



ALPINE CITY COUNCIL MEETING

NOTICE is hereby given that the CITY COUNCIL of Alpine City, Utah will hold a public meeting on **Tuesday, July 26, 2016 at 7:00 p.m.** at Alpine City Hall, 20 North Main, Alpine, Utah as follows:

I. CALL MEETING TO ORDER*

- | | |
|--------------------------|----------------------|
| A. Roll Call: | Mayor Sheldon Wimmer |
| B. Prayer: | Troy Stout |
| C. Pledge of Allegiance: | By Invitation |

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

III. CONSENT CALENDAR

- A. Minutes of the July 12, 2016 City Council Meeting
- B. 2016 Asphalt Overlay Project - Recommendation for Award – Granite Construction - \$157,894.60

IV. REPORTS AND PRESENTATIONS

- A. Alpine School District – Rob Smith, Assistant Superintendent

V. ACTION/DISCUSSION ITEMS:

- A. **Robert and Rebecca Snow Proposal to Acquire City Open Space or Gain Approval for a Boundary Line Adjustment:** Residents of Alpine City would like to discuss the acquisition of open space in their back yard or boundary line adjustment.
- B. **Lora and Tom Lefer Proposal to Acquire City Open Space:** Residents of Alpine City would like to discuss the acquisition or donation of a small triangle of open space in their back yard.
- C. **Alpine Water Systems Report.** The City Engineer/Public Works Director will report to the City Council on the status of the Alpine Water Systems and what the future holds for the systems.
- D. **Ordinance No. 2016-14 - Adoption of Building Code – Amendments to Part 9-530, Part 9-540, Part 9-560 and Chapter 9-600:** The City Council will consider amending the language for adoption of the Building Code.
- E. **Beck Pines Concept Plan – Approximately 600 West Westfield Road.** For information only, the City Council will review the concept plan for the Beck Pines Subdivision. The proposed subdivision consists of 19 lots ranging in size from 20,004 square feet to 23, 903 square feet on a site that is 11.29 acres. The site is located in the CR-2000 zone.
- F. **Ordinance No. 2016-07 - Open Space Ordinance and Map Amendments (Article 3.16).** The City Council will consider amendments to the Open Space Ordinance and corresponding map.
- G. **Ordinance No. 2016-13 - Flood Damage Prevention Overlay Ordinance Amendment (Section 3.12.8).** The City Council will consider approving the Flood Damage Prevention Overlay Ordinance amendment.

VI. STAFF REPORTS

VII. COUNCIL COMMUNICATION

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

ADJOURN

*Council Members may participate electronically by phone.

Sheldon Wimmer
July 22, 2016

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

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

PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

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

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

Public Hearing v. Public Meeting

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

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

ALPINE CITY COUNCIL MEETING
Alpine City Hall, 20 N. Main Alpine, UT
July 12, 2016

I. CALL MEETING TO ORDER: Mayor Sheldon Wimmer called the meeting to order at 7:00 pm.

A. Roll Call: The following were present:

Mayor Sheldon Wimmer

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

Council Members not present: Troy Stout

Staff: Rich Nelson, Charmayne Warnock, Joe McCrae

Others: Loraine Lott, Laura Lefler, Tom Lefler, Rob Schae, Ryan Schae, Jim Hobbs, Sylvia Christiansen, Bryon Burr, Bryan Hofeins, Chris Paulson

B. Prayer: Ramon Beck

C. Pledge of Allegiance: Ryan Shae

II. PUBLIC COMMENT

Ryan Shae said he'd come to the Council meeting in March to present his Eagle Scout project and now he was reporting back. He had painted 36 hydrants and curb in the Healey Boulevard area and surrounding neighborhood. He had fifteen people come out and help with the project which went as planned.

Laura and Tom Lefler said they lived at 304 Maple Drive. They had attended the Monday morning staff meeting and talked about the possibility of acquiring a small triangular piece of city-owned ground which was next to their property. It was approximately 92' x 40'. They had a deer problem and wanted to put up a fence but they had a mature globe willow that was in the way. Mr. Lefler had maintained the city-owned property for 17 years.

Roger Bennett asked if it needed to be put out for bid. Rich Nelson said that David Church had said it had been open space long enough that the City could sell it. He would find out what steps the City needed to take to begin the process. Sheldon Wimmer said there were other people interested in the rest of the city-owned piece.

III. CONSENT CALENDAR

A. Approve minutes of the City Council meetings of June 22, 2016 and June 28, 2016.

B. Bookmobile Contract for Fiscal year 2016-17

Lon lott said that Rich Nelson had forwarded the Council an email from the Highland City library wondering if Alpine City was interested in joining with them on the library, and wondered if they should discuss that in conjunction with the bookmobile.

Rich Nelson said the librarian from Highland City had visited with him earlier that day. Highland was discussing several ideas but had no definite proposal. One of the ideas came from a developer who wanted to build a high-rise building in Highland, and was proposing to include a library in the high rise that Highland City could rent. Highland City had also considered building a new library in the town square. Rich Nelson said the librarian had proposed that Alpine make a direct payment to the library rather than reimbursing citizens when they got a library card from the Highland library. The librarian said they were also looking making the library a three-city project between Highland, Alpine and Cedar Hills.

Sheldon Wimmer said he'd spoken with Mayor Thompson and they were having a hard time keeping the library certified. He thought a three-city library might help.

Roger Bennett asked if there was any chance of turning it into a county library. Rich Nelson said that would be a great idea if Utah County would do it.

1
2 Lon Lott asked how the bookmobile stops were decided, and if there were any concerns from citizens about the
3 change in locations. Rich Nelson said a representative from the bookmobile came in and talked to them about it.
4 There were no reports of citizens calling about the changed locations.
5

6 **MOTION:** Lon Lott moved to approve the Consent Calendar. Ramon Beck seconded. Ayes: 4 Nays: 0. Lon Lott,
7 Kimberly Bryant, Roger Bennett, Ramon Beck voted aye. Motion passed.
8

9 **IV. REPORTS AND PRESENTATIONS**

10 **A. Alpine School District Report – Bob Smith:** Mr. Smith was not present and this item was passed
11 over.
12

13 **V. DISCUSSION AND ACTION ITEMS**

14 **A. Fireworks:** Mayor Sheldon Wimmer welcomed Joe McRae from the Lone Peak Fire Department for
15 the discussion on fireworks in Alpine. Chief Brad Freeman had another engagement.
16

17 In 2012, a fire started in Lambert Park and spread to the mountainside east of Alpine. In consequence of that, the
18 City Council adopted Resolution 2012-06 banning open fires and fireworks in Alpine City limits. The ban was later
19 modified to allow fireworks in Creekside Park and some other specified locations because the state legislature said
20 that cities could not ban fireworks entirely. Working with the fire department, a map was created which banned
21 fireworks and open fires in outlying areas of town which were near sensitive lands, and opened up Creekside Park to
22 the use of firework on the 4th of July and the 24th of July. Citizens who could not light fireworks by their homes
23 would be able to come to park and light their fireworks. The event had grown to the point that safety of the
24 participants became a major concern.
25

26 Mayor Sheldon Wimmer said some launchers had tipped over and fired into the crowd and caused injuries. City
27 Attorney David Church had voiced serious concerns about liability. Mayor Wimmer said that it was not only Alpine
28 residents lighting fireworks in the park. People from other communities where they had severe restrictions on
29 fireworks were coming to Alpine to light their fireworks. He had been contacted by a number of citizens who were
30 very concerned about the situation. After consulting with Fire Chief Brad Freeman, the Mayor and staff made a
31 change to the policy and closed the parks to fireworks, and opened up much of the residential area in Alpine to
32 fireworks.
33

34 Mayor Wimmer said the second issue was the massive amount of litter that was left in the park after the firework.
35 The City crew had spent the entire day cleaning up the mess. The basketball courts and other areas in the park were
36 damaged.
37

38 Joe McRae said he was at the park that evening. There were a lot of people and most were cordial, but some people
39 did not seem to understand the effect of misaligned fireworks, which could shoot 150 feet. He said that if the City
40 opened up the rest of the City to fireworks, there would be other consequences. It would greatly increase the area the
41 fire department had to patrol. They would need extra manpower and would be patrolling the critical areas where fire
42 could spread. He said the Fire Chief would be monitoring the fire conditions and see if there were further
43 modifications that needed to be made.
44

45 Jim Hobbs said he lived behind Creekside Park, and the event on the 4th of July was way over the top. It would be
46 scary to be out there. He said the reason they started having fireworks in the park was to avoid burning up the
47 mountains, and in that respect it did seem safer. As far as litter, he said they could have a volunteer program where
48 people could come to the park the next day and helped clean up. It would be a great activity that would bring the
49 community together. The big question was how to control the liability. He suggested that maybe people should have
50 to get a permit to light their fireworks in the park. He said he was concerned enough about the fireworks that he had
51 hosed down part of his lot.
52

53 Sheldon Wimmer said that if they could insure the safety of the citizens, it wouldn't be such an issue. There were
54 five instances that they knew of when fireworks went into the crowd. One hit a young lady in the head.
55
56

1
2 Kimberly Bryant said she was at the park that night. She said she didn't want to see the mountains go up in fire but
3 at the same time she didn't want to see people injured. She said she lived in an area that was restricted to fireworks
4 but she saw people setting off fireworks in her neighborhood. She said those citizens should be heavily fined. The
5 fine needed to hurt, and perhaps the word would get around and people would start to comply.
6

7 Sheldon Wimmer said he'd watched the fireworks from up in Box Elder and saw fireworks all over the community.
8 The restriction was not adhered to. The difference was in the number of fireworks in restricted areas.
9

10 Bryan Burr said he had sent an email to the City about changing the policy and banning fireworks in Creekside Park.
11 He felt the City's response was a kind of knee-jerk reaction to a scary situation. He said he liked to sit on the deck of
12 his home and watch the fireworks in the park. It was the best display he'd ever seen. He said he had a helicopter that
13 sat down in Provo and he would love to have it parked by the rodeo grounds to be on call in the event there was a
14 fire. He was carded by the fire service and could go anywhere. The pressurized irrigation ponds could be accessed
15 for water. He agreed that there were citizens who would love to show up the next day to help clean up the park. The
16 City could plan for the event and run the sprinklers the during the day. He said he felt it would be a simple thing to
17 have people show their permit to come in and light their fireworks. The hard part would be enforcement because
18 there were so many points of access into the park. Maybe they could rent some portable fencing and have people to
19 man the gates. He said that shutting down the event in Creekside Park just opened up the risk of people lighting
20 fireworks in fire-prone areas.
21

22 Bryan Hofheins said he agreed with Bryan Burr. He said the City had the technology to educate the citizens about
23 the safe use of fireworks with robocalls and mayor's message. Let people know they would get a big fine for setting
24 off fireworks in restricted areas. If the City shut down Creekside Park, they would see people shooting off mortars in
25 their backyards.
26

27 Lon Lott said he liked the ideas the citizens were offering. Restricting fireworks in a confined area would make
28 patrol and enforcement easier.
29

30 Joe McRae said that on the night of the 4th they had increased patrol. They had nine officers on staff. Three were in
31 Alpine, three in Highland and three in Cedar Hills. Each officer had their own truck.
32

33 Sylvia Christiansen said she'd seen in the paper that there were three fires in Salt Lake City from people putting hot
34 fireworks in the dumpster. She felt it would be good to clean them up the next day. She agreed that if there was extra
35 enforcement and someone was cited, the word would get around.
36

37 Chris Paulson said that if the City imposed a \$10,000 fine, they would have one lawsuit, which they would lose,
38 then everyone would be running to deadend cul-de-sacs to light their fireworks. He said he liked the idea of a \$5
39 permit better and include a letter stating where fireworks could be lit.
40

41 There was a discussion about enforcement. Bryan Burr suggested that a neighbor could sign a sworn affidavit if they
42 saw another neighbor lighting fireworks illegally. Rich Nelson said they couldn't prosecute on that, but they could
43 give them a warning. Mr. Burr suggested they have members of the Youth Council or scout groups man the border
44 to the park and take the permits.
45

46 Rich Nelson said the reason the fireworks in the park hadn't been managed was because it was not a City-sponsored
47 event on the advice of legal counsel. It was an at-your-own-risk event.
48

49 Kent Partna suggested they handle permits the way the state did burn permits. A resident called in and got
50 instruction on proper burning, get a code, and then they could burn. In that way, if they had a permit, they would
51 have the proper information.
52

53 The Council had further discussion and decided that Creekside and Burgess Parks would be closed to fireworks as
54 plan. They could discuss the ideas that were presented and decide if there would be a better way to handle the
55 problem.
56

1 Rich Nelson said the only action the Council had to take that evening was to ratify the map the updated Fire
2 Restriction Map.

