



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah, will hold a **Public Meeting** on **Tuesday, August 18th, 2026 at 6:00 p.m. at City Hall, 20 North Main Street, Alpine, Utah.**

The public may attend the meeting in person or view it via the Alpine City YouTube Channel. A direct link to the channel can be found on the homepage of the Alpine City website, alpineut.gov.

I. GENERAL BUSINESS

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

II. REPORTS AND PRESENTATIONS

None

III. ACTION/DISCUSSION ITEMS:

- A. **Action Item:** Public Hearing - Proposed detached ADU code
- B. **Action Item:** Proposed text amendments to Alpine Development Code

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: August 4th, 2026

ADJOURN

Chair Alan MacDonald
August 14th, 2026

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

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

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Proposed Detached Accessory Dwelling Unit (ADU) Code and Amendments to §3.14 of Alpine Development Code

FOR CONSIDERATION ON: August 18, 2026

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review proposed detached ADU code and amendments to §3.14

BACKGROUND INFORMATION:

Because of the approval of Senate Bill 284, by October 1, 2026 Alpine City is required to have a detached accessory dwelling unit (ADU) code adopted to meet new State requirements. With the recommendations from the discussion about detached ADUs on August 4th, Staff has brought together a detached ADU ordinance for the Planning Commission to review and consider recommending for approval to the City Council.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission consider the Detached ADU code and provide suggestions for improvement as needed. If the Planning Commission finds the proposed code satisfactory, staff recommends that the Planning Commission recommend approval of the proposed detached ADU code.

Attachments

Exhibit A – Detached ADU State Requirements for Municipalities

Exhibit B – Proposed Detached ADU code and Amendments to §3.14

Exhibit A

Detached ADU State Requirements for Municipalities

Utah Code § 10-21-304 (Effective 10/01/26)

Detached Accessory Dwelling Units

(1) Requirement to allow detached ADUs

(1)(a)

A specified municipality shall adopt a land use regulation that permits a detached accessory dwelling unit on any lot or parcel that is **11,000 square feet or larger** and contains a single-family dwelling, if the single-family dwelling is a permitted use on the lot or parcel.

(1)(b)

This section does not prohibit a municipality from adopting a land use regulation that permits a detached accessory dwelling unit on a lot or parcel that is **smaller than 11,000 square feet**.

(2) Required standards

A land use regulation described in Subsection (1) shall:

(2)(a)

Require that a detached accessory dwelling unit comply with all applicable:

- building codes
- health codes
- fire codes

(2)(b)

Include a process for the owner of a legally constructed accessory structure to convert the accessory structure to a detached accessory dwelling unit, subject to applicable:

- **(2)(b)(i)** dwelling and accessory structure setback requirements
 - **(2)(b)(ii)** building, health, and fire codes
-

(3) Limitations on municipal restrictions

A land use regulation described in Subsection (1) may not:

(3)(a)

Require a conditional use permit for a detached accessory dwelling unit if the proposed detached accessory dwelling unit is located in a primarily residential zone.

(3)(b)

Require more than:

- **two on-site parking spaces** assigned to a detached accessory dwelling unit that is **650 square feet or larger**

(3)(c)

Require more than:

- **one on-site parking space** assigned to a detached accessory dwelling unit that is **smaller than 650 square feet**

(3)(d)

Include design standards for a detached accessory dwelling unit that conflict with Section 10-20-618.

(4) Permitted local regulations

A land use regulation described in Subsection (1) may:

(4)(a) Require the detached ADU to:

- **(4)(a)(i)** conform to applicable land use regulations governing:
 - structure size
 - dimension
 - height
 - maximum lot coverage
- **(4)(a)(ii)** conform to setback requirements, which may consider:
 - proximity to property lines and other structures
 - easements
 - window orientation
 - massing
 - other design elements
- **(4)(a)(iii)** be designed consistent with the design of the single-family dwelling

(4)(b) Prohibit a detached ADU from being:

- **(4)(b)(i)** larger in size than the single-family dwelling on the same lot or parcel
- **(4)(b)(ii)** located within a public utility easement or other recorded easement
- **(4)(b)(iii)** located in a front-yard area
- **(4)(b)(iv)** rented for less than **90 consecutive days**

(4)(c)

Require the property owner to reside in either:

- the detached single-family dwelling, or
- the detached accessory dwelling unit

on the same lot or parcel.

(4)(d)

If a detached garage is converted to a detached ADU:

- any required parking spaces that were in the garage must be replaced on-site.
-

(4)(e)

Prohibit more than one accessory dwelling unit on a lot or parcel.

(4)(f) Prohibit a detached ADU if:

- **(4)(f)(i)** it will not have adequate access to required utility services that are project improvements, including:
 - sanitary sewer
 - culinary water
 - electrical
 - storm water
 - **(4)(f)(ii)** the utility system improvement it must connect to does not have sufficient capacity, including:
 - sanitary sewer
 - culinary water
 - electrical
 - storm water
-

(5) Limitations / exceptions

This section does not supersede:

(5)(a)

A land use regulation that regulates a detached accessory building that is not a detached accessory dwelling unit.

(5)(b)

Prohibitions or restrictions in a development agreement signed on or before **May 6, 2026**.

(5)(c)

A land use regulation or administrative action that:

- **(5)(c)(i)** is not prohibited by law
- **(5)(c)(ii)** relates to a detached accessory dwelling unit

Exhibit B

Proposed Detached ADU Code and Amendments to §3.14

3.1.110 Definitions

DETACHED ACCESSORY DWELLING UNIT - an accessory dwelling unit that is not attached to or within a primary detached single-family dwelling and located on the same lot or parcel as the primary detached single-family dwelling.

3.14 Accessory Dwelling Units

3.14.010 Accessory Dwelling Units

3.14.020 Internal Accessory Dwelling Units

3.14.030 Detached Accessory Dwelling Units

3.14.0240 Non-Residential Accessory Structures

HISTORY

Amended by Ord. 2023-24 on 10/10/2023

3.14.010 Accessory Dwelling Units

Accessory Dwelling Units (Amended by Ord. 95-04, 02/28/95; 2004-13, 09/28/04; 2009-12, 07/14/09). An accessory dwelling unit shall be considered a subordinate dwelling unit within and part of a principal dwelling or detached from a principal dwelling and located on the same lot or parcel as the principal dwelling and which has its own cooking, sleeping, and sanitation facilities. ~~Internal accessory dwelling units may be permitted use subject to the following:~~

3.14.020 Internal Accessory Dwelling Units

Internal accessory dwelling units may be a permitted use subject to the following:

1. Accessory dwelling units are listed as a permitted use within the zone.
2. Internal Accessory dwelling units shall be permitted only in owner-occupied single-unit detached dwellings.
 - a. Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the temporary absence and meets the following criteria:
 - i. The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or

- ii. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
- iii. Owner occupancy shall have the meaning set forth in Article 3.01.110, Alpine City Development Code.
- iv. The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

~~b.~~ 3. A maximum of one (1) accessory dwelling unit shall be permitted ~~in~~on each owner-occupied ~~single-unit detached dwelling~~lot or parcel. If a lot or parcel already has a detached accessory dwelling unit, no internal accessory dwelling unit will be allowed.

~~c.~~ 4. A single-unit detached dwelling with an accessory dwelling unit 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 dwelling unit.

~~d.~~ 5. The accessory dwelling unit shall comply with all size and access specifications of the International Residential and Building Codes.

~~e.~~ 6. Accessory dwelling unit 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.

~~f.~~ 7. A single-unit detached dwelling containing an accessory dwelling unit 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.

~~g.~~ 8. All construction and remodeling to accommodate the accessory dwelling unit shall be in accordance with the International Residential and Building Codes in effect at the time of construction or remodeling.

~~h.~~ 9. Any person constructing or causing the construction of a residence that has an accessory dwelling unit or any person remodeling or causing the remodeling of a residence for an accessory dwelling unit, or any person desiring to provide an accessory dwelling unit within a single-unit detached dwelling, shall obtain an accessory dwelling unit Permit from the Building Department. Such permits shall be in addition to any building permits that may be necessary.

HISTORY

Adopted by Ord. 2023-24 on 10/10/2023

3.14.030 Detached Accessory Dwelling Units

Detached accessory dwelling units may be a permitted use subject to the following:

1. Accessory dwelling units are listed as a permitted use within the zone.

2. Detached accessory dwelling units are only allowed on any lot or parcel that is 11,000 square feet or larger.
3. Detached accessory dwelling units shall be owner-occupied or be located on a property that has an owner-occupied single-family dwelling.
 - a. Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the temporary absence and meets the following criteria:
 - i. The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - ii. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
 - iii. Owner occupancy shall have the meaning set forth in Article 3.01.110, Alpine City Development Code.
 - iv. The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.
4. A maximum of one (1) accessory dwelling unit shall be permitted on each owner-occupied lot or parcel. If a lot or parcel already has an internal accessory dwelling unit, no detached accessory dwelling unit will be allowed.
5. The detached accessory dwelling unit shall provide at least two (2) on-site parking spaces in addition to the parking spaces required for a single-family dwelling.
6. The detached accessory dwelling unit shall have a living space of no more than 1,200 sq ft in size.
7. The detached accessory dwelling unit shall meet the same setbacks as those required for accessory buildings in the zone in which it is located.
8. The detached accessory dwelling unit shall meet the same height requirement as that required for accessory buildings in the zone in which it is located.
9. The detached accessory dwelling unit shall be built with materials and design that match those of the main dwelling.
10. The accessory dwelling unit shall comply with all size and access specifications of the International Residential and Building Codes.
11. The detached accessory dwelling unit shall connect to the same meter as the main dwelling for each water, gas and electric utility service, and the meter shall be in the name of the owner. If there is not sufficient capacity for the accessory dwelling unit on the meter, it is prohibited.
12. All construction and remodeling to accommodate the detached accessory dwelling unit shall be in accordance with the International Residential and Building Codes in effect at the time of construction or remodeling.

13. Any person constructing or causing the construction of a detached accessory dwelling unit or any person remodeling or causing the remodeling of a detached accessory dwelling unit shall obtain an Accessory Dwelling Unit Permit from the Building Department. Such permits shall be in addition to any building permits that may be necessary.

3.14.0240 Non-Residential Accessory Structures

Non-Residential Accessory Structures The following applies to non-residential accessory structures:

1. Definition. As used in this section, "non-residential accessory structure" means any detached accessory structure that is not designed or used as a dwelling, dwelling unit, or otherwise for overnight accommodations. Examples of non-residential accessory structures include detached garages, shops, barns, and pool houses. b. Non-residential accessory Structure Agreement. As a condition of receiving a building permit for an accessory structure, the applicant will be required to enter into a non-residential accessory structure agreement in a form provided by the city. Such agreement will be recordable and will contain acknowledgments and agreements not to use the accessory structure as a dwelling, dwelling unit, or Accessory apartment, or otherwise for overnight accommodations.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing – Amendments to the Development Code

FOR CONSIDERATION ON: August 18, 2026

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Recommend approval of amendments to the ordinance

BACKGROUND INFORMATION:

Staff have reviewed the Development Code and have recommended changes for different parts of the ordinance. Details are described in Exhibit A below.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review and, upon finding the text amendments to be satisfactory and beneficial to the health, safety, and welfare of Alpine City, recommend approval of the amendments to the Development Code.

