

## **PART 3 - ZONING ORDINANCE**

### **ARTICLE 3.1 GENERAL PROVISIONS**

#### **Section 3-101. Short Title**

Part 3 of the Alpine Land Use and Development Code shall be known, cited and referred to as the Alpine Zoning Ordinance.

#### **Section 3-102. Purpose**

The Alpine Zoning Ordinance has been prepared and adopted to encourage an orderly development pattern within the Town of Alpine, Wyoming. The Alpine Zoning Ordinance represents an important planning tool that will be used by the Town of Alpine to help implement its Community Land Use Plan. The Town of Alpine Municipal Master Plan, which was adopted by the Alpine Town Council on December 19, 2006, contains, in part, a general community land use plan (recommended option 3) that expresses a vision for future land uses within the community.

#### **Section 3-103. Authority**

This Ordinance is adopted in accordance with the authority vested in the Town Council of the Town of Alpine, Wyoming, by Wyoming Statutes 15-1-601 through 15-1-611.

#### **Section 3-104. Applicability of Ordinance**

This ordinance shall apply to all private and public lands within the corporate limits of the Town of Alpine, Wyoming. All land use development projects will be subject to the required land use development review and approval process that is outlined in Article 2.2 of the Alpine Land Use and Development Code.

Existing land uses, buildings, and structures authorized by the Town of Alpine before the enactment of this ordinance will be considered legal land uses even if such uses are contrary to the current Alpine Zoning Ordinance.

Restrictive covenants or agreements associated with land subdivisions or other land sales will not supersede the Alpine Zoning Ordinance. Further, the Town of Alpine will not use the Alpine Zoning Ordinance as a tool for enforcing private restrictive covenants or agreements.

#### **Section 3-105. Zoning Districts**

In order to carry out the provisions of this ordinance, the municipality is divided into the following zoning districts:

R-1	Single-Family Residential District
R-2	Multi-Unit Residential District
MRC	Mixed Residential and Commercial District
C	Commercial District
LI	Light Industrial District
PCF	Public and Community Facilities District
RC	Recreation and Conservation District

#### **Section 3-106. Zoning Map**

The Alpine Zoning Map (Appendix A) depicts the location and boundaries of zoning districts that were established by the Alpine Town Council at the time of ordinance adoption.

## ARTICLE 3.2 DISTRICT REGULATIONS

### Section 3-201. General

- a) The following regulations outline the type of land uses permitted within various zoning districts established under Section 3-105 of this ordinance. Permitted land uses are also subject to various requirements such as the type of allowable structures, setbacks, building height, signage, fencing and vehicular parking.
- b) Prior to the issuance of a building permit, some permitted uses also require a more detailed plan review by the Commission to ensure that specific project issues are adequately addressed by the owner of a development project. In some cases, stipulations or conditions may be attached to a building permit to address the specific concerns of the Alpine Planning and Zoning Commission.

### Section 3-202. R-1 Single-Family Residential District

- (a) Intent and Purpose of District: This zoning district designation is intended to encourage the development and maintenance of low-density residential areas. These regulations are intended to provide a diverse and compatible housing stock, limit the density of the resident population, provide adequate open space around buildings and accessory structures, provide accessibility to community utility systems and community open space areas, as well as encourage a safe and attractive living environment for community residents.
- (b) Permitted Uses:  
**Structures are limited to stick-built, manufactured or modular units.**
  - (1) One (1) single-family dwelling unit.
  - (2) One (1) family or non-family household will primarily occupy the single-family dwelling unit. However, owners may provide room and board for up to three (3) persons who are not related by blood or marriage; provided there is no separate kitchen attached or detached to the primary and/or accessory structure.
  - (3) Bed-and-breakfast operation in the principal residence on the property that is operated by the property owner.
  - (4) Home occupations operated by the occupants of a single-family residence and not more than two (2) non-household employees.
  - (5) Childcare home service authorized by the Wyoming Department of Family Services that is operated by the occupants of a single-family residence and not more than two (2) non-household employees.
  - (6) Structures supporting regional and community utility systems.
  - (7) Primary structures will be constructed out of new materials. The relocation and/or moving in of old or used buildings are prohibited.
- (c) Residential Building Standards:
  - (1) Required building standards for residential structures in the “R-1” residential district are presented in Part 4 of the Alpine Land Use and Development Code.

- (2) All buildings in the “R-1” Single-Family Residential District will require a plan review by the Town Building Official, the Planning & Zoning Commission, and/or their representative, prior to the issuance of a building permit.

(d) Minimum Lot Area:

- 20,000 square feet in the following subdivisions: Alpine Estates #2;  
Forest Meadows;  
Grey’s River Valley; and,  
Alpine Estates #1.
- 15,000 square feet in the following subdivisions: Grey’s River Village #1;  
Lakeview Estates, 6<sup>th</sup> Addition;  
Bridger Homes; and,  
Alpine Meadows.
- 10,000 square feet in the following subdivisions: River View Meadows;  
Lakeview Estates, 3<sup>rd</sup> and 7<sup>th</sup> Additions;  
Palis Park, 2<sup>nd</sup> Addition; and,  
Grey’s River Village #2.
- 9,900 square feet in all other subdivisions.

(e) Minimum Setbacks: (Measurements are taken from the foundation of the structure to the property line.)

- (1) Front Yard: Primary residential structure will be setback not less than twenty-five (25) feet from the front property line. Detached accessory buildings will not be located beyond the front line of any primary residential structure. **Both street frontages of corner lots shall be considered front yards.**
- (2) Side Yards: Primary residential structures will be setback not less than fifteen (15) feet from side property lines. Detached accessory buildings/structures, equal to or under Three Hundred (300) square feet, can have a setback of not less than ten (10) feet from side property lines. Detached accessory buildings/structures, with a total square footage of over Three Hundred (300) square feet, will have a setback of not less than fifteen (15) feet from side property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**
- (3) Rear Yard: Primary residential structures will be setback not less than twenty (20) feet from the rear property line. Detached accessory buildings/structures, equal to or under Three Hundred (300) square feet, can have a setback of not less than ten (10) from rear property lines. Detached accessory buildings/structures, with a total square footage of over Three Hundred (300) square feet, will have a setback of not less than twenty five (20) from rear property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**
- (4) Properties with less than ten thousand (10,000) square feet will be allowed to have a front yard setback of twenty (20) feet and side yard and rear yard setbacks of ten (10) feet, for primary residential structures. Detached accessory buildings/structures, equal to or under Three Hundred (300) square feet, can have a setback of not less than ten (10) from rear

property lines. Detached accessory buildings/structures, with a total square footage of over Three Hundred (300) square feet, will have a setback of not less than ten (10) feet from rear property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**

- (5) Corner Lots and Irregular Lots will have all street front setback guidelines and remaining sides will be considered side setbacks.
- (6) Any deviations from setback requirements will require a plan review and approval of a variance unless a lesser setback is identified in the recorded plat of the approved residential subdivision.

(f) Maximum Building Height:

- (1) Primary residential structures will be thirty-five (35) feet or less in height.
- (2) The height of detached accessory structures the will be twenty-six (26) feet or less, this height restriction is applicable to structures that are set back from the property line of not less than fifteen (15) feet from the side property line and not less than twenty (20) feet from the rear property line. All detached accessory structures will be placed behind the front plane of the existing residential structure.
  - aa. Detached accessory structures of with a total square footage equal to or under Three Hundred (300) square feet, and are placed within the allowable ten (10) foot rear setback and ten (10) foot side setback; will have a height restriction of fourteen (14) feet in height or less. Special consideration for setback is made for properties that have a total square footage ~~are~~ under Ten Thousand (10,000) square feet.
- (3) Roof eaves for non-sprinkled buildings will be twenty-eight (28) feet or less; measuring the pitch end of the roof eaves, from the finished grade elevation.

(g) Vehicular Parking and Storage:

- (1) A minimum of four hundred (400) square feet of off-street parking will be provided for each single-family dwelling unit; either by driveways associated with the dwelling unit, and/or private garages. The parking area will not extend into the municipal street right-of-way.
- (2) Recreational vehicles (RVs) and travel trailers shall be parked as not to obstruct the view of traffic and must follow guidelines set forth by the Covenants, Conditions and restrictions (CCRs) established by the residential unit and/or subdivision, if applicable. These vehicles are to be parked on the property owners, private property.
- (3) Parking of any vehicle which has a gross vehicle weight (GVW) of greater than twenty-six thousand (26,000) pounds, is prohibited along any public street that adjoins an “R-1” District, except for the following:
  - (aa) Vehicles temporarily parked (**less than** twenty four {24} hours) for loading or unloading passengers, materials, and merchandise.
  - (bb) Vehicles temporarily parked (less than twenty four {24} hours) engaged in performing a service activity on the residential lot and/or parcel of land in which the service is being performed (less than twenty four {24} hours).

(cc) Vehicles used in association with construction or maintenance activities; this vehicle is to be parked on the private property that the activity is taking place on and will be removed when construction and/or the maintenance has been completed.

(dd) One (1) vehicle that is owned, operated and licensed by the resident of the property on where it is parked. Vehicle will be parked as not to obstruct the view of traffic and must be parked on resident's private property.

(4) One (1) unlicensed or inoperable vehicles will be permitted within the confines of ~~an~~ any residential lot.

(h) Fencing:

(1) Fences shall be no more than four (4) feet high between the **front building line and the front property line**. Structural posts associated with this fencing will be situated on the interior side of the fence.

(2) Perimeter fences along side or rear property lines shall be no more than six (6) feet high and not constructed on top of property lines. Structural posts associated with all perimeter fences will be situated on the interior side of the fence.