3
4 **MOTION:** Lon Lott moved to proceed for the 24th of July with the proposed 2016 Fire Restrictions Map and
5 address the issue further for July 4th and July 24th of 2017. Roger Bennett seconded. Ayes: 3 Nays: 1. Lon Lott,
6 Roger Bennett, Ramon Beck voted aye. Kimberly Bryant voted nay. She said she didn't like the perimeter for
7 allowed fireworks as far out as shown on the map. Motion passed.

8 9 **VI. COUNCIL COMMUNICATION**

10
11 Mayor Wimmer said the Healey Well went out the night before. It was their largest well but other wells had been
12 brought on line to provide sufficient water for the pressurized irrigation system.

13
14 Ramon Beck said he'd seen people watering on Sunday and talked to them. They told him they had plants that
15 needed to be watered daily. Rich Nelson said to have them call the City if they had a special situation.

16
17 Kimberly Bryant said the Council needed to figure out what they wanted to do in the parade for Alpine Days. One
18 year the Council followed behind the horses and scooped poop.

19
20 Lon Lott asked if they were going to have a Council meeting the week of Alpine Days. The Council agreed to cancel
21 it.

22
23 **MOTION:** Kimberly Bryant moved to cancel the City Council meeting scheduled for August 9, 2016. Ramon Beck
24 seconded. Kimberly Bryant, Lon Lott, Ramon Beck, Roger Bennett voted aye. Ayes: 4 Nays: 0. Motion passed.

25 26 **VII. STAFF COMMUNICATION**

27
28 Rich Nelson said that the City staff would be hold a pre-meeting for the Alpine Days meeting.

29
30 Charmayne Warnock said that the Cocolalla annexation petition and Lambert Park Estates annexation petition had
31 been certified, and copies were provided for the Council. Both annexations would be noticed in the paper, and the
32 30-day protest period would begin. The Pine Grove annexation petition was not certified because it was not in
33 Alpine City's Annexation Declaration Area.

34
35 **MOTION:** Kimberly Bryant moved to adjourn. Lon Lott seconded. Ayes: 4 Nays: 0. Kimberly Bryant, Lon Lott,
36 Ramon Beck, Roger Bennett voted aye. Motion passed

37
38 The meeting was adjourned at 8:21 pm.
39
40
41
42

Memo



To: Mayor Wimmer and City Council
From: Shane L. Sorensen, P.E., Public Works Director/City Engineer
Date: July 20, 2016
Subject: 2016 Asphalt Overlay Project - Recommendation for Award

Bids were opened on July 18, 2016, for the 2016 Asphalt Overlay Project. Six bids were received. The low bid was submitted by Granite Construction for the amount of \$157,894.60, which was 20.8% under the engineer's estimate. Bids ranged from \$157,894.60 to \$195,700.00, with the average of six bids being \$173,651.65. The attached bid tab shows the results of all bids.

We have checked references for Granite Construction believe they are qualified to do the work. Based on this information, we recommend that the 2016 Asphalt Overlay Project be awarded to Granite Construction Company for the amount of \$157,894.60.

Alpine City Public Works/Engineering
20 North Main • Alpine, Utah 84004
Phone/Fax: (801) 763-9862
E-mail: ssorensen@alpinecity.org



Contractors	Bid Amount	Rank
Granite Construction	\$157,854.60	
Miller Paving	\$171,063.15	2
Geneva Rod ^c Products	\$172,402.60	3
Staker & Parson	\$185,999.95	4
Kilgore Paving	\$194,273.50	5
Bennett Paving	\$195,700.00	6
Average	\$173,651.65	
Engineer's Estimate	\$199,522.75	

By Alpine City

PROJECT MANAGER: Shane L. Sorensen, P.E.

PROJECT: Alpine City - 2016 Overlay Projects

CONSTRUCTION COST INDEX:

BID OPENING: Alpine City Hall

DATE: 18-Jul-16

FOR: Alpine City

20 North Main

Alpine, UT 84004

BIDDER No. 1

BIDDER No. 2

BIDDER No. 3

ITEM No.	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	ITEM TOTAL						
1	Mobilization / not greater than 5% of total bid	1	LS	\$9,500.00	\$9,500.00		\$5,150.00		\$9,700.00		\$8,500.00
2	Lane Levellina (more or less quantity)	650	Ton	\$76.00	\$49,400.00	\$74.40	\$46,360.00	\$77.00	\$48,750.00	\$69.00	\$44,850.00
3	2-inch Asphalt Overlay (including edge milling, geotextile fabric and traffic control)	93,885	SF	\$1.15	\$107,967.75	\$1.07	\$100,456.95	\$1.10	\$103,273.50	\$0.96	\$90,129.60
4	2-inch Asphalt Overlay (including edge milling and traffic control)	31,100	SF	\$1.05	\$32,655.00	\$1.03	\$32,033.00	\$1.05	\$32,550.00	\$0.93	\$28,923.00
Total:					\$199,522.75		\$185,999.95		\$194,273.50		\$172,402.60

BIDDER No. 4

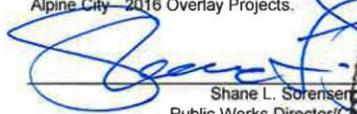
BIDDER No. 5

BIDDER No. 6

ITEM No.	DESCRIPTION	UNIT PRICE	ITEM TOTAL						
1	Mobilization / not greater than 5% of total bid		\$5,000.00		\$9,767.40		\$2,000.00	\$0.00	\$0.00
2	Lane Levellina (more or less quantity)	\$51.50	\$34,775.00	\$81.75	\$53,137.50	\$68.30	\$44,395.00	\$70.73	\$45,974.50
3	2-inch Asphalt Overlay (including edge milling, geotextile fabric and traffic control)	\$0.96	\$90,129.60	\$1.06	\$99,518.10	\$0.99	\$92,946.15	\$1.03	\$96,701.55
4	2-inch Asphalt Overlay (including edge milling and traffic control)	\$0.30	\$27,990.00	\$1.07	\$33,277.00	\$1.02	\$31,722.00	\$1.00	\$30,975.60
Total:			\$157,894.60		\$195,700.00		\$171,063.15		\$173,651.65

* Denotes mathematical error on bid sheet.

I hereby certify that this is a true and correct Bid Tabulation for the Alpine City - 2016 Overlay Projects.


 Shane L. Sorensen, P.E.
 Public Works Director/City Engineer



ALPINE CITY COUNCIL AGENDA

SUBJECT: Robert and Rebecca Snow Proposal to Acquire City Open Space or Gain Approval for a Boundary Line Adjustment.

FOR CONSIDERATION ON: July 26, 2016

PETITIONER: Robert and Rebecca Snow

ACTION REQUESTED BY PETITIONER: The petitioners would like to determine if the City would be willing to allow them to acquire city open space in their backyard or do a boundary line adjustment so they can have the additional 5 feet necessary to allow them to build a 10 foot extension to their home.

INFORMATION: The Snow's would like to build a 10 foot extension to their home. They have previously applied for a variance to the Board of Adjustment. This was not successful. A copy of their application to the Board of Adjustment is attached.

RECOMMENDED ACTION: That the City Council review the information supplied by the Snow's and decide what action they wish to take.



Application to Request Appeal Authority

20 North Main Alpine, UT 84004 • 801-756-6347 (Phone) • 801-756-1189 (Fax) • www.alpinecity.org

A request shall be filed with the Zoning Administrator of Alpine City and must contain the following information as a minimum and all other additional information that will help the Hearing Officer make a decision.

Variance Appeal of a Land Use Decision

Name Robert and Rebecca Snow Date 5/13/2016

Address 772 Stonehedge Road Phone (801) 580-2127 Email rastysnow@gmail.com

Describe the reasons of the request for variance/appeal The variance is to alter the rear set back from thirty (30) feet to twenty (20) feet. The applicant's proposal is to build an addition to the existing home. Due to the irregular shape of the lot, the owner cannot build the addition in compliance with the zoning ordinance. Special circumstances exist that would allow this variance and are detailed in the attached letter and site plans.

Variance

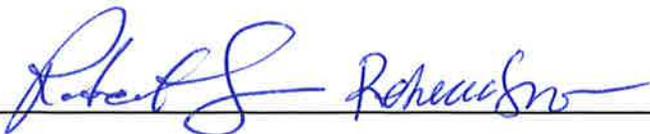
Address of the Property Involved 772 S. Stonehedge Road (840 E), Alpine, UT 84004

Chapter, Section, and Paragraph of the Alpine City Zoning Ordinance that you are seeking a variance from Article 3.5.5.1 Item #4

Appeal of a Land Use Decision

Action of a Land Use Authority that is being appealed _____

Date of action by Land Use Authority _____

Applicant Signature  Date 5/16/16

FOR CITY USE ONLY

Appeal Authority Fee (Actual Cost of Service)

Payment Amount _____ Payment Type _____ Receipt # _____

May 13, 2016

Mr. Jason Bond
Alpine City Planner
20 North Main
Alpine, Utah 84004
jbond@alpinecity.org

Re: Rear Set Back Variance for
772 Stonehedge Road
Alpine, UT 84004
Parcel No. 523030008

To Whom It May Concern,

This proposal letter is to request and substantiate the grant of a variance for the residence located at 772 Stonehedge Road in Alpine, UT (the "Property"). The variance requested is relatively minor, and as is outlined below, meets all of the parameters set forth in the Alpine City Development Code (the "Code") to allow the Hearing Officer to grant the variance. The proposed variance is to alter Article 3.3.5.1 #4 of the Code's application to the Property in regards to the rear set back distance of the Property from its rear property line. The requested variance is to reduce the rear set back distance of the Property from thirty (30) feet to twenty (20) feet. The applicant's proposal is to construct an addition onto the back of the existing 24-year-old home. The proposed addition would extend the rear side of the Property twelve (12) additional feet (as measured from the current location of the Property) into the backyard and would include a basement, a main level, and an upper level. The proposed addition adds more bedrooms and space for a growing family to enjoy for many years without having to relocate.

