

Title 10: LAND USE REGULATIONS

Chapter 1: GENERAL PROVISIONS

10-1-6: DEFINITIONS:

For the purpose of this title, certain words and terms are defined as follows: (Words used in the present tense include the future, words in the singular number include the plural and the plural the singular, ~~and words included herein but defined in the building code shall be construed as defined therein.~~)

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses.

ALLEY: Any public way or thoroughfare less than sixteen feet (16'), but not less than ten feet (10') in width, which has been dedicated or deeded to the public for public use.

APARTMENT HOUSE: Any building or portion thereof which contains three (3) or more dwelling units and, for the purpose of this title, includes residential condominiums.

APPEAL AUTHORITY: The person, board, commission, agency or other body designated by town ordinance to decide an appeal of a decision of a land use application or variance.

BASEMENT: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first "story", as defined in this section.

BUILDING: Any structure or any part thereof, built or used for the support, shelter, or enclosure of any use or occupancy by person, animals, or chattel. ~~used or intended for supporting or sheltering any use or occupancy.~~

BUILDING, ACCESSORY: Any detached building used or intended for supporting or sheltering any use or occupancy subordinate and clearly incidental to that of the main building and located on the same lot occupied by the main building.

~~**BUILDING HEIGHT:** The vertical distance from grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and the ridge of a gable or hip roof.~~

BUILDING, MAIN: The principal building or one of the principal buildings upon a lot that is used primarily for the principal use. ~~, or the building or one of the principal buildings housing a principal use upon a lot.~~

CARETAKER: An owner or a person employed by the owner of a private, residential dwelling to reside within the building and to provide primarily maintenance, custodial and security services; or, a property management services company, licensed by the town of Alta, which does not have an employee who resides within the building, but which provides maintenance, custodial and security services.

CARETAKER UNIT: A living area within a dwelling which is separated physically from the remainder of the dwelling or annexed to the dwelling, the purpose for which is to house an on premises "caretaker", as defined in this section. The owner shall certify to the town in writing that a caretaker unit shall be occupied only by a caretaker.

CARPORT: A private garage not completely enclosed by walls or doors. For purposes of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

CHILD NURSERY: An establishment for the care and/or instruction, whether or not for compensation, of six (6) or more children other than members of the family residing on the premises.

CLASS A BEER OUTLET: A place of business wherein beer is sold in original containers to be consumed off the premises in accordance with the alcoholic beverage control act of Utah and the licensing ordinance of the town.

CLASS B BEER OUTLET: A place of business wherein beer is sold in original containers for consumption on or off the premises in accordance with the alcoholic beverage control act of Utah and the licensing ordinance of the town.

CLASS C BEER OUTLET: A place of business wherein draft beer or beer in original containers is sold for consumption on or off the premises in accordance with the alcoholic beverage control act of Utah and the licensing ordinance of the town.

COMMERCIAL RENTAL: The renting of real property for terms of thirty (30) days or less, or other impermanent or transitory lodging use lacking in stability or continuity of persons occupying real property.

CONDITIONAL USE: A use of land for which a conditional use permit is required pursuant to [chapter 9](#) of this title.

CONDOMINIUM PROJECT: A. A real estate plan or project whereby two (2) or more units, whether contained in an existing or proposed building or buildings, are separately offered or proposed to be offered for sale. "Condominium project" shall also mean the property when the context so requires.

B. The owner or developer of any condominium project or "time period unit" project, as defined in this section, shall comply with the Utah condominium ownership act, Utah Code Annotated title 57, chapter 8, which is hereby incorporated within and made a part of this

title by reference. Such owner or developer shall also comply with all pertinent provisions of all chapters of this title.

COURT: An occupied space on a lot, other than a yard, that is designed to be partially or completely surrounded by group dwellings.

DISTRICT: A portion of the town of Alta.

DWELLING: Any building or portion thereof which contains not more than two (2) dwelling units.

DWELLING GROUP: A group of two (2) or more dwellings located on a parcel of land in one ownership and having any yard or court in common.