(3) Electric and barbed wire fencing is **prohibited** except for seasonal fencing around gardens.

(4) Fencing and walls may be placed within drainage and utility easements, locates will be required by utility companies. **If fencing or walls are damaged due to utility improvements, repairs, snow removal, etc., owner will accept full responsibility for any and all costs for repairs.**

(5) Construction fences are allowed during initial construction of a primary structure. It will be constructed on the property of the primary building site. The permit is issued along with the Residential Building Permit. The Certificate of Occupancy will not be issued until the construction fence is removed.

(6) Snow fences are allowed between the months of October and May of the following year. A snow fence will not impede the removal of snow from the public rights of way, must maintained and preferably of a neutral or black color.

(i) Accessory Uses and Buildings:

(1) Accessory buildings such as pole barns, garages, workshops and ~~tool~~ sheds of any sort. **These structures will only be permitted on the same lot with an existing primary residential structure.**

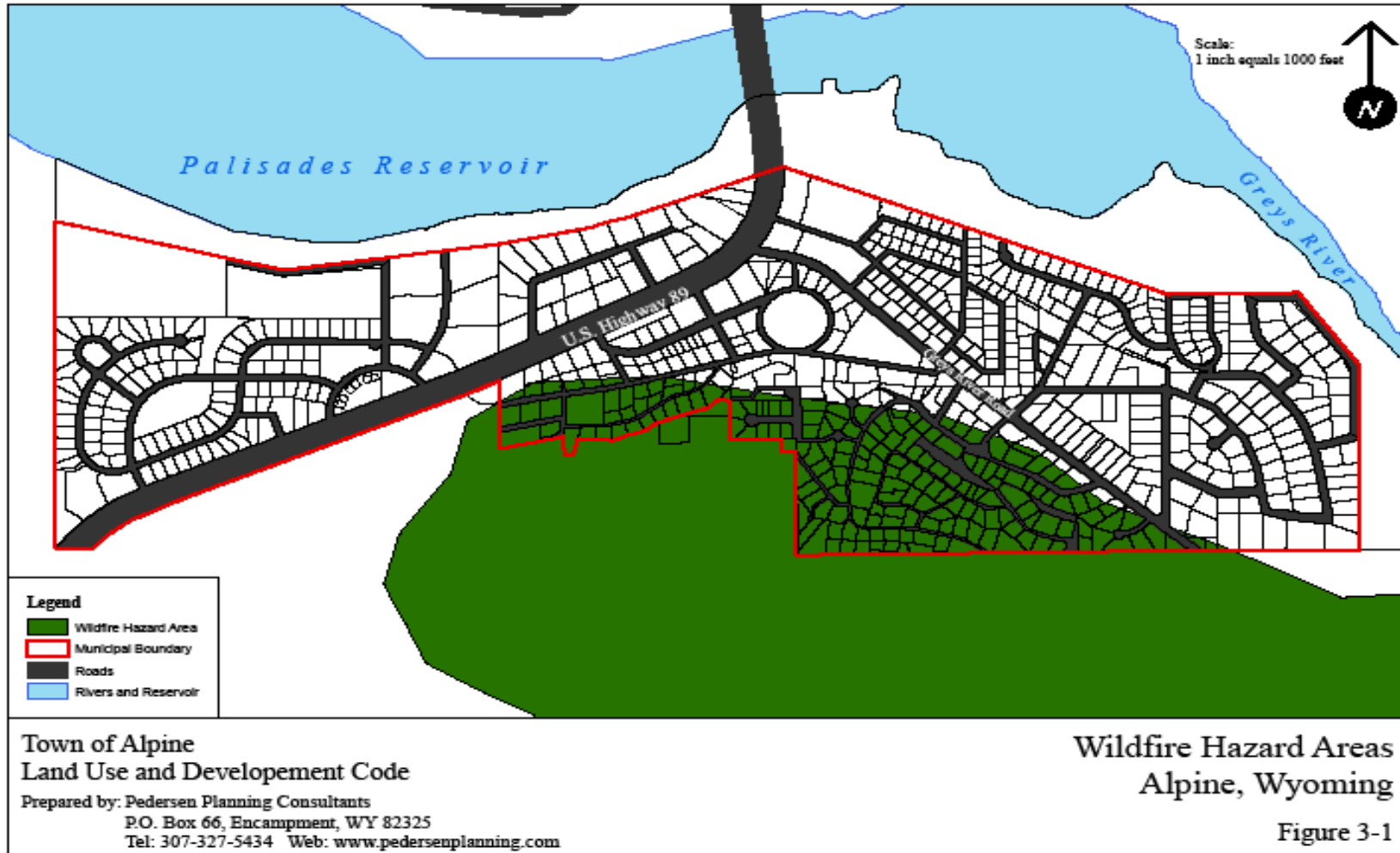
(2) Accessory buildings will be no larger than allowed by setbacks and will contain no more than a total of twelve hundred (1200) square feet of floor area, this regulation will apply for properties that have a total amount of land under 0.70 acres.

(3) Properties that have a total land area of 0.70 acres or greater can have an accessory building that could contain no more than a total of two thousand (2000) square feet of floor area.

(4) Steel Shipping Containers and/or Cargo/Semi Trailer Containers are **prohibited** in this zoning district.

(j) Authorized Signs: Sign Standards for the "R-1" Single-Family Residential District are presented in Part 4 Development Standards. See Section 4-802.

- (k) Fuel Storage Tanks: Class I and Class II liquids in above ground tanks is prohibited unless temporarily stored in licensed and operative commercially used vehicles in an accumulative amount over one hundred fifty (150) gallons.
- (l) Fire Protection:
  - (1) Homeowners will prepare a defensible space plan for residential properties located in potential wildfire hazard areas (Figure 3-1). The defensible space plan will address how the homeowner will manage vegetation within a one hundred (100) foot radius of the home, or the maximum radius allowed within the residential property owned by the homeowner.
  - (2) The defensible space plan will be reviewed and approved by an authorized representative of the Alpine Fire District and submitted with any building permit application.



**Section 3-203. R-2 Multi-Unit Residential District**

- (a) Intent and Purpose of District: The purpose of this district is to encourage the development of duplexes, townhouses, apartments and other multi-unit residential facilities which can provide housing for both short and long-term residents. The “R-2” Multi-Unit Residential District regulations are intended to ensure that new multi-unit housing structures are developed with reasonable building heights and setbacks, adequate vehicular parking, landscaping and/or other screening, and attractive signage to ensure their compatibility with adjoining single-family residential districts, as well as their accessibility to community utility systems and community recreational facilities.
- (b) Permitted Uses:
- Structures are limited to stick-built, manufactured or modular units.**
- (1) Residential duplexes, apartment units, townhouses or multi-unit complexes.
  - (2) One (1) family or non-family household will primarily occupy the single-family dwelling unit. However, owners may provide room and board for up to three (3) persons who are not related by blood or marriage; **provided** there is no separate kitchen attached or detached to the primary and/or accessory structure.
  - (3) Assisted-living and/or nursing home facilities.
  - (4) Structures supporting regional and community utility systems.
  - (5) Home occupations operated by the occupants of a multi-family residential unit and not more than two (2) non-household employees.
  - (6) Primary structures will be constructed out of new or recycled materials. The relocation and/or moving in of old or used structures are prohibited.
- (c) Residential Building Standards:
- (1) Required building standards for residential structures in the “R-2” residential district are presented in Part 4 of the Alpine Land Use and Development Code.
  - (2) All buildings in the “R-2” Multi-Unit Residential District will require a plan review of the Town Building Official, the Planning & Zoning Commission, and/or their representative, prior to the issuance of a building permit.
- (d) Architectural Guidelines: Architectural Guidelines for the “R-2” Multi-Unit Zoning District are presented in Part 4 Development Standards. See Section 4-504(f).
- (e) Minimum Lot Area:  
10,000 - square feet per unit in Palisade Heights;  
7,000 - square feet per unit in Palis Park subdivision;  
7,500 - square feet per unit in all other subdivisions.
- (f) Minimum Setbacks:
- (1) Front Yard: Primary residential structure will be setback not less than twenty-five (25) feet from the front property line. Detached accessory buildings will not be located beyond the front line of any primary residential structure. **Both street frontages of corner lots shall be considered front yards.**
  - (2) Side Yards: Primary residential structures will be setback not less than fifteen (15) feet from side property lines. Detached accessory buildings/structures, equal to or under **Three Hundred (300) square feet**, can have a setback of not less than ten (10) feet from



side property lines. Detached accessory buildings/structures, with a total square footage of over Three Hundred (300) square feet, will have a setback of not less than fifteen (15) feet from side property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**

- (3) **Rear Yard:** Primary residential structures will be setback not less than twenty (20) feet from the rear property line. Detached accessory buildings/structures, equal to or under Three Hundred (300) square feet, can have a setback of not less than ten (10) from rear property lines. Detached accessory buildings/structures, with a total square footage of over Three Hundred (300) square feet, will have a setback of not less than twenty five (20) from rear property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**
- (4) Properties with less than ten thousand (10,000) square feet will be allowed to have a front yard setback of twenty (20) feet and side yard and rear yard setbacks of ten (10) feet, for primary residential structures. Detached accessory buildings/structures, equal to or under Three Hundred (300) square feet, can have a setback of not less than ten (10) from rear property lines. Detached accessory buildings/structures, with a total square footage of over Three Hundred (300) square feet, will have a setback of not less than ten (10) feet from rear property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**
- (5) Corner Lots and Irregular Lots will have all street front setback guidelines and remaining sides will be considered side setbacks.
- (6) Any deviations from setback requirements will require a plan review and approval of a variance unless a lesser setback is identified in the recorded plat of the approved subdivision.