The rear side of the Property faces west, bordering a protected Alpine City open space. Therefore, there are no lots located on the Property's rear property line. Since there are no lots located along the Property's rear property line, the granting of the requested variance, and thus allowing the extension of the rear side of the Property an additional twelve (12) feet into the backyard, would not inhibit any other property owner's i) right to privacy or ii) current use of their land. All public utilities are supplied from the street side of the Property.

Article 2.3.3.7 of the Code sets forth five conditions under which this variance would be found acceptable to the Hearing Officer. The applicant is confident that the proposed variance meets each element of Article 2.3.3.7 of the Code, specifically;

A) “That literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.”

Generally, a hardship, as understood by the applicant, is a special condition attached to a property that does not generally apply to other properties in the same area. Special conditions can involve the size, shape, topography, or general location of the subject property. There is a physical constraint associated with the Property which is unique from other properties subject to the Code. The existing property boundary lines of the Property create an irregular shape, restricting the applicant’s ability to build the proposed addition onto the back of the Property. By enforcing the rear set back ordinance in the Country Residential Zone (C-R 20,000), the applicant is not able to build the proposed addition due to the unique, irregular, triangular shaped lot. The side property lines of the Property are 103' (South) and 150' (North). The unique triangular shape of the Property would cause the Southwest corner of proposed addition, if built, to encroach upon the required rear set-back for the zone. Enforcing the zone ordinance on the Property’s irregular lot forfeits the applicant of his right to improve his property. The shape of the lot is beyond the applicant’s control.

An effort to comply with the zoning ordinance is crucial for the applicant, therefore, the applicants are asking for the minimum required variance. A lesser variance request would not enable the applicants to proceed with the proposed addition.

B) “That there are special circumstances attached to the property that do not generally apply to other properties in the same zone.”

There are three unusual circumstances attached to the subject lot of the Property of discussion.

1) The Property is zoned in the Country Residential Zone, (C-R 20,000), which typically accommodates lots sized roughly 0.58+ acres according to Article 3.3.4 of the Code. The subject lot of the Property is only 0.27 acres, or 11,760 square feet; less than half of the minimum required density and area for the current zoning of the Property. The subject lot of the Property is smaller than the majority of the lots in its zone. The subject lot of the Property more closely aligns with the rear set back requirements for properties located in the Town Residential Zone (T-R 10,000) zone, which has a rear set back requirement of only twenty (20) feet. The neighborhood that the Property is located in reflects the feeling and character found in the T-R 10,000 zone, which typically governs smaller homes and lots, such as is the case with the Property.

2) The location and surroundings of the Property have unusual circumstances that don't apply to most properties in this zone. The entire rear property line of the Property, as noted above, borders protected open space. Since there are no lots located along the Property's rear property line, the granting of the requested variance, and thus allowing the extension of the rear side of the Property an additional twelve (12) feet into the backyard, would not encroach on neighboring yards, nor inhibit any other property owner's right to privacy, or current use of their land, in any way. Furthermore, the granting of the variance by the Hearing Officer would not cause or increase crowding, the primary intent of the setback ordinance.

3) There are three (3) lots in this subdivision that border this same westward open space, and each owner has permission to utilize land beyond their existing property line, up to an old fence line that was once Healey farm. Similarly, the subject lot of the Property has such an allowance from Alpine City (the "City") as well. The mentioned allowance spans the entire rear property line of the Property in a triangular shape, ranging from 8' (South) to 0' (North). Refer to attached map for reference. The City has allowed the owners of these properties to fence and landscape this additional space, and this unusual circumstance creates a larger backyard and less crowding on the Property than if the City had not granted permission to use this additional space. The applicant is requesting a rear setback of twenty (20) feet from back property line, which is the case with the setback associated with the T-R 10,000 zone, but actual setback from the fence line which the applicants have been given permission to use from the City is roughly 25' 10", only slightly less than the current thirty (30) foot requirement of the current applicable Country Residential Zone, (C-R 20,000).

Collectively, these three special physical circumstances attached to the Property do not apply to the majority of lots found in the same zone subject to the Code.

C) "That granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone."

The granting of this variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which it is located.

The variance request is to alter the setback by approximately ten (10) feet, roughly only four (4) feet if taken from the fence line as discussed in Section B(3) above. The proposed variance will not affect the side neighbors with regards to clearance, preservation of light, open spaces, and character of the area. This is due to that fact that the subject lot of the Property is located on an outward curved portion of the road, creating a fan shape, and therefore, the rear view of each home is facing a different direction.

Refer to attached map for reference. From street view and any windows of neighboring homes, the proposed addition will not be in view due to this curve effect and the mature trees between the homes.

We have consulted with neighboring property owners regarding our request and their consent was granted to the proposed addition, confirming that the proposed addition would have no detrimental effect on their property. In fact, neighbors are encouraging the proposed addition and improvement due to the constant turnover of rental homes in the area. The applicants are in the position to add value to the Property, therefore creating a more stable condition in the neighborhood.

D) "That the variance will not substantially affect the general plan and will not be contrary to the public interest."

The applicant acknowledges that the underlying intent for creating setback restrictions is to both i) prevent property owners from crowding the property of others and ii) create open space. That intent would not be jeopardized in any way due to the lack of rear neighbors, extra land allowance, and bordering open space. Furthermore, the proposed variance does not conflict with any other aspect of the Code.

This proposal fully complies with the intent and purpose of the General Plan of the City adopted in 2007. As outlined in the General Plan on page 6, "Alpine City highly values its history and reputation as a great place to live and raise a family" (the "General Plan"). The proposed addition does not encroach on anyone's property or view, and most importantly, will enable a contributing, growing family to remain in their current neighborhood and Property for many years.

E) "That the spirit of the zoning ordinance is observed and substantial justice is done."

Granting this variance would not create an undesirable precedent as other properties in the neighborhood do not have irregular shaped lots that could accommodate an addition. The applicants believe that any future variance submissions that may be similar in nature should be considered on a case-by-case approach and not through a zoning amendment.

Although the lot is small, the Property has an existing rear setback of 43' 10" on the northwest corner of the home, and if this setback were consistent across the rear property line, the variance would not be proposed. Similar rear setbacks exist on properties throughout the C-R 20,000 zone, with each property owner retaining

the ability to renovate and add an addition. Since other property owners in the same C-R 20,000 zone retain the ability to add an addition, to deny the applicants the ability to do so would certainly not observe the spirit of the zoning ordinance, nor would substantial justice be served.

In conclusion, the proposed project and variance request meets all of the requirements of Article 2.3.3.7 of the Code, thus allowing the Hearing Officer to grant the variance. In summary, A) the hardship flows from the strict application of the setback ordinance to the peculiar shape of the Property, which hardship is unreasonable for the applicant and not necessary to carry out the general purpose of the zoning ordinance, B) the irregularly shaped property lines of the Property constitute special circumstances attached to the Property that do not generally apply to other properties in the zone, C) though the subject lot of the Property is not comparable in size to the majority of lots in the currently assigned zone (which retain the ability to add an addition similar to that requested by the applicant), the ordinances of the zone are assigned to all properties in said zone, and therefore, granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone, D) the proposed addition will add value and enjoyment to the neighborhood, while at the same time having no adverse effects upon any adjacent properties or the neighborhood, thus, the variance will not substantially affect the General Plan and will not be contrary to the public interest, and E) the proposed variance request and modification is minimal and abides by the spirit of the zoning ordinance and sees that substantial justice is done. Therefore, a variance is respectfully requested and appropriate as is outlined by the proposal.

Best,



Robert Snow, owner



Rebecca Snow, owner

Robert Snow

rastysnow@gmail.com

(801)580-2127

Owners within 300 feet of subject property:

Michael & Lori Simmons
786 S Stonehedge Rd
Alpine, UT 84004

Michael & Camilla Wilson
760 S Stonehedge Rd
Alpine, UT 84004

Dick & Debbie Young
855 E Stonehedge Rd
Alpine, UT 84004

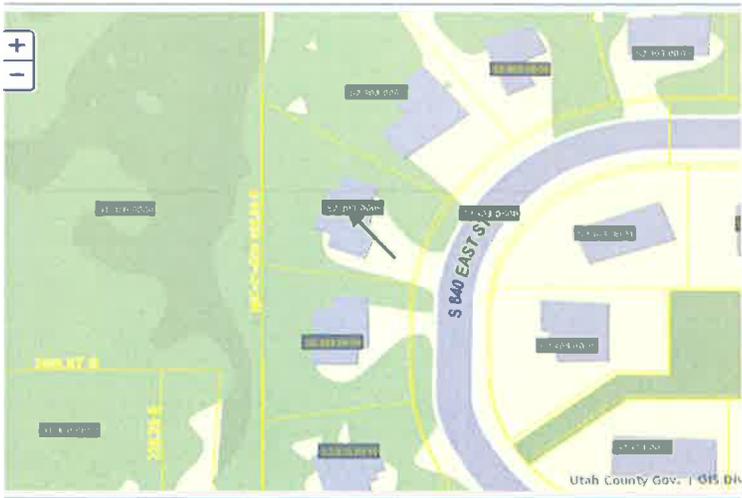
Alan & Glynis Neves
860 E Stonehedge Rd
Alpine, UT 84004

Nena Bath
783 S Stonehedge Rd
Alpine, UT

Cary & Pam Elder
798 S Stonehedge Rd
Alpine, UT



Site plans. To scale as evidenced by a calibrated line on south property line.



ALPINE CITY COUNCIL AGENDA

SUBJECT: Lora and Tom Lefler Proposal to Acquire City Open Space

FOR CONSIDERATION ON: July 26, 2016

PETITIONER: Lora and Tom Lefler

ACTION REQUESTED BY PETITIONER: They would like to acquire city open space adjacent to their yard.

INFORMATION: At the previous City Council meeting Lora and Tom Lefler appeared before the City Council during open comments to see if the Council would consider letting them acquire a small triangle of city open space off of Canyon Crest road. A copy of what they presented to the Council is attached. Since this was not on the City Council agenda they were instructed to come back to the next meeting as an agenda item. The Council is just indicating to the Lefler's if they would be interested in having them acquire the small triangle of city open space. If the Council has an interest, then the Lefler's and the City would have to go through the process of selling or giving them that small triangle of city open space.

RECOMMENDED ACTION: For City Council direction.

Tom and Laura Lefler Request for Consideration on Fence Line at 304 Maple Drive, Silver Leaf Subdivision

June 13, 2016

I've come to make a special request. We've lived in Alpine for 17 years at 304 Maple Drive. We have a deer problem. We've been unable to grow a garden successfully for the last five years because our house is the deer route out of Silver Leaf subdivision going west toward the open area that runs along Canyon Crest Drive. The deer graze across our garden and eat our fruit trees and grape vines, so we decided that we needed to put up a fence.