Attachments

Exhibit A – Redlined Version of updated Development Code

Exhibit B -- Clean Version of updated Development Code

Motion to Approve:

I move to recommend approval to the City Council of the proposed text amendments to the Development Code as presented.

Motion to Approve with Conditions:

I move to recommend approval to the City Council of the proposed text amendments to the Development Code as presented, subject to the following conditions/changes:

*Insert Proposed Conditions/Changes

Motion to Table:

I move to table the proposed text amendments to the Development Code as presented to a future meeting in order to allow additional time for revisions and/or additional information, including:

*Insert additional information needed.

Motion to Deny:

I move to recommend denial of the proposed text amendments to the Development Code as presented based on the following findings:

*Insert findings

Redlined Version of Updated Development Code

DCA §3.01.060 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.

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.
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. **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:
 - a. Scale and north arrow;
 - b. Lot lines and their dimensions including existing boundary monuments;
 - c. Adjacent streets, roads, rights-of-way and easements;
 - d. Location of all existing structures on subject property
 - e. Irrigation and/or drainage easements
 - f. If not in an approved subdivision, an indication of the average slope of the lot based upon application of the formula provided in DCA 3.01.100 Part 4.

~~h.g.~~ Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk location

~~h.h.~~ Necessary explanatory notes;

~~h.i.~~ Name, address and telephone number of builder and owner; and,

~~h.j.~~ The above, and any other information that may be requested by the Zoning Administrator or Building Inspector.

~~h.k.~~ Show Setbacks and building height.

~~h.l.~~ Attach a copy of the drainage plan and comply with the overall subdivision drainage plan.

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

- a. Demolition Permit must be reviewed by the City Engineer and may be referred to the Planning Commission.
- b. All Utilities must be notified prior to the demolition.
- c. Must comply with site plan requirements.
- d. Notify and comply with the Utah Division of Air Quality.

3.07-A.050 Site Design

4. Accessory Structures

a. General Requirements: All customary residential accessory structures (Accessory Structures) shall comply with the following setbacks and regulations. Accessory Buildings require a building permit.

i. Setbacks:

1. From Main Building: Minimum five (5) feet. If attached or within twelve (12) feet, the structure shall be considered part of the main building.
2. Side Setback – Corner Lot (Street Abutting): Minimum forty (40) feet from the side lot line abutting a street, except that a two (2) foot minimum may be allowed under specified conditions and with a fence.
3. Front Setback: Minimum forty (40) feet from the front property line.

4. Side and Rear Setback – Interior Lots: Minimum ten (10) feet rear and five (5) feet side, with a possible reduction to two (2) feet if all of the following are met:
 5. Structure is more than twelve (12) feet from a dwelling;
 6. No openings on the side facing the lot line;
 7. No roof drainage onto adjacent lots;
 8. Constructed of non-combustive or fire-resistive materials;
 9. Not within a recorded easement unless allowed by easement holder;
 10. Movable within twenty-four (24) hours if within an easement;
 11. Not taller than twelve feet six inches (12'6");
 12. Not more than 200 sq. ft. in size if an Accessory Building;
 - ii. The City Council may grant setback exceptions adjacent to non-residential properties.
 - iii. Height of Accessory Structures:
 1. Maximum twenty (20) feet to the ridge line.
 2. For each additional one (1) foot in height above twenty (20) feet, increase side and rear setbacks by two (2) feet.
 3. Absolute maximum height shall not exceed thirty (30) feet.
 4. Chimneys, flag poles, antennas, and similar non-occupancy structures may exceed these limits by up to fifteen (15) feet.
- b. Swimming Pools and Related Facilities
- i. A building permit is required.
 - i. No pools or related facilities may be located within a recorded easement.
 - ii. Setbacks:
 - A. Side – Corner Lot (Street Abutting): Minimum ten (10) feet.
 - B. Side/Rear – Interior Lots: Minimum ten (10) feet.
 - C. Front: Minimum forty (40) feet.

- D. Height: Maximum ten (10) feet from average natural grade.
- E. Exceptions to height or placement may be granted by City Council if the facility is attached to a dwelling and meets dwelling setbacks.

c. Sports Courts

- i. Sports courts shall not be permitted in a recorded easement.
- ii. Setbacks:
 - i. Front: Minimum forty (40) feet.
 - ii. Side – Corner Lot (Street Abutting): Minimum ten (10) feet.
 - iii. Side/Rear – Interior Lots: Minimum ten (10) feet.
 - iv. Exception for Irregular Lots: The Planning Commission may allow reduced setbacks where the lot has three sides, subject to:
 - A. Court no closer than ten (10) feet to a street-abutting property line;
 - B. No encroachment into easements;
 - C. Minimum thirty (30) feet from any dwelling on adjacent property;
 - D. Privacy fence required to obscure court from street view.

~~iii. Access Requirement Each lot shall abut and have direct access to a City-maintained or City-accepted street. The minimum frontage shall be the required lot width of the zone, except that cul-de-sac or curve lots may reduce frontage to sixty (60) feet if the width at the front setback meets the zone's minimum.~~

d. Utility Requirements

- i. Culinary Water: All occupied structures shall connect to the City's water system, with at least 40 psi pressure as determined by the City Engineer.
- ii. Sewer: All occupied structures shall connect to the City sewer system unless an alternate system is approved under MCA §14.04.010.

5. Access Requirement. Each lot shall abut and have direct access to a City-maintained or City-accepted street. The minimum frontage shall be the required lot width of the zone, except that cul-de-sac or curve lots may reduce frontage to sixty (60) feet if the width at the front setback meets the zone's minimum.

DCA §3.23.060 Review Conditions And Criteria For Certain Conditional Uses

2. 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 allowed as a conditional use, upon approval by the designated land use authority. All home occupations will be subject to compliance with the following:

a. Terms and Conditions.

- i. Home occupations are listed as a conditional use in the zone.
- ii. 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.
- iii. 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.
- iv. The home occupation does not involve the use of any accessory buildings or yard space for storage outside of the dwelling or attached garage.
- v. 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.
- vi. No commercial vehicles shall be stored at the premises except one delivery truck which does not exceed 12,000 gvw rated capacity.
- vii. 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.
- viii. 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.
- ix. 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.

- x. The home occupation shall obtain a business license from the City.
- xi. 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.
- xii. 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.
- xiii. 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.
- xiv. A sexually-oriented business shall not be a home occupation.
- xv. An automotive repair business shall not be a home occupation.
- xvi. 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.
- xvii. The City Planner or designee shall serve as the designated land use authority for home occupation applications meeting the following criteria:
 - (1) The home occupation, as proposed, complies with all requirements for the home occupation as listed in this section.
 - (2) The home occupation will be conducted entirely within the dwelling or attached garage.
 - (3) ~~No customers or clients will visit the property in connection with the home occupation.~~ Only a limited number of customers or clients may visit the property in connection with the home occupation, provided such visits take place during regular business hours, remain incidental to the residential character of the dwelling, and do not

create impacts beyond those normally associated with residential use.

(4) No employees other than the residing family members will be involved in the home occupation.

(5) No hazardous materials will be used or stored on the property.

The City Planner or designee may approve, approve with conditions, deny, or decline to consider the home occupation application in accordance with standards provided in this subsection. If the City Planner or designee declines to consider the application, the applicant may seek approval from the Planning Commission. applicant may appeal all other decisions as provided in DCA 2.03

- b. 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 as the designated land use authority may attach conditions to the granting of a home occupation consistent with the standards in this section 2.03.060.2 .
- c. 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, provided that (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.

3.23.070 Approval Process

Home occupations subject to the provisions of DCA 3.23.060 Part 2.	Planning Commission	TR-10,000 CR-20,000 CR_40,000 CE-5 CE-50 B-C
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Home occupations subject to the provisions of DCA 3.23.060 Part 2 <u>and that meet the five criteria in DCA 3.23.060 Part 2 Number xvii.</u>	City Staff	TR-10,000 CR-20,000 CR_40,000 CE-5 CE-50 B-C
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4.06.030 Final Plat

1. SUBMISSION REQUIREMENTS. The following shall be submitted to the Zoning Administrator by the subdivider or their authorized representative:
 - a. A completed final plat application, including final plan checklist, and payment of applicable fees;
 - b. Final plat and final subdivision improvement plans (construction drawings) including:
 - i. One (1) electronic copy in a compatible form as specified by City Staff;
 - ii. One (1) D size twenty four inches by thirty six inches (24" x 36") and one (1) eleven inch by seventeen inch (11" x 17") paper copies drawn to scale;
 - iii. NOTE: One (1) mylar copy of the Final Plat delineated in permanent ink shall be submitted to the City upon the request of the Zoning Administrator for recordation purposes, until then submission of the required paper copies of the final plat shall be sufficient for review purposes; and
 - iv. Certificate for clear title. An affidavit (certificate for clear title) that the applicant is the owner, the equitable owner, or authorized by the owner in writing to make an application for the land proposed to be subdivided shall be provided.
 - v. Title report. Prior to the recordation of the final plat, the applicant shall submit a current title report for review. The current title

report shall disclose all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat. The title report shall set forth the names of all property owners included in the final plat and shall include a list of all mortgages, judgements, 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 Attorney, the holders or owners of such mortgages, judgements, liens, easements, contracts, or agreements shall be required to join in and approve the application before the plat shall be acted upon by the Land Use Authority.

- vi. Articles of incorporation/bylaws. When a proposed subdivision contains land that are reserved in private ownership for community use, including common areas, the applicant shall submit with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements which may be required. ~~vii. A revised narrative or summary statement describing any changes made from the previous narratives or summary statements submitted during the preliminary plan.~~

vii. A revised narrative or summary statement describing any changes made from the previous narratives or summary statements submitted during the preliminary plan.

- viii. Narrative. A revised narrative or summary statement describing any changes made from the previous narratives or summary statements submitted during the preliminary plan.

- viv. All other materials required by this chapter.

4.10.010 Improvement Requirements

The Land Use Authority 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~~ensure 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:

4.05.040 Required Conditions And Improvements

The following requirements shall be imposed as a condition of approval of a minor subdivision:

1. No more than (3) 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 are 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 not contain any sensitive lands.
5. The minor subdivision shall conform to the general character of the surrounding area.
6. Lots created shall not adversely affect the remainder of the parcel or adjoining property and shall conform to the applicable provisions of the City's Zoning
7. Any remainder of the parcel must be capable of further subdivision.
8. Utility easements shall be dedicated.
9. Any further lot splits would be processed under the major subdivision process.
10. Derelict parcels shall not be created.
11. The minor subdivision plat~~Plat~~ shall comply with the drawing requirements of DCA 4.06.030 Part 3 (Final Plat).
12. A development agreement may 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:
 1. a. any special conditions,
 2. b. trails, landscape issues,
 3. or off-site

improvements.

