



## ALPINE CITY PLANNING COMMISSION MEETING

**NOTICE** is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold a **Public Meeting** on **Tuesday, February 7th, 2023, at 6:00 pm** at **City Hall, 20 North Main Street, Alpine, Utah.**

The public may attend the meeting in person or view the meeting via the **Alpine City YouTube Channel**. A direct link to the channel can be found on the home page of the Alpine City website: [alpinecity.org](http://alpinecity.org)

### I. GENERAL BUSINESS

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

### II. REPORTS AND PRESENTATIONS

- A. None

### III. ACTION/DISCUSSION ITEMS

- A. **Public Hearing: New ordinance adopting standards from the Central Utah Water Conservation District for water conservation.**
- B. **Public Hearing: Code Amendment to section 2.04-Public Notice clarifying written notice requirements.**
- C. **Public Hearing: Code Amendment to section 3.09.060 removing language for setback exceptions in the Planned Residential Development zone.**
- D. **Public Hearing: Code Amendment to section 3.07.080 amending setback exception requirements for customary residential accessory structures in the Business-Commercial zone.**

### IV. COMMUNICATIONS

### V. APPROVAL OF PLANNING COMMISSION MINUTES: January 17, 2023

### ADJOURN

Chair Jane Griener  
February 7th, 2023

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

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



## PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

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

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

### **Public Hearing vs. Public Meeting**

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

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

# **ALPINE CITY PLANNING COMMISSION AGENDA**

**SUBJECT: Public Hearing- Code Amendment**

**FOR CONSIDERATION ON: February 7th, 2023**

**PETITIONER: City Staff**

**ACTION REQUESTED BY PETITIONER: Recommendation of approval for a new ordinance regulating water conservation.**

**REVIEW TYPE: Legislative**

## **BACKGROUND INFORMATION:**

Central Utah Water (CUW) is requiring all cities within their watershed area to adopt a water conservation ordinance for the residents of that area to be eligible for water conservation rebates such as the “Flip your strip” program, rebates for installing smart irrigation controllers, etc. They had very specific criteria that had to be included in the ordinance. That criterion is items 1 – 4 of section 3.13.050 (attached). CUW has reviewed this draft and approved it.

There are two main ideas presented. First, this only applies to front and side yards of new construction and retrofit projects/construction: not the entire lot. Second, putting grass in park strips is no longer allowed as park strips are difficult to water efficiently. Only commercial site plans would have to turn in a landscaping plan for review (this requirement is already in ordinance). New residential building permits will be given an informational flyer with the landscaping code but will not turn in landscaping plans for review, this would overwhelm the building permit process.

This ordinance needs to be adopted by March 1<sup>st</sup>.

## **Noticing**

Notice has been properly issued in the manner outlined in City and State Code. A public hearing will be held tonight, February 7<sup>th</sup>, 2023, as part of this Planning Commission meeting.

## **STAFF RECOMMENDATION:**

Because this is a legislative decision the standards for approval or denial are that the proposed code amendment should be compatible with the standards found in the general plan as well as current city code and policies. A recommendation should be made to the City Council for approval or denial based on those criteria.

Because of the timeframe for approval Staff recommends suggesting any changes the Planning Commission believes is necessary and forward a recommendation after the public hearing tonight.

**SAMPLE MOTION TO APPROVE:**

I move to recommend approval of a new ordinance 3.13 regulating water conservation as required by the Central Utah Water Conservancy District.

**SAMPLE MOTION TO APPROVE WITH CONDITIONS:**

I move to recommend approval of a new ordinance 3.13 regulating water conservation as required by the Central Utah Water Conservancy District with the following conditions/changes:

- **\*\*insert finding\*\***

**SAMPLE MOTION TO DENY:**

I move to recommend denial of the new ordinance 3.13 regulating water conservation as required by the Central Utah Water Conservancy District based on the following:

- **\*\*insert finding\*\***

### 3.13 Landscaping Standards and Requirements

#### 3.13.010 Purpose

The purpose of these Water Efficiency Standards is to conserve the public's water resources by establishing water conservation standards for outdoor landscaping and indoor plumbing fixtures by promoting the health, safety, and general welfare of the public by enhancing the aesthetic quality of residential and commercial areas while promoting water-efficient landscaping.