DWELLING, MULTIPLE-FAMILY: A building used or intended to be occupied by more than two (2) "families", as defined in this section.

DWELLING, SINGLE-FAMILY: A building used or intended to be occupied by one "family", as defined in this section.

DWELLING, TWO-FAMILY: A building used or intended to be occupied by two (2) "families", as defined in this section.

DWELLING UNIT: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this title, for not more than one family. For purposes of determining maximum density of dwelling units for all uses in any FM zone, two (2) guestrooms shall be equivalent to one dwelling unit.

EFFICIENCY DWELLING UNIT: A dwelling unit containing only one habitable room.

FAMILY: An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

FLOOR AREA: The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.

FRONTAGE: All property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right of way, waterway, end of dead end street, or political subdivision boundary, measured along the street line. An intersecting or intercepting street shall determine only the boundary of the frontage on the side of the street it intercepts.

GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than four (4) automobiles owned and used by the occupants of the building to which it is accessory,

provided that on the lot occupied by a multiple-family dwelling, the private garage may be designed and used for the storage of one and one-half (1^{1/2}) times as many automobiles as there are dwelling units in the multiple-family dwelling. A garage shall be considered part of a dwelling if the garage and the dwelling have a roof or wall in common. A private garage may not be used for storage of more than one truck for each family dwelling upon the premises, and no such truck shall exceed two and one-half (2^{1/2}) tons capacity.

GARAGE, PUBLIC: Any garage other than a private garage.

~~GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building.~~

GRADE, ESTABLISHED: The grade of the earth, whether natural or previously altered, that exists before a site has been prepared or changed for purposes of development or building. In areas where a building exists on the site, the Building Official shall determine the established grade by extending the elevations of the adjacent established grades where buildings do not exist through the area of the existing building.

GRADE, FINISHED: The finished and resulting grade where earth meets the structure at the completion of the proposed construction.

GUEST: Any person hiring or occupying a room for living or sleeping purposes, or any person occupying a room or property for periods of thirty (30) days or less.

GUESTHOUSE: A separate dwelling located on a lot with one or more main dwellings and used or intended for the housing of guests or servants and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.

GUESTROOM: A. Any room or rooms used or intended to be used by a guest for sleeping purposes. Every one hundred (100) square feet of total floor area in a dormitory shall be considered to be a guestroom.

B. Within the base facilities zone, "guestroom" shall be defined as every six hundred (600) square feet of total floor area within a structure, and the remainder thereof.

HABITABLE SPACE: Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered "habitable space".

HELIPORT: An area of land or water, or a structural surface, which is used, or intended for use, for the landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.

HELISTOP: The same as a "heliport", as defined in this section, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

HOME OCCUPATION: Any use conducted entirely within a dwelling and carried on by one person residing in the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes and in connection with which there is no display nor stock in trade. The home occupation shall not include the sale of commodities, except those which are produced on the premises and shall not involve the use of any accessory building or yard space for activity outside the main building not normally associated with residential use. Parking for home occupations shall be as follows: 1) one car for each twenty five feet (25') of unobstructed and unrestricted frontage of the subject property; and 2) available parking on the subject property where automobiles are customarily parked. "Home occupation" shall include the care of not more than six (6) children other than members of the family residing in the dwelling.

HOTEL: Any building containing guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied on a nightly basis, or which are occupied for sleeping purposes by guests, and which may include accessory facilities such as a lobby, meeting rooms, recreation facilities, group dining facilities and other facilities customarily associated with hotels. A "hotel" shall not include any building used for residential purposes, including, but not limited to, condominiums and single-family residences.

HOUSEHOLD PETS: Animals and/or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, including not more than two (2) dogs¹ or two (2) cats over four (4) months in age, and not more than a total of four (4) animals. A "household pet" does not include inherently or potentially dangerous animals, fowl or reptiles.

JUNKYARD: The use of any lot or portion of a lot or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof; provided, that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural uses permitted in the zone.

KENNEL²: The keeping of three (3) or more dogs at least four (4) months old.

LAND USE APPLICATION: All applications requiring approval from the land use authority pursuant to Utah Code Annotated or town of Alta ordinances.