(Ord. 98-19 amending Ord. 78-03)

(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)

HISTORY

Amended by Ord. 2024.02 on 1/23/2024

4.06.020 Preliminary Design Plan (Preliminary Plat)

PRELIMINARY PLAT 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 preliminary plans shall be made in every detail. A poorly-drawn or illegible preliminary plans shall be sufficient cause for rejection. The following data shall be submitted as part of the preliminary plan submission:

- a. Located at the top and center of the preliminary plat, the proposed name of the subdivision which shall be distinct from any other plat already recorded with the County Recorder's Office;
- b. A layout of the proposed subdivision, at a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the Zoning Administrator and/or City Engineer.
- c. The boundaries, course, dimensions, and total acreage of all of the parcels of ground divided, by their boundaries, course, and extent, whether the applicant proposes that any parcel of ground is intended to be used as a street or for any other public purpose.
- d. The lot or unit reference, block or building reference, street or site address, the street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale.
- e. Every existing or proposed right-of-way and easement grant or record for underground utility facilities.
- f. A title block, placed on the lower right-hand corner of the plat showing:
 1. Name and address of the owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
 2. Date and preparation of the preliminary subdivision plat, and all revision dates.
- g. Signature blocks for the dated signatures of the Planning Commission Chair, Mayor, City Engineer, City Attorney, and required private or public utility/service providers.
- h. North arrow, graphic and written scale, and basis of bearings used.
- i. A vicinity map of the site at a minimum scale of one inch equals one thousand feet (1" = 1,000') or as recommended by the Zoning Administrator and/or City Engineer showing the perimeter outline of the proposed subdivision, accesses, abutting subdivision outlines and names, names of adjacent property owners, and adjacent streets within two (2) miles of the proposed subdivision.
- j. Traverse map of the monumented (see DCA 4.06.030 Part-5~~6~~) 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.

- k. The location of any common space or public open space areas including the location of all property to be set aside for public or private reservation, with the designation of the purpose of those set aside, and conditions, if any of the dedication or reservation. Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use (in compliance with the City's Open Space Zone).

3.02.070 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 ~~than 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. (Ord. 2015-02, 02/10/15)

3.01.110 Definitions

MINOR SUBDIVISION. A subdivision development of three (3) or fewer lots which meet the requirements of DCA §4.05.

3.10.010 Intent

The intent of these provisions shall be:

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

(Ord. 95-22, 8/22/95)

4.08.040 Commencement Of Construction

Site improvement or grading of a proposed subdivision site prior to Final Plat approval ~~by the City Council~~ is prohibited.

(Ord. 98-19 amending Ord. 78-03)

HISTORY

Amended by Ord. 2018-06 on 9/11/2018

3.01.110 Definitions

ACCESSORY 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, not including fences; and 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.

POOL HOUSE: An accessory building associated with a swimming pool that provides enclosed space intended for the use or convenience of those using the swimming pool, and may include changing spaces, restrooms, showers, storage, pool equipment, etc. A pool house with pool equipment must meet the setbacks required for related facilities as described in the applicable zone.

3.02.050 Setback Requirements (See Appendix for Drawing)

2. Customary Residential Accessory Structures.

a. Accessory Structures.

- i. Setback from Main Building. Accessory Structures shall be set back not less than five (5) feet from the main building.
Additionally, Accessory Buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building. Accessory Buildings which are located more than twelve (12) feet away from the main building, whether attached or not, are not considered part of the main building and are considered detached structures.
- ii. Side Setback - Corner Lot, Side Abutting a Street. Accessory Structures shall be set back not less than forty (40) feet from the side lot line which abuts on a street. except that a two (2) foot minimum side setback may be allowed if the conditions outlined in section iv 1-8 can be met. A fence will also be required along the side yard property abutting a street as a condition for decreased side yard setbacks on a corner lot.
- iii. Front Setback. Accessory Structures shall be set back not less than forty (40) feet from the front property line.
- iv. Side and Rear Setback - Interior Lot Line. Accessory Structures shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:
 - (1) The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - (2) If the Accessory Structure is an Accessory Building, it shall contain no openings on the side contiguous to the lot line;
 - (3) No drainage from the roof will be discharged onto an adjacent lot;
 - (4) The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;

- (5) The Accessory Structure will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;
- (A) When utilities are present in an Accessory Structure, the building shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.
- (B) The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to the property, in the event an easement needs to be accessed.
- (6) The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
- (7) If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;
- (8) The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
- (9) No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

b. Swimming Pools & Related Facilities. Notwithstanding any provision of this code to the contrary, the following regulations apply to all swimming pools and related facilities. All such facilities require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools and related facilities are not permitted within a recorded easement. Related facilities include, but are not limited to, pool equipment, ~~storage structures,~~ and enhancements such as slides, jump structures, water features, and diving boards. In terms of this section, storage structures and pool houses that do not contain pool equipment are not considered related facilities and are evaluated based on the accessory structure requirements of the underlying zone.

Setbacks for swimming pools shall be measured from the pool wall to the property line. Setbacks for related facilities shall be measured from the edge or perimeter of the structure to the property line.

- i. Side Setback – Corner Lot (Street Abutting): Swimming pools and related facilities shall be set back not less than ten (10) feet from the side lot line that abuts a street.
- ii. Side and Rear Setback – Interior Lot Line: Swimming pools and related facilities shall be set back not less than ten (10) feet from any interior side or rear lot line.

- iii. Front Setback: Swimming pools and related facilities shall be set back not less than forty (40) feet from the front property line.

The height of any pool-related facility shall be measured from the average natural grade, as established by a survey, adjacent to the single separate facility, to the highest point of the structure and shall not exceed ten (10) feet. Exceptions to the height requirement may be granted by the City Council if the pool facility is attached to a main dwelling and the provided setbacks for the dwelling are met.

b.c. Sports Courts. All sports courts shall be located in accordance with the setbacks outlined below. Sports courts shall not be permitted in a recorded easement. Setbacks are measured from the nearest edge of the court to the property line.

- i. Front Setback. Sports courts shall be set back not less than forty (40) feet from the front property line.
- ii. Side Setback – Corner Lot, Side Abutting a Street. Sports courts shall be set back not less than ten (10) feet from the side lot line which abuts on a street.
- iii. Side and Rear Setback - Interior Lot Line. Sports courts shall be set back not less than ten (10) feet from the side or rear lot line.
- iv. The Planning Commission may grant an exception to the front yard or side yard setback to locate a sports court on a lot with three sides where the longest side abuts a street, subject to the following requirements.
 - (1) The sports will be no closer than ten feet (10') to the property line abutting the street;
 - (2) No part of the court shall be located in any designated easement.
 - (3) The sports court may not be located closer than thirty feet (30') from any dwelling on adjacent neighboring property.
 - (4) A privacy fence shall be installed so that the sports court (excluding light poles) is not visible from the street, subject to any clear view requirements as determined by the city engineer.

3.03.050 Setback Requirements (See Appendix for Drawing)

2. Customary Residential Accessory Structures.

a. Accessory Structures.

- i. Setback from Main Building. Accessory Structures shall be set back not less than five (5) feet from the main building.
Additionally, Accessory Buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building. Accessory Buildings which are located more than twelve (12) feet away from the main building, whether attached or not, are not considered part of the main building and are considered detached structures.

- ii. Side Setback - Corner Lot, Side Abutting a Street. Accessory Structures shall be set back not less than forty (40) feet from the side lot line which abuts on a street. except that a two (2) foot minimum side setback may be allowed if the conditions outlined in section iv 1-8 can be met. A fence will also be required along the side yard property abutting a street as a condition for decreased side yard setbacks on a corner lot.
- iii. Front Setback. Accessory Structures shall be set back not less than forty (40) feet from the front property line.
- iv. Side and Rear Setback - Interior Lot Line. Accessory Structures shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:
 - (1) The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - (2) If the Accessory Structure is an Accessory Building, it shall contain no openings on the side contiguous to the lot line;
 - (3) No drainage from the roof will be discharged onto an adjacent lot;
 - (4) The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - (5) The Accessory Structure will not be placed on land designated as a recorded easement, such as a utility or trail easement , unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;
 - (A) When utilities are present in an Accessory Structure, the building shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.
 - (B) The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to the property, in the event an easement needs to be accessed.
 - (6) The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;

- (7) If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;
- (8) The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
- (9) No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

b. Swimming Pools & Related Facilities. Notwithstanding any provision of this code to the contrary, the following regulations apply to all swimming pools and related facilities. All such facilities require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools and related facilities are not permitted within a recorded easement. Related facilities include, but are not limited to, pool equipment; ~~storage structures;~~ and enhancements such as slides, jump structures, water features, and diving boards. In terms of this section, storage structures and pool houses that do not contain pool equipment are not considered related facilities and are evaluated based on the accessory structure requirements of the underlying zone.

~~2.~~ Setbacks for swimming pools shall be measured from the pool wall to the property line. Setbacks for related facilities shall be measured from the edge or perimeter of the structure to the property line.

~~2.~~ i. Side Setback – Corner Lot (Street Abutting): Swimming pools and related facilities shall be set back not less than ten (10) feet from the side lot line that abuts a street.

~~3.~~ ii. Side and Rear Setback – Interior Lot Line: Swimming pools and related facilities shall be set back not less than ten (10) feet from any interior side or rear lot line.

~~•~~ iii. Front Setback: Swimming pools and related facilities shall be set back not less than forty (40) feet from the front property line.

~~4.~~ The height of any pool-related facility shall be measured from the average natural grade, as established by a survey, adjacent to the single separate facility, to the highest point of the structure and shall not exceed ten (10) feet. Exceptions to the height requirement may be granted by the City Council if the pool facility is attached to a main dwelling and the provided setbacks for the dwelling are met.

~~e.~~

~~d.~~ **c. Sports Courts.** All sports courts shall be located in accordance with the setbacks outlined below. Sports courts shall not be permitted in a recorded easement. Setbacks are measured from the nearest edge of the court to the property line.

i. Front Setback. Sports courts shall be set back not less than forty (40) feet from the front property line.

ii. Side Setback – Corner Lot, Side Abutting a Street. Sports courts shall be set back not less than ten (10) feet from the side lot line which abuts on a street.

iii. Side and Rear Setback - Interior Lot Line. Sports courts shall be set back not less than ten (10) feet from the side or rear lot line.

- iv. The Planning Commission may grant an exception to the front yard or side yard setback to locate a sports court on a lot with three sides where the longest side abuts a street, subject to the following requirements.
- (1) The sports will be no closer than ten feet (10') to the property line abutting the street;
 - (2) No part of the court shall be located in any designated easement.
 - (3) The sports court may not be located closer than thirty feet (30') from any dwelling on adjacent neighboring property.
 - (4) A privacy fence shall be installed so that the sports court (excluding light poles) is not visible from the street, subject to any clear view requirements as determined by the city engineer.