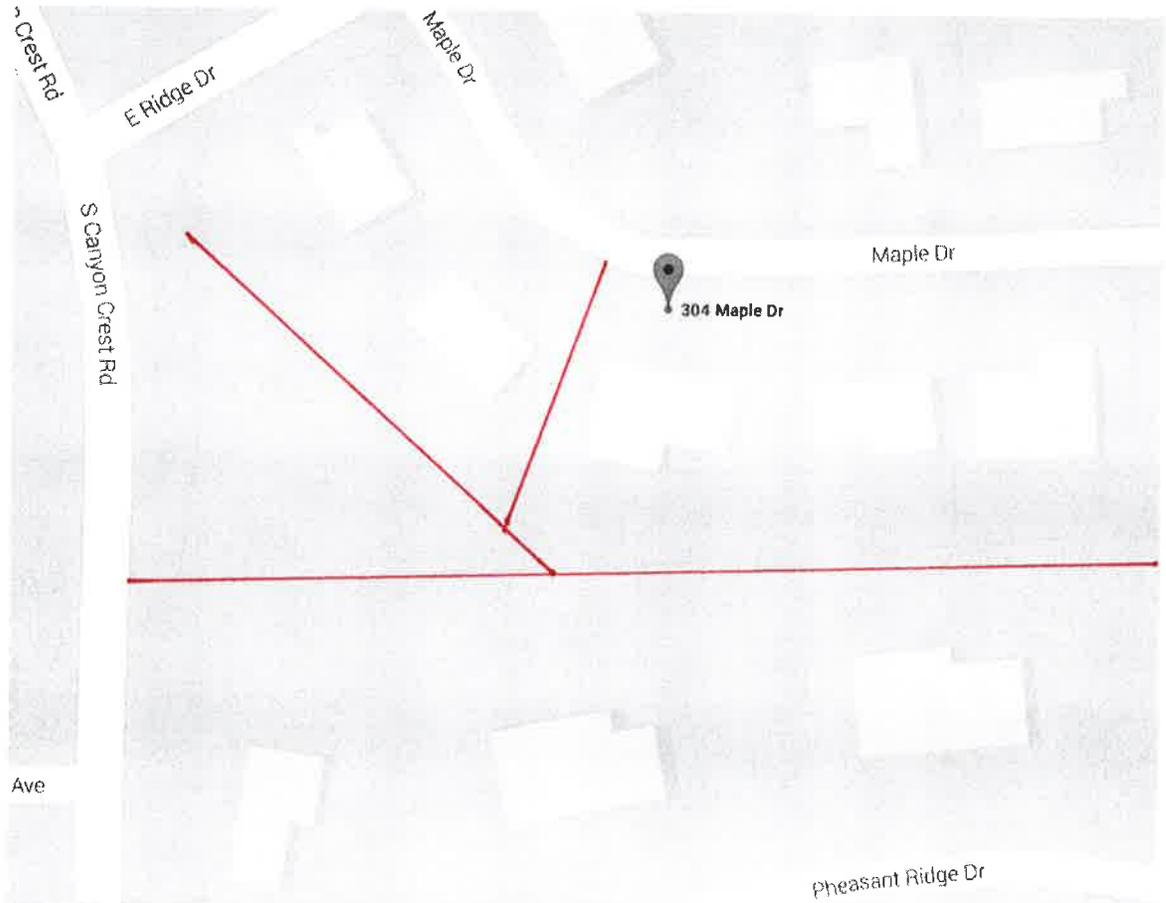
We like the openness of our yard, but as more and more area has been developed around us and more fences have gone up, our deer problem has increased. We need to enclose our yard to try and protect our trees, grape vines, garden, and flowers.

We had a fence company come out to give us a bid last week for a six foot vinyl fence. We can put up fencing on the east and west, towards the front of our property without complications. However, it will be difficult to put up a six foot fence along the property line in the back because of a large globe willow. The fence company suggested that we drop the fence line to four feet by the tree, but the deer will easily jump over it. We would prefer not to cut down the willow tree trunk to allow for a six foot fence. Can we adjust the property line so a six foot fence can clear under the willow tree?

If you look at Google Maps, you can see the open area at the back of our property. At the common area's eastern most end (that follows the back fence line of the Warwick property) it comes to a triangular point. The city has never taken care of that area because it's too difficult for a mower to negotiate the space. They mow up to the point of Warwick's east fence line to the back south side of the Neeleman property. What are the options to resolve our fence line problem? Can we make an adjustment to the property line? We think it would be easier for everyone if the property line ran along the common fence line that separates our property from the Warwick property. We could save the tree and it would follow the mowing line as it is now.

The triangular area measures approximately 29 feet by 40 feet by 39 ½ feet which is 580 triangular square feet.

FYI: My husband has weed eated that area for the last 17 years. He estimates that he's saved the city \$11,900.00 at minimum wage—not considering gas and wear and tear on equipment.



ALPINE CITY COUNCIL AGENDA

SUBJECT: Alpine Water Systems Report

FOR CONSIDERATION ON: July 26, 2016

PETITIONER: Shane Sorensen, City Engineer/Public Works Director

ACTION REQUESTED BY PETITIONER: For Council information and discussion.

INFORMATION: Shane will have information to give to the City Council at the meeting about the state of the water systems and what the future holds.

RECOMMENDED ACTION: For Council information and discussion.

ALPINE CITY COUNCIL AGENDA

SUBJECT: Ordinance No. 2016-14 – Adoption of Building Code – Amendments to Part 9-530, Part 9-540, Part 9-560 and Chapter 9-600

FOR CONSIDERATION ON: July 26, 2016

PETITIONER: David Church, City Attorney

ACTION REQUESTED BY PETITIONER: Approval of changes to the Alpine City building code to reflect the changes at the State level.

INFORMATION: When the State adopts the latest version of the building code cities adopt that same version. The State has adopted the latest version of the building code and now Alpine City should adopt that version. Changes in the code, which are attached, do that.

RECOMMENDED ACTION: That the City Council consider adopting Ordinance No. 2016-14 – Adoption of Building Code – Amendments to Part 9-530, Part 9-540, Part 9-560 and Chapter 9-600.

ORDINANCE NO. 2016-14

**AN ORDINANCE AMENDING PART 9-530, PART 9-540, PART 9-560 & CHAPTER 9-600
OF THE ALPINE CITY CODE TO UPDATE CONSTRUCTION CODES TO COMPLY
WITH STATE LAW**

WHEREAS, Alpine City is required to adopt the standard construction and building codes adopted for the State of Utah by the State Legislature; and

WHEREAS, the State of Utah has now amended and readopted those codes.

NOW THEREFORE BE IT ORDAINED by the City Council of Alpine City as follows:

1. Sections 9-531, of the current Alpine City code is amended to read as follows:

9-531. ADOPTION OF BUILDING CODE. The city hereby adopts as its building codes the Utah State Construction Code of the nationally recognized code authority, as adopted by Section [15A-2-101](#) et seq. Utah Code Annotated, or its successor; provided, that they shall not be retroactive except as provided for in the code.

2. PART 9-540. ELECTRICAL CODE of the Current Alpine City Code is hereby repealed in its entirety.

3. PART 9 -560. PLUMBING CODE of the Current Alpine City Code is hereby repealed in its entirety.

4. CHAPTER 9-600 OTHER BUILDING OR CONSTRUCTION CODES of the Current Alpine City Code is hereby repealed in its entirety.

5. This ordinance shall take effect upon posting in accordance with state law.

PASSED this 26th day of July, 2016.

Mayor

ATTEST:

City Recorder

Effective 7/1/2016

15A-1-204 Adoption of State Construction Code -- Amendments by commission -- Approved codes -- Exemptions.

- (1)
 - (a) The State Construction Code is the construction codes adopted with any modifications in accordance with this section that the state and each political subdivision of the state shall follow.
 - (b) A person shall comply with the applicable provisions of the State Construction Code when:
 - (i) new construction is involved; and
 - (ii) the owner of an existing building, or the owner's agent, is voluntarily engaged in:
 - (A) the repair, renovation, remodeling, alteration, enlargement, rehabilitation, conservation, or reconstruction of the building; or
 - (B) changing the character or use of the building in a manner that increases the occupancy loads, other demands, or safety risks of the building.
 - (c) On and after July 1, 2010, the State Construction Code is the State Construction Code in effect on July 1, 2010, until in accordance with this section:
 - (i) a new State Construction Code is adopted; or
 - (ii) one or more provisions of the State Construction Code are amended or repealed in accordance with this section.
 - (d) A provision of the State Construction Code may be applicable:
 - (i) to the entire state; or
 - (ii) within a county, city, or town.
- (2)
 - (a) The Legislature shall adopt a State Construction Code by enacting legislation that adopts a nationally recognized construction code with any modifications.
 - (b) Legislation described in Subsection (2)(a) shall state that the legislation takes effect on the July 1 after the day on which the legislation is enacted, unless otherwise stated in the legislation.
 - (c) Subject to Subsection (6), a State Construction Code adopted by the Legislature is the State Construction Code until, in accordance with this section, the Legislature adopts a new State Construction Code by:
 - (i) adopting a new State Construction Code in its entirety; or
 - (ii) amending or repealing one or more provisions of the State Construction Code.
- (3)
 - (a) Except as provided in Subsection (3)(b), for each update of a nationally recognized construction code, the commission shall prepare a report described in Subsection (4).
 - (b) For the provisions of a nationally recognized construction code that apply only to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with separate means of egress and their accessory structures, the commission shall:
 - (i) prepare a report described in Subsection (4) in 2021 and, thereafter, for every second update of the nationally recognized construction code; and
 - (ii) not prepare a report described in Subsection (4) in 2018.
- (4)
 - (a) In accordance with Subsection (3), on or before September 1 of the same year as the year designated in the title of a nationally recognized construction code, the commission shall prepare and submit a report to the Business and Labor Interim Committee that:
 - (i) states whether the commission recommends the Legislature adopt the update with any modifications; and

- (ii) describes the costs and benefits of each recommended change in the update or in any modification.
 - (b) After the Business and Labor Interim Committee receives the report described in Subsection (4)(a), the Business and Labor Interim Committee shall:
 - (i) study the recommendations during the remainder of the interim; and
 - (ii) if the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, prepare legislation for consideration by the Legislature in the next general session.
- (5)
- (a)
 - (i) The commission shall, by no later than November 30 of each year in which the commission is not required to submit a report described in Subsection (4), recommend in a report to the Business and Labor Interim Committee whether the Legislature should amend or repeal one or more provisions of the State Construction Code.
 - (ii) As part of a recommendation described in Subsection (5)(a)(i), the commission shall describe the costs and benefits of each proposed amendment or repeal.
 - (b) The commission may recommend legislative action related to the State Construction Code:
 - (i) on its own initiative;
 - (ii) upon the recommendation of the division; or
 - (iii) upon the receipt of a request by one of the following that the commission recommend legislative action related to the State Construction Code:
 - (A) a local regulator;
 - (B) a state regulator;
 - (C) a state agency involved with the construction and design of a building;
 - (D) the Construction Services Commission;
 - (E) the Electrician Licensing Board;
 - (F) the Plumbers Licensing Board; or
 - (G) a recognized construction-related association.
 - (c) If the Business and Labor Interim Committee decides to recommend legislative action to the Legislature, the Business and Labor Interim Committee shall prepare legislation for consideration by the Legislature in the next general session.
- (6)
- (a) Notwithstanding the provisions of this section, the commission may, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, amend the State Construction Code if the commission determines that waiting for legislative action in the next general legislative session would:
 - (i) cause an imminent peril to the public health, safety, or welfare; or
 - (ii) place a person in violation of federal or other state law.
 - (b) If the commission amends the State Construction Code in accordance with this Subsection (6), the commission shall file with the division:
 - (i) the text of the amendment to the State Construction Code; and
 - (ii) an analysis that includes the specific reasons and justifications for the commission's findings.
 - (c) If the State Construction Code is amended under this Subsection (6), the division shall:
 - (i) publish the amendment to the State Construction Code in accordance with Section 15A-1-205; and