#### 3.13.020 Applicability

1. The following standards shall at a minimum be required for all new and rehabilitated developer/contractor installed residential, commercial, institutional, and industrial construction, as applicable.
2. These outdoor standards are not intended to conflict with other landscaping requirements as defined by Utah law, including stormwater retention requirements and low-impact development guidelines. Notwithstanding these outdoor standards, whenever any requirement may conflict with Utah law, such conflicting requirements shall not apply.

3.13.030 Outdoor Landscaping Standards. All new landscaping for public agency projects, private development projects, developer-installed landscaping in planned residential/commercial development residential projects within the front and side yards shall comply with the landscaping standards below:

#### 3.13.040 Definitions

Front Yard: The area extending the full frontage of the lot, the depth of which extends from the back of curb (or front property line if there is no curb) to the nearest point of the main building.

Lawn: Ground that is covered with grass or turf that is regularly mowed.

Mulch: Any material such as rock, bark, compost, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Paths: Designed routes between landscape areas and features.

Side Yard: The area extending the full depth (front to back) of the main building between the main building and side yard property line(s).

Total Landscaped Area: Improved areas of the property that incorporates all the completed features of the landscape. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, and other non-irrigated areas intentionally left undeveloped.

#### 3.13.050 Landscaping Requirements

1. Lawn shall not be less than 8 feet wide at its narrowest point.
2. Lawn shall not exceed 35% of the Total Landscaped Area.
  - a. Small residential lots, which have no back yards, which the total landscaped area is less than 250 square feet, and which the front yard dimensions cannot accommodate the minimum 8 feet wide lawn area requirement of the

landscaping requirements in this section, are exempt from the 8 feet minimum width lawn area requirement and maximum of 35% lawn requirement

3. Lawn shall not be installed in park strips, paths, or on slopes greater than 25% or 4:1 grade. For park strips, see Xeriscape standards set forth in section 3.13.070.
  4. In commercial, industrial, institutional, and planned residential/commercial development common area landscapes, lawn areas shall not exceed 20% of the total landscaped area, outside of Active Recreation Areas.
  5. Landscaping within the sight triangle (see ADC 3.25.050) shall not be taller than three (3) feet.
  6. Trees are not allowed in the sight triangle.
- 3.13.060 Plan Submission. Commercial site plans shall submit a landscaping plan with the following requirements:
1. The location and type of landscaped areas,
  2. An area calculation table showing the size and percentage of landscaping and impervious surface areas,
  3. A list of existing and proposed landscape materials/plants,
  4. The location of walls, fences, and other screening and buffering devices,
  5. The location and design of a pressurized irrigation system.
  6. Landscape and/or sprinkler plans shall be prepared by a Landscape Architect licensed to practice in the State of Utah.
  7. The City may waive this requirement for commercial projects less than one (1) acre in size.
- 3.13.070 Xeriscape Standards
- The following are the minimum standards for xeriscaping any parkstrip or other landscape area located within a public right-of-way:
1. There shall be at least one (1) Class 1 or Parkstrip tree (see Alpine City Tree Guide) for every fifty (50) linear feet of frontage, or fraction thereof. This applies to park strips only, other areas within a public right-of-way must be reviewed and approved on a case-by-case basis by the City Planner and City Engineer.
  2. At least fifty percent (50%) of the required landscape area shall be in live vegetation.
  3. Live vegetation shall be distributed throughout the landscape area, and shall not be clustered or segregated.
  4. Mulch is permitted (see definition, 3.13.040). Lawn clippings are not permitted.
  5. Decorative rock material shall be a minimum of one (1) inch aggregate, and shall not exceed the height of the sidewalk nor the top back of curb. Such material shall be at least three (3) inches deep and shall be placed completely on top of a weed fabric barrier that allows the permeation of water.
  6. Any area of xeriscape shall be improved with a drip irrigation system or similar permanent irrigation system that covers the entire area.
  7. Any individual, corporation, or other entity that xeriscapes an area within a public right-of-way shall be responsible for any damage caused by rocks or other materials that migrate onto a sidewalk, street, storm drain, or other public facility, regardless of how such migration occurs.
- 3.13.080 Tree Guide. Included as part of this ordinance is the Alpine City Tree Guide. Trees planted within city limits should adhere to the guidelines therein.
- 3.13.090 Enforcement, Penalties for Violations. The City Planner or his/her designee is authorized to enforce all provisions of this chapter.