LAND USE AUTHORITY: A person, board, commission, agency or other body designated by the town council to act upon a land use application.

[LAND USE ORDINANCE: A planning, zoning, development, or subdivision ordinance of the Town of Alta.](#)

LODGING HOUSE: Any building or portion thereof containing not more than five (5) guestrooms where rent is paid in money, goods, labor or otherwise.

LOT: A parcel of land occupied or to be occupied by a building or group of buildings, together

with such yards, open spaces, lot width and lot areas as are required by this title, having frontage upon a street or upon a right of way approved by the appeal authority, or upon a right of way not less than sixteen feet (16') wide. Except for group dwellings and guesthouses, not more than one dwelling may occupy one lot.

LOT, CORNER: A lot abutting on two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

LOT, INTERIOR: A lot other than a corner lot.

NAMEPLATES AND SIGNS: Shall include:

- A. One nameplate for each dwelling unit, not exceeding two (2) square feet in area, indicating the name of the occupant or permitted home occupation.
- B. One sign board not exceeding eight (8) square feet in area appertaining to the lease or sale of the property, or the sale of products produced on the property, or warning against trespassing.
- C. One bulletin board not exceeding eight (8) square feet in area for a church or other institution for the purpose of displaying the name and character of services or other activities conducted therein.
- D. One identification sign not exceeding eight (8) square feet in area for buildings other than dwellings.
- E. All such bulletin boards and identification signs shall be attached to and parallel with the front wall of the building. If any nameplate, bulletin board or sign is illuminated, only indirect lighting shall be used. No flashing or intermittent illumination shall be employed.

~~NATURAL WATERWAYS: Those areas varying in width along streams, creeks, gullies or washes which are natural drainage channels, as determined by the building official and in which areas no buildings shall be constructed.~~

NET DEVELOPABLE ACREAGE: The area of ground within a lot that satisfies all of the following conditions:

[Definitions will be included here depending on which version of the waterways chapter is adopted. See Chapter 11A, Protection of Waterways, below.]

NONCONFORMING ~~BUILDING OR~~ STRUCTURE: A ~~building or~~ structure, or portion thereof, that (1) legally existed before its current land use designation; and (2) because of one or more subsequent land use ordinance changes, does not conform to all the height, area, and yard regulations, and other regulations that govern the structure. lawfully existing at the time this title became effective, which does not now conform to all the height, area and yard regulations herein prescribed for the zone in which it is located.

NONCONFORMING USE: A use of land that (1) legally existed before its current land use designation; and (2) because of one or more subsequent land use ordinance changes, does not conform to the regulations that govern the use of the land. A use which lawfully occupied a building or land at the time this title became effective and which does not now conform with the use to all the height, area and yard regulations for the zone in which it is located.

PACKAGE AGENCY: Any outlet authorized by the Utah alcoholic beverage control commission to sell original package liquor or wine for consumption off the premises.

PARKING LOT: An open area, other than a street, used for parking of more than four (4) automobiles or other vehicles.

PARKING SPACE: An area within a building, lot or parking lot for parking or storage of one automobile or other vehicle.

PERMITTED USE: A use of land for which no conditional use permit is required.

PLANNED UNIT DEVELOPMENT: A complete development plan for an area pursuant to [chapter 10](#) of this title.

PLANNING COMMISSION: The town of Alta planning commission.

PRIVATE NONPROFIT LOCKER CLUB: A social club, recreational, athletic or similar association, incorporated under the provisions of the Utah nonprofit corporation and cooperation act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed or sold.

PRIVATE NONPROFIT RECREATIONAL GROUNDS AND FACILITIES: Nonprofit recreational grounds and facilities operated by an association incorporated under the provisions of the Utah nonprofit corporation and cooperation act, or a corporate sole.

PUBLIC USE: A use operated exclusively by a public or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, administrative and service facilities, and public utilities.

QUASI-PUBLIC USE: A use operated by a private nonprofit, educational, religious, recreational, charitable or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, private schools, universities and similar uses.