- (ii) notify the Business and Labor Interim Committee of the amendment to the State Construction Code, including a copy of the commission's analysis described in Subsection (6)(b)(ii).
 - (d) If not formally adopted by the Legislature at the next annual general session, an amendment to the State Construction Code under this Subsection (6) is repealed on the July 1 immediately following the next annual general session that follows the adoption of the amendment.
- (7)
- (a) The division, in consultation with the commission, may approve, without adopting, one or more approved codes, including a specific edition of a construction code, for use by a compliance agency.
 - (b) If the code adopted by a compliance agency is an approved code described in Subsection (7)(a), the compliance agency may:
 - (i) adopt an ordinance requiring removal, demolition, or repair of a building;
 - (ii) adopt, by ordinance or rule, a dangerous building code; or
 - (iii) adopt, by ordinance or rule, a building rehabilitation code.
- (8) Except as provided in Subsections (6), (7), (9), and (10), or as expressly provided in state law, a state executive branch entity or political subdivision of the state may not, after December 1, 2016, adopt or enforce a rule, ordinance, or requirement that applies to a subject specifically addressed by, and that is more restrictive than, the State Construction Code.
- (9) A state executive branch entity or political subdivision of the state may:
- (a) enforce a federal law or regulation;
 - (b) adopt or enforce a rule, ordinance, or requirement if the rule, ordinance, or requirement applies only to a facility or construction owned or used by a state entity or a political subdivision of the state; or
 - (c) enforce a rule, ordinance, or requirement:
 - (i) that the state executive branch entity or political subdivision adopted or made effective before July 1, 2015; and
 - (ii) for which the state executive branch entity or political subdivision can demonstrate, with substantial evidence, that the rule, ordinance, or requirement is necessary to protect an individual from a condition likely to cause imminent injury or death.
- (10) The Department of Health or the Department of Environmental Quality may enforce a rule or requirement adopted before January 1, 2015.
- (11)
- (a) Except as provided in Subsection (11)(b), a structure used solely in conjunction with agriculture use, and not for human occupancy, or a structure that is no more than 1,500 square feet and used solely for the type of sales described in Subsection 59-12-104(20), is exempt from the permit requirements of the State Construction Code.
 - (b)
 - (i) Unless exempted by a provision other than Subsection (11)(a), a plumbing, electrical, and mechanical permit may be required when that work is included in a structure described in Subsection (11)(a).
 - (ii) Unless located in whole or in part in an agricultural protection area created under Title 17, Chapter 41, Agriculture and Industrial Protection Areas, a structure described in Subsection (11)(a) is not exempt from a permit requirement if the structure is located on land that is:
 - (A) within the boundaries of a city or town, and less than five contiguous acres; or
 - (B) within a subdivision for which the county has approved a subdivision plat under Title 17, Chapter 27a, Part 6, Subdivisions, and less than two contiguous acres.

Amended by Chapter 249, 2016 General Session
Amended by Chapter 286, 2016 General Session

Chapter 2 Adoption of State Construction Code

Part 1 General Provisions

15A-2-101 Title -- Adoption of code.

- (1) This chapter is known as the "Adoption of State Construction Code."
- (2) In accordance with Chapter 1, Part 2, State Construction Code Administration Act, the Legislature repeals the State Construction Code in effect on July 1, 2010, and adopts the following as the State Construction Code:
 - (a) this chapter;
 - (b) Chapter 3, Statewide Amendments Incorporated as Part of State Construction Code; and
 - (c) Chapter 4, Local Amendments Incorporated as Part of State Construction Code.

Enacted by Chapter 14, 2011 General Session

15A-2-102 Definitions.

As used in this chapter and Chapter 3, Statewide Amendments Incorporated as Part of State Construction Code, and Chapter 4, Local Amendments Incorporated as Part of State Construction Code:

- (1) "HUD Code" means the Federal Manufactured Housing Construction and Safety Standards Act, as issued by the Department of Housing and Urban Development and published in 24 C.F.R. Parts 3280 and 3282 (as revised April 1, 1990).
- (2) "IBC" means the edition of the International Building Code adopted under Section 15A-2-103.
- (3) "IEBC" means the edition of the International Existing Building Code adopted under Section 15A-2-103.
- (4) "IECC" means the edition of the International Energy Conservation Code adopted under Section 15A-2-103.
- (5) "IFGC" means the edition of the International Fuel Gas Code adopted under Section 15A-2-103.
- (6) "IMC" means the edition of the International Mechanical Code adopted under Section 15A-2-103.
- (7) "IPC" means the edition of the International Plumbing Code adopted under Section 15A-2-103.
- (8) "IRC" means the edition of the International Residential Code adopted under Section 15A-2-103.
- (9) "NEC" means the edition of the National Electrical Code adopted under Section 15A-2-103.
- (10) "UWUI" means the edition of the Utah Wildland Urban Interface Code adopted under Section 15A-2-103.

Amended by Chapter 249, 2016 General Session

15A-2-103 Specific editions adopted of construction code of a nationally recognized code authority.

- (1) Subject to the other provisions of this part, the following construction codes are incorporated by reference, and together with the amendments specified in Chapter 3, Part 3, Statewide Amendments to International Plumbing Code, and Chapter 4, Local Amendments Incorporated

as Part of State Construction Code, are the construction standards to be applied to building construction, alteration, remodeling, and repair, and in the regulation of building construction, alteration, remodeling, and repair in the state:

- (a) the 2015 edition of the International Building Code, including Appendix J, issued by the International Code Council;
 - (b) the 2015 edition of the International Residential Code, issued by the International Code Council;
 - (c) the 2015 edition of the International Plumbing Code, issued by the International Code Council;
 - (d) the 2015 edition of the International Mechanical Code, issued by the International Code Council;
 - (e) the 2015 edition of the International Fuel Gas Code, issued by the International Code Council;
 - (f) the 2014 edition of the National Electrical Code, issued by the National Fire Protection Association;
 - (g) the 2015 edition of the International Energy Conservation Code, issued by the International Code Council;
 - (h) the 2015 edition of the International Existing Building Code, issued by the International Code Council;
 - (i) subject to Subsection 15A-2-104(2), the HUD Code;
 - (j) subject to Subsection 15A-2-104(1), Appendix E of the 2015 edition of the International Residential Code, issued by the International Code Council; and
 - (k) subject to Subsection 15A-2-104(1), the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard, issued by the National Fire Protection Association.
- (2) Consistent with Title 65A, Chapter 8, Management of Forest Lands and Fire Control, the Legislature adopts the 2006 edition of the Utah Wildland Urban Interface Code, issued by the International Code Council, with the alternatives or amendments approved by the Utah Division of Forestry, as a construction code that may be adopted by a local compliance agency by local ordinance or other similar action as a local amendment to the codes listed in this section.

Amended by Chapter 249, 2016 General Session

15A-2-104 Installation standards for manufactured housing.

- (1) The following are the installation standards for manufactured housing for new installations or for existing manufactured or mobile homes that are subject to relocation, building alteration, remodeling, or rehabilitation in the state:
- (a) The manufacturer's installation instruction for the model being installed is the primary standard.
 - (b) If the manufacturer's installation instruction for the model being installed is not available or is incomplete, the following standards apply:
 - (i) Appendix E of the 2015 edition of the IRC, as issued by the International Code Council for installations defined in Section AE101 of Appendix E; or
 - (ii) if an installation is beyond the scope of the 2015 edition of the IRC as defined in Section AE101 of Appendix E, the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard, issued by the National Fire Protection Association.
 - (c) A manufacturer, dealer, or homeowner is permitted to design for unusual installation of a manufactured home not provided for in the manufacturer's standard installation instruction, Appendix E of the 2015 edition of the IRC, or the 2005 edition of the NFPA 225, if the design is approved in writing by a professional engineer or architect licensed in Utah.

- (d) For a mobile home built before June 15, 1976, the mobile home shall also comply with the additional installation and safety requirements specified in Chapter 3, Part 8, Installation and Safety Requirements for Mobile Homes Built Before June 15, 1976.
- (2) Pursuant to the HUD Code Section 604(d), a manufactured home may be installed in the state that does not meet the local snow load requirements as specified in Chapter 3, Part 2, Statewide Amendments to International Residential Code, except that the manufactured home shall have a protective structure built over the home that meets the IRC and the snow load requirements under Chapter 3, Part 2, Statewide Amendments to International Residential Code.

Amended by Chapter 249, 2016 General Session

15A-2-105 Scope of application.

- (1) To the extent that a construction code adopted under Section 15A-2-103 establishes a local administrative function or establishes a method of appeal which pursuant to Section 15A-1-207 is designated to be established by the compliance agency:
 - (a) that provision of the construction code is not included in the State Construction Code; and
 - (b) a compliance agency may establish provisions to establish a local administrative function or a method of appeal.
- (2)
 - (a) To the extent that a construction code adopted under Subsection (1) establishes a provision, standard, or reference to another code that by state statute is designated to be established or administered by another state agency, or a local city, town, or county jurisdiction:
 - (i) that provision of the construction code is not included in the State Construction Code; and
 - (ii) the state agency or local government has authority over that provision of the construction code.
 - (b) Provisions excluded under this Subsection (2) include:
 - (i) the International Property Maintenance Code;
 - (ii) the International Private Sewage Disposal Code, authority over which is reserved to the Department of Health and the Department of Environmental Quality;
 - (iii) the International Fire Code, authority over which is reserved to the board, pursuant to Section 15A-1-403;
 - (iv) a day care provision that is in conflict with Title 26, Chapter 39, Utah Child Care Licensing Act, authority over which is designated to the Utah Department of Health; and
 - (v) a wildland urban interface provision that goes beyond the authority under Section 15A-1-204, for the State Construction Code, authority over which is designated to the Utah Division of Forestry or to a local compliance agency.
- (3) If a construction code adopted under Subsection 15A-2-103(1) establishes a provision that exceeds the scope described in Chapter 1, Part 2, State Construction Code Administration Act, to the extent the scope is exceeded, the provision is not included in the State Construction Code.

Enacted by Chapter 14, 2011 General Session

ALPINE CITY COUNCIL AGENDA

SUBJECT: Beck Pines Concept Plan

FOR CONSIDERATION ON: 26 July 2016

PETITIONER: Dana Beck

**ACTION REQUESTED BY PETITIONER: Review Concept Plan and
Provide Direction**

APPLICABLE STATUTE OR ORDINANCE: Chapter 4 (Subdivision)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

The proposed Beck Pines Subdivision consists of 19 lots ranging in size from 20,004 square feet to 23,903 square feet on a site that is 11.29 acres. The site is located in the CR-20,000 zone.

The Planning Commission will hold a special meeting right before the City Council meeting where a motion is expected to be made approving the concept plan.

STAFF RECOMMENDATIONS:

The Planning and Zoning Department and Engineering Department recommends approval of the proposed Beck Pines Subdivision concept plan with the following conditions:

- **The driveway access to lots 12 and 13 be restricted from Westfield Road, similar to Lot 5**
- **Sidewalk is shown to be completed along the entire frontage of Westfield Road as well as throughout the development.**
- **The lot line between Lot 6 and the existing Beck residence be straightened.**



Date: June 28, 2016

By: Jason Bond
City Planner

**Subject: Planning and Zoning Review
Beck Pines Subdivision Concept Plan
Approximately 600 West Westfield Road– 19 lots on 11.29 acres**

Background

The proposed Beck Pines Subdivision consists of 19 lots ranging in size from 20,004 square feet to 23,903 square feet on a site that is 11.29 acres. The site is located in the CR-20,000 zone.

Lot Area and Width Requirements

The proposed lots for this subdivision meet the lot area requirement. The required lot width of 110 feet (80 feet when on a cul-de-sac) measured at the front setback for each proposed lot is shown to meet the requirements.