(g) **Maximum Building Height:**

- (1) Primary residential structures will be thirty-five (35) feet or less in height.
- (2) The height of detached accessory structures will be twenty-six (26) feet or less, this height restriction is applicable to structures that are set back from the property line of not less than fifteen (15) feet from the side property line and not less than twenty (20) feet from the rear property line. All detached accessory structures will be placed behind the front plane of the existing multi-unit residential structure.
  - aa. Detached accessory structures of with a total square footage equal to or under Three Hundred (300) square feet, and are placed within the allowable ten (10) foot rear setback and ten (10) foot side setback; will have a height restriction of fourteen (14) feet in height or less. Special consideration for setback is made for properties that have a total square footage under Ten Thousand (10,000) square feet.
- (3) Roof eaves for non-sprinkled buildings will be twenty-eight (28) feet or less from the finished grade elevation.

(h) Vehicular Parking and Storage:

- (1) Parking requirements will be met through the construction and use of centralized vehicular parking areas, driveways associated with each dwelling unit, and/or private garages.
- (2) Centralized vehicular parking areas will be designed and constructed in accordance with the vehicular parking standards outlined in Part 4, Article 4.6 of the Alpine Land Use and Development Code. The parking area and/or driveways will not extend from the edge of pavement or improved road surface of any municipal street. In the event that no improved road surface exists, the parking area will extend from the edge of the municipal street right-of-way.
- (3) One (1) designated parking space will be required for each single bedroom dwelling unit. Multi-bedroom, multi unit residential buildings will require a minimum of two (2) parking spaces per unit. Multi-unit residential buildings containing more than four (4) dwelling units will also have one (1) designated guest parking space for every two (2) dwelling units; these parking spaces will be located on the property.
- (4) Recreational vehicles (RVs) and travel trailers shall be parked as not to obstruct the view of traffic and must follow guidelines set forth by the Covenants, Conditions and Restrictions (CCRs) established by the residential unit. These vehicles are to be parked on the property owners, private property.
- (5) Additional parking spaces within a centralized parking area will be provided to park recreational vehicles (RVs) and travel trailers. These vehicles are to be parked on the property owners, private property.
- (6) Parking of any vehicle, which has a gross vehicle weight (GVW) of greater than twenty-six thousand (26,000) pounds, is prohibited along any public street that adjoins an “R-2” District, except for the following:
  - (aa) Vehicles temporarily parked (**less than** twenty four {24} hours) for loading or unloading passengers, materials, and merchandise.
  - (bb) Vehicles temporarily parked (less than twenty four {24} hours) engaged in performing a service activity on the residential lot and/or parcel of land in which the service is being performed (less than twenty four {24} hours).
  - (cc) Vehicles used in association with construction or maintenance activities; this vehicle is to be parked on the private property that the activity is taking place on and will be removed when construction and/or the maintenance has been completed.
  - (dd) One (1) vehicle that is owned, operated and licensed by the resident of the property on where it is parked. Vehicle will be parked as not to obstruct the view of traffic and must be parked on resident’s private property.
- (7) **No** unlicensed or inoperable vehicles will be permitted on any multi-residential lot.

(i) Fencing:

- (1) Fences shall be no more than four (4) feet high between the front building line and front property line. Structural posts associated with this fencing will be situated on the interior side of the fence.
- (2) Perimeter fences along side or rear property lines shall be no more than six (6) feet high and not constructed on top of property lines. Structural posts associated with all perimeter fences will be situated on the interior side of the fence.
- (3) Electric and barbed wire fencing is prohibited except for seasonal fencing around gardens.
- (4) Fencing and walls may be placed within drainage and utility easements, locates will be required by utility company. **If fencing or walls are damaged due to utility improvements,**

**repairs, snow removal, etc., owner will accept full responsibility for any and all costs for repairs.**

- (5) Construction fences are allowed during initial construction of a primary structure. It will be constructed on the property of the primary building site. The permit is issued along with the Residential Building permit. The Certificate of Occupancy will not be issued until the construction fence is removed.
- (6) Snow fences are allowed between the months of October and May of the following year. A snow fence will not impede the removal of snow from the public rights of way, must be maintained and preferably of a neutral or black color.
- (j) Accessory Uses and Buildings:
  - (1) Accessory buildings such as pole barns, garages, workshops and sheds of any sort. **These structures will only be permitted on the same lot with an existing primary residential structure.**
  - (2) Accessory buildings will be no larger than allowed by setbacks and will contain no more than a total of twelve hundred (1200) square feet of floor area.
  - (3) Steel Shipping Containers and/or Cargo/Semi Trailer Containers are **prohibited** in this zoning district.
- (k) Authorized Signs: Sign Standards for the “R2” Multi-Unit Residential District are presented in Part 4 Development Standards. See Section 4-802.
- (l) Fuel Storage Tanks: Class I and Class II liquids in above ground tanks is prohibited unless temporarily stored in licensed and operative commercially used vehicles in an accumulative amount over one hundred fifty (150) gallons.
- (m) Fire Protection: All buildings that reach the maximum allowable building height for this zoning district will be required to install automatic sprinkler systems. The installation of these systems will be made in accordance with National Fire Protection Association requirements outlined in NFPA 13.

### **Section 3-204. MRC Mixed Residential and Commercial District**

- (a) Intent and Purpose of District:

This district is intended to accommodate a combination of residential multi-unit housing, retail commercial facilities, commercial offices, and other commercial services within selected areas of the community that are immediately accessible to primary roadways and near other residential districts in the community. The purpose of the “MRC” District is to establish viable commercial expansion areas that can serve and be accessible to the entire community, as well as those residing in multi-unit housing within the “MRC” District. It is envisioned that multi-unit residential uses will, in some cases, be combined with approved commercial uses within one structure.
- (b) Permitted Uses:

**Structures are limited to stick-built, manufactured or modular units.**

  - (1) Residential duplexes, apartment units, townhouses, multi-unit complexes, or mixed commercial-residential buildings.
  - (2) One (1) family or non-family household will primarily occupy the single-family dwelling unit. However, owners may provide room and board for up to three (3) persons who are not related by blood or marriage; **provided** there is no separate kitchen attached or detached to the primary and/or accessory structure.

- (3) Bed-and-breakfast operation in the principal residence on the property that is operated by the property owner.
- (4) Home occupations operated by the occupants of a multi-family residential unit and not more than two (2) non-household employees.
- (5) Commercial retail stores and commercial offices.
- (6) Banks and other financial institutions.
- (7) Eating and drinking establishments such as cafes and restaurants; not including mobile food dispensaries.
- (8) Visitor accommodations such as motels and lodges.
- (9) Conference facilities.
- (10) Commercial entertainment facilities such as theatres.
- (11) Medical and veterinary clinics.
- (12) Assisted-living and/or nursing home facilities.
- (13) Cabinet, plumbing, welding, and fabrication shops.
- (14) Structures supporting regional and community utility systems.
- (15) Primary structures will be constructed out of new materials. The relocation and/or moving in of old or used buildings are **prohibited**.

(c) Residential and Commercial Building Standards:

- (1) Required building standards for residential structures in the “MRC” District are presented in Part 4 of the Alpine Land Use and Development Code.
- (2) All buildings in the “MRC” Mixed Residential and Commercial District will require a plan review of the Town Building Official, the Planning & Zoning Commission, and/or their representative, prior to the issuance of a building permit.
- (3) Residential and Commercial structures roof style shall balance compatibility with the character of the area and snow shed considerations. Where pitched roofs are used, steeper roof pitches are preferred, but flatter pitches are permitted. Provided the engineering standards are met. The choice of roof pitch shall include consideration if and where the roof will hold or release snow and where roof drainage will occur. No snow shall deposit on adjacent properties.

(d) Architectural Standards and Guidelines: Architectural standards and guidelines for the “MRC” Mixed Residential and Commercial Zoning District are presented in Part 4 Development Standards. See Section 4-505.

(e) Minimum Lot Area:

- 300 - square feet in Original Town Plat (Grid);
- 4,000 - square feet in Lake View Estates Tract C for Lost Elk Townhomes only;
- 8,000 - square feet in Lakeview Estates, Tracts A, B, and C;
- 8,700 - square feet in Strout Subdivision;
- 9,000 - square feet in Palis Park Subdivision;
- 10,800 - square feet in Greys River Cove Subdivision;
- 34,850 - square feet in Palisades Heights;
- 1.0 acre on lots 184-186 in Alpine Meadows Subdivision; and
- 1.0 acre on all other mixed residential and commercial properties.

(f) Minimum Setbacks:

- (1) Front Yard: Primary residential structure will be setback not less than twenty-five (25) feet from the front property line. Detached accessory buildings will not be located beyond the front line of any primary residential structure. **Both street frontages of corner lots shall be considered front yards.**
- (2) Side Yards: Primary residential structures will be setback not less than fifteen (15) feet from side property lines. Detached accessory buildings/structures, equal to or under Three Hundred (300) square feet, can have a setback of not less than ten (10) feet from side property lines. Detached accessory buildings/structures, with a total square footage of over Three Hundred (300) square feet, will have a setback of not less than fifteen (15) feet from side property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**
- (3) Rear Yard: Primary residential structures will be setback not less than twenty (20) feet from the rear property line. Detached accessory buildings/structures, equal to or under Three Hundred (300) square feet, can have a setback of not less than ten (10) from rear property lines. Detached accessory buildings/structures, with a total square footage of over Three Hundred (300) square feet, will have a setback of not less than twenty five (20) from rear property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**
- (4) Properties with less than ten thousand (10,000) square feet will be allowed to have a front yard setback of twenty (20) feet and side yard and rear yard setbacks of ten (10) feet, for primary residential structures. Detached accessory buildings/structures, equal to or under Three Hundred (300) square feet, can have a setback of not less than ten (10) from rear property lines. Detached accessory buildings/structures, with a total square footage of over Three Hundred (300) square feet, will have a setback of not less than ten (10) feet from rear property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**
- (5) Corner Lots and Irregular Lots will have all street front setback guidelines and remaining sides will be considered side setbacks.
- (6) Any deviations from setback requirements will require a plan review and approval of a variance unless a lesser setback is identified in the recorded plat of the approved residential subdivision.