3.04.050 Setback Requirements (See Appendix for Drawing)

2. Customary Residential Accessory Structures.

a. Accessory Structures.

- i. Setback from Main Building. Accessory Structures shall be set back not less than five (5) feet from the main building.
Additionally, Accessory Buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building. Accessory Buildings which are located more than twelve (12) feet away from the main building, whether attached or not, are not considered part of the main building and are considered detached structures.
- ii. Side Setback - Corner Lot, Side Abutting a Street. Accessory Structures shall be set back not less than forty (40) feet from the side lot line which abuts on a street. except that a two (2) foot minimum side setback may be allowed if the conditions outlined in section iv 1-8 can be met. A fence will also be required along the side yard property abutting a street as a condition for decreased side yard setbacks on a corner lot.
- iii. Front Setback. Accessory Structures shall be set back not less than forty (40) feet from the front property line.
- iv. Side and Rear Setback - Interior Lot Line. Accessory Structures shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:
 - (1) The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;

- (2) If the Accessory Structure is an Accessory Building, it shall contain no openings on the side contiguous to the lot line;
- (3) No drainage from the roof will be discharged onto an adjacent lot;
- (4) The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
- (5) The Accessory Structure will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;
 - (A) When utilities are present in an Accessory Structure, the building shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.
 - (B) The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to the property, in the event an easement needs to be accessed.
- (6) The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
- (7) If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;
- (8) The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
- (9) No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

b. Swimming Pools & Related Facilities. Notwithstanding any provision of this code to the contrary, the following regulations apply to all swimming pools and related facilities. All such facilities require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools and related facilities are not permitted within a recorded easement. Related facilities include, but are not limited to, pool equipment; ~~storage structures~~; and enhancements such as slides, jump structures, water features, and diving boards. In terms of this section, storage structures and pool houses that do not

contain pool equipment are not considered related facilities and are evaluated based on the accessory structure requirements of the underlying zone.

- ~~iv.~~ Setbacks for swimming pools shall be measured from the pool wall to the property line. Setbacks for related facilities shall be measured from the edge or perimeter of the structure to the property line.
- i. Side Setback – Corner Lot (Street Abutting): Swimming pools and related facilities shall be set back not less than ten (10) feet from the side lot line that abuts a street.
- ii. Side and Rear Setback – Interior Lot Line: Swimming pools and related facilities shall be set back not less than ten (10) feet from any interior side or rear lot line.
- iii. Front Setback: Swimming pools and related facilities shall be set back not less than forty (40) feet from the front property line.

~~3. v.~~ The height of any pool-related facility shall be measured from the average natural grade, as established by a survey, adjacent to the single separate facility, to the highest point of the structure and shall not exceed ten (10) feet. Exceptions to the height requirement may be granted by the City Council if the pool facility is attached to a main dwelling and the provided setbacks for the dwelling are met.

c. **Sports Courts.** All sports courts shall be located in accordance with the setbacks outlined below. Sports courts shall not be permitted in a recorded easement. Setbacks are measured from the nearest edge of the court to the property line.

- i. Front Setback. Sports courts shall be set back not less than forty (40) feet from the front property line.
- ii. Side Setback – Corner Lot, Side Abutting a Street. Sports courts shall be set back not less than ten (10) feet from the side lot line which abuts on a street.
- iii. Side and Rear Setback - Interior Lot Line. Sports courts shall be set back not less than ten (10) feet from the side or rear lot line.
- iv. The Planning Commission may grant an exception to the front yard or side yard setback to locate a sports court on a lot with three sides where the longest side abuts a street, subject to the following requirements.

- (1) The sports will be no closer than ten feet (10') to the property line abutting the street;
- (2) No part of the court shall be located in any designated easement.
- (3) The sports court may not be located closer than thirty feet (30') from any dwelling on adjacent neighboring property.
- (4) A privacy fence shall be installed so that the sports court (excluding light poles) is not visible from the street, subject to any clear view requirements as determined by the city engineer.

3.05.050 Setback Requirements (See Appendix for Drawing)

2. Customary Residential Accessory Structures.

a. Accessory Structures.

i. Setback from Main Building. Accessory Structures shall be set back not less than five (5) feet from the main building.

Additionally, Accessory Buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building. Accessory Buildings which are located more than twelve (12) feet away from the main building, whether attached or not, are not considered part of the main building and are considered detached structures.

ii. Side Setback - Corner Lot, Side Abutting a Street. Accessory Structures shall be set back not less than forty (40) feet from the side lot line which abuts on a street. except that a two (2) foot minimum side setback may be allowed if the conditions outlined in section iv 1-8 can be met. A fence will also be required along the side yard property abutting a street as a condition for decreased side yard setbacks on a corner lot.

iii. Front Setback. Accessory Structures shall be set back not less than forty (40) feet from the front property line.

iv. Side and Rear Setback - Interior Lot Line. Accessory Structures shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:

- (1) The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
- (2) If the Accessory Structure is an Accessory Building, it shall contain no openings on the side contiguous to the lot line;
- (3) No drainage from the roof will be discharged onto an adjacent lot;
- (4) The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
- (5) The Accessory Structure will not be placed on land designated as a recorded easement, such as a utility or trail easement , unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;

(A) When utilities are present in an Accessory Structure, the building shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.

(B) The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to the

property, in the event an easement needs to be accessed.

- (6) The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
- (7) If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;
- (8) The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
- (9) No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

b. Swimming Pools & Related Facilities. Notwithstanding any provision of this code to the contrary, the following regulations apply to all swimming pools and related facilities. All such facilities require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools and related facilities are not permitted within a recorded easement. Related facilities include, but are not limited to, pool equipment, ~~storage structures,~~ and enhancements such as slides, jump structures, water features, and diving boards. In terms of this section, storage structures and pool houses that do not contain pool equipment are not considered related facilities and are evaluated based on the accessory structure requirements of the underlying zone.

~~i.~~ Setbacks for swimming pools shall be measured from the pool wall to the property line. Setbacks for related facilities shall be measured from the edge or perimeter of the structure to the property line.

~~ii.i.~~ Side Setback – Corner Lot (Street Abutting): Swimming pools and related facilities shall be set back not less than ten (10) feet from the side lot line that abuts a street.

~~iii.ii.~~ Side and Rear Setback – Interior Lot Line: Swimming pools and related facilities shall be set back not less than ten (10) feet from any interior side or rear lot line.

~~iv.iii.~~ Front Setback: Swimming pools and related facilities shall be set back not less than forty (40) feet from the front property line.

The height of any pool-related facility shall be measured from the average natural grade, as established by a survey, adjacent to the single separate facility, to the highest point of the structure and shall not exceed ten (10) feet. Exceptions to the height requirement may be granted by the City Council if the pool facility is attached to a main dwelling and the provided setbacks for the dwelling are met.

~~e.~~

3.06.040 Setback Requirements (See Appendix For Drawing)

2. Customary Residential Accessory Structures.

a. Accessory Structures.

- i. Setback from Main Building. Accessory Structures shall be set back not less than five (5) feet from the main building.
Additionally, Accessory Buildings which are located twelve (12)

feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building. Accessory Buildings which are located more than twelve (12) feet away from the main building, whether attached or not, are not considered part of the main building and are considered detached structures.

- ii. Side Setback - Corner Lot, Side Abutting a Street. Accessory Structures shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
- iii. Front Setback. Accessory Structures shall be set back not less than forty (40) feet from the front property line.
- iv. Side and Rear Setback - Interior Lot Line. Accessory Structures shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:
 - (1) The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - (2) The Accessory Structure contains no openings on the side contiguous to the lot line;
 - (3) No drainage from the roof will be discharged onto an adjacent lot;
 - (4) The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - (5) The Accessory Structure will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;
 - (A) When utilities are present in an easement, the Accessory Structure shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.

(B) The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to the property, in the event an easement needs to be accessed.

(6) The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;

(7) The Accessory Structure will not exceed 200 square feet in size;

(8) The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and

(9) No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

- b. ~~Swimming Pools & Related Facilities~~ Swimming Pools and Related Facilities. Notwithstanding any provision of this code to the contrary, the following regulations apply to all swimming pools and related facilities. All such facilities require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools and related facilities are not permitted within a recorded easement. Related facilities include, but are not limited to, pool equipment, ~~storage structures~~, and enhancements such as slides, jump structures, water features, and diving boards. In terms of this section, storage structures and pool houses that do not contain pool equipment are not considered related facilities and are evaluated based on the accessory structure requirements of the underlying zone.

~~(C)~~ Setbacks for swimming pools shall be measured from the pool wall to the property line. Setbacks for related facilities shall be measured from the edge or perimeter of the structure to the property line.

- i. Side Setback – Corner Lot (Street Abutting): Swimming pools and related ~~pools~~ facilities shall be set back not less than ten (10) feet from the side lot line that abuts a street.
- ii. Side and Rear Setback – Interior Lot Line: Swimming pools and related facilities shall be set back not less than ten (10) feet from any interior side or rear lot line.
- iii. Front Setback: Swimming pools and related facilities shall be set back not less than forty (40) feet from the front property line.

| The height of any pool-related facility shall be measured from the average natural grade, as established by a survey, adjacent to the single separate facility, to the highest point of the structure and shall not exceed ten (10) feet. Exceptions to the height requirement may be granted by the City Council if the pool facility is attached to a main dwelling and the provided setbacks for the dwelling are met.

b.

| (Ord. 98-23,11-24-98)





Exhibit B

Clean Version of Updated Development Code

DCA §3.01.060 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.

5. **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.
6. **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.
7. **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:
 - a. Scale and north arrow;
 - b. Lot Lines and their dimensions including existing boundary monuments;
 - c. Adjacent streets, roads, rights-of-way and easements;
 - d. Location of all existing structures on subject property
 - e. Irrigation and/or drainage easements;
 - f. If not in an approved subdivision, an indication of the average slope of the

lot based upon application of the formula provided in DCA 3.01.100 Part 4.

- g. Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk location;
 - h. Necessary explanatory notes;
 - i. Name, address and telephone number of builder and owner; and,
 - j. The above, and any other information that may be requested by the Zoning Administrator or Building Inspector.
 - k. Show Setbacks and building height.
 - l. Attach a copy of the drainage plan and comply with the overall subdivision drainage plan.
8. **Demolition of Homes.** A demolition permit must be issued before any demolition takes place: (added by Ordinance 2004-13 on 9/28/04)
- a. Demolition Permit must be reviewed by the City Engineer and may be referred to the Planning Commission.
 - b. All Utilities must be notified prior to the demolition.
 - c. Must comply with site plan requirements.
 - d. Notify and comply with the Utah Division of Air Quality.