RECOMMENDATION

The Planning and Zoning Department recommends approval of the proposed Beck Pines concept plan.



Date: June 29, 2016

By: Jed Muhlestein, P.E. *[Signature]*
Assistant City Engineer

**Subject: Beck Pines Subdivision – ENGINEER’S CONCEPT REVIEW
19 Lots on 11.29 Acres, CR 20,000 Zone**

ENGINEERING REVIEW

This is the engineering review for the proposed Beck Pines subdivision. A separate Planning Review will also be completed. The proposed development consists of 19 lots on 11.29 acres. The development is located in the CR 20,000 zone near 621 South Westfield Road, also known as the Beck Properties. Two maps were prepared showing the concept plan overlaid on existing city infrastructure, they are attached for reference.

Street System

The street system generally connects Westfield Road to Long Drive with a cul-de-sac extending off the Long Drive segment. The cul-de-sac terminates with a 60-foot radius sized turn-a-round and is less than 450 feet in length, both of which meet code. The property to be developed fronts Westfield Road and extends Long Drive. Frontage improvements consisting of the standard street width, curb, gutter, and sidewalk would be required through-out on both sides of the streets; this is not currently reflected on the plan along Westfield Road in regards to sidewalk. Sidewalk exists on the southern half of the frontage shown, up to about the mid-point of Lot 12. Sidewalk would need extended from that point northward to the northern property boundary of Lot 13. Street right-of-way would also be required to meet the typical 54-foot standard street cross-section; this is reflected on the proposed concept plan. A temporary turn-a-round would be required at the end of Long Drive where it stubs into the northern property.

Utilities

A detailed utility plan is not required at concept. Having said that, some general observations are mentioned:

Sewer System. An extension of the Long Drive sewer line was built in anticipation for this development and runs along the easterly boundary through the property. New lines can connect to this line for sewer service of the development. Minor modifications to the line will need to occur on the northerly end to keep the sewer main within the standard street cross-section

location. It will also need stubbed to the northern property boundary to serve northern properties. 4-inch sewer laterals would be required for each new lot.

Culinary Water System. The subdivision is well below the 5350 foot elevation, which is the highest elevation the existing water system can serve and still provide a minimum 40 psi required by ordinance. There is currently an 8-inch waterline in Long Drive and a 10-inch in Westfield Road. Connection to both these lines would be required with new lines throughout the development, sizing can be determined at preliminary. The Fire Marshall will need to approve the location of proposed fire hydrants as the plan moves forward. 3/4-inch water laterals will need to be constructed for each lot.

Pressurized Irrigation System. Similar to the culinary, there are currently pressurized irrigation lines in both Westfield Road and Long Drive; 12-inch and 8-inch respectively. Connection to both these lines would be required with new lines throughout the development, sizing can be determined at preliminary. 1-inch laterals will need to be constructed for each new lot, Lot 5 already has a service installed.

Storm Water Drainage System. Storm drainage detention of the 50-year event would be required for the development. It would need to be built such that it could discharge to Fort Creek or be designed in such a way to retain the 100-year event onsite if offsite connection won't work. The details of this, and all utilities, will be worked out at Preliminary.

Misc. Utilities. There is a 12-inch high pressure gas line and associated easement running through the property along the boundaries of lots 13-15 and 19. The developer has taken this into consideration and aligned boundaries in such a way as to keep the easement along property boundaries. At Final, the plat should give direction for individuals to be able to look up the specifics of the easement so they are aware of what that entails.

General Subdivision Remarks

The property is not located within any of the sensitive areas as outlined in the city planning maps. A geotechnical report would be required at Preliminary to address public road, public infrastructure, and residential foundation design.

There are two existing buildings on lots 7, 10, 11, and 12 that would need removed prior to recordation or as a condition of recording with a bond provided. The buildings will need to be removed to be compliant with setback requirements of the zone.

Westfield Ditch runs through the property generally along Westfield Road. Per Dev. Code 4.7.19.1 the ditch would need to be piped through the development. Complete plans for such should be submitted with Preliminary application.

It is understood that the subdivision and street names are undecided at this point, the developer needs to propose those prior to Final Approval, preferably at the Preliminary level.

Lot 5 has double frontage. Per Dev. Code 4.7.3.4 double frontage lots are prohibited unless recommended by the Planning Commission and City Council. We would recommend that access

be restricted to just the cul-de-sac, as shown on the plan. This would need to be clearly labeled on the plat as well.

Westfield Road is a collector street and busier than the typical residential street. We would recommend Lots 12 and 13 be restricted from driveway access to Westfield Road.

We would recommend the lot line between Lot 6 and the existing Beck residence be straightened.

ENGINEERING RECOMENDATION

We recommend that Concept Approval of the proposed development be approved with the following conditions:

- **The driveway access to lots 12 and 13 be restricted from Westfield Road, similar to Lot 5**
- **Sidewalk is shown to be completed along the entire frontage of Westfield Road as well as throughout the development**
- **The lot line between Lot 6 and the existing Beck residence be straightened**



Legend

- Beck Pines Concept
- Potential Future Layout
- Water Meter
- Fire Hydrant
- Culinary Valve
- Culinary Main
- Lehi's Line
- Irr Box
- Irr Valve
- Irr Line
- Ditch
- Storm junction box
- Curb Inlet
- Storm Manhole
- Storm Sump
- Storm Line
- Sewer Manholes
- Sewer Lateral
- Sewer Main Line
- Sidewalk
- Property Line

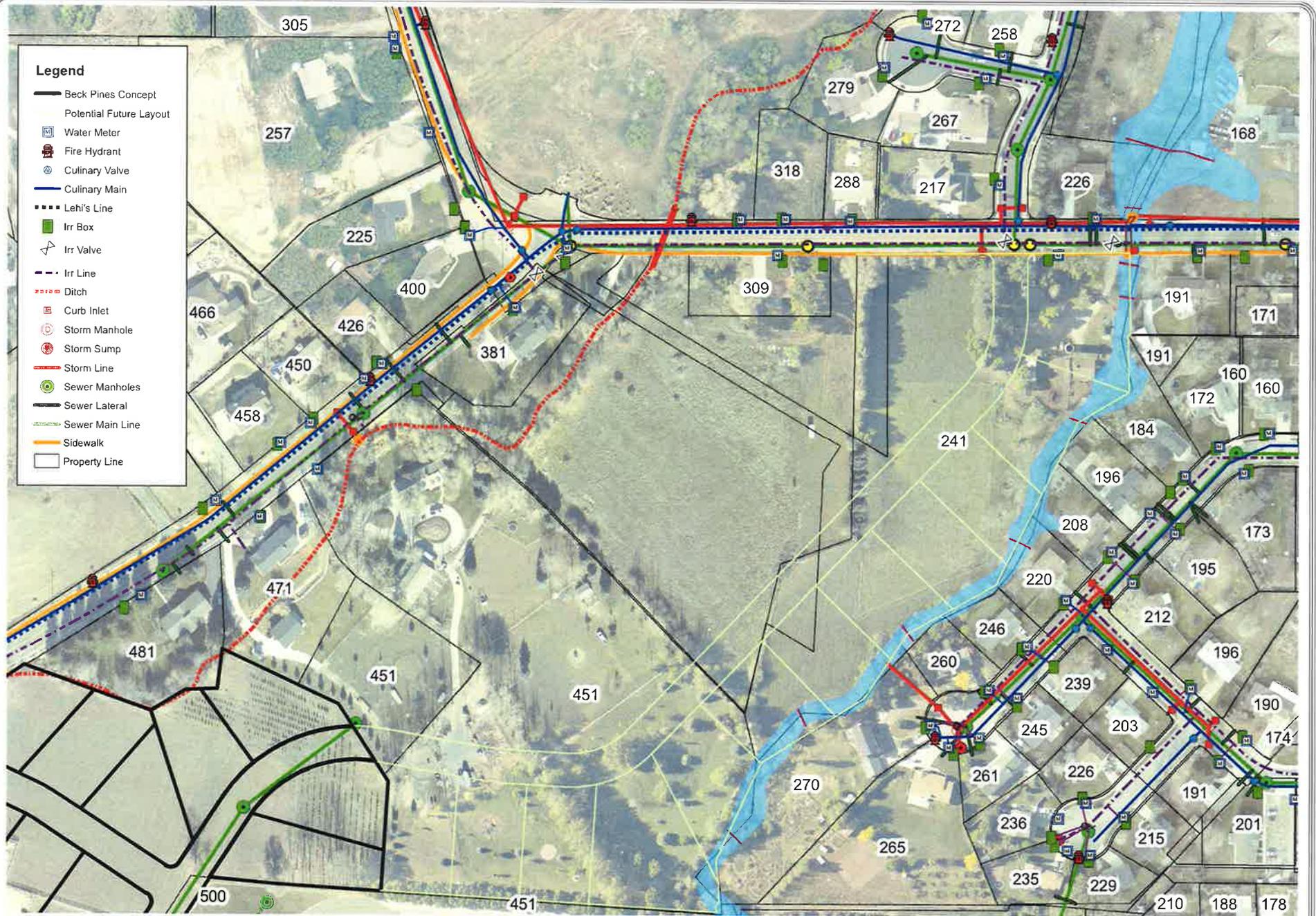
Property Boundaries and Utilities are shown for reference only. Though shown generally close, a survey and Blue Stake should be done to locate both accurately.



1 inch = 200 feet



Beck Pines - Alpine Utilities



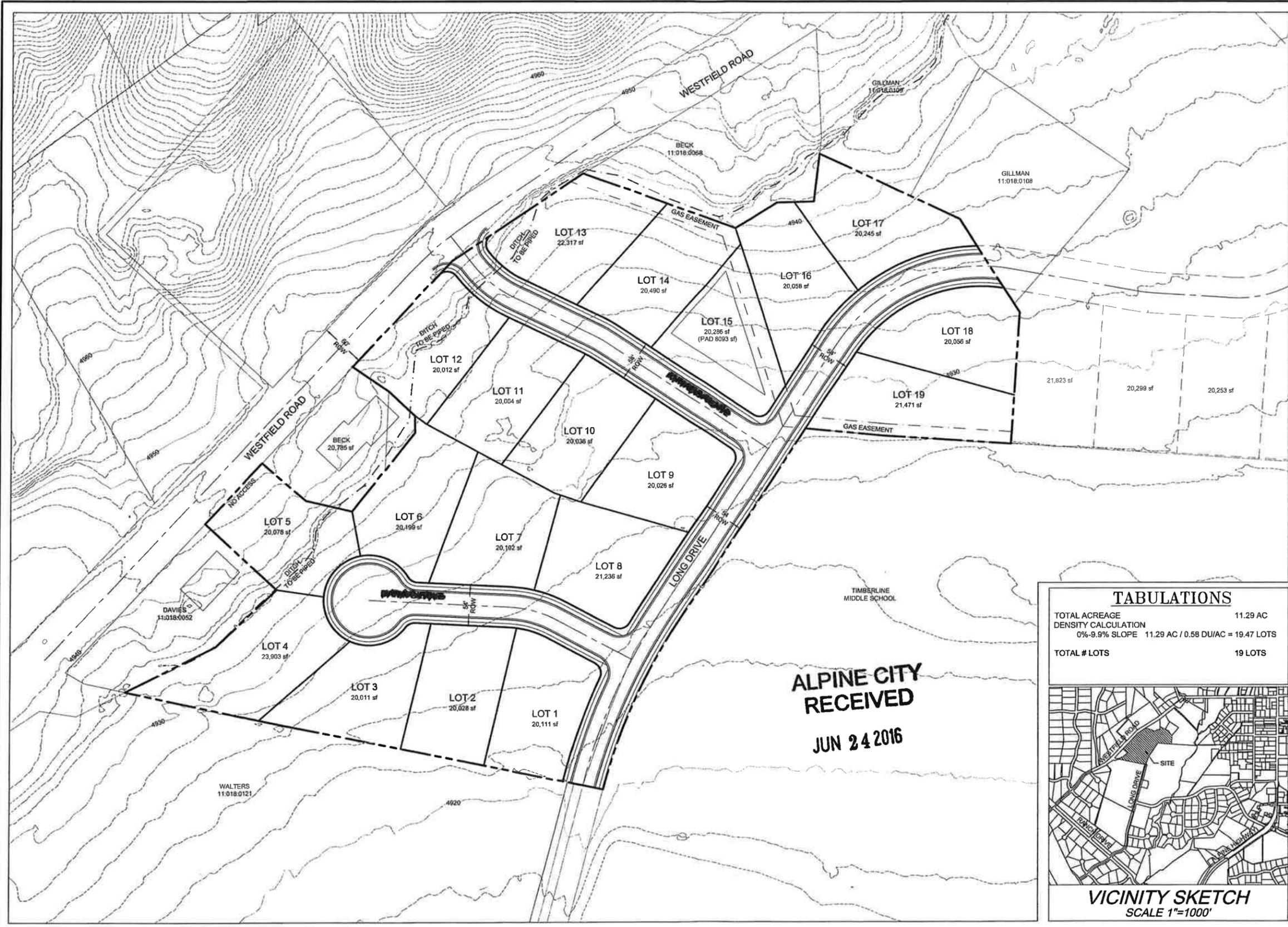
Property Boundaries and Utilities are shown for reference only. Though shown generally close, a survey and Blue Stake should be done to locate both accurately.