*By including landscaping plan requirements, many of sections of code need to reference this section, see proposed changes below:*

### **3.07.080 Special Provisions**

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, **a landscaping plan shall be submitted in conformance with DCA 3.13.**

### **3.09.040 Open Space**

1. A detailed landscaping plan, **conforming to the requirements set forth in DCA 3.13,** 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.

### **3.10.050 Design Requirements**

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. **A landscaping plan shall be submitted per DCA 3.13.**

### **3.11.040 Site Plan Process**

3. **Planning Commission**
  - a. The applicant shall submit the following to the City Planner at least fourteen (14) days before the scheduled Planning Commission meeting:
    - i. the site plan application;
    - ii. pay the associated fee(s) in accordance with the current fee schedule (payable to Alpine City);
    - iii. four (4) D size (22" x 34") copies of the site plan;
    - iv. ten (10) 11" x 17" copies of the site plan drawn to scale;
    - v. building elevations including building height;
    - vi. **a landscape plan in conformance with DCA 3.13;** and

### **3.16.090 Maintenance And Improvements To Public Lands**

- 1c. 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:

- i. **Landscaping shall conform to the standards set forth in DCA 3.13;**
- ii. 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.
- iii. 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.
- iv. 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.
- v. All trees are to be planted outside the trail corridor.
- vi. 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.

### **3.17.100 Trail Improvements And Maintenance**

#### **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.

- a. 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 **which conforms to the requirements set forth in DCA 3.13.** 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.

### **3.18.070 Overlay Zone Development Standards And Regulations**

The following development standards and regulations shall apply to all developments within the Senior Housing Overlay Zone.

9. **Landscaping.** Adequate landscaping shall be designed **in conformance with DCA 3.13.** 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, **in conformance with DCA 3.13,** 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.

### **3.19.070 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.

6. **Landscaping.** Adequate landscaping shall be designed **in conformance with DCA 3.13**. 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.

### **3.23.030 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:
  - i. A plan for fencing, screening and landscaping (**in conformance with DCA 3.13**) to separate the use from adjoining uses and mitigate the potential for conflict in uses;

### **3.27.050 Additional Requirements**

4. **Landscaping.** A landscaping plan, **in conformance with DCA 3.13**, shall be submitted to the Planning Commission who will make a recommendation to the City Council who will approve the landscape plan.

### **4.07.100 Sidewalks, Curbs And Gutters**

3. **Planter Strip Requirements:** (Amended by Ord. 2004-13, 9/28/04)
  - a. 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 and shall conform to the requirements set forth in DCA 3.13:**

- i. **Xeriscape and street trees with required irrigation;** or
  - ii. Colored, stamped decorative concrete and street trees with required irrigation;
  - iii. **Irrigation standards to follow the most current adopted version of the Alpine City Construction Standards and Details;**
  - iv. Street trees shall be planted at least every 50 ft. Street trees shall be selected from the Alpine City Tree Guide.
- b. Single Frontage Lot Landscaping Requirements. Planter strips in the city right-of-way shall be landscaped **in conformance with DCA 3.13** and maintained by the property owner. If street trees are desired, the trees shall be selected from the Alpine City Tree Guide.

# ALPINE CITY PLANNING COMMISSION AGENDA

**SUBJECT: Public Hearing- Code Amendment**

**FOR CONSIDERATION ON: February 7th, 2023**

**PETITIONER: City Staff**

**ACTION REQUESTED BY PETITIONER: Recommendation of approval for code amendment to written notice of public hearings.**

**REVIEW TYPE: Legislative**

## **BACKGROUND INFORMATION:**

Current language in City Code [2.04 Public Noticing](#) is very specific about written notice for a public hearing regarding a zone change but does not address any other form of items that would need noticed for a public hearing. The process and requirements remain the same, these edits make the uses more generic and apply to any item that is required to have a public hearing/notice rather than just a zone change.

## **Noticing**

Notice has been properly issued in the manner outlined in City and State Code. A public hearing will be held tonight, February 7<sup>th</sup>, 2023, as part of this Planning Commission meeting.

## **STAFF RECOMMENDATION:**

Because this is a legislative decision the standards for approval or denial are that the proposed code amendment should be compatible with the standards found in the general plan as well as current city code and policies. A recommendation should be made to the City Council for approval or denial based on those criteria.

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

I move to recommend approval of the proposed code text amendment changing the language in section 2.04 regarding noticing to apply to any land use application requiring a public hearing.