3.07-A.050 Site Design

- 5. Accessory Structures
- b. General Requirements: All customary residential accessory structures (Accessory Structures) shall comply with the following setbacks and regulations. Accessory Buildings require a building permit.
 - i. Setbacks:
 - 1. From Main Building: Minimum five (5) feet. If attached or within twelve (12) feet, the structure shall be considered part of the main building.
 - 2. Side Setback – Corner Lot (Street Abutting): Minimum forty (40) feet from the side lot line abutting a street, except that a two (2) foot minimum may be allowed under specified conditions and with a fence.

3. Front Setback: Minimum forty (40) feet from the front property line.
4. Side and Rear Setback – Interior Lots: Minimum ten (10) feet rear and five (5) feet side, with a possible reduction to two (2) feet if all of the following are met:
 5. Structure is more than twelve (12) feet from a dwelling;
 6. No openings on the side facing the lot line;
 7. No roof drainage onto adjacent lots;
 8. Constructed of non-combustive or fire-resistive materials;
 9. Not within a recorded easement unless allowed by easement holder;
 10. Movable within twenty-four (24) hours if within an easement;
 11. Not taller than twelve feet six inches (12'6");
 12. Not more than 200 sq. ft. in size if an Accessory Building;
- ii. The City Council may grant setback exceptions adjacent to non-residential properties.
- iii. Height of Accessory Structures:
 1. Maximum twenty (20) feet to the ridge line.
 2. For each additional one (1) foot in height above twenty (20) feet, increase side and rear setbacks by two (2) feet.
 3. Absolute maximum height shall not exceed thirty (30) feet.
 4. Chimneys, flag poles, antennas, and similar non-occupancy structures may exceed these limits by up to fifteen (15) feet.
- e. Swimming Pools and Related Facilities
 - i. A building permit is required.
 - i. No pools or related facilities may be located within a recorded easement.
 - ii. Setbacks:
 - A. Side – Corner Lot (Street Abutting): Minimum ten (10) feet.
 - B. Side/Rear – Interior Lots: Minimum ten (10) feet.

- C. Front: Minimum forty (40) feet.
- D. Height: Maximum ten (10) feet from average natural grade.
- E. Exceptions to height or placement may be granted by City Council if the facility is attached to a dwelling and meets dwelling setbacks.

f. Sports Courts

- i. Sports courts shall not be permitted in a recorded easement.
- ii. Setbacks:
 - i. Front: Minimum forty (40) feet.
 - ii. Side – Corner Lot (Street Abutting): Minimum ten (10) feet.
 - iii. Side/Rear – Interior Lots: Minimum ten (10) feet.
 - iv. Exception for Irregular Lots: The Planning Commission may allow reduced setbacks where the lot has three sides, subject to:
 - A. Court no closer than ten (10) feet to a street-abutting property line;
 - B. No encroachment into easements;
 - C. Minimum thirty (30) feet from any dwelling on adjacent property;
 - D. Privacy fence required to obscure court from street view.

g. Utility Requirements

- i. Culinary Water: All occupied structures shall connect to the City's water system, with at least 40 psi pressure as determined by the City Engineer.
- ii. Sewer: All occupied structures shall connect to the City sewer system unless an alternate system is approved under MCA §14.04.010.

5. Access Requirement. Each lot shall abut and have direct access to a City-maintained or City-accepted street. The minimum frontage shall be the required lot width of the zone, except that cul-de-sac or curve lots may reduce frontage to sixty (60) feet if the width at the front setback meets the zone's minimum.

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 allowed as a conditional use, upon approval by the designated land use authority. All home occupations will be subject to compliance with the following:

a. Terms and Conditions.

- i. Home occupations are listed as a conditional use in the zone.
- ii. 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.
- iii. 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.
- iv. The home occupation does not involve the use of any accessory buildings or yard space for storage outside of the dwelling or attached garage.
- v. 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.
- vi. No commercial vehicles shall be stored at the premises except one delivery truck which does not exceed 12,000 gvwr rated capacity.
- vii. 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.
- viii. 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.
- ix. 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.

- x. The home occupation shall obtain a business license from the City.
- xi. 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.
- xii. 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.
- xiii. 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.
- xiv. A sexually-oriented business shall not be a home occupation.
- xv. An automotive repair business shall not be a home occupation.
- xvi. 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.
- xvii. The City Planner or designee shall serve as the designated land use authority for home occupation applications meeting the following criteria:
 - (1) The home occupation, as proposed, complies with all requirements for the home occupation as listed in this section.
 - (2) The home occupation will be conducted entirely within the dwelling or attached garage.
 - (3) Only a limited number of customers or clients may visit the property in connection with the home occupation, provided such visits take place during regular business hours, remain incidental to the residential character of the dwelling, and do not create impacts beyond those normally associated with residential use.

(4) No employees other than the residing family members will be involved in the home occupation.

(5) No hazardous materials will be used or stored on the property.

The City Planner or designee may approve, approve with conditions, deny, or decline to consider the home occupation application in accordance with standards provided in this subsection. If the City Planner or designee declines to consider the application, the applicant may seek approval from the Planning Commission. applicant may appeal all other decisions as provided in DCA 2.03

b. 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 as the designated land use authority may attach conditions to the granting of a home occupation consistent with the standards in this section 2.03.060.2 .

c. 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, provided that (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.

3.23.070 Approval Process

Home occupations subject to the provisions of DCA 3.23.060 Part 2.

Home occupations subject to the provisions of DCA 3.23.060 Part 2 and that meet the five criteria in DC, xvii.

4.06.030 Final Plat

4.2.SUBMISSION REQUIREMENTS. The following shall be submitted to the Zoning Administrator by the subdivider or their authorized representative:

- a. A completed final plat application, including final plan checklist, and payment of applicable fees;
- b. Final plat and final subdivision improvement plans (construction drawings) including:
 - i. One (1) electronic copy in a compatible form as specified by City Staff;
 - ii. One (1) D size twenty four inches by thirty six inches (24" x 36") and one (1) eleven inch by seventeen inch (11" x 17") paper copies drawn to scale;
 - iii. NOTE: One (1) mylar copy of the Final Plat delineated in permanent ink shall be submitted to the City upon the request of the Zoning Administrator for recordation purposes, until then submission of the required paper copies of the final plat shall be sufficient for review purposes; and
 - iv. Certificate for clear title. An affidavit (certificate for clear title) that the applicant is the owner, the equitable owner, or authorized by the owner in writing to make an application for the land proposed to be subdivided shall be provided.
 - v. Title report. Prior to the recordation of the final plat, the applicant shall submit a current title report for review. The current title report shall disclose all recorded matters of title regarding the property and which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat. The title report shall set forth the names of all property owners included in the final plat and shall include a list of all mortgages, judgements, 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 Attorney, the holders or owners of such mortgages, judgements, liens, easements, contracts, or agreements shall be

required to join in and approve the application before the plat shall be acted upon by the Land Use Authority.

- vi. Articles of incorporation/bylaws. When a proposed subdivision contains land that are reserved in private ownership for community use, including common areas, the applicant shall submit with the final plat, the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements which may be required.
- vii. A revised narrative or summary statement describing any changes made from the previous narratives or summary statements submitted during the preliminary plan.
- viii. Narrative. A revised narrative or summary statement describing any changes made from the previous narratives or summary statements submitted during the preliminary plan.
- viv. All other materials required by this chapter.

4.10.010 Improvement Requirements

The Land Use Authority 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 ensure 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:

4.05.040 Required Conditions And Improvements

The following requirements shall be imposed as a condition of approval of a minor subdivision:

1. No more than (3) 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 are 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 not contain any sensitive lands.

5. The minor subdivision shall conform to the general character of the surrounding area.
6. Lots created shall not adversely affect the remainder of the parcel or adjoining property and shall conform to the applicable provisions of the City's Zoning
7. Any remainder of the parcel must be capable of further subdivision.
8. Utility easements shall be dedicated.
9. Any further lot splits would be processed under the major subdivision process.
10. Derelict parcels shall not be created.
11. The minor subdivision plat shall comply with the drawing requirements of DCA 4.06.030 Part 3 (Final Plat).
12. A development agreement may 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:
 1. a. any special conditions,
 2. b. trails, landscape issues,
 3. or off-site improvements.

(Ord. 98-19 amending Ord. 78-03)

(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)

HISTORY

Amended by Ord. 2024.02 on 1/23/2024

4.06.020 Preliminary Design Plan (Preliminary Plat)

PRELIMINARY PLAT 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 preliminary plans shall be made in every detail. A poorly-drawn or illegible preliminary plans shall be sufficient cause for rejection. The following data shall be submitted as part of the preliminary plan submission:

- a. Located at the top and center of the preliminary plat, the proposed name of the subdivision which shall be distinct from any other plat already recorded with the County Recorder's Office;
- b. A layout of the proposed subdivision, at a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the Zoning Administrator and/or City Engineer.
- c. The boundaries, course, dimensions, and total acreage of all of the parcels of ground divided, by their boundaries, course, and extent, whether the applicant proposes that any parcel of ground is intended to be used as a street or for any other public purpose.

- d. The lot or unit reference, block or building reference, street or site address, the street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale.
- e. Every existing or proposed right-of-way and easement grant or record for underground utility facilities.
- f. A title block, placed on the lower right-hand corner of the plat showing:
 - 1. Name and address of the owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
 - 2. Date and preparation of the preliminary subdivision plat, and all revision dates.
- g. Signature blocks for the dated signatures of the Planning Commission Chair, Mayor, City Engineer, City Attorney, and required private or public utility/service providers.
- h. North arrow, graphic and written scale, and basis of bearings used.
- i. A vicinity map of the site at a minimum scale of one inch equals one thousand feet (1" = 1,000') or as recommended by the Zoning Administrator and/or City Engineer showing the perimeter outline of the proposed subdivision, accesses, abutting subdivision outlines and names, names of adjacent property owners, and adjacent streets within two (2) miles of the proposed subdivision.
- j. Traverse map of the monumented (see DCA 4.06.030 Part-56) 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.
- k. The location of any common space or public open space areas including the location of all property to be set aside for public or private reservation, with the designation of the purpose of those set aside, and conditions, if any of the dedication or reservation. Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use (in compliance with the City's Open Space Zone).

3.02.070 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. (Ord. 2015-02, 02/10/15)

3.01.110 Definitions

MINOR SUBDIVISION. A subdivision development of three (3) or fewer lots which meet the requirements of DCA §4.05.

3.10.010 Intent

The intent of these provisions shall be:

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

(Ord. 95-22, 8/22/95)

4.08.040 Commencement Of Construction

Site improvement or grading of a proposed subdivision site prior to Final Plat approval is prohibited.

(Ord. 98-19 amending Ord. 78-03)

HISTORY

Amended by Ord. 2018-06 on 9/11/2018

3.01.110 Definitions

ACCESSORY 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, not including fences; and 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.