(g) Maximum Building Height:

- (1) Multi-unit residential structures in the “MRC” Mixed Residential and Commercial District will be thirty-five (35) feet or less in height.
- (2) Commercial building structures will be forty-five (45) feet or less. Commercial buildings will not exceed three (3) stories.
- (3) The height of detached accessory structures will be twenty-six (26) feet or less, this height restriction is applicable to structures that are set back from the property line of not less than fifteen (15) feet from the side property line and not less than twenty (20) feet from the rear property line. All detached accessory structures will be placed behind the front plan of the existing residential/commercial structure.

- aa. Detached accessory structures of with a total square footage equal to or under Three Hundred (300) square feet, and are placed within the allowable ten (10) foot rear setback and ten (10) foot side setback; will have a height restriction of fourteen (14) feet in height or less. Special consideration for setback is made for properties that have a total square footage ~~are~~ under Ten Thousand (10,000) square feet.
  - (4) Roof eaves for non-sprinkled buildings will be twenty-eight (28) feet or less from the finished grade elevation.
- (h) Vehicular Parking and Storage:
  - (1) Parking requirements for multi-unit residential structures will be met through the construction and use of centralized vehicular parking areas, driveways associated with each dwelling unit, and/or private garages.
  - (2) Mixed Residential Commercial buildings require at least one (1) designated parking space will be required for each single bedroom dwelling unit and a minimum of two (2) parking spaces per multi bedroom unit. "MRC" buildings containing more than four (4) dwelling units will also have one (1) designated guest parking space for every two (2) dwelling units.
  - (4) Off-street parking areas supporting commercial facilities or mixed residential-commercial facilities will consist of designated parking spaces and/or centralized parking areas within the building site. The minimum number of required off-street parking spaces will be calculated by the Zoning Administrator and/or Planning & Zoning Commission based upon the criteria presented in Table 3-1.
  - (4) Structures that include a combination of residential and commercial facilities will meet the cumulative requirements for both multi-unit residential structures and commercial facilities.
  - (5) Centralized vehicular parking areas will be designed and constructed in accordance with the vehicular parking standards outlined in Part 4, Article 4.6 of the Alpine Land Use and Development Code. The parking area and/or driveways will extend from the edge of pavement or improved road surface of any municipal street. In the event that no improved road surface exists, the parking area will extend from the edge of the municipal street right-of-way.
  - (6) Parking of any vehicle, which has a gross vehicle weight (GVW) of greater than twenty-six thousand (26,000) pounds, is prohibited along any public street that adjoins an "MRC" District, except for the following:
    - (aa) Vehicles temporarily parked (**less than** twenty four {24} hours) for loading or unloading passengers, materials, and merchandise.
    - (bb) Vehicles temporarily parked (less than twenty four {24} hours) engaged in performing a service activity on the residential lot and/or parcel of land in which the service is being performed (less than twenty four {24} hours).
    - (cc) Vehicles used in association with construction or maintenance activities; this vehicle is to be parked on the private property that the activity is taking place on and will be removed when construction and/or the maintenance has been completed.
    - (dd) One (1) vehicle that is owned, operated and licensed by the resident of the property on where it is parked. Vehicle will be parked as not to obstruct the view of traffic and must be parked on resident's private property.
  - (7) No unlicensed or inoperable vehicle will be permitted on any multi-residential lot.

- (8) Shared Parking is permitted provided the Planning and Zoning Commission has received, reviewed and approved the written contract agreement between land owners. The agreement will be recorded in the Lincoln County Registration of Deeds and is in effect for as long as this ordinance requires.
- (9) All commercial overnight street parking is prohibited.

<b>TABLE 3-1 MINIMUM OFF-STREET PARKING REQUIREMENTS MRC DISTRICT</b>	
<i>Type of Use</i>	<i>Standard</i>
Multi-Unit Residential	2 parking spaces per dwelling unit; multi-unit buildings with more than 4 dwelling units will also have one guest parking space for every two dwelling units
Motel/Hotel	1 parking space per guest room
Inns or Lodges	1 per guest room; 35% of total seating capacity of associated café & restaurant operations
Medical and Veterinary Clinics	1 per 400 square feet of floor space
Commercial Offices	1 per 400 square feet of retail floor space
Cafes and Restaurants (including fast-food outlets with seating)	Number of parking spaces will equal 35% of total seating capacity
Fast-food Outlets (with no seating)	1 per number of employees for average work shift
Retail Stores	1 per 400 square feet of retail floor space
Self-Storage Facilities	1 per every 2,000 square feet of storage space
Commercial Services	1 per 400 square feet of retail floor space
Service and Repair Establishments	4 per service bay plus 1 per employee.
Cabinet, plumbing, welding, and steel fabrication shops	One parking space every 800 square feet of floor space plus 1 per employee.
Commercial Recreational Facilities	1 parking space for 25% of the total number of customers that can be served at any given time
Mixed Residential and Commercial Building	Cumulative parking requirements for both multi-unit residential structures and commercial facilities

- (i) Fencing:
  - (1) Fences shall be no more than four (4) feet high between the front building line and front property line. Structural posts associated with this fencing will be situated on the interior side of the fence.
  - (2) Perimeter fences along side or rear property lines shall be no more than six (6) feet high for residential lots and no more than eight (8) feet high for commercial lots. Fences will not be constructed on top of property lines. Structural posts associated with all perimeter fences will be situated on the interior side of the fence.
  - (3) Electric and barbed wire fencing is **prohibited** below six (6) feet.
  - (4) Fencing and walls may be placed within drainage and utility easements, locates will be required by utility company. **If fencing or walls are damaged due to utility improvements, repairs, snow removal, etc., owner will accept full responsibility for any and all costs for repairs.**

- (5) Construction fences are allowed during initial construction of a primary structure. It will be constructed on the property of the primary building site. The permit is issued along with the Residential Building permit. The Certificate of Occupancy will not be issued until the construction fence is removed.
- (6) Snow fences are allowed between the months of October and May of the following year. A snow fence will not impede the removal of snow from the public rights of way, must be maintained and preferably of a neutral or black color.
- (j) Accessory Uses and Buildings:
  - (1) Accessory buildings such as pole barns, garages, workshops and sheds of any sort. **These structures will only be permitted on the same lot with an existing primary residential structure.**
  - (2) Accessory buildings will be no larger than allowed setbacks and will contain no more than a total of twelve hundred (1200) square feet of floor area.
  - (3) Steel Shipping Containers and/or Cargo/Semi Trailer Containers are **prohibited** in this zoning district.
- (k) Authorized Signs: Sign Standards for the “MRC” Mixed Residential and Commercial District are presented in Part 4 Development Standards. See Section 4-802.
- (l) Fuel Storage Tanks: Class I and Class II liquids in above ground tanks is prohibited unless temporarily stored in licensed and operative commercially used vehicles in an accumulative amount over one hundred fifty (150) gallons.
- (m) Fire Protection: All buildings that reach the maximum allowable building height for this zoning district will be required to install automatic sprinkler systems. The installation of these systems will be made in accordance with National Fire Protection Association requirements outlined in NFPA 13.

**Section 3-205. C Commercial District**

- (a) Intent and Purpose of District: This district is intended to provide and encourage potential locations for commercial retail facilities, commercial offices, and other commercial services. The Commercial District regulations are intended to provide adequate vehicular parking, setbacks, landscaping and/or other screening to ensure the compatibility of commercial establishments with adjoining land uses, as well as their accessibility to community utility systems and community open space areas.
- (b) Permitted Uses:  
**All structures are limited to stick-built, manufactured or modular units.**
  - (1) Visitor accommodations such as motels, hotels, inns, lodges, bed-and-breakfast facilities and RV campgrounds.
  - (2) Medical and veterinary clinics.
  - (3) Commercial offices and office complexes.
  - (4) Banks and other financial institutions.
  - (5) Eating and drinking establishments including cafes and restaurants; including mobile food dispensaries.
  - (6) Commercial retail establishments such as agricultural supply stores, convenience stores, mercantile stores, gas stations, automobile part stores, computer stores, grocery stores,



hardware stores, pharmacies, automated teller machine operations, barber shops and hair salons, boot and shoe repair shops, and building supply centers.

- (7) Commercial contracting establishments, such as; rental facilities, landscaping services and supplies, excavation equipment and vehicles associated with said businesses.
- (8) Service and repair establishments such as video production, self-storage facilities, auto repair shops, auto lubrication services and car wash facilities.
- (9) Cabinet, plumbing, welding, and fabrication shops.
- (10) Conference center facilities.
- (11) Commercial entertainment facilities such as theatres.
- (12) Structures supporting regional and community utility systems.
- (13) Structures will be constructed out of new or recycled materials. The relocation and/or moving in of old or used structures are **prohibited**.

(c) Commercial Building Standards:

- (1) Required building standards for commercial structures in the “C” Commercial District are presented in Part 4, of the Alpine Land Use and Development Code.
- (4) All buildings in the “C” Commercial District will require a plan review of the Town Building Official, the Planning & Zoning Commission, and/or their representative, prior to the issuance of a building permit.
- (5) Residential and Commercial structures roof style shall balance compatibility with the character of the area and snow shed considerations. Where pitched roofs are used, steeper roof pitches are preferred, but flatter pitches are permitted. Provided the engineering standards are met. The choice of roof pitch shall include consideration if and where the roof will hold or release snow and where roof drainage will occur.