RECREATION, COMMERCIAL: The use of property for recreational facilities operated as a business and open to the general public for a fee, such as ski lifts, golf driving ranges and baseball batting ranges.

REPAIR: The reconstruction or renewal of any part of an existing building for the purpose of its

maintenance.

RESTAURANT: A place where meals or refreshments are sold to the public or guests for compensation.

ROOFTOP ELEMENTS: Chimneys, flues, and similar venting apparatus; communications equipment such as antennas and satellite dishes; elevator penthouses; stair enclosures; rooftop railings; mechanical equipment such as heating, ventilation, and air conditioning systems; renewable energy production systems such as solar panels and wind turbines; other mechanical equipment used for operation of a building; flag poles; and wind socks.

STATE STORE: An outlet for the sale of liquor located on premises owned and leased by the state of Utah.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a useable or unused under-floor space is more than six feet (6') above "~~grade~~"the Finished Grade, as defined in this section, for more than fifty percent (50%) of the total perimeter, or is more than twelve feet (12') above "~~grade~~"the Finished Grade, as defined in this section, at any point, such useable or unused under-floor space shall be considered as a story.

STREET: Any thoroughfare or public way not less than sixteen feet (16') in width which has been dedicated or deeded to the public for public use.

STRUCTURAL ALTERATION: Any change in the supporting structural components of a ~~building or~~ structure, such as columns, bearing walls, beams, joists or trusses.

STRUCTURE: Anything that is constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground. All Buildings are Structures. ~~That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.~~

TIME PERIOD UNIT: An annually recurring part or parts of a calendar year specified in the condominium declaration or other document as a period for which a physical unit is separately owned. Separate ownership is represented as shares in a corporation, a partnership interest, or any other individually owned transferrable property right or interest.

TIME PERIOD UNIT PROJECT: A real estate project devoted in whole or in part to "time period units", as defined in this section.

TOTAL FLOOR AREA: The amount of square footage contained within all buildings and structures on the building site, measured by the inside surfaces of the exterior wall, excluding any floor area designed as employee living accommodations and common areas, including, but

not limited to, any lobby, elevator bank and elevator, restaurant, restaurant kitchen, common stairwells and hallways, management offices, covered decks and service, maintenance and mechanical spaces.

TOWN ADMINISTRATION: The staff employed by the town of Alta acting as the town clerk, the town administrator and the assistant town administrator.

TOWN COUNCIL: The town of Alta town council.

USE: The purpose or purposes for which land or Structures are occupied, maintained, arranged, designed, or intended.

USE, ACCESSORY: Any subordinate use customarily incidental to and located upon the same lot occupied by the ~~main~~ principal use.

UTAH CODE ANNOTATED: The Utah law as codified and periodically amended and supplemented in the Utah Code Annotated, and as interpreted by Utah courts.

WATERWAYS:

[Definitions will be included here depending on which version of waterways chapter is adopted. See Chapter 11A, Protection of Waterways, below.]

WIDTH OF LOT: The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

YARD: A space on the lot, other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

YARD, FRONT: A space on the same lot with the building between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front of the building.

YARD, REAR: A space on the same lot with the building between the rear line of the building and the rear lot line, and extending across the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear of the building.

YARD, SIDE: A space on the same lot with the building between the side line of the building and the nearest side lot line, and extending from the front lot line to the rear lot line. The "width" of the side yard is the minimum distance between the side lot line and the nearest side of the building. (Ord., 6-8-1989; amd. Ord. 90-O-4, 4-12-1990; Ord. 1997-O-7, 11-13-1997, eff. 11-27-1997; Ord. 1998-O-3, 3-12-1998; Ord. 2008-O-5, 6-12-2008; 2010 Code)

Title 10: LAND USE REGULATIONS

Chapter 2: ENFORCEMENT

10-2-1: BUILDING OFFICIAL TO ENFORCE:

The building official is designated as the officer charged with the enforcement of this title. The building official shall be the individual appointed as such by the Mayor, and the Mayor shall have the power to appoint and discharge the building official. (Ord., 6-8-1989)