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

I move to recommend approval of the proposed code text amendment changing the language in section 2.04 regarding noticing to apply to any land use application requiring a public hearing. with the following conditions/changes:

- **\*\*insert finding\*\***

### **SAMPLE MOTION TO TABLE/DENY:**

I move to recommend approval of the proposed code text amendment changing the language in section 2.04 regarding noticing to apply to any land use application requiring a public hearing be tabled/ recommended to be denied based on the following:

- **\*\*insert finding\*\***

## **2.04.010 General Noticing**

Notice of public hearings and public meetings on adoption or modification of land use regulation shall comply with [the applicable sections of Utah Code 10-9a-205](#).  
[10-9a-205](#)

## **2.04.020 Written Notice**

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

At least ten (10) 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 proposed [application change](#) to all property owners within five hundred (500) feet of the boundaries of the [requested proposal ed change](#). 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.

1. The written notification shall include the following information:
  - a. Current zoning and address or location of the property for which the [application change](#) is proposed.
  - b. state the current zone in which the real property is located.
  - c. when applicable, state the proposed new zone for the real property.
  - d. provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted.
  - e. when applicable, state that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment, state where the property owner should file the protest, and notify the property owner that each written objection filed with the municipality will be provided to the municipal legislative body;
  - f. A description of the proposed [project change](#); and
  - g. Date, time, and place of the public hearing.

# ALPINE CITY PLANNING COMMISSION AGENDA

**SUBJECT: Public Hearing- Code Amendment**

**FOR CONSIDERATION ON: February 7<sup>th</sup>, 2023**

**PETITIONER: City Staff**

**ACTION REQUESTED BY PETITIONER: Recommendation of approval for code amendment removing setback exceptions in the PRD zone.**

**REVIEW TYPE: Legislative**

## **BACKGROUND INFORMATION:**

The Planned Residential Development zone under section [3.09.060-Dwelling Clusters; Lot Size; Buildable Area; Setback](#), allows for the Planning Commission to recommend and City Council to approve an exception to the designated setback envelope standards as outlined in this section of the code. The intent was to accommodate for the open space requirement in the PRD zone and allow flexibility for lot design. Recently the City has seen an increase in requests for setback exceptions in the PRD zone. The requests have been primarily to accommodate larger homes on regularly sized/shaped lots, rather than impacting open space.

Staff is seeking approval to remove this section of the code. A setback exception could still be applied for within this zone through the variance process as would be the case in every other zone seeking an exception to the standards found in city code.

## **Noticing**

Notice has been properly issued in the manner outlined in City and State Code. A public hearing will be held tonight, February 7<sup>th</sup>, 2023, as part of this Planning Commission meeting.

## **STAFF RECOMMENDATION:**

Because this is a legislative decision the standards for approval or denial are that the proposed code amendment should be compatible with the standards found in the general plan as well as current city code and policies. A recommendation should be made to the City Council for approval or denial based on those criteria.

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

I move to recommend approval of the code text amendment to section 3.09.060 removing language allowing for an exception to the setback standards in the PRD zone.

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

I move to recommend approval of the code text amendment to section 3.09.060 removing language allowing for an exception to the setback standards in the PRD zone with the following conditions/changes:

- **\*\*insert finding\*\***

### **SAMPLE MOTION TO TABLE/DENY:**

I move to recommend approval of the code text amendment to section 3.09.060 removing language allowing for an exception to the setback standards be tabled/ recommended to be denied based on the following:

- **\*\*insert finding\*\***

**SECTION 1: AMENDMENT** “3.09.060 Dwelling Clusters; Lot Size; Buildable Area; Setback” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.09.060 Dwelling Clusters; Lot Size; Buildable Area; Setback

1. All lots shall be located within a designated Dwelling Cluster. A project may contain more than one Dwelling 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, Dwelling 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

\* Each zoning lot shall contain a minimum area outside the mapped 100 year flood plain areas and any storm water detention or retention basins that is equal to the minimum lot size.