(d) Architectural Guidelines: Architectural guidelines for the “C” Commercial Zoning District are presented in Part 4 Development Standards of the Land Use and Development Code.

(e) Minimum Lot Area:

- 8,000 - square feet in Palisades Heights;
- 8,500 - square feet in Lakeview Estates, Tract C; and, Lakeview Estates, 7<sup>th</sup> Addition;
- 10,000 - square feet in Lakeview Estates, 2<sup>nd</sup> Addition; and Grey’s River Valley;
- 11,000 - square feet in Kilroy Addition;
- 13,000 - square feet in Palis Park, 3<sup>rd</sup> Addition;
- 16,000 - square feet in Riverview Meadows Subdivision;

(f) Minimum Setbacks:

- (1) Front Yard: Commercial buildings will be located, at least, twenty-five (25) feet from the front property line. Detached accessory buildings will not be located beyond the front line of any primary commercial structure. **Both street frontages of corner lots shall be considered front yards.**
- (2) Side Yard: Commercial buildings a Zero Setback will be allowed; however property owners are required to make available space to accommodate parking and snow storage/removal. When a lot adjoins a lot in an MRC zoning district the set back shall be ten (10) feet from the property line. When a lot adjoins a R-2 or R-1 zoning districts the setback shall be fifteen (15) feet from the property line. Detached accessory buildings/structures, equal to or under Three Hundred (300) square feet, can have a setback of not less than ten (10) feet from side property lines. Detached accessory buildings/structures, with a total square footage of over Three Hundred (300) square feet, will have a setback of not less than ten (10) feet from side

property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**

- (3) **Rear Yard:** Commercial buildings a Zero Setback will be allowed; however property owners are required to make available space to accommodate parking and snow storage/removal. When a lot adjoins a lot in an MRC zoning district the set back shall be ten (10) feet from the property line. When a lot adjoins a R-2 or R-1 zoning districts the setback shall be fifteen (15) feet from the property line. Detached accessory buildings/structures, equal to or under Three Hundred (300) square feet, can have a setback of not less than ten (10) feet from side property lines. Detached accessory buildings/structures, with a total square footage of over Three Hundred (300) square feet, will have a setback of not less than ten (10) feet from side property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**
- (4) Properties with less than ten thousand (10,000) square feet will be allowed to have a front yard setback of twenty (20) feet and side yard and rear yard setbacks of ten (10) feet, for primary structures. Detached accessory buildings/structures, equal to or under Three Hundred (300) square feet, can have a setback of not less than ten (10) from rear property lines. Detached accessory buildings/structures, with a total square footage of over Three Hundred (300) square feet, will have a setback of not less than ten (10) feet from rear property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**
- (5) Corner Lots and Irregular Lots will have all street front setback guidelines and the remaining sides will be considered side setbacks.
- (6) Any deviations from setback requirements will require a plan review and approval of a variance unless a lesser setback is identified in the recorded plat of the approved subdivision.

(g) Maximum Building Height:

- (1) Commercial buildings will not exceed three (3) stories or forty-five (45) feet in height.
- (2) The height of detached storage/accessory structures will be thirty-five (35) feet or less, all detached accessory structures will be placed behind the front plane of the existing commercial structure. This height restriction is applicable to structures that are set back from the property line of not less than fifteen feet from the side property line and not less than twenty feet from the rear property line.
  - aa. Detached accessory structures, with a total square footage of less than Three Hundred (300) square feet and are placed within the allowable ten (10) foot rear setback and ten (10) foot side setback shall have a height restriction of fourteen (14) feet in height or less.
- (3) Roof eaves for non-sprinkled buildings will be twenty-eight (28) feet or less from the finished grade elevation.

(h) Vehicular Parking and Storage:

- (1) Off-street parking areas will consist of designated parking spaces and/or centralized parking areas within the commercial building site. The minimum number of required off-

street parking spaces will be calculated by the Zoning Administrator and/or Planning and Zoning Commission based upon the criteria presented in Table 3-2 (Below).

<b>TABLE 3-2 MINIMUM OFF-STREET PARKING REQUIREMENTS COMMERCIAL FACILITIES</b>	
<i>Type of Commercial Use</i>	<i>Standard</i>
Motel/Hotel	1 parking space per guest room
Inns or Lodges	1 per guest room; 35% of total seating capacity of associated cafe & restaurant operations.
Medical and Veterinary Clinics	1 per 400 square feet of floor space
Commercial Offices	1 per 400 square feet of retail floor space
Cafes and Restaurants (including fast-food outlets with seating)	Number of parking spaces will equal 35% of total seating capacity
Fast-food Outlets (with no seating)	1 per number of employees for average work shift
Retail Stores	1 per 400 square feet of retail floor space
Self-Storage Facilities	1 per every 2,000 square feet of storage space
Commercial Services	1 per 400 square feet of retail floor space
Service and Repair Establishments	4 per service bay plus 1 per employee.
Cabinet, plumbing, welding, and steel fabrication shops	One parking space every 800 square feet of floor space plus 1 per employee.
Commercial Recreational Facilities	1 parking space for 25% of the total number of customers that can be served at any give time

- (2) Centralized vehicular parking areas will be designed and constructed in accordance with the vehicular parking standards outlined in Article 4.6 of the Alpine Land Use and Development Code. The parking area and/or driveways will extend from the edge of pavement or improved road surface of any municipal street. In the event that no improved road surface exists, the parking area will extend from the edge of the municipal street right-of-way.
- (3) Shared Parking is permitted provided the Planning and Zoning Commission has received, reviewed and approved the written contract agreement between land owners. The agreement will be recorded in the Lincoln County Registration of Deeds and is in effect for as long as this ordinance requires.
- (4) Parking of any vehicle, which has a gross vehicle weight (GVW) of greater than twenty-six thousand (26,000) pounds, is prohibited along any public streets; except for the following:
  - (aa) Vehicles temporarily parked (**less than** twenty four {24} hours) for loading or unloading passengers, materials, and merchandise.
  - (bb) Vehicles temporarily parked (less than twenty four {24} hours) engaged in performing a service activity on the commercial lot and/or parcel of land in which the service is being performed (less than twenty four {24} hours).
  - (cc) Vehicles used in association with construction or maintenance activities; this vehicle is to be parked on the commercial property that the activity is taking place on and will be removed when construction and/or the maintenance has been completed.
- (5) All overnight street parking is prohibited.

- (i) Fencing:
  - (1) Fences shall be no more than four (4) feet high between the front building line and front property line. Structural posts associated with this fencing will be situated on the interior side of the fence.
  - (2) Perimeter fences along side or rear property lines shall be no more than eight (8) feet high for commercial lots. Fences will not be constructed on top of property lines. Structural posts associated with all perimeter fences will be situated on the interior side of the fence.
  - (3) Electric and barbed wire fencing is **prohibited** below six (6) feet.
  - (4) Fencing and walls may be placed within drainage and utility easements, locates will be required by utility company. **If fencing or walls are damaged due to utility improvements, repairs, snow removal, etc., owner will accept full responsibility for any and all costs for repairs.**
  - (5) Construction fences are allowed during initial construction of a structure. It will be constructed on the property of the primary building site. The Certificate of Occupancy will not be issued until the construction fence is removed.
  
- (j) Accessory Uses and Buildings:
  - (1) Storage/Accessory buildings will be permitted with a primary commercial structure on a commercial lot. These structures will only be permitted on the same lot with a primary commercial structure.
  - (2) Storage/Accessory buildings will be no larger than allowed by the setbacks, vehicular parking and landscaping requirements.
  - (3) Steel Shipping Containers and/or Cargo/Semi Trailer are allowed in this zoning district, so long as they are placed behind the primary structure and meet the allowable setback requirements. Stacking of containers is prohibited.
  
- (k) Authorized Signs:
  - (1) Sign standards for the “C” Commercial Zoning District are presented in Part 4 Development Standards.
  
- (l) Fire Protection:
  - (1) All buildings that reach the maximum allowable building height for this zoning district will be required to install automatic sprinkler systems. The installation of these systems will be made in accordance with National Fire Protection Association requirements outlined in NFPA 13.
  - (2) A defensible space plan will be prepared for commercial properties located in potential wildfire hazard areas (Figure 3-1). The defensible space plan will address how the landowner will manage vegetation within a one hundred (100) foot radius of the commercial facility, or the maximum radius allowed within the property owned by the landowner.
    - a. The defensible space plan will be reviewed and approved by an authorized representative of the Alpine Fire District and submitted with any building permit application.