1 inch = 200 feet



Beck Pines - Alpine Utilities

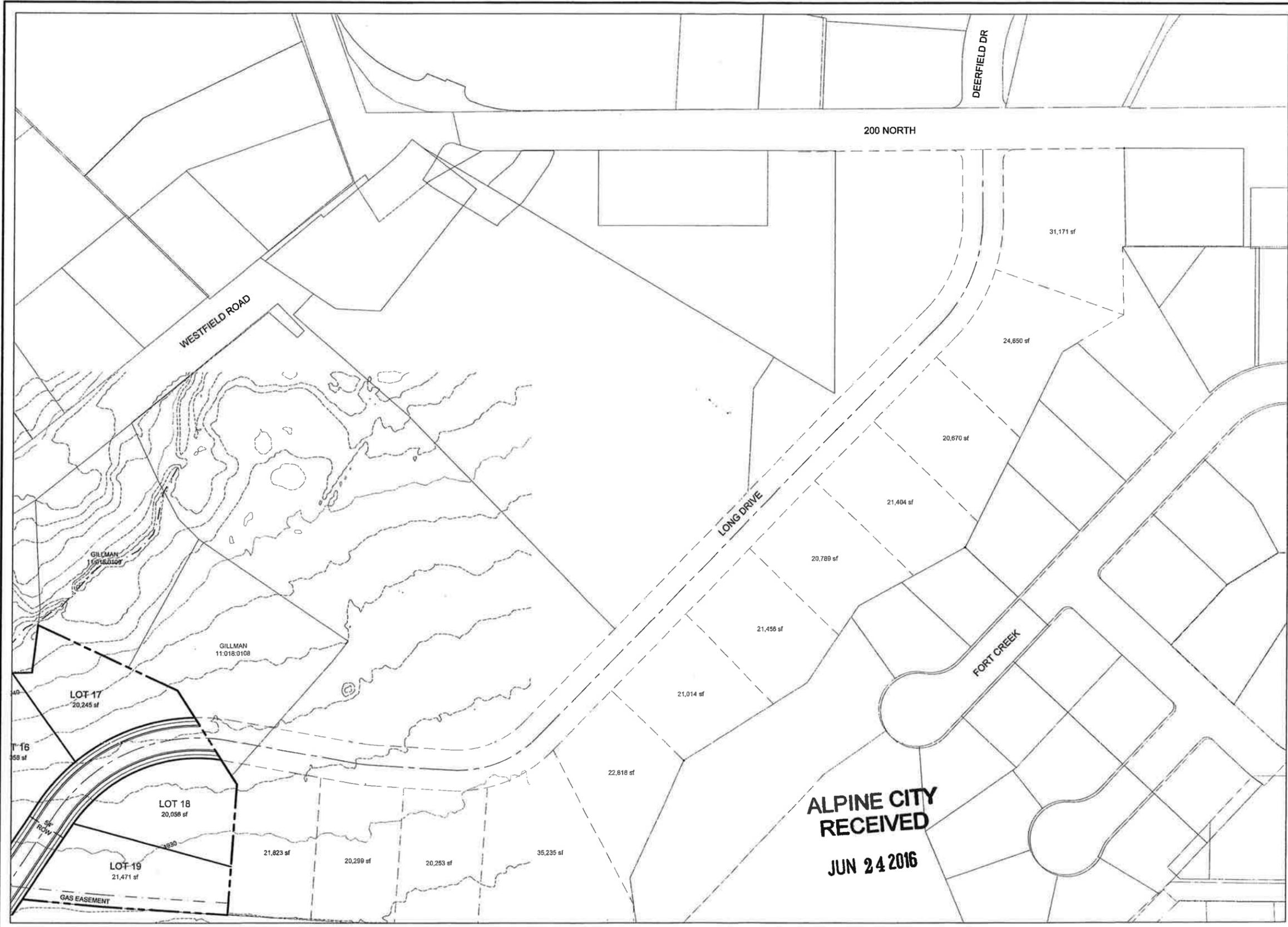


TABULATIONS	
TOTAL ACREAGE	11.29 AC
DENSITY CALCULATION	0%-9.9% SLOPE 11.29 AC / 0.58 DU/AC = 19.47 LOTS
TOTAL # LOTS	19 LOTS



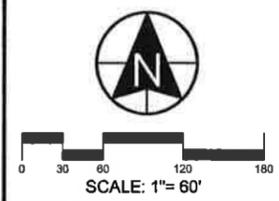
VICINITY SKETCH
SCALE 1"=1000'

DEVELOPMENT																						
 SCALE: 1"= 60'																						
 CIVIL ENGINEERING 11038 N Highland Blvd Suite 400 Highlands UT, 84003 office (801) 492-1277 cell (801) 616-1677																						
REVISIONS	SEAL																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	DESCRIPTION																			
NO.	DATE	DESCRIPTION																				
ACTION	DATE																					
CONCEPT	6/20/2016																					
PROJECT																						
BECK SUBDIVISION 621 WESTFIELD RD. ALPINE, UT 84004																						
DESCRIPTION																						
CONCEPT PLAN																						
SHEET NAME	SHEET NUMBER																					
CONCEPT	C1																					



**ALPINE CITY
RECEIVED
JUN 24 2016**

DEVELOPMENT



CIVIL ENGINEERING
11036 N Highland Blvd Suite 400
Highland UT, 84003
office (801) 492-1277
cell (801) 616-1677

REVISIONS		SCALE
NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		

ACTION	DATE
CONCEPT	6/20/2016

PROJECT

**BECK
SUBDIVISION**
621 WESTFIELD RD.
ALPINE, UT 84004

DESCRIPTION

**CONCEPT
PLAN**

SHEET NAME SHEET NUMBER

CONCEPT **C2**

ALPINE CITY COUNCIL AGENDA

SUBJECT: Open Space Ordinance and Map Amendment

FOR CONSIDERATION ON: 26 July 2016

PETITIONER: Planning Commission

ACTION REQUESTED BY PETITIONER: Adopt Ord. No. 2016-07

APPLICABLE STATUTE OR ORDINANCE: Article 3.16 (Open Space)

BACKGROUND INFORMATION:

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

The City Council has reviewed a few options to the map and have decided that a few different types of open space (Developed and Natural) should be shown on the map. This means that these types of public open spaces need to be defined in the ordinance text. The City Council has asked that the Planning Commission work on this before they consider adopting the changes to the Open Space Ordinance and corresponding map.

Attached is the ordinance for adoption (clean copy with ordinance cover sheet), the draft ordinance (reflecting proposed amendments in underline blue or strikethrough red) and the amended map.

The Planning Commission will hold a special meeting right before the City Council meeting where a motion is expected to be made recommending approval of the proposed amendments.

ORDINANCE NO. 2016-07

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

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

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

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

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

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

This Ordinance shall take effect upon posting.

Passed and dated this 26th day of July 2016.

Sheldon Wimmer, Mayor

ATTEST:

Charmayne G. Warnock, Recorder

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

3.16.1 PURPOSE

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

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

3.16.2 PERMITTED USES

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

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

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

3.16.3 CONDITIONAL USES

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

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

3.16.4 SPECIAL PROVISIONS

3.16.4.1 All public parks in the City of Alpine as noted on the attached map, hereby made a portion of this Ordinance, are included in this Zone and are subject to all of the provisions of this Zone.

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

3.16.5 PROHIBITED ACTIVITIES

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

3.16.6 OPEN SPACE DEFINITIONS

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

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

a. Natural Open Space:

1. Soil is left undisturbed.
2. Natural vegetation, whether or not native to the area, occupies the major visible aspect of the land.
3. Recreational improvements which are incidental to the natural area.
4. Construction and maintenance of City utilities shall be permitted.
5. Structures for the maintenance and operation of city business shall be conditionally approved.

b. Developed Open Space:

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

3.16.7 PUBLIC RIGHT OF WAY (ROW) THROUGH OPEN SPACE

3.16.7.1 Purpose of Improved Trails

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

3.16.7.2 Permitted Uses on Trails

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

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

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

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

3.16.9 MAINTENANCE AND IMPROVEMENTS TO PUBLIC LANDS

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

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

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

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

expense.

3.16.9.1 General Improvement Guidelines

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

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

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

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

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

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

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

3.16.10 IMPROVEMENTS TO PRIVATE PROPERTY BORDERING PUBLIC OPEN SPACE

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

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

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

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

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

3.16.11 ENFORCEMENT

3.16.11.1 Subdivision Approval Stage

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

3.16.11.2 Before Bond Release

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

3.16.11.3 Before Building Permit is Issued

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

3.16.11.4 Before Occupancy Permits are Issued

- 3.16.11.4.1** All damage to public open space and/or improvements upon it caused by home construction must be repaired by the homeowner at his or her expense.
- 3.16.11.4.2** If construction is completed during winter and weather prohibits replanting or other restoration, an additional bond may be posted to be held until repairs are approved by the City Administrator. The amount of bond to be determined by the City Engineer.