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:
    - i. will more adequately accommodate subsequent development of the lot,

- ii. will not constitute a potential hazard to life or property, and
    - iii. 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. 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.
  - c. Except as permitted pursuant to Part 3,a, 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.
  - d. 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 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. Public noticing requirements per section 2.04 shall be followed.~~

~~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 DCA 3.21.080, (Ord. 96-15, 12/18/96) except in the CE-50 zone the height shall not exceed 25 feet. (See DCA 3.06.070 Part 1)

(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)



# ALPINE CITY PLANNING COMMISSION AGENDA

**SUBJECT: Public Hearing- Code Amendment**

**FOR CONSIDERATION ON: February 7<sup>th</sup>, 2023**

**PETITIONER: City Staff**

**ACTION REQUESTED BY PETITIONER: Recommendation of approval to edits made to section 3.07.080 regulating setback exceptions for accessory structures in the B-C zone.**

**REVIEW TYPE: Legislative**

## **BACKGROUND INFORMATION:**

In 2021 a request was made to the city altering the requirements for exceptions to the setbacks of accessory structures sections of city code. These exceptions allow for an accessory structure to be located closer to the side and rear property lines if more strict standards can be met. The changes were made to the following zones.

- TR-10,000
- CR-20,000
- CR-40,000
- CE-5
- CE-50

The Business Commercial zone (B-C) was not updated along with the other sections regulating the accessory structure exceptions. In reviewing meeting minutes as well as discussion among city staff there seems to be no clear reason for excluding the B-C zone. The B-C zone does allow residential development as a permitted use when within a recorded subdivision and as a conditional use permit when not in a recorded subdivision. The lot size and development standards are closely aligned with those in the TR-10,000 zone. There are also many existing residential units within the B-C zone that this would apply to as well.

The primary changes focus on updating the introduction of the section and the requirement that an accessory structure be no taller than 12'6" to qualify for an exception. The previous standard was 10'. We also add language requiring the accessory structure be at least five feet away from the main dwelling. This makes the standards uniform across all the primary zones within the city.

## **Noticing**

Notice has been properly issued in the manner outlined in City and State Code. A public hearing will be held tonight, February 7th, 2023, as part of this Planning Commission meeting.

## **STAFF RECOMMENDATION:**

Because this is a legislative decision the standards for approval or denial are that the proposed code amendment should be compatible with the standards found in the general plan as well as current city code and policies. A recommendation should be made to the City Council for approval or denial based on those criteria.

**SAMPLE MOTION TO APPROVE:**

I move to recommend approval of the code text amendment to section 3.07.080 changing the introduction to the section, setback from the main building, and regulating the max height requirement for setback exceptions from 10' to 12'6".

**SAMPLE MOTION TO APPROVE WITH CONDITIONS:**

I move to recommend approval of the code text amendment to section 3.07.080 changing the introduction to the section, setback from the main building, and regulating the max height requirement for setback exceptions from 10' to 12'6" with the following conditions/changes:

- \*\*insert finding\*\*

**SAMPLE MOTION TO TABLE/DENY:**

I move to recommend the code text amendment to section 3.07.080 changing the introduction to the section, setback from the main building, and regulating the max height requirement for setback exceptions from 10' to 12'6" be tabled/ recommended to be denied based on the following:

- \*\*insert finding\*\*

**SECTION 1:****AMENDMENT** “3.07.080 Special Provisions” of the Alpine City Development Code is hereby *amended* as follows:

AMENDMENT

3.07.080 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 gasoline dispensing, plant nursery displays, temporarily parked automobiles in need of repair, and temporary sale of Christmas trees.
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 DCA 3.24.

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 DCA 3.21.080. (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).
  - a. 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.
  - b. 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 DCA 3.21.070.
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. **Customary Residential Accessory Structures. All Customary Residential Accessory Structures (henceforth referred to as Accessory Structures) shall be located in accordance with the setbacks and regulations outlined below. Accessory Structures that also meet the classification of Accessory Building shall require a building permit.**  
~~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):
  - a. Setback from main building. Accessory Structures shall be set back not less than five (5) feet from the main building. Additionally, ~~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.
  - b. Side Setback - Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
  - c. Front Setback. Accessory buildings shall be set back not less than forty (40) feet from the front property line.
  - d. Side and Rear Setback - Interior Lot Line. Accessory buildings shall be set back no less than ten (10) feet from the rear lot line and five (5) feet from the

side lot line, except that no minimum rear or side setback shall be required when all the following conditions are met:

- i. The accessory building is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
  - ii. The accessory building contains no openings on the side contiguous to the lot line;
  - iii. No drainage from the roof will be discharged onto an adjacent lot;
  - iv. The accessory building shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
  - v. The building will not be placed on land designated as a recorded easement, such as a utility or trail easement; and
  - vi. The building will not be taller than ~~twelve~~ en (12~~0~~) feet six (6) inches to the top of the roof line.
- e. 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.
- i. 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.
  - ii. 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.