**Section 3-206. LI Light Industrial District**

- (a) Intent and Purpose of District: This district is intended to encourage the development of smaller manufacturing facilities which produce finished products and/or parts from previously prepared materials. The Light Industrial District is also to provide area within the community for the storage and distribution of finished products, the storage of heavy equipment, industrial service and repair operations, as well as laboratory and administrative facilities supporting light industrial operations. The Light Industrial District regulations are intended to provide adequate vehicular parking, setbacks, landscaping and/or other screening to ensure compatibility with adjoining land uses, as well as accessibility to community utility systems and community open space areas.
- (b) Permitted Uses:
- All structures are limited to stick-built, manufactured or modular units.**
- (1) Manufacturing of finished products, or parts, including processing, fabrication, assembly, treatment, packaging, canning and/or bottling, incidental storage, as well as the wholesale distribution of such products.
  - (2) Light industrial parks.
  - (3) Regional warehouse and distribution facilities.
  - (4) Construction and maintenance equipment yards.
  - (5) Cabinet, plumbing, welding, and fabrication shops.
  - (6) Industrial service and repair operations.
  - (7) Storage yards for heavy equipment and industrial materials.
  - (8) Truck terminals.
  - (9) Solid waste collection or transfer facilities.
  - (10) Eating/drinking establishments, specific to the distribution business; which could include: cafes/restaurants tap and/or tasting rooms, branded merchandise.
  - (11) Mobile food dispensaries.
  - (12) Structures supporting regional and community utility systems.
  - (13) Structures will be constructed out of new or recycled materials. The relocation and/or moving in of old or used structures are **prohibited**.
- (c) Light Industrial Building Standards:
- (1) Required building standards for light industrial structures in the “LI” Light Industrial District are presented in Part 4, Section 506 of the Alpine Land Use and Development Code.
  - (2) All buildings in the “LI” Light Industrial District will require a plan review by the Zoning Administrator, or his or her representative, prior to the issuance of a building permit.
- (d) Architectural Guidelines: Architectural Guidelines for the “LI” Light Industrial Zoning District are presented in Chapter 4 Development Standards.
- (e) Minimum Lot Area: 0.9 acre in Alpine Meadows Subdivision

(f) Minimum Setbacks:

- (1) Front Yard: Industrial buildings will be located, at least, twenty-five (25) feet from the front property line. Detached accessory buildings will not be located beyond the front line of any primary light industrial structure. Both street frontages of corner lots shall be considered front yards.
- (2) Side Yards: Primary structures will be setback not less than fifteen (15) feet from side property lines. Detached accessory buildings/structures, equal to or under Three Hundred (300) square feet, can have a setback of not less than ten (10) feet from side property lines. Detached accessory buildings/structures, with a total square footage of over Three Hundred (300) square feet, will have a setback of not less than fifteen (15) feet from side property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**
- (3) Rear Yard: Primary structures will be setback not less than twenty (20) feet from the rear property line. Detached accessory buildings/structures, equal to or under Three Hundred (300) square feet, can have a setback of not less than ten (10) from rear property lines. Detached accessory buildings/structures, with a total square footage of over Three Hundred (300) square feet, will have a setback of not less than twenty five (20) from rear property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**
- (4) Properties with less than ten thousand (10,000) square feet will be allowed to have a front yard setback of twenty (20) feet and side yard and rear yard setbacks of ten (10) feet, for primary residential structures. Detached accessory buildings/structures, equal to or under Three Hundred (300) square feet, can have a setback of not less than ten (10) from rear property lines. Detached accessory buildings/structures, with a total square footage of over Three Hundred (300) square feet, will have a setback of not less than ten (10) feet from rear property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**
- (5) Corner Lots and Irregular Lots will have all street front setback guidelines and remaining sides will be considered side setbacks.
- (6) Any deviations from setback requirements will require a plan review and approval of a variance unless a lesser setback is identified in the recorded plat of the approved subdivision.

(g) Maximum Building Height:

- (1) Industrial buildings will not exceed three (3) stories or forty-five (45) feet.
- (2) The height of detached accessory structures will be twenty-six (26) feet or less, this height restriction is applicable to structures that are set back from the property line of not less than fifteen (15) feet from the side property line and not less than twenty (20) feet from the rear property line.
  - aa. Detached accessory structures, with a total square footage equal to or under Two Hundred (200) square feet and are placed within the allowable five (5) foot rear setback and five (5) foot side setback shall have a height restriction of fourteen (14) feet in height or less.

- (3) Roof eaves for non-sprinkled buildings will be twenty-eight (28) feet or less from the finished grade elevation.

(h) Vehicular Parking and Storage:

- (1) Off-street parking areas will consist of designated parking spaces and/or centralized parking areas within the building site. The minimum number of required off-street parking spaces will be calculated by the Zoning Administrator based upon the criteria presented in Table 3-3.
- (2) Centralized vehicular parking areas will be designed and constructed in accordance with the vehicular parking standards outlined in Article 4.6 of the Alpine Land Use and Development Code. The parking area and/or driveways will extend from the edge of the pavement or improved road surface of any municipal street. In the event that no improved road surface exists, the parking area will extend from the edge of the municipal street right-of-way.

<b>TABLE 3-3 MINIMUM OFF-STREET PARKING REQUIREMENTS LIGHT INDUSTRIAL FACILITIES</b>	
<i>Type of Light Industrial Use</i>	<i>Standard</i>
Manufacturing	1 parking space for each person employed, or intended to be employed, on the largest work shift.
Warehouse and Distribution Facilities	1 parking space for every 1,000 square feet of floor area.
Construction and Maintenance Equipment Yards	1 parking space for each two persons employed.
Cabinet, plumbing, welding, and steel fabrication shops	1 parking space every 800 square feet of floor space plus 1 per employee.
Industrial Service and Repair Operations	1 parking space for each two persons employed.
Truck Terminals	1 parking space for every semi truck and trailer anticipated during peak use of the truck terminal. 1 automobile parking space for each 2 persons employed.
Solid Waste Collection or Transfer Facilities	1 parking space for each 2 persons employed.
Light Industrial Parks	1 parking space for each employee.

- (3) Parking of any vehicle, which has a gross vehicle weight (GVW) of greater than twenty-six thousand (26,000) pounds, is prohibited along any public streets; except for the following:
- (aa) Vehicles temporarily parked (**less than** twenty four {24} hours) for loading or unloading passengers, materials, and merchandise.
- (bb) Vehicles temporarily parked (less than twenty four {24} hours) engaged in performing a service activity on the commercial lot and/or parcel of land in which the service is being performed (less than twenty four {24} hours).
- (cc) Vehicles used in association with construction or maintenance activities; this vehicle is to be parked on the commercial property that the activity is taking place on and will be removed when construction and/or the maintenance has been completed.
- (4) All overnight street parking is prohibited

- (i) Fencing:
  - (1) Fences shall be no more than four (4) feet high between the front building line and front property line. Structural posts associated with this fencing will be situated on the interior side of the fence.
  - (2) Perimeter fences along side or rear property lines shall be no more than eight (8) feet high and not constructed on top of property lines. Structural posts associated with all perimeter fences will be situated on the interior side of the fence.
  - (3) Electric and barbed wire fencing is prohibited below six (6) feet.
  - (4) Fencing and walls may be placed within drainage and utility easements, locates will be required by utility company. If fencing or walls are damaged due to utility improvements, repairs, snow removal, etc., owner will accept full responsibility for any and all costs for repairs.
  - (5) Fencing is required where “L-1” is adjacent to “R-1”, “R-2”, “MRC”, “PCF” or “RC” lots.
- (j) Accessory Uses and Buildings:
  - (1) Offices, storage buildings, repair and maintenance shops and other structures directly associated with the operation of a light industrial complex, facility, or operation are permitted. These uses will only be permitted on the same lot with a primary light industrial structure.
  - (2) Accessory buildings will be no larger than allowed by setbacks.
  - (3) Steel Shipping Containers and/or Cargo/Semi Trailer are allowed in this zoning district, so long as they are placed behind the primary structure and meet the allowable setback requirements. Stacking of containers is prohibited.
- (k) Authorized Signs: Sign Standards for the “LI” Light Industrial Zoning District are presented in Part 4 Development Standards. See Section 4-803.
- (l) Fire Protection:

All buildings that reach the maximum allowable building height for this zoning district will be required to install automatic sprinkler systems. The installation of these systems will be made in accordance with National Fire Protection Association requirements outlined in NFPA 13.

**Section 3-207. PCF Public and Community Facilities District**

- (a) Intent and Purpose of District: The purpose of this district is to encourage and provide area for the development of municipal, county, state, federal, and quasi-public facilities. This district is also intended to encourage the development of churches, community visitor centers, private membership clubs, and other privately-owned facilities that are generally available for public use.
- (b) Permitted Uses:

**All structures are limited to stick-built, manufactured or modular units.**

  - (1) Government administrative facilities
  - (2) Public works shops and equipment base yards
  - (3) Public multi-purpose facilities
  - (4) Public safety facilities for law enforcement, fire suppression, and emergency medical services
  - (5) Public schools, educational facilities, and related administrative offices



- (6) Public recreation centers, public parks and playgrounds, community trails for pedestrians, bikes and snow machines, and other recreational facilities
- (7) Public medical clinics
- (8) Public libraries and other cultural facilities
- (9) Public conference centers
- (10) Churches and other places of worship
- (11) Visitor centers
- (12) Childcare centers and early childhood development facilities
- (13) Museums and exhibition halls
- (14) Private membership club facilities
- (15) Bus transportation facilities
- (16) Private recreational or educational facilities that is accessible to the general public
- (17) Community trails for bikes, pedestrians and snow machines
- (18) Solid waste collection and transfer facilities
- (19) Structures supporting regional and community utility systems
- (20) Primary structures will be constructed out of new materials. The moving in of old or used buildings are prohibited.

(c) Public Facility Building Standards:

- (1) Required building standards for structures in the Public and Community Facilities District are presented in Part 4, of the Alpine Land Use and Development Code.
- (2) All buildings in the Public and Community Facilities District will require a plan review of the Town Building Official, the Planning & Zoning Commission, and/or their representative, prior to the issuance of a building permit.
- (3) Public Facility structures roof style shall balance compatibility with the character of the area and snow shed considerations. Where pitched roofs are used, steeper roof pitches are preferred, but flatter pitches are permitted. Provided the engineering standards are met. The choice of roof pitch shall include consideration if and where the roof will hold or release snow and where roof drainage will occur.

(d) Architectural Guidelines: Architectural guidelines for the “PCF” Public and Community Facilities Zoning District are presented in Part 4 Development Standards.

