



STAFF REPORT

To: Town Council, Town of Alpine

From: Gina Corson- Planning and Zoning Administrator

Subject: Recommendation to Proceed with a Comprehensive Land Use and Development Code (LUDC) Redesign

Date: December 31, 2025

Purpose

The purpose of this staff report is to recommend that the Town Council seriously consider proceeding with a **comprehensive redesign of the Town of Alpine's Land Use and Development Code (LUDC)**. This effort is intended to strengthen the clarity, usability, defensibility, and overall effectiveness of the Code, while guiding next-step discussions, establishing priorities, and integrating the updated Master Plan to ensure cohesiveness. This process also presents an opportunity to modernize and digitize the LUDC, improving internal administration and external usability for residents, applicants, and builders.

Background

As staff continue to administer the day-to-day operations of the LUDC, it has become increasingly apparent that the Code suffers from **systemic and widespread deficiencies** that extend beyond any single section or topic. These issues affect applicants, decision-makers, and staff alike, and they significantly hinder efficient and consistent administration by both the Planning and Zoning Administrator and the Code Enforcement Officer.

The recently updated Master Plan underscores the need for clear, modern, and predictable development regulations. Effectively implementing that Plan requires a regulatory framework that is internally consistent, legally defensible, and aligned with contemporary planning and development practices.

Key Issues Identified

Through ongoing administration and review of the LUDC, staff have identified numerous issues, including but not limited to the following examples:

1. Internal Conflicts and Inconsistencies



Several sections of the LUDC contain textual inconsistencies, undefined or incorrect cross-references, and potential conflicts between Parts, Articles, and Sections. These issues create ambiguity for applicants, staff, and decision-makers, increasing the risk of inconsistent interpretation, enforcement challenges, and legal vulnerability.

Example A – Conflicting Authority Between LUDC and ICC Codes

- Section 4-201 adopts the most current ICC codes at the time of construction, while Section 4-202 states that LUDC definitions override IBC definitions in the event of conflict.
- This creates ambiguity when ICC terms are relied upon for enforcement but overridden by local definitions without clear cross-referencing or hierarchy.

*Applicants and enforcement staff cannot consistently determine which definition or standard controls, increasing appeal risk.

Example B – Nonconforming Structures and Expansion Thresholds

- Nonconforming structures are allowed limited expansion under Part 5, while Part 4 applies current building codes to new work without clearly stating whether thresholds trigger full compliance.
- These provisions are not cross-referenced, leaving interpretation to staff discretion.

*Creates an inconsistent application and exposes the Town to claims of unequal treatment.

2. Missing Provisions for Digital Submittals and Online Records

Modern land use codes typically include explicit authorization for electronic applications, digital signatures, electronic zoning maps, and online posting of meeting materials. These provisions are largely absent from the current LUDC, limiting the Town's ability to modernize administrative processes.

Example A – Paper-Based Procedures Throughout Part 2

- Part 2 assumes physical submission and posting requirements (e.g., notices posted at Town Hall, sign postings, mailed affidavits) with no authorization for electronic equivalents.
- No language authorizes electronic zoning maps, digital records, or online agendas.

*Limits modernization, complicates CitizenServe and GIS integration, and creates legal uncertainty around electronic processes already in use.



3. Evaluation Criteria Are Overly Broad

Section 2-202 contains general criteria for evaluating land use proposals; however, the criteria are vague (e.g., “contribute to public welfare,” “promote compatibility”) and are not tailored to specific application types such as Planned Unit Developments, zone changes, variances, subdivisions, or Special Use Permits. This lack of specificity reduces predictability and defensibility in decision-making.

Example A – Section 2-202 “General Evaluation Criteria”

- Criteria include phrases such as:
 - “Consistency with the community land use plan”
 - “Promote compatibility”
 - “Contribute to public welfare”
- The same criteria are applied to:
 - Zone changes
 - PUDs
 - Variances
 - Subdivisions
 - Special Use Permits

*Lack of tailored standards weakens findings of fact, reduces predictability for applicants, and increases vulnerability to appeals.

4. Process Diagrams Not Legally Integrated

While the LUDC includes process diagrams (Figures 2-1 through 2-7) illustrating review procedures, the operative code text does not clearly reference or incorporate these diagrams, leaving uncertainty as to which steps are legally controlling.

These examples represent only a portion of the issues identified. Staff can provide additional detailed examples upon request.

Example A – Figures 2-1 through 2-7



- The LUDC includes multiple procedural diagrams illustrating approval paths, but the text does not:
 - Reference the figures
 - State whether the diagram or the text controls
 - Resolve conflicts when steps differ between text and diagram

*Creates confusion during hearings and appeals when applicants rely on diagrams but decisions must be based on text.

5. Ordinance Layering and Amendment History Issues

The LUDC is a compilation of amended ordinances rather than a fully integrated code.

Example A – “Exceptions to Adopted Building Codes”

- Section 4-203 allows future exemptions to be adopted and incorporated, but prior exemptions are scattered across separate ordinances with no consolidated reference table.
- The “LUDC Ordinances to Review” list shows multiple adoption ordinances that modify overlapping sections without reorganization.

*Staff must interpret multiple ordinances simultaneously, increasing administrative burden and legal risk.

Staff Capacity and Risk Considerations

Addressing these issues through incremental amendments or internal drafting would require a **significant commitment of staff time and resources**, primarily from the Planning and Zoning Administrator, and would detract from other essential duties. Moreover, staff does not possess the specialized expertise required to redesign a land use code that carries the force of law.

Because the LUDC establishes enforceable regulations, careful attention must be given to structure, language, internal consistency, and legal defensibility. For these reasons, staff believes a comprehensive redesign should be led by qualified professionals experienced in land use code development.

Professional Assistance and Funding

The Town has received **three bids** from professional planning and code consulting firms for a comprehensive LUDC redesign. Staff has also engaged in discussions with the **Wyoming**



Business Council to explore potential funding opportunities. In addition, we will be meeting with local developers to discuss the potential contribution of funding toward the redesign effort.

Recommendation

Staff strongly recommends that the Town Council give serious consideration to proceeding with a **comprehensive redesign of the LUDC**. This effort represents a logical and necessary next step to implement the updated Master Plan and is critical to ensuring the Town of Alpine has a modern, clear, and effective regulatory framework that supports orderly growth, improves administrative efficiency, and enhances legal defensibility.

A comprehensive redesign of the LUDC is not only timely but **essential for the Town of Alpine to grow and thrive**.