10-2-4: REQUIRED DOCUMENTS:

As a part of the application for a building permit, ~~two (2)~~ three (3) sets of complete construction documents of the proposed project shall be submitted. The documents shall be of a detail and scale appropriate to completely describe the proposed construction activities, as well as the intended use of the project. If, in the opinion of the building official, the documents submitted are not of sufficient size, scale, detail or nature, additional documents may be required as determined by the building official. For all projects involving structural work, all structural calculations, design and documents shall be prepared by a licensed Utah structural engineer or architect and bear his stamp and signature on each page of all documents submitted. In addition, the applicant shall submit those letters of approval from various agencies as required by other chapters of this title. (Ord., 6-8-1989)

Title 10: LAND USE REGULATIONS

Chapter 6: ZONING DISTRICTS

Article A: FORESTRY AND RECREATION ZONES

10-6A-3: CONDITIONAL USES:

All conditional uses are subject to sections [10-6A-4](#) through and including [10-6A-9](#) of this article, except that the regulations of sections [10-6A-4](#) through [10-6A-9](#) of this article may be modified by the town council as they relate to ~~mineral extraction and processing, and~~ public uses, as by law defined.

Accessory uses and structures customarily incidental to a conditional use.

Commercial and private recreation.

Living quarters for persons employed on the premises of any main use.

~~Logging and lumber processing.~~

~~Mineral extraction and processing.~~

Offices incidental to main use.

Public and quasi-public uses.

Temporary structures. (Ord., 6-8-1989; amd. Ord. 90-O-5, 4-12-1990)

10-6A-4: LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS:

District	Minimum Lot Area (Net Developable Acreage)	Lot Width
FR-0.5	1/2 acre	100 feet
FR-1	1 acre	200 feet
FR-5	5 acres	300 feet
FR-20	20 acres	300 feet
FR-50	50 acres	300 feet
FR-100	100 acres	300 feet

The term "net developable acreage", as used in this article, shall be deemed to be defined as set forth in section [10-1-6](#) of this title. (Ord., 6-8-1989)

In all FR zones, as delineated above, no construction shall be permitted on any lot or portion thereof where the ground slope exceeds thirty percent (30%) ~~in grade~~. Where exceptional and extraordinary conditions exist, resort may be made to the appeal authority. (Ord., 6-8-1989; amd. 2010 Code)

10-6A-6: HEIGHT REQUIREMENTS:

No single-family dwelling shall be erected to a height ~~greater than three (3) stories, nor less than one story~~; ~~and~~ The maximum height of any single-family dwelling shall be 35 feet above the lower of Established Grade or Finished Grade, measured from the highest point of the building vertically to the lowest point of the lower of Established Grade or Finished Grade that is contiguous to the building.

10-6A-7: MAXIMUM LOT COVERAGE:

~~The maximum coverage for the aggregate of all buildings, paved surfaces and graded areas within a lot area based on total gross acreage shall be limited by the following schedule;~~

The maximum coverage for the aggregate of all building, structures, graded surfaces, paved areas, overhangs, driveways, decks, parking areas and walkways shall be limited by the following schedule.

~~Areas that have been graded but not paved but are used for vehicle access, parking or walkways shall be included in the coverage calculations. Any of those a~~ The following areas shall not be counted as coverage:

- (1) Areas that are (a) graded but not paved, and (b) are used for vehicle access, parking or walkways, and (c) but are not maintained or plowed during the winter months (November 1 to April 1). -shall not be counted as coverage.
- (2) Areas that may have been graded but remain vegetated and open to the sky, such as rope tow hills or grassy lawn areas. -shall not count as coverage.

Green or planted roofs shall be counted as coverage.