(e) Landscaping Requirements: At least ten (10) percent of each public or private facility site, or complex, will be landscaped and maintained with grasses, shrubs, and/or trees to increase compatibility with adjoining land uses, increase the attractiveness of the site, and enhance the general aesthetics of the community. This requirement may be made within setback areas, designated easements.

(f) Minimum Lot Area: None.

(g) Minimum Setbacks:

- (1) Front Yard: Public and community facility structures will be located, at least, twenty-five (25) feet from the front property line. Detached accessory buildings will not be located beyond the front line of any primary public or community facility. **Both street frontages of corner lots shall be considered front yards.**

- (2) Side Yards: Primary residential structures will be setback not less than fifteen (15) feet from side property lines. Detached accessory buildings/structures, equal to or under Two Hundred (200) square feet, can have a setback of not less than five (5) feet from side property lines. Detached accessory buildings/structures, with a total square footage of over Two Hundred 200 square feet, will have a setback of not less than fifteen (15) feet from side property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**
  - (3) Rear Yard: Primary residential structures will be setback not less than twenty (20) feet from the rear property line. Detached accessory buildings/structures, equal to or under Two Hundred (200) square feet, can have a setback of not less than five (5) feet from rear property lines. Detached accessory buildings/structures, with a total square footage of over Two Hundred (200) square feet, will have a setback of not less than twenty (20) feet from rear property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**
  - (4) Properties with less than ten thousand (10,000) square feet will be allowed to have a front yard setback of twenty (20) feet and side yard and rear yard setbacks of ten (10) feet, for primary residential structures. Detached accessory buildings/structures, equal to or under Two Hundred (200) square feet, can have a setback of not less than five (5) feet from rear property lines. Detached accessory buildings/structures, with a total square footage of over Two Hundred (200) square feet, will have a setback of not less than ten (10) feet from rear property lines. **Please Note: Should a structure be placed within a recorded property/utility easements, the Town of Alpine assumes no responsibility for damage and/or any replacement costs of any structure or property damage; owner will accept full responsibility for any and all costs for repairs.**
  - (5) Any deviations from setback requirements will require a plan review and approval of a variance unless a lesser setback is identified in the recorded plat of the approved subdivision plat.
- (h) Maximum Building Height:
- (1) Public and community facilities will not exceed three (3) stories or forty-five (45) feet.
  - (2) The height of detached accessory structures will be twenty-six (26) feet or less, this height restriction is applicable to structures that are set back from the property line of not less than ten (10) feet from the side property line and not less than ten (10) feet from the rear property line.
    - aa. Detached accessory structures, with a total square footage of equal to or under Two Hundred (200) square feet and are placed within the allowable five (5) foot rear setback and five (5) foot side setback shall have a height restriction of fourteen (14) feet in height or less.
  - (3) Roof eaves for non-sprinkled buildings will be twenty-eight (28) feet or less from the finished grade elevation.
- (i) Accessory Uses and Buildings:
- (1) Office and storage buildings directly associated with the operation of public and community facilities are permitted. These uses will only be permitted on the same lot with a primary public or community facility, or on an adjacent lot associated with the primary public or community facility.
  - (2) Accessory buildings will contain no more than six hundred (600) square feet of floor area.

- (3) Steel Shipping Containers and/or Cargo/Semi Trailer are allowed in this zoning district, so long as they are placed behind the primary structure and meet the allowable setback requirements. Stacking of containers is prohibited.

(j) Fencing:

- (1) Fences shall be no more than four (4) feet high between the front building line and front property line. Structural posts associated with this fencing will be situated on the interior side of the fence.
- (2) Perimeter fences along side or rear property lines shall be no more than eight (8) feet high and not constructed on top of property lines. Structural posts associated with all perimeter fences will be situated on the interior side of the fence.
- (3) Electric and barbed wire fencing is **prohibited** below six (6) feet.
- (4) Fencing and walls may be placed within drainage and utility easements, locates will be required by utility company. **If fencing or walls are damaged due to utility improvements, repairs, snow removal, etc., owner will accept full responsibility for any and all costs for repairs.**
- (5) Construction fences are allowed during initial construction of a structure. It will be constructed on the property of the primary building site. The Certificate of Occupancy will not be issued until the construction fence is removed.

(k) Vehicular Parking and Storage:

- (1) Off-street parking areas will consist of designated parking spaces and/or centralized parking areas within the building site. The minimum number of required off-street parking spaces will be calculated by the Zoning Administrator and/or Planning and Zoning Commission based upon the criteria presented in Table 3-4.
- (2) Centralized vehicular parking areas will be designed and constructed in accordance with the vehicular parking standards outlined in Article 4.6 of the Alpine Land Use and Development Code. The parking area and/or driveways will extend from the edge of the pavement or improved road surface of any municipal street. In the event that no improved road surface exists, the parking area will extend from the edge of the municipal street right-of-way.
- (3) Shared Parking is permitted provided the Planning and Zoning Commission has reviewed and approved the written contract agreement between land owners. The agreement will be recorded in the Lincoln County Registration of Deeds and is in effect for as long as this ordinance requires.
- (4) No unlicensed or inoperable vehicle will be permitted on any public or community facility lot unless the vehicle is used for training purposes approved by the Alpine Planning & Zoning Commission.
- (5) Parking of any vehicle, which has a gross vehicle weight (GVW) of greater than twenty-six thousand (26,000) pounds, is prohibited along any public street; except for the following:
  - (aa) Vehicles temporarily parked (**less than** twenty four {24} hours) for loading or unloading passengers, materials, and merchandise.
  - (bb) Vehicles temporarily parked (less than twenty four {24} hours) engaged in performing a service activity on the commercial lot and/or parcel of land in which the service is being performed (less than twenty four {24} hours).

(cc) Vehicles used in association with construction or maintenance activities; this vehicle is to be parked on the commercial property that the activity is taking place on and will be removed when construction and/or the maintenance has been completed.

(6) All overnight street parking is prohibited.

- (l) Authorized Signs: Sign Standards for the Public and Community Facilities District are presented in Part 4 Development Standards.
- (m) Fuel Storage Tanks: Class I and Class II liquids in above ground tanks is prohibited unless temporarily stored in licensed and operative commercially used vehicles in an accumulative amount over one hundred fifty (150) gallons.
- (n) Fire Protection: All buildings that reach the maximum allowable building height for this zoning district will be required to install automatic sprinkler systems. The installation of these systems will be made in accordance with National Fire Protection Association requirements outlined in NFPA 13.

<b>TABLE 3-4 MINIMUM OFF-STREET PARKING REQUIREMENTS PUBLIC AND COMMUNITY FACILITIES</b>	
<i>Type of Public or Community Facility Use</i>	<i>Standard</i>
Government administrative facilities	1 parking space per 400 square feet of floor space
Public works centers and base yards	1 parking space for each person employed on largest work shift.
Public multi-purpose facilities	The number of parking spaces will equal 35 percent of the total seating capacity.
Public safety facilities for law enforcement, fire protection, and emergency medical services	To be determined by Zoning Administrator and Planning and Zoning Commission during project review.
Educational facilities, and related administrative offices	The number of parking spaces will include 1 parking space for each employee, school bus parking to accommodate peak bus traffic or loading zones, parking spaces for 50 percent of anticipated school enrollment for high schools, and visitor parking adequate to support events at the facility.
Public recreation centers and recreational facilities	The number of parking spaces will equal 35 percent of the peak number of adult recreational users during any one period.
Public medical clinics	1 parking space for each employee, 1 reserved parking space for each anticipated paramedic van or ambulance serving the facility in one 8-hour period, 2 reserved parking spaces for law enforcement, 1 parking space for the maximum number of patients served by the facility at any given time.
Public libraries	1 parking space for each employee; 1 parking space for each anticipated facility user during an anticipated peak hour of facility use.
Public cultural facilities	The number of parking spaces will equal 35 percent of the total seating capacity
Public conference facilities	The number of parking spaces will equal 35 percent of the total seating capacity
Operations centers, administrative offices, and facilities supporting quasi-public utilities	1 parking space per 200 square feet of floor space for administrative areas and workshop areas. 2 parking spaces at each facility, e.g., water storage tank.

<b>TABLE 3-4 MINIMUM OFF-STREET PARKING REQUIREMENTS PUBLIC AND COMMUNITY FACILITIES (CONTINUED)</b>	
Solid waste collection and transfer facilities	1 parking space for employee(s) working at solid waste site; one parking space/loading area for incoming trucks used for collection and transfer.
Structures supporting regional and community utility systems.	1 parking space for maintenance personnel.
Churches and other places of worship	The number of parking spaces will equal 35 percent of the seating capacity of the primary sanctuary at each church.
Museums	1 parking space for each two persons employed. 1 parking space for every two visitors during peak hour of visitation.
Private membership club facilities	1 parking space for every 1.5 persons as rated by the maximum capacity of the building defined by the fire code.
Community visitor centers	1 parking space for every employee, as well as 10 spaces for visitors.
Other private or educational facilities accessible to the general public	1 parking space for every two persons employed. The Total parking spaces for facility users will equal 50 percent of the peak user capacity.