14. **Short Term Rentals.** Short Term Rentals are prohibited.

(Ord. 95-22, 8/22/95 and Ord. 2002-13, Amended by Ord. 2011-09, 5/10/11; Ord. 2014-04, 3/25/14)

**ALPINE CITY PLANNING COMMISSION MEETING**  
**Alpine City Hall, 20 North Main, Alpine, UT**  
**January 17, 2023**

**I. GENERAL BUSINESS**

**A. Welcome and Roll Call:** The meeting was called to order at 6:00 p.m. by Chair Jane Griener. The following were present and constituted a quorum:

Chair: Jane Griener

Commission Members: John MacKay, Susan Whittenburg, Alan Macdonald, Jeff Davis, Ethan Allen, Troy Slade

Excused:

Staff: Jed Muhlestein, Ryan Robinson, Marla Fox, Heidi Jackman

Others: Attorney Craig Hall, Steve Doxey, Cedar Hills City Planning Commission members: Jared Anderson, Tyler Dahl, Bob Morgan, Steve Thomas, LoriAnne Spear, Don Dolenc

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

**C. Pledge of Allegiance:** Susan Whittenburg

**II. REPORTS AND PRESENTATIONS**

**A. Training: Powers & Duties of the Planning Commission**

Attorney Craig Hall explained that in 2021 the Utah Legislature passed HB 409 (10-9a-302 (6)(b)) which requires Planning Commissions in municipalities that meet criteria of certain populations to meet land use training requirements each year.

Steve Doxey talked about Land Use Issues. How do we get anything done with public participation? Disputes can happen during Planning Commission meetings. We have to decide if it is legislative or administrative. Land use regulation is: A legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land.

The Planning Commission's role in Land Use Regulations. The Planning Commission does not make, but may be called upon to recommend, the adoption of land use regulations (legislative decision):

1. Adopting or amending zoning map;
2. Adopting or amending land use code;
3. Adopting or amending General Plan.

Land Use Decision. An administrative decision of a land use authority or appeal authority regarding a land use permit or a land use application.

1. Land use authority means "a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application."
2. Land use application means an application that is required by a municipality and is submitted by a land use applicant to obtain a land use decision.
3. Land use application does not mean "an applicant to enact, amend, or repeal a land use regulation."

Planning Commission's role in Land Use Decisions.

1. Planning Commission may make certain land use decisions but is tasked with recommending others to the City Council for decision.
2. Example of land use decisions made: Conditional use permit. Concept and preliminary subdivision plat approval.
3. Example of land use decisions recommended: Final subdivision plat approval. Extension or reconstruction of non-conforming buildings or buildings housing non-conforming uses.

Attorney Craig Hall talked about public clamor. He said if someone from the public stands up and says the city is going to kill kids if they approve a certain road or subdivision, or your decision is going to ruin the school, etc. then that is public clamor. He said you do not use public clamor to make decisions. He said the public is going to show up with all kinds of disputes of why you shouldn't approve something. They are just throwing out stuff to see if it sticks and to get you to change your mind. Craig Hall said if you have questions, you should ask the City Planner if the plan complies with the ordinances.

Craig Hall said public clamor could be people complaining about traffic, crime, losing property values, high density, or impact on schools. He said to keep people's comments to three minutes and then thank them for coming and participating. He said don't feel like you have to make comments back to each person. Resist the urge to talk with them and ask questions. Just say thank you and let them sit down. He said to respect the comments, let them be heard and then decide if it is public clamor, or if it can be applied.

Craig Hall talked about moderate income housing and said it will be a topic discussed at the Utah Legislator meetings. He said he will be meeting with Shane Sorensen to discuss what that means for Alpine.

Ryan Robinson said the Planning Commission is required to have four hours of training. Tonight's training will count, attending meetings, and then we will have two other training meetings later in the year.