Zone	Maximum Lot Coverage
FR-0.5	25 percent of the net developable acreage
FR-1	25 percent of the net developable acreage
FR-5	10 percent of the net developable acreage
FR-20	5 percent of the net developable acreage
FR-50	2 percent of the net developable acreage
FR-100	1 percent of the net developable acreage

(Ord., 6-8-1989)

10-6A-8: SPECIAL REGULATIONS:

- A. Natural Hazards: Construction of permanent structures shall not be permitted, erected, established or performed in such a manner as to place real and personal property and/or individuals at unreasonable risk of harm or injury from natural, geographic or topographic hazards, namely: floods, landslides, avalanches, a high water table, or inordinate soil erosion. In addition to compliance with the provisions of the building code governing topographic, structural, construction and design standards necessary to meet the maximum foreseeable risk of such hazards, persons developing, improving, managing or owning such property shall have the obligation and bear the burden of so developing and/or improving the property in such a manner that the property and/or the general public are safeguarded from unreasonable risk of harm or injury from such natural hazards to the satisfaction of the planning commission and the building official.
- B. Board Of Health Approval: Prior to issuance of a conditional use permit by the planning commission or the town council, or issuance of a building permit by the building official, approval of all uses, regardless of size or number of units, shall be given in writing by the Salt Lake Valley health department, who shall certify as to the adequacy of the culinary water system and the sewage system. The approval of all culinary water and sewage facilities shall be in accordance with the regulations of the Salt Lake Valley health department and the state division of health.
- C. Sewage System: Site plan approvals, conditional use permits or building permits shall not be issued until the complete sewage system design and specifications have been approved in writing by all appropriate governmental agencies with jurisdiction.
- D. Building Materials: Buildings shall be designed to preserve the natural beauty of the canyon area. Only those building materials which will blend harmoniously into the natural environment shall be permitted. The use of wood and stone and other harmonious materials is encouraged.
- E. Grading: To reduce the possibility of erosion and eliminate unsightly scars on the mountain slopes, all excavation, grading and cut and fill operations shall be done under the strict control and approval of the building official. All areas disturbed by construction activities shall be revegetated and maintained in accordance with an approved plan. No certificate of occupancy for any project shall be issued by the building official until all revegetation is complete.
- F. Natural Vegetation: All existing and proposed vegetation shall be shown on the approved site plan, and existing vegetation shall not be removed except as shown thereon. The design of the project shall be such as to retain as much of the existing natural vegetation as possible.
- G. Stream Regulations: No building, structure, improvement or appurtenance shall be constructed, raised or established, the nearest point of which is closer than fifty feet (50') from the nearest high water line of any "natural waterway", as defined in section [10-1-6](#) of this title. The approved site plan shall also indicate the extent and specific design of the proposed method of control of erosion during and after construction activities. The complete, approved erosion control system shall be installed and approved by the building official prior to commencement of any construction activities on any site.

[The foregoing subsection G will change depending on which waterways option the Town selects.]

- H. Rehabilitation Of Existing Landscape Scars: In conjunction with submission of plans and documents for building permit plan or conditional use approval, the applicant shall submit for approval a detailed program for rehabilitation of existing scars on the landscape, if any, caused by unused roads, mine dumps, excavation, construction or other causes. A bond, in an amount determined by the building official, covering such rehabilitation program shall be deposited with the town to ensure that such rehabilitation will be completed. No certificate of occupancy shall be issued by the building official until all approved rehabilitation work is complete.
- I. Parking Requirements: The planning commission shall determine the number of parking spaces required; however, the minimum requirements of [chapter 12](#) of this title shall be satisfied. Covered parking is encouraged.
- J. Utilities: All utilities shall be placed underground. (Ord., 6-8-1989)

10-6A-11: MECHANICAL SCREENING OF ROOFTOP ELEMENTS:

Rooftop elements shall be set back at least five feet (5') from the edge of the structure.

All rooftop elements, except for flagpoles and windsocks, must be architecturally screened to (1) not detract from the natural environment of the canyon; (2) not adversely affect views from neighbors or canyon visitors; and (3) be harmonious with the base structure.

Title 10: LAND USE REGULATIONS

Chapter 6: ZONING DISTRICTS

Article C: FORESTRY MULTI-FAMILY ZONES

10-6C-4: LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS:

Construction of any building, structure or improvement shall not be permitted where any of the following conditions exist:

- A. The lot area shall be less than one-half ($1/2$) acre in size; or
- B. The property from which the said lot was subdivided shall have contained less than one "net developable acre", as defined in section [10-1-6](#) of this title; or
- C. The slope exceeds thirty percent (30%) ~~grade~~; or
- D. The width of the lot shall be less than one hundred feet (100').