**Section 3-208. RC Recreation and Conservation District**

- (a) Intent and Purpose of District: The purpose of this district is intended to encourage the conservation of sensitive natural resources and enhance the aesthetics of the community via the provision of community parks and other open space. The intent of this district also includes the development of recreational facilities to support outdoor recreational activities such as walking, biking, cross-country skiing, snowmobiling, and picnicking. The recreation and conservation district regulations are established to ensure compatibility with adjoining land uses, as well as accessibility to residential and commercial areas.
- (b) Permitted Uses:  
**All structures are limited to stick-built, manufactured or modular units.**
- (1) Outdoor public parks, pavilions, outdoor cooking and picnic facilities, and recreational equipment.
  - (2) Pedestrian, bicycle, cross-country ski, and snow machine trails.
  - (3) Outdoor courts for basketball, volleyball, tennis, and other activities.
  - (4) Hockey rinks and ice skating facilities.
  - (5) Recreational areas for soccer, baseball, football, skateboarding, and other outdoor recreational activities.
  - (6) Historical sites and related interpretation facilities.
  - (7) Wellhead protection areas.
  - (8) Undeveloped lands.
  - (9) Primary structures will be constructed out of new materials. The moving in of old or used buildings are prohibited.
- (c) Recreation and Conservation Building Standards:
- (1) Required building standards for all structures in the Recreation and Conservation District are presented in Part 4, of the Alpine Land Use and Development Code.

- (2) All buildings in the Recreation and Conservation District will require a plan review of the Town Building Official, the Planning & Zoning Commission, and/or their representative, prior to the issuance of a building permit.
- (3) Recreation and Conservation structures roof style shall balance compatibility with the character of the area and snow shed considerations. Where pitched roofs are used, steeper roof pitches are preferred, but flatter pitches are permitted. Provided the engineering standards are met. The choice of roof pitch shall include consideration if and where the roof will hold or release snow and where roof drainage will occur.
- (d) Architectural Guidelines: Architectural guidelines for the Recreation and Conservation District are presented in Part 4 Development Standards.
- (e) Landscaping Requirements: At least ten (10) percent of each recreational and conservation lot will be landscaped and maintained with grasses, shrubs, and/or trees to increase the compatibility with adjoining land uses, increase the attractiveness of the residential site or complex, and enhance the general aesthetics of the community. This requirement may be satisfied within setback areas, designated easements, or any portion of the site.
- (f) Minimum Lot Area: None.
- (g) Minimum Setbacks:
  - (1) Twenty-five (25) feet from adjoining properties and land uses in other zoning districts. Detached accessory buildings/structures, with a total square footage equal to or under Two Hundred (200) square feet, can have a setback of not less than five (5) feet from side property lines. Detached accessory buildings/structures, with a total square footage of over Two Hundred (200) square feet, will have a setback of not less than twenty-five (25) feet from side and rear property lines.
  - (2) Side Yards: Primary residential structures will be setback not less than fifteen (15) feet from side property lines. Detached accessory buildings/structures, equal to or under Two Hundred (200) square feet, can have a setback of not less than five (5) feet from side property lines. Detached accessory buildings/structures, with a total square footage of over Two Hundred (200) square feet, will have a setback of not less than fifteen (15) feet from side property lines.
  - (3) Rear Yard: Primary residential structures will be setback not less than twenty (20) feet from the rear property line. Detached accessory buildings/structures, equal to or under Two Hundred (200) square feet, can have a setback of not less than five (5) feet from rear property lines. Detached accessory buildings/structures, with a total square footage of over Two Hundred (200) square feet, will have a setback of not less than twenty (20) feet from rear property lines.
  - (4) Properties with less than ten thousand (10,000) square feet will be allowed to have a front yard setback of twenty (20) feet and side yard and rear yard setbacks of ten (10) feet, for primary residential structures. Detached accessory buildings/structures, equal to or under Two Hundred (200) square feet, can have a setback of not less than five (5) feet from rear property lines. Detached accessory buildings/structures, with a total square footage of over Two Hundred (200) square feet, will have a setback of not less than ten (10) feet from rear property lines.
  - (5) Any deviations from setback requirements will require a plan review and approval of a variance unless a lesser setback is identified in the recorded plat of the approved subdivision.

(h) Maximum Building Height:

- (1) Thirty-five (35) feet.
- (2) The height of detached accessory structures will be twenty-six (26) feet or less, this height restriction is applicable to structures that are set back from the property line of not less than twenty-five (25) feet from the side property line and not less than twenty-five (25) feet from the rear property line.
  - aa. Detached accessory structures, with a total square footage of less than Two Hundred (200) square feet and are placed within the allowable five (5) foot rear setback and five (5) foot side setback shall have a height restriction of fourteen (14) feet in height or less.

(i) Vehicular Parking and Storage:

- (1) Off-street parking areas will consist of designated parking spaces and/or centralized parking areas within the building site. The minimum number of required off-street parking spaces will be calculated by the Zoning Administrator based upon the criteria presented in Table 3-5.
- (2) Centralized vehicular parking areas will be designed and constructed in accordance with the vehicular parking standards outlined in Article 4.6 of the Alpine Land Use and Development Code. The parking area and/or driveways will extend from the edge of the pavement or improved road surface of any municipal street. In the event that no improved road surface exists, the parking area will extend from the edge of the municipal street right-of-way.
- (3) No unlicensed or inoperable vehicle will be permitted on any recreational or conservation area facility lot.
- (4) Shared Parking is permitted provided the Planning and Zoning Commission has reviewed and approved the written contract agreement between land owners.

<b>TABLE 3-5 MINIMUM OFF-STREET PARKING REQUIREMENTS RECREATION AND CONSERVATION AREA FACILITIES</b>	
<i>Type of Public or Community Facility Use</i>	<i>Standard</i>
Football, soccer, and baseball fields	The number of parking spaces will equal 35 percent of the anticipated peak number of adult recreational users and spectators during any one period.
Hockey and ice skating rinks	The number of parking spaces will equal 35 percent of the anticipated peak number of adult recreational users and spectators during any one period.
Basketball, volleyball, and tennis courts	The number of parking spaces will equal 50 percent of the anticipated peak number of adult recreational users and spectators during any one period.
Historical sites and interpretative facilities	None
Structures supporting regional and community utility systems.	1 parking space for maintenance personnel.

- (5) Parking of any vehicle, which has a gross vehicle weight (GVW) of greater than twenty-six thousand (26,000) pounds, is prohibited along any public street; except for the following:

(aa) Vehicles temporarily parked (**less than** twenty four {24} hours) for loading or unloading passengers, materials, and merchandise.

(bb) Vehicles temporarily parked (less than twenty four {24} hours) engaged in performing a service activity on the commercial lot and/or parcel of land in which the service is being performed (less than twenty four {24} hours).

(cc) Vehicles used in association with construction or maintenance activities; this vehicle is to be parked on the commercial property that the activity is taking place on and will be removed when construction and/or the maintenance has been completed.

(6) All overnight street parking is **prohibited**.

(j) Fencing:

(1) Fences shall be no more than four (4) feet high between the front building line and front property line. Structural posts associated with this fencing will be situated on the interior side of the fence.

(2) Perimeter fences along side or rear property lines shall be no more than six (6) feet high and not constructed on top of property lines. Structural posts associated with all perimeter fences will be situated on the interior side of the fence.

(3) Electric and barbed wire fencing is **prohibited**.

(4) Fencing and walls may be placed within drainage and utility easements, locates will be required by utility company. **If fencing or walls are damaged due to utility improvements, repairs, snow removal, etc., owner will accept full responsibility for any and all costs for repairs.**

(5) Construction fences are allowed during initial construction of a structure. It will be constructed on the property of the primary building site. The Certificate of Occupancy will not be issued until the construction fence is removed.

(k) Accessory Uses and Buildings:

(1) Storage buildings, tool sheds, and other structures directly associated with the operation and maintenance of community parks, recreational facilities, historic sites, and conservation areas are permitted. These uses will only be permitted on the same lot with a primary recreational structure or conservation area facility, or on an adjacent lot associated with the primary facility.

(2) Accessory buildings will contain no more than six hundred (600) square feet of floor area.

(3) Accessory buildings will not be located beyond the front line of any primary recreational structure.

(l) Authorized Signs: See Table 4-9.

(m) Fuel Storage Tanks: Class I and Class II liquids in above ground tanks is prohibited unless temporarily stored in licensed and operative commercially used vehicles in an accumulative amount over one hundred fifty (150) gallons.

(n) Fire Protection: All buildings that reach the maximum allowable building height for this zoning district will be required to install automatic sprinkler systems. The installation of these systems will be made in accordance with National Fire Protection Association requirements outlined in NFPA 13.



## Article 3.3

## NONCONFORMING USES AND STRUCTURES

### Section 3-301. Nonconforming Uses

- (a) A nonconforming use may be continued on the same land lot or land parcel, as well as within the same floor area, which existed on the date when the use initially became nonconforming, subject to the conditions below.
- (b) If active and continuous operation of a nonconforming use is discontinued for a period of twelve (12) consecutive months, the structure or tract of land shall subsequently be used only for a conforming use. A stated intent to resume operations shall not affect this provision.
- (c) In the event of catastrophic loss, e.g., fire, an existing non-conforming structure may be re-established within twelve (12) months of the date the loss occurred. Any reconstruction of a structure shall be the same dimensions of the structure prior to the catastrophic loss and follow the then current version of the building codes adopted by the Town of Alpine.

### Section 3-302. Nonconforming Structures

- (a) A nonconforming structure may be enlarged or expanded an accumulative amount of twenty (20) percent of the existing structure. However, no enlargement or expansion may encroach any further into setbacks than the existing structure encroaches. The cumulative total is the sum of all expansions or enlargements from the date the structure became nonconforming.
- (b) Notwithstanding the limitations stated above, expansions to buildings such as covered wheelchair ramps, lifts and handicap accessible restrooms need to meet the requirements of the Americans with Disabilities Act (ADA) shall be exempt from the twenty (20) percent limitation above.

### Section 3-303. Facility Repairs

Emergency (acts of nature), ordinary repairs and maintenance of a nonconforming building shall be permitted, with the appropriate permits on file with the Planning and Zoning Commission, Town of Alpine.