### **III. ACTION ITEMS**

#### **A. Public Hearing: Code Amendment Section 3.07.030 #11-F to increase maximum parking requirements for automotive repair shops.**

Ryan Robinson said an application has been submitted for a code text amendment to section 3.07.030 #11-F which regulates the maximum amount of parking spaces allowed for an automotive repair shop. Currently the requirement calls for no more than three (3) parking spaces provided per bay with no more than five (5) automobile bays per automotive repair shop. This would be a maximum of 15 parking spaces per shop. The request is to allow for up to eight (8) parking spaces provided per bay as well as an additional 10 spaces for employee parking, which is currently not differentiated in City Code. With the maximum number of bays remaining at five (5) this change would allow for up to 40 parking spaces as well as 10 spaces for employees for a total of 50 parking spaces for the entirety of an automotive repair shop within the City.

Community References:

Lehi Four (4) Stalls per Bay. (Minimum)

Eagle Mountain One (1) stall per 500 square feet of gross finished floor area plus two (2) stalls per bay. (Minimum)

Mapleton One (1) space per 300 square feet of gross finished floor area. (Minimum)

Bountiful Three (3) spaces for each stall for customers only (Minimum).

Brigham City Three (3) spaces for each service bay plus one (1) space for every 300 square feet of retail sales area. (Minimum)

Vineyard Three (3) spaces per service bay, plus one (1) space per 300 square feet of gross floor area excluding service bays. (Minimum)

Jane Griener opened the Public Hearing. There were no comments and Jane Griener closed the Public Hearing.

Jane Griener said the maximum number of parking spots was put in place to keep from having a large parking lot in Alpine. She said this is a big jump from three spots to eight spots. Jed Muhlestein said the automotive shop was originally approved for four bays. The owner later came in and received approval for a fifth bay. He said the only reason a limit was put on the number of parking spots, was because the Planning Commission at the time was concerned about a large car lot on Main Street.

Jane Griener said there was discussion about same day repairs vs. people leaving their cars on the lot for long periods of time.

Alan Macdonald said there is no application from J&L Automotive. He said they are just asking to change the number of parking spaces allowed per bay. He said we need to decide what kind of vehicular density we want on Main Street.

Ethan Allen said employees need somewhere to park. If they only have fifteen spots and ten of those spots are taken up by employees, then that’s a problem.

**MOTION:** Planning Commission member Alan Macdonald moved to recommend **DENYING** the code text amendment allowing for an increase from three parking spaces per bay to up to eight and for up to 10 additional parking spaces for employees of the automotive repair shop based on the following:

- 1 Incompatible with ordinance
- 2. Increase in odors and noise,
- 3. Impact on neighbors,
- 4. Increase of stored vehicles,
- 5. Not compatible with the Historic District.

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

**Ayes:**

Susan Whittenburg  
 Jane Griener  
 John MacKay  
 Alan Macdonald  
 Jeff Davis  
 Ethan Allen  
 Troy Slade

**Nays:**

**Excused:**

**B. Appointment of Planning commission Chair and Vice-Chair.**

Ryan Robinson explained that Alpine City Code 2.02.030 (1) Requires that in January of each odd year the Planning Commission elect one of its members to serve as Chair and a second member to serve as Vice-Chair for a two-year term and until a successor is chosen. The Chair and in their absence the Vice-Chair is responsible to preside at all meeting of the Planning Commission. A person may be elected to serve consecutive terms as the chair.



**MOTION:** Planning Commission member Alan Macdonald moved to appoint Planning Commissioner (Jane Griener) as Chairperson and Planning Commissioner (Alan Macdonald) as Vice-Chair for a two-year term and until a successor is appointed.

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

**Ayes:**

Susan Whittenburg  
John MacKay  
Alan Macdonald  
Ethan Allen  
Jeff Davis  
Jane Griener  
Troy Slade

**Nays:**

**Excused:**

**IV. COMMUNICATIONS**

None

**V. APPROVAL OF PLANNING COMMISSION MINUTES:** January 3, 2023

**MOTION:** Planning Commissioner Susan Whittenburg moved to approve the minutes for January 3, 2023, as written.

Ethan Allen seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed unanimously.

**Ayes:**

Jane Griener  
Susan Whittenburg  
John MacKay  
Alan Macdonald  
Jeff Davis  
Ethan Allen  
Troy Slade

**Nays:**

**Excused:**

**MOTION:** Planning Commissioner Ethan Allen moved to adjourn the meeting.

Troy Slade seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed unanimously.

**Ayes:**

Jane Griener  
Susan Whittenburg  
John MacKay  
Alan Macdonald  
Jeff Davis  
Ethan Allen  
Troy Slade

**Nays:**

**Excused:**

The meeting was adjourned at 7:48 p.m.