3.16.12 OTHER REMEDIES

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

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

3.16.1 PURPOSE

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

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

3.16.2 PERMITTED USES

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

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

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

3.16.3 CONDITIONAL USES

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

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

3.16.4 SPECIAL PROVISIONS

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

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

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

3.16.5 PROHIBITED ACTIVITIES

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

3.16.6 OPEN SPACE DEFINITIONS ~~AND DESIGNATIONS~~

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

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

a. Natural Open Space:

1. Soil is left undisturbed.
2. Natural vegetation, whether or not native to the area, occupies the major visible aspect of the land.
3. Recreational improvements which are incidental to the natural area.
4. Construction and maintenance of City utilities shall be permitted.
5. Structures for the maintenance and operation of city business shall be conditionally approved.

b. Developed Open Space:

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

~~3.16.6.1 Designation of Type of Open Space~~

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

~~which is part of this zone.~~

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

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

3.16.6.2 — Definitions of Each Designation

3.16.6.2.1 — Natural or Conservation Open Space:

- ~~1. Soil is left undisturbed.~~
- ~~2. Natural vegetation, whether or not native to the area, occupies the major visible aspect of the land. Revegetation or additional plantings must be approved by the Planning Commission. (Refer to Schedule A to this zone for acceptable plants.)~~
- ~~3. Recreational improvement limited to natural or road-base surfaced trails, trail head parking, scenic overlook, public (restroom) facilities and other improvements, which are incidental to the natural area.~~
- ~~4. Construction and maintenance of City utilities shall be permitted.~~

3.16.6.2.2 — Semi-improved open space:

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

3.16.6.2.3 — Developed open space:

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

3.16.6.2.4 — Organized group recreational open space:

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

3.16.6.2.5 — Semi-Improved Recreational Open Space

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

~~3.16.6.3 Changes in Designation and Future Development~~

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

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

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

3.16.7 PUBLIC RIGHT OF WAY (ROW) THROUGH OPEN SPACE

3.16.7.1 Purpose of Improved Trails

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

3.16.7.2 Permitted Uses on Trails

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

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

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

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

3.16.9 MAINTENANCE AND IMPROVEMENTS TO PUBLIC LANDS

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

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

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

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

3.16.9.1 General Improvement Guidelines

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

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

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

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

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

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

1. All sprinkling piping and heads are to be located entirely on private property. Drip irrigation pipes may go into the easements and would be the preferred watering method. Water may spray on planted landscaping, but shall not spray

- on the trail.
2. Shrubs may be planted within the trail easement, but must be no more than 2 feet high and be kept pruned back from the trail edge.
 3. Non-invasive groundcovers may be planted in the trail easement but shall be kept off the trail. Low and slow-growing junipers, cotoneaster, vincas and grasses are examples of acceptable plants.
 4. All trees are to be planted outside the trail corridor.
 5. When written permission is granted for donated trees to be planted on public lands, they must be placed randomly, rather than parallel to private property lines, as such placement gives the visual effect of increasing the private area and effectually decreasing the public open space.

3.16.10 IMPROVEMENTS TO PRIVATE PROPERTY BORDERING PUBLIC OPEN SPACE

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

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

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

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

3.16.11 ENFORCEMENT

3.16.11.1 Subdivision Approval Stage

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

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

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

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

3.16.11.2 Before Bond Release

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

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

3.16.11.3 Before Building Permit is Issued

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

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

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

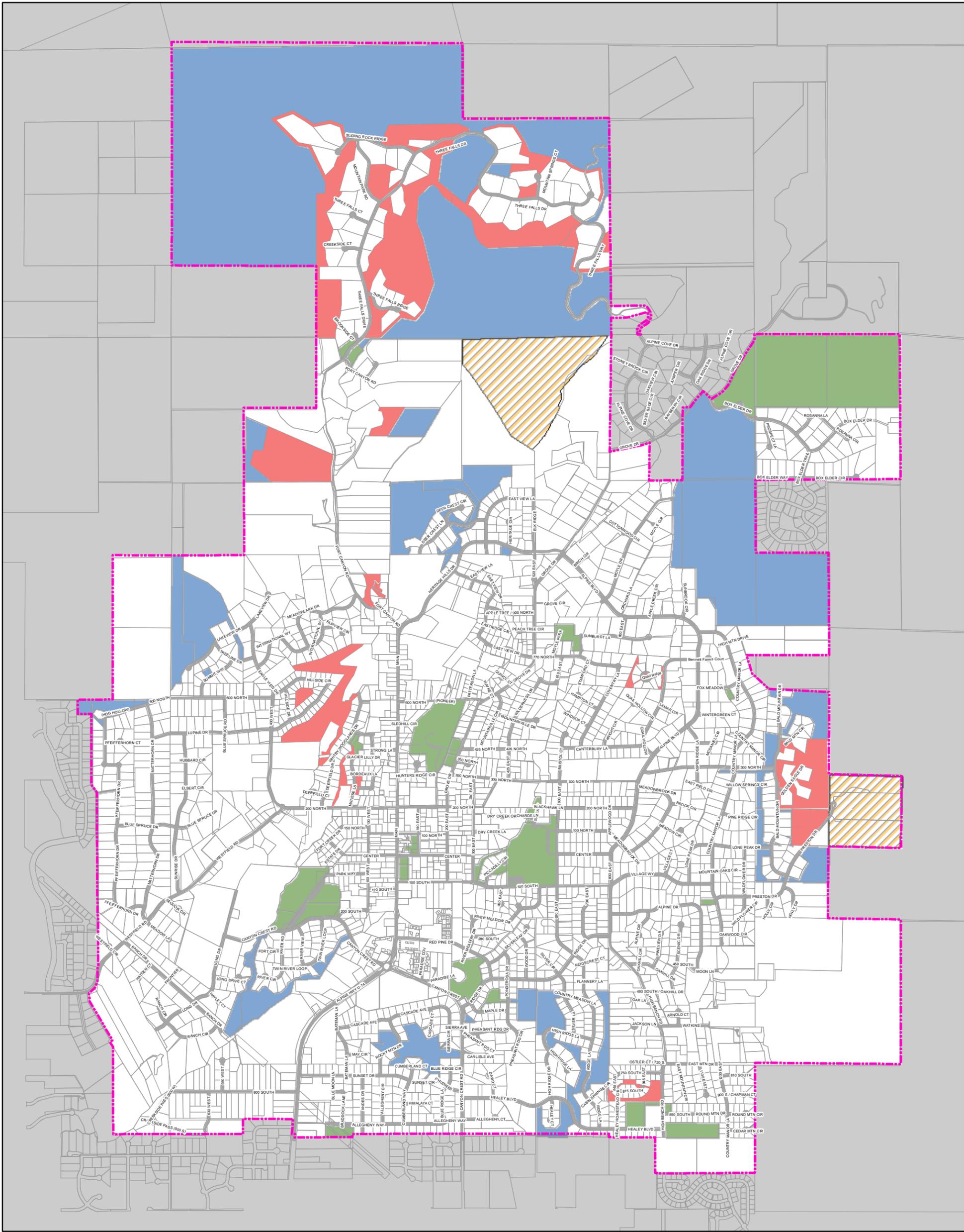
3.16.11.4 Before Occupancy Permits are Issued

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

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

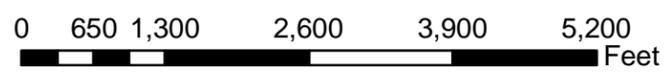
3.16.12 OTHER REMEDIES

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



Ordinance No. 2016-07
Adopted July 12, 2016

ALPINE CITY OPEN SPACE MASTER PLAN



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

ALPINE CITY COUNCIL AGENDA

SUBJECT: Flood Damage Prevention Overlay Amendment

FOR CONSIDERATION ON: 26 July 2016

PETITIONER: Engineering Department

ACTION REQUESTED BY PETITIONER: Approve Ord. No. 2016-13

APPLICABLE STATUTE OR ORDINANCE: Section 3.12.8

BACKGROUND INFORMATION:

Alpine City has recently received a new flood plain map from the Federal Emergency Management Agency (FEMA). In order to be a part of the National Flood Insurance Program that FEMA manages, Alpine City needs to have an updated ordinance that goes along with this new map. This will allow Alpine residents to continue to obtain flood insurance. It appears like the current language in this section came from FEMA based on the fact that the proposed amended language is so similar.

The Planning Commission will hold a special meeting right before the City Council meeting where a motion is expected to be made recommending approval of the proposed amendments.

STAFF RECOMMENDATION:

That City Council approve Ordinance No. 2016-13 which includes amendments to Section 3.12.8 regarding the Flood Damage Prevention Overlay Zone .

ORDINANCE NO. 2016-13

AN ORDINANCE ADOPTING FLOOD DAMAGE PREVENTION REGULATION TO IMPLEMENT THE NATIONAL FLOOD INSURANCE REGULATIONS AND TO MINIMIZE THE LOSSES FROM FLOOD EVENTS.

Whereas the City has the authority under state law to adopt regulations to provide for the health safety and general welfare of its residents; and

Whereas the City has areas within it that have been or may be impacted by flood events; and

Whereas the City believes it is in the best interests of its citizens to be able to participate in the National Flood Insurance programs as adopted by the federal government; and

Whereas the City has previously adopted a recommended model ordinance approved by the state and federal regulators involved in the flood prevention programs; and

Whereas that model ordinance has now been updated and changed in some respects and has been recommended for adoption to the City; and

Whereas adoption of flood prevention mitigation regulations is a prerequisite for the City to participation in these nation flood insurance programs;

NOW THEREFORE BE IT ORDAINED BY THE ALPINE CITY COUNCIL AS FOLLOWS:

I. ADOPTION OF MODEL ORDINANCE. The following is hereby adopted as the Alpine City flood prevention regulations and ordinance:

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

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

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of Alpine City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

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

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

SECTION D. METHODS OF REDUCING FLOOD LOSSES

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

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

ARTICLE II

DEFINITIONS

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

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT - means any area of the building having its floor sub-grade (below ground level) on all sides.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts

and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION- Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters.
2. the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain

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

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a) by an approved state program as determined by the Secretary of the Interior or;
 - b) directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair,

reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.).

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

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

ARTICLE III

GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Alpine City.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Alpine City," dated September 2, 2016, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
2. deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This

ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ARTICLE IV

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Utah Division of Water Rights, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation

data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community **first** applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

SECTION C. PERMIT PROCEDURES

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the flood proofing criteria of Article 5, Section B(2);

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

5. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

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

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

3. The danger that materials may be swept onto other lands to the injury of others;

4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

SECTION D. VARIANCE PROCEDURES

1. The Alpine City Land Use Appeal Authority as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
2. The Appeal Authority shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

10. Prerequisites for granting variances:

a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b) Variances shall only be issued upon:

1) showing a good and sufficient cause;

2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

a) the criteria outlined in Article 4, Section D(1)-(9) are met, and

b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE V

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

1. Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.

2. Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

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

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

4 Manufactured Homes –

a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

- 1) the lowest floor of the manufactured home is at or above the base flood elevation, or
- 2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:

- a) be on the site for fewer than 180 consecutive days,
- b) be fully licensed and ready for highway use, or

c) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.
2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions.¹⁸ which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.
4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

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

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
2. All new construction and substantial improvements of non-residential structures;
 - a) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;
 - b) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1) a., are satisfied.

4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

SECTION E. FLOODWAYS

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

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

ARTICLE VI

PENALTIES FOR NONCOMPLIANCE

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

II. **REPEALER.** The provision of the Alpine City Development Code contained in section 3.12.8 are hereby repealed and replaced in its entirety by the above provisions and the City Recorder is hereby instructed to renumber and reformat the above adopted ordinance and place its provisions in the appropriate sections of the Alpine City Development Code.

III. **CERTIFICATION and EFFECTIVE DATE** .It is hereby found and declared by Alpine City that severe flooding has occurred in the past within its jurisdiction and will certainly occur

within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately. Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

PASSED AND ADOPTED on this 26th Day of July 2016

Alpine City

Mayor

Attest:

Recorder