Where exceptional and extraordinary conditions exist, resort may be made to the appeal authority pursuant to [chapter 5](#) of this title. (Ord., 6-8-1989)

10-6C-6: HEIGHT RESTRICTIONS:

The unique nature of the topography, vegetation, soils, climatic and aesthetic characteristics of the canyon defy uniform regulations and require that the heights of structures be determined on an individual basis. Maximum and minimum heights of all conditional uses shall be determined by the planning commission and after analysis of the following elements:

- A. Natural setting.
- B. Relationship with other structures and open spaces.
- C. Contour intervals and topographic features.
- D. Height, density and species of vegetation.
- E. Scenic vistas and sight lines.
- F. Other elements ~~such as mentioned above~~ deemed appropriate to ensure that the provisions of section [10-6C-1](#) of this article are met.

No single-family dwelling shall be erected to a height ~~greater than three (3) stories, nor~~ less than one story. The maximum height of any single-family dwelling shall be 35 feet above the lower of Established Grade or Finished Grade, measured from the highest point of the building vertically to the lowest point of the lower of Established Grade or Finished Grade that is contiguous to the building.

10-6C-8: MAXIMUM LOT COVERAGE:

~~The maximum coverage for the aggregate of all buildings, paved surfaces and graded areas within a lot area shall be twenty five percent (25%) of the gross lot area. (Ord., 6-8-1989). The maximum coverage for the aggregate of all building, structures, graded surfaces, paved areas, overhangs, driveways, decks, parking areas and walkways shall be twenty five (25%) of the gross lot area.~~

~~Areas that have been graded but not paved but are used for vehicle access, parking, or walkways shall be included in the coverage calculations. The following areas shall not be counted as coverage:~~

- ~~(1) Any of those a Areas that are (a) graded but not paved, and are (b) used for vehicle access, parking, or walkways, but and (c) are not maintained or plowed during the winter months (November 1 to April 1), shall not be counted as coverage.~~
- ~~(2) Areas that may have been graded but remain vegetated and open to the sky, such as rope tow hills or grassy lawn areas, shall not count as coverage.~~

~~Green or planted roofs shall be counted as coverage.~~

10-6C-9: SPECIAL REGULATIONS:

- A. Natural Hazards: Construction of permanent structures shall not be permitted, erected, established or performed in such a manner as to place real and personal property and/or individuals at unreasonable risk of harm or injury from natural, geographic or topographic hazards, namely: floods, landslides, avalanches, a high water table, or inordinate soil erosion. In addition to compliance with the provisions of the building code governing topographic, structural, construction and design standards necessary to meet the maximum foreseeable risk of such hazards, persons developing, improving, managing or owning such property shall have the obligation and bear the burden of so developing and/or improving the property in such a manner that the property and/or the general public are safeguarded from unreasonable risk of harm or injury from such natural hazards to the satisfaction of the planning commission and the building official.
- B. Board Of Health Approval: Prior to issuance of a conditional use permit by the planning commission or the town council, or issuance of a building permit by the building official, approval of all uses, regardless of size or number of units, shall be given in writing by the Salt Lake Valley health department, who shall certify as to the adequacy of the culinary water system and the sewage system. The approval of all culinary water and sewage facilities shall be in accordance with the regulations of the Salt Lake Valley health department and the state division of health.
- C. Sewage System: Site plan approvals, conditional use permits or building permits shall not be issued until the complete sewage system design and specifications have been approved in writing by all appropriate governmental agencies with jurisdiction.
- D. Building Materials: Buildings shall be designed to preserve the natural beauty of the canyon area. Only those building materials which will blend harmoniously into the natural environment shall be permitted. The use of wood and stone and other harmonious materials

is encouraged and the use of bland, unpainted concrete blocks and unpainted metal is prohibited on exterior surfaces.

