) copies of a property report describing the condition, useful life, and capacity of the roof, foundations, mechanical, electrical, heating, plumbing, and structural elements of all existing buildings and structures or uses; and identifying existing or latent deficiencies, proposed repairs and/or renovations. Said report shall be prepared by a structural engineer or qualified licensed contractor(s) acceptable to the City. The report shall also contain a statement of disclosure identifying those aspects of the building and site area which do not meet the requirements of the building code or zoning ordinance as they currently exist.
2. Notification of Tenants. Developers of a condominium conversion project shall, at the time of submission for final approval, submit to the City the following:
 - (1) Certification that the present tenants of the project have been notified of the proposed conversion. All tenants who occupy the property after an application for conversion has been filed with the City shall be notified by the developer prior to occupancy by such tenant.
 - (2) The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied upon at least the same terms and conditions offered to the general public or other individuals. The right shall extend for at least sixty (60) days after beginning sales, provided that the tenant may cancel the purchase agreement if the unit is not conveyed to the tenant within six (6) months or unless the tenant gives prior written notice of his/her intention not to exercise such right.
3. Unlawful to Record Unapproved Documents. It shall be unlawful to record any record of survey map or declaration of a condominium project in the office of the County Recorder, unless the same shall bear thereon final approval of the Planning Commission and City Council as required by the terms of this Code, and any record of survey map or declaration so recorded without such approval shall be null and void. Any owner, or agent of any owner, of land or units located within a purported condominium conversion project, who transfers or sells any land, structure, or condominium unit in such purported project, before obtaining the final approval by the Planning Commission and City Council on the record of survey map and

declaration and recording the same in the office of the County Recorder, shall be guilty of a misdemeanor for each lot, parcel of land, structure or condominium unit so transferred or sold.