POOL HOUSE: An accessory building associated with a swimming pool that provides enclosed space intended for the use or convenience of those using the swimming pool, and may include changing spaces, restrooms, showers, storage, pool equipment, etc. A pool house with pool equipment must meet the setbacks required for related facilities as described in the applicable zone.

3.02.050 Setback Requirements (See Appendix for Drawing)

2. Customary Residential Accessory Structures.

a. Accessory Structures.

- v. Setback from Main Building. Accessory Structures shall be set back not less than five (5) feet from the main building.
Additionally, Accessory Buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building. Accessory Buildings which are more than

twelve (12) feet away from the main building, whether attached or not, are not considered part of the main building and are considered detached structures.

- vi. Side Setback - Corner Lot, Side Abutting a Street. Accessory Structures shall be set back not less than forty (40) feet from the side lot line which abuts on a street. except that a two (2) foot minimum side setback may be allowed if the conditions outlined in section iv 1-8 can be met. A fence will also be required along the side yard property abutting a street as a condition for decreased side yard setbacks on a corner lot.
- vii. Front Setback. Accessory Structures shall be set back not less than forty (40) feet from the front property line.
- viii. Side and Rear Setback - Interior Lot Line. Accessory Structures shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:
 - (1) The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - (2) If the Accessory Structure is an Accessory Building, it shall contain no openings on the side contiguous to the lot line;
 - (3) No drainage from the roof will be discharged onto an adjacent lot;
 - (4) The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - (5) The Accessory Structure will not be placed on land designated as a recorded easement, such as a utility or trail easement , unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;
 - (A) When utilities are present in an Accessory Structure, the building shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.
 - (B) The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to the property, in the event an easement needs to be accessed.
 - (6) The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
 - (7) If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;

- (8) The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
- (9) No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

b. Swimming Pools & Related Facilities. Notwithstanding any provision of this code to the contrary, the following regulations apply to all swimming pools and related facilities. All such facilities require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools and related facilities are not permitted within a recorded easement. Related facilities include, but are not limited to, pool equipment and enhancements such as slides, jump structures, water features, and diving boards. In terms of this section, storage structures and pool houses that do not contain pool equipment are not considered related facilities and are evaluated based on the accessory structure requirements of the underlying zone.

Setbacks for swimming pools shall be measured from the pool wall to the property line. Setbacks for related facilities shall be measured from the edge or perimeter of the structure to the property line.

- i. Side Setback – Corner Lot (Street Abutting): Swimming pools and related facilities shall be set back not less than ten (10) feet from the side lot line that abuts a street.
- ii. Side and Rear Setback – Interior Lot Line: Swimming pools and related facilities shall be set back not less than ten (10) feet from any interior side or rear lot line.
- iii. Front Setback: Swimming pools and related facilities shall be set back not less than forty (40) feet from the front property line.

The height of any pool-related facility shall be measured from the average natural grade, as established by a survey, adjacent to the single separate facility, to the highest point of the structure and shall not exceed ten (10) feet. Exceptions to the height requirement may be granted by the City Council if the pool facility is attached to a main dwelling and the provided setbacks for the dwelling are met.

c. Sports Courts. All sports courts shall be located in accordance with the setbacks outlined below. Sports courts shall not be permitted in a recorded easement. Setbacks are measured from the nearest edge of the court to the property line.

- v. Front Setback. Sports courts shall be set back not less than forty (40) feet from the front property line.
- vi. Side Setback – Corner Lot, Side Abutting a Street. Sports courts shall be set back not less than ten (10) feet from the side lot line which abuts on a street.
- vii. Side and Rear Setback - Interior Lot Line. Sports courts shall be set back not less than ten (10) feet from the side or rear lot line.

viii. The Planning Commission may grant an exception to the front yard or side yard setback to locate a sports court on a lot with three sides where the longest side abuts a street, subject to the following requirements.

- (1) The sports will be no closer than ten feet (10') to the property line abutting the street;
- (2) No part of the court shall be located in any designated easement.
- (3) The sports court may not be located closer than thirty feet (30') from any dwelling on adjacent neighboring property.
- (4) A privacy fence shall be installed so that the sports court (excluding light poles) is not visible from the street, subject to any clear view requirements as determined by the city engineer.

3.03.050 Setback Requirements (See Appendix for Drawing)

2. Customary Residential Accessory Structures.

a. Accessory Structures.

- v. i. Setback from Main Building. Accessory Structures shall be set back not less than five (5) feet from the main building.
Additionally, Accessory Buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building. Accessory Buildings which are located more than twelve (12) feet away from the main building, whether attached or not, are not considered part of the main building and are considered detached structures.
- vi. ii. Side Setback - Corner Lot, Side Abutting a Street. Accessory Structures shall be set back not less than forty (40) feet from the side lot line which abuts on a street. except that a two (2) foot minimum side setback may be allowed if the conditions outlined in section iv 1-8 can be met. A fence will also be required along the side yard property abutting a street as a condition for decreased side yard setbacks on a corner lot.
- vii. iii. Front Setback. Accessory Structures shall be set back not less than forty (40) feet from the front property line.
- viii. iv. Side and Rear Setback - Interior Lot Line. Accessory Structures shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:

1. The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
2. If the Accessory Structure is an Accessory Building, it shall contain no openings on the side contiguous to the lot line;
3. No drainage from the roof will be discharged onto an adjacent lot;
4. The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
5. The Accessory Structure will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;
 - A. When utilities are present in an Accessory Structure, the building shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.
 - B. The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to the property, in the event an easement needs to be accessed.
6. The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
7. If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;
8. The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
9. No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

b. Swimming Pools & Related Facilities. Notwithstanding any provision of this code to the contrary, the following regulations apply to all swimming pools and related facilities. All such facilities require a building permit and shall be located in accordance with the

setbacks outlined below. Swimming pools and related facilities are not permitted within a recorded easement. Related facilities include, but are not limited to, pool equipment and enhancements such as slides, jump structures, water features, and diving boards. In terms of this section, storage structures and pool houses that do not contain pool equipment are not considered related facilities and are evaluated based on the accessory structure requirements of the underlying zone.

Setbacks for swimming pools shall be measured from the pool wall to the property line. Setbacks for related facilities shall be measured from the edge or perimeter of the structure to the property line.

- xviii. Side Setback – Corner Lot (Street Abutting): Swimming pools and related facilities shall be set back not less than ten (10) feet from the side lot line that abuts a street.
- xix. Side and Rear Setback – Interior Lot Line: Swimming pools and related facilities shall be set back not less than ten (10) feet from any interior side or rear lot line.
- iii. Front Setback: Swimming pools and related facilities shall be set back not less than forty (40) feet from the front property line.

The height of any pool-related facility shall be measured from the average natural grade, as established by a survey, adjacent to the single separate facility, to the highest point of the structure and shall not exceed ten (10) feet. Exceptions to the height requirement may be granted by the City Council if the pool facility is attached to a main dwelling and the provided setbacks for the dwelling are met.

c. Sports Courts. All sports courts shall be located in accordance with the setbacks outlined below. Sports courts shall not be permitted in a recorded easement. Setbacks are measured from the nearest edge of the court to the property line.

- i. Front Setback. Sports courts shall be set back not less than forty (40) feet from the front property line.
- v. Side Setback – Corner Lot, Side Abutting a Street. Sports courts shall be set back not less than ten (10) feet from the side lot line which abuts on a street.
- vi. Side and Rear Setback - Interior Lot Line. Sports courts shall be set back not less than ten (10) feet from the side or rear lot line.
- vii. The Planning Commission may grant an exception to the front yard or side yard setback to locate a sports court on a lot with three sides where the longest side abuts a street, subject to the following requirements.
 - (1) The sports will be no closer than ten feet (10') to the property line abutting the street;
 - (2) No part of the court shall be located in any designated easement.
 - (3) The sports court may not be located closer than thirty feet (30') from any dwelling on adjacent neighboring property.

- (4) A privacy fence shall be installed so that the sports court (excluding light poles) is not visible from the street, subject to any clear view requirements as determined by the city engineer.

3.04.050 Setback Requirements (See Appendix for Drawing)

2. Customary Residential Accessory Structures.

a. Accessory Structures.

- i. Setback from Main Building. Accessory Structures shall be set back not less than five (5) feet from the main building.

Additionally, Accessory Buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building. Accessory Buildings which are located more than twelve (12) feet away from the main building, whether attached or not, are not considered part of the main building and are considered detached structures.

- ii. Side Setback - Corner Lot, Side Abutting a Street. Accessory Structures shall be set back not less than forty (40) feet from the side lot line which abuts on a street, except that a two (2) foot minimum side setback may be allowed if the conditions outlined in section iv 1-8 can be met. A fence will also be required along the side yard property abutting a street as a condition for decreased side yard setbacks on a corner lot.

- iii. Front Setback. Accessory Structures shall be set back not less than forty (40) feet from the front property line.

- iv. Side and Rear Setback - Interior Lot Line. Accessory Structures shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:

1. The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
2. If the Accessory Structure is an Accessory Building, it shall contain no openings on the side contiguous to the lot line;
3. No drainage from the roof will be discharged onto an adjacent lot;
4. The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
5. The Accessory Structure will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the owner(s) of said easement agree(s) to

allow the encroachment. Documentation of the agreement shall be provided to the City;

~~(A)~~(C) When utilities are present in an Accessory Structure, the building shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.

~~(B)~~(D) The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to the property, in the event an easement needs to be accessed.

6. The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
7. If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;
8. The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
9. No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

b. Swimming Pools & Related Facilities. Notwithstanding any provision of this code to the contrary, the following regulations apply to all swimming pools and related facilities. All such facilities require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools and related facilities are not permitted within a recorded easement. Related facilities include, but are not limited to, pool equipment and enhancements such as slides, jump structures, water features, and diving boards. In terms of this section, storage structures and pool houses that do not contain pool equipment are not considered related facilities and are evaluated based on the accessory structure requirements of the underlying zone.

Setbacks for swimming pools shall be measured from the pool wall to the property line. Setbacks for related facilities shall be measured from the edge or perimeter of the structure to the property line.

- i. Side Setback – Corner Lot (Street Abutting): Swimming pools and related facilities shall be set back not less than ten (10) feet from the side lot line that abuts a street.
- ii. Side and Rear Setback – Interior Lot Line: Swimming pools and related facilities shall be set back not less than ten (10) feet from any interior side or rear lot line.

iii. Front Setback: Swimming pools and related facilities shall be set back not less than forty (40) feet from the front property line.

The height of any pool-related facility shall be measured from the average natural grade, as established by a survey, adjacent to the single separate facility, to the highest point of the structure and shall not exceed ten (10) feet. Exceptions to the height requirement may be granted by the City Council if the pool facility is attached to a main dwelling and the provided setbacks for the dwelling are met.

c. **Sports Courts.** All sports courts shall be located in accordance with the setbacks outlined below. Sports courts shall not be permitted in a recorded easement. Setbacks are measured from the nearest edge of the court to the property line.

i. Front Setback. Sports courts shall be set back not less than forty (40) feet from the front property line.

ii. Side Setback – Corner Lot, Side Abutting a Street. Sports courts shall be set back not less than ten (10) feet from the side lot line which abuts on a street.

iii. Side and Rear Setback - Interior Lot Line. Sports courts shall be set back not less than ten (10) feet from the side or rear lot line.

iv. The Planning Commission may grant an exception to the front yard or side yard setback to locate a sports court on a lot with three sides where the longest side abuts a street, subject to the following requirements.

(1) The sports will be no closer than ten feet (10') to the property line abutting the street;

(2) No part of the court shall be located in any designated easement.

(3) The sports court may not be located closer than thirty feet (30') from any dwelling on adjacent neighboring property.

(4) A privacy fence shall be installed so that the sports court (excluding light poles) is not visible from the street, subject to any clear view requirements as determined by the city engineer.

3.05.050 Setback Requirements (See Appendix for Drawing)

2. Customary Residential Accessory Structures.

a. Accessory Structures.

i. Setback from Main Building. Accessory Structures shall be set back not less than five (5) feet from the main building.

Additionally, Accessory Buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building. Accessory Buildings which are located more than twelve (12) feet away from the main building, whether attached or not,

are not considered part of the main building and are considered detached structures.

ii. Side Setback - Corner Lot, Side Abutting a Street. Accessory Structures shall be set back not less than forty (40) feet from the side lot line which abuts on a street. except that a two (2) foot minimum side setback may be allowed if the conditions outlined in section iv 1-8 can be met. A fence will also be required along the side yard property abutting a street as a condition for decreased side yard setbacks on a corner lot.

iii. Front Setback. Accessory Structures shall be set back not less than forty (40) feet from the front property line.

iv. Side and Rear Setback - Interior Lot Line. Accessory Structures shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:

- (1) The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
- (2) If the Accessory Structure is an Accessory Building, it shall contain no openings on the side contiguous to the lot line;
- (3) No drainage from the roof will be discharged onto an adjacent lot;
- (4) The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
- (5) The Accessory Structure will not be placed on land designated as a recorded easement, such as a utility or trail easement , unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;

10. When utilities are present in an Accessory Structure, the building shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.

11. The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to the property, in the event an easement needs to be accessed.

- (6) The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
- (7) If the Accessory Structure is an Accessory Building, it will not exceed 200 square feet in size;
- (8) The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and

- (9) No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

b. Swimming Pools & Related Facilities. Notwithstanding any provision of this code to the contrary, the following regulations apply to all swimming pools and related facilities. All such facilities require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools and related facilities are not permitted within a recorded easement. Related facilities include, but are not limited to, pool equipment and enhancements such as slides, jump structures, water features, and diving boards. In terms of this section, storage structures and pool houses that do not contain pool equipment are not considered related facilities and are evaluated based on the accessory structure requirements of the underlying zone.

Setbacks for swimming pools shall be measured from the pool wall to the property line. Setbacks for related facilities shall be measured from the edge or perimeter of the structure to the property line.

- i. Side Setback – Corner Lot (Street Abutting): Swimming pools and related facilities shall be set back not less than ten (10) feet from the side lot line that abuts a street.
- ii. Side and Rear Setback – Interior Lot Line: Swimming pools and related facilities shall be set back not less than ten (10) feet from any interior side or rear lot line.
- iii. Front Setback: Swimming pools and related facilities shall be set back not less than forty (40) feet from the front property line.

The height of any pool-related facility shall be measured from the average natural grade, as established by a survey, adjacent to the single separate facility, to the highest point of the structure and shall not exceed ten (10) feet. Exceptions to the height requirement may be granted by the City Council if the pool facility is attached to a main dwelling and the provided setbacks for the dwelling are met.

3.06.040 Setback Requirements (See Appendix For Drawing)

2. Customary Residential Accessory Structures.

c. Accessory Structures.

- i. Setback from Main Building. Accessory Structures shall be set back not less than five (5) feet from the main building. Additionally, Accessory Buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building. Accessory Buildings which are located more than twelve (12) feet away from the main building, whether attached or not, are

not considered part of the main building and are considered detached structures.

- ii. Side Setback - Corner Lot, Side Abutting a Street. Accessory Structures shall be set back not less than forty (40) feet from the side lot line which abuts on a street.
- iii. Front Setback. Accessory Structures shall be set back not less than forty (40) feet from the front property line.
- iv. Side and Rear Setback - Interior Lot Line. Accessory Structures shall be set back not less than fifteen (15) feet from the rear lot line and ten (10) feet from the side lot line, except that a two (2) foot minimum rear or side setback shall be required when all the following conditions are met:
 - (1) The Accessory Structure is located more than twelve (12) feet from an existing dwelling on the same or adjacent lot;
 - (2) The Accessory Structure contains no openings on the side contiguous to the lot line;
 - (3) No drainage from the roof will be discharged onto an adjacent lot;
 - (4) The Accessory Structure shall be constructed of non-combustive materials or have fire resistive walls rated at one (1) hour or more;
 - (5) The Accessory Structure will not be placed on land designated as a recorded easement, such as a utility or trail easement, unless the owner(s) of said easement agree(s) to allow the encroachment. Documentation of the agreement shall be provided to the City;
 - (A) When utilities are present in an easement, the Accessory Structure shall not be permanently attached to the ground and can be moved or relocated within 24 hours. Fines shall be issued for buildings that cannot be moved within 24 hours.
 - (B) The owner acknowledges that they bear all costs of moving the Accessory Structure, including damage to the property, in the event an easement needs to be accessed.

- (6) The Accessory Structure will not be taller than twelve (12) feet six (6) inches to the top of the roof line;
- (7) The Accessory Structure will not exceed 200 square feet in size;
- (8) The City Council may grant additional exceptions to the above conditions if the Accessory Structure will be located adjacent to a non-residential property; and
- (9) No minimum rear or side setback shall be required if the building will not be taller than ten (10) feet to the top of the roof line.

d. **Swimming Pools and Related Facilities.** Notwithstanding any provision of this code to the contrary, the following regulations apply to all swimming pools and related facilities. All such facilities require a building permit and shall be located in accordance with the setbacks outlined below. Swimming pools and related facilities are not permitted within a recorded easement. Related facilities include, but are not limited to, pool equipment and enhancements such as slides, jump structures, water features, and diving boards. In terms of this section, storage structures and pool houses that do not contain pool equipment are not considered related facilities and are evaluated based on the accessory structure requirements of the underlying zone.

Setbacks for swimming pools shall be measured from the pool wall to the property line. Setbacks for related facilities shall be measured from the edge or perimeter of the structure to the property line.

- i. Side Setback – Corner Lot (Street Abutting): Swimming pools and related pools facilities shall be set back not less than ten (10) feet from the side lot line that abuts a street.
- ii. Side and Rear Setback – Interior Lot Line: Swimming pools and related facilities shall be set back not less than ten (10) feet from any interior side or rear lot line.
- iii. Front Setback: Swimming pools and related facilities shall be set back not less than forty (40) feet from the front property line.

The height of any pool-related facility shall be measured from the average natural grade, as established by a survey, adjacent to the single separate facility, to the highest point of the structure and shall not exceed ten (10) feet. Exceptions to the height requirement may be

granted by the City Council if the pool facility is attached to a main dwelling and the provided setbacks for the dwelling are met.

(Ord. 98-23,11-24-98)





Different options for code language

Option A – option provided in the packet, most flexible while also not allowing additions to be located extremely far from main structure, remains cohesive with current code

Option B – avoids any type of breezeway, remains quite cohesive with current code

- i. Setback from Main Building. Accessory Structures shall be set back not less than five (5) feet from the main building.

Additionally, Accessory Buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building. A breezeway, covered walkway, or similar connecting structure shall not constitute a common roof or wall for purposes of this provision. Accessory Buildings which are located more than twelve (12) feet away from the main building are not considered part of the main building and are considered detached.

Option C – requires the building by default to be more substantially attached, most different from current code

- i. Setback from Main Building. Accessory Structures shall be set back not less than five (5) feet from the main building.

Additionally, ~~Accessory Buildings which are located twelve (12) feet or closer to a main building and are attached to the main building by a common roof or wall shall be considered as part of the main building and shall meet the same setbacks as the main building.~~ to be considered part of the main dwelling, any addition to the original dwelling shall include a majority or more to be attached and in common with the original dwelling. The connection shall ~~be a majority~~ of exceed fifty percent (50%) of the total dimension of the addition that is parallel to the length of the portion side of the addition that faces the main dwelling.

See the figures below for examples of what is permitted.

1. Structures connected by a breezeway shall not be considered part of the main dwelling.

27. Dwelling, Main Dwelling. The main dwelling on a property shall include a connecting roof line, connecting foundation, at least four (4) connecting walls, and uninhibited interior access within the structure. An underground connection is excluded in counting as a connection to the main dwelling unit between unattached structures.

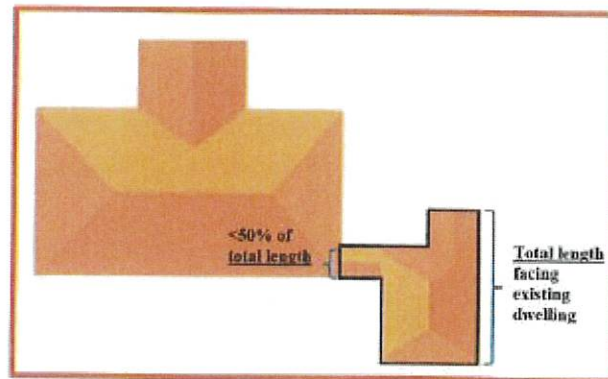
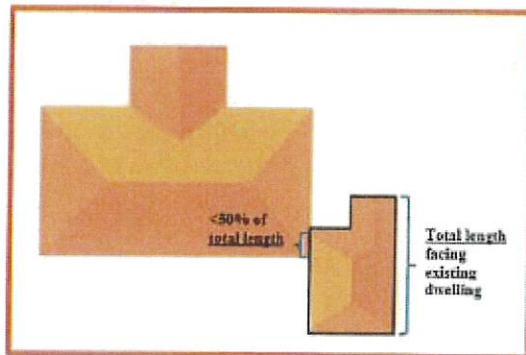
1. To be considered part of the main dwelling, any addition to the original dwelling shall include the previous requirements described above and **shall include a majority or more to be attached and in common with the original dwelling. The connection shall be a majority of the length of the portion of the addition that faces the main dwelling.** See the figures below for examples of what is permitted.

~~1.2.~~ Structures connected by a breezeway shall not be considered part of the main dwelling.

PERMITTED



NOT PERMITTED



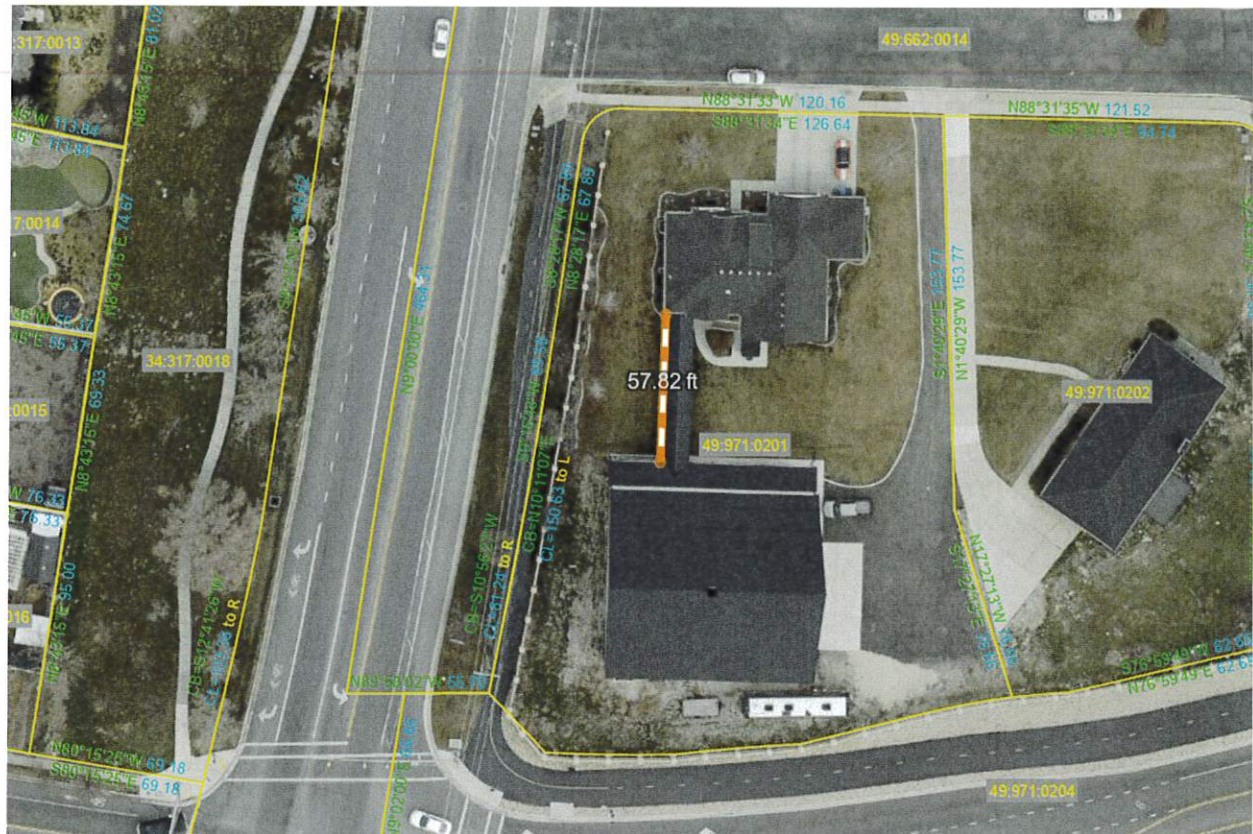


Would be considered **detached** under Highland's ordinance. **Attached** under Alpine's ordinance.



Probably want to avoid structures like this. This is what we are trying to prevent.





ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
August 4, 2026

I. GENERAL BUSINESS

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

Chair:

Commission Members: Michelle Schirmer, John MacKay, Troy Slade, Susan Whittenburg, Jeff Davis,
Greg Butterfield

Excused: Alan Macdonald

Staff: Caden Lyon, Marla Fox, Jason Judd

Others:

- B. Prayer/Opening Comments:**

- C. Pledge of Allegiance:**

II. REPORTS AND PRESENTATIONS

None

III. ACTION ITEMS

A. Action Item: Review of proposed Detached ADU Code language

Caden Lyon explained that because of the approval of Senate Bill 284, by October 1, 2026, Alpine City is required to have a detached accessory dwelling unit (ADU) code adopted to meet new State requirements. To make steps toward this, Staff have put together a first attempt at detached ADU code language for the Planning Commission to review and make suggestions on. Once comfortable, this language will be sent forward to the City Council for formal adoption into the Alpine Development Code.

Caden Lyon said he included additional information on ADU's for the Planning Commission to review. A quote from the document said, "A healthy community has housing for families at all stages of life. ADU's fill an important niche, allowing seniors to age in place and young adults children to stay close to home. He said he thinks ADU's are a great option for our community and feels that it will give our community more options to thrive.

Caden Lyon said all communities require the ADU's to be smaller than the main home. As we consider this ordinance, we should consider different choices, making sure the spirit of our code and the needs of the community are met. He said the ordinance will go in effect on October 1, 2026, so we need to have this ordinance completed by them.

Caden Lyon said any 11,000 square feet or larger lot can have an ADU. The ADU must meet the fire code and be a permitted use. Require two parking spaces for ADU's over 650 square feet. Alpine City can require the ADU to conform to the setbacks, height, parking, and design to match the main residence. The city can prohibit the size, being built in the front yard, renting the ADU under 90 days, the property be owner occupied, only allow one ADU per lot. ADU can be denied if there is not sufficient water or sewer.

Caden Lyon said we would like to add a definition from the State Code that states: An accessory dwelling unit that is not attached to or within a primary detached single-family dwelling and located on the same lot or parcel as the primary detached single-family dwelling.

Caden Lyon reviewed local regulations and said we tried to mimic language with some changes for our city. Some requirements for an ADU are:

Structure size – Staff recommended 1200 square feet.

Setbacks – Detached accessory dwelling units shall meet the same setbacks as those required for accessory buildings in the same zone in which it is located.

Height – Detached accessory dwelling units shall meet the same height requirements as an accessory building in the same zone.

Maximum of one – A maximum of one accessory dwelling unit shall be permitted on the property. If a property already has an internal accessory dwelling unit, no detached accessory dwelling unit will be allowed.

Owner occupied – Detached accessory dwelling units shall be permitted only in owner-occupied single-unit detached dwellings.

Meter, Utilities – Detached accessory dwelling unit shall connect to the same meter as the main dwelling for each water, gas, and electric utility service, and the meter shall be in the name of the owner. If there is not sufficient capacity for the accessory dwelling unit on the meter, it is prohibited.

Design – The detached accessory dwelling unit shall be built with materials and design that match those of the main dwelling.

Parking – The detached accessory dwelling unit shall provide at least one on-site parking space in addition to the parking space required for a single-family dwelling.

Construction Permit– All construction and remodeling to accommodate the detached accessory dwelling unit shall be in accordance with the International Residential and Building Codes in effect at the time of construction or remodeling.

Accessory Dwelling Permit – Any person constructing or causing the construction of a detached accessory dwelling unit or any person remodeling or causing the remodeling of a detached accessory dwelling unit shall obtain an Accessory Dwelling Unit Permit from the Building Department. Such permits shall be in addition to any building permits that may be necessary.

John MacKay asked why we were limiting the size to 1200 square feet. Caden Lyon said it doesn't have to be 1200 square feet, that was just a starting number. Greg Butterfield said it should be tied to the size of the lot, so we eliminate the ADU being too big for the lot. He said we don't want to over crowd and diminish property values, and overuse water and sewer resources.

Susan Whittenburg said she is concerned that these ADU's could be turned into Air-B-and B's or rental properties. She said this could be a green light for this type of activity. Jeff Davis said there wouldn't be a change in the setbacks and said he is fine with the size as long as they follow the setbacks.

Troy Slade asked about the quarter acre zone. Caden Lyon said there is already an ordinance for that zone that limits accessory buildings.

Jeff Davis asked what this would do to the sewer and water. Jason Judd said we don't have that data yet and will have to review the impact down the road.

Michelle Schirmer said she would like to keep the size smaller because it is an accessory building. She said she would not like to go over 1200 square feet. She said she would like to require a minimum of two parking spaces.

Susan Whittenburg said she understands that young people are priced out of Alpine. She said her concern is if these ADU's turn into rentals, are they going to be taken care of. John MacKay said the property must be owner occupied so the owner should make sure their property is taken care of.

The Planning Commission had a discussion about the size of the ADU. They agreed that 1200 square feet was a good size. Jeff Davis asked if we would entertain exceptions because someone might say they have over two acres and have plenty of room for a bigger ADU.

Jason Judd said we have people who build a 2000 square foot, four car garage with an ADU on the top. Now we say the ADU can't be bigger than 1200 square feet. That doesn't match up and the whole building could end up being an ADU at some point. He said we may need to look at garages as well when related to ADU's.

Marla Fox said she gets a lot of calls from residents asking if they can convert an existing garage or accessory building into an ADU. She said we may need a provision or exception to be able to do this if it meets the ordinance.

B. Action Item: Public Hearing – Proposed text amendments to Alpine Development Code

Caden Lyon said he went through the document and made changes to the numbering system, the verbiage and placement of verbiage.

Caden Lyon said there were some changes to the home occupation section stating that only a limited number of customers can come to the business instead of listing a certain number. This would be during regular business hours and remain incidental to the residential character of the dwelling.

Caden Lyon said we cleaned up the accessory building setbacks. We don't want accessory buildings connected by a breezeway or tunnels and claim to be part of the house. We want to make clear that any building farther than 12 feet away is not part of the home and is an accessory building.

Caden Lyon said Councilwoman Hannemann showed him Highland City's ordinance for additions to homes. Their ordinance states that any addition must be connected by at least fifty percent of the building. A building connected by less than that would be considered an accessory building. She wanted us to review that ordinance and see what we thought.

Caden Lyon said we want to change the swimming pool code, so pool houses have the same setbacks as an accessory building. The Planning Commission said we need to look at this section a little closer and come up with a definition for a pool house.

Jeff Davis opened the Public Hearing. There were no comments and Jeff Davis closed the Public Hearing.

MOTION: Planning Commissioner John MacKay moved to Table the proposed text amendments to Alpine Development Code in order to review and make additional changes.

Susan Whittenburg seconded the motion. There were 6 Ayes and 0 Nays. The motion passed unanimously.

Ayes

Nays

John MacKay
Jeff Davis
Michelle Schirmer
Susan Whittenburg
Troy Slade
Greg Butterfield

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: July 7, 2026

MOTION: Planning Commissioner Greg Butterfield moved to approve the minutes for July 7, 2026, as written.

Michelle Schirmer second the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Nays:

Excused:

Michelle Schirmer
John MacKay
Troy Slade
Susan Whittenburg
Jeff Davis
Greg Butterfield

MOTION: Planning Commission member Susan Whittenburg moved to adjourn the meeting.

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

Ayes:

Nays:

Excused:

Michelle Schirmer
John MacKay
Troy Slade
Susan Whittenburg
Jeff Davis
Greg Butterfield

The meeting was adjourned at 7:27 p.m.