- E. Grading: To reduce the possibility of erosion and eliminate unsightly scars on the mountain slopes, all excavation, grading, and cut and fill operations shall be done under the strict control and approval of the building official. All areas disturbed by construction activities shall be revegetated and maintained in accordance with an approved plan. No certificate of occupancy for any project shall be issued by the building official until all revegetation is complete.
- F. Natural Vegetation: All existing and proposed vegetation shall be shown on the approved site plan, and existing vegetation shall not be removed except as shown thereon. The design of the project shall be such as to retain as much of the existing natural vegetation as possible.
- G. Stream Regulations: No building, structure, improvement or appurtenance shall be constructed, raised or established, the nearest point of which is closer than fifty feet (50') from the nearest high water line of any "natural waterway", as defined in section [10-1-6](#) of this title. The approved site plan shall also indicate the extent and specific design of the proposed method of control of erosion during and after construction activities. The complete, approved erosion control system shall be installed and approved by the building official prior to commencement of any construction activities on any site.

[The foregoing subsection G will change depending on which waterways option the Town selects.]

- H. Rehabilitation Of Existing Landscape Scars: In conjunction with submission of plans and documents for building permit or conditional use approval, the applicant shall submit for approval a detailed program for rehabilitation of existing scars on the landscape, if any, caused by unused roads, mine dumps, excavation, construction or other causes. A bond, in an amount determined by the building official, covering such rehabilitation program, shall be deposited with the town to ensure that rehabilitation will be completed. No certificate of occupancy shall be issued by the building official until all approved rehabilitation work is complete.
- I. Parking Requirements: The planning commission shall determine the number of parking spaces required; however, the minimum requirements of [chapter 12](#) of this title shall be provided, except that hotels and lodging houses shall provide one-half ($1/2$) parking space for each guestroom rounded to the next higher whole number of parking spaces. In order to gradually reduce the large parking areas which detract from the natural beauty of the town, the planning commission may require that covered or enclosed on site parking be provided.
- J. Utilities: All utilities shall be placed underground.
- K. Time Period Unit Project:
 - 1. In every time period unit project, the condominium declaration, unit owners' association articles of incorporation and bylaws shall be submitted to and approved by the town council prior to recordation. Time period unit projects are regarded as hotels for those characteristics bearing on service to the public and the health, safety and general welfare of the public and residents of the town. For purposes of this title and in regarding time period unit projects as hotels, all such projects shall be required to have management

procedures and are subject to all other regulations identical to those required of hotels. In addition to all other requirements of the Utah condominium ownership act, the following provisions shall be included in any time period unit projects condominium declaration, owners' association articles of incorporation and bylaws:

- a. An affirmation that the time period unit project will maintain a manager and other responsible employees on the project property at all times for purposes of managing the project as a hotel, answering inquiries from the general public and from officials of the town and other governmental agencies, providing for maintenance, upkeep, waste and snow removal as required by unit owners or transient renters, and responding to emergencies such as fire, storm, earthquake and avalanche.
 - b. A statement that the act of ratification of the time period unit project owners' association articles of incorporation and bylaws is a conferral of power of attorney for the unit owners upon the person in charge or the designated manager of the project for service of process and on the first officer of the project owners' organization should no manager be designated. A further statement that, in matters relating to health, safety and morals of the residents of the town and/or Salt Lake County, the town may issue to the project manager, first officer of the project owners' organization or present manager, instructions, requests, orders, notice of service of process of any otherwise lawful nature whatsoever, and such issuance or notice shall be service to all the owners of units within the project and to the owners' association.
2. The unit owners' association of any time period unit project shall maintain a management reserve fund in the name of the town in an amount to be established by the town council for each individual project in a trust account in a bank to be named in the bylaws, to be assessed by the town for any real costs it may incur in taking responsible emergency steps to secure the safety of the project, its owners and inhabitants, the residents of the town, or the general public in the absence from the project of the manager or other responsible employees or agents of the project.
 3. No condominium unit shall be converted to a time period unit use unless one hundred percent (100%) of the owners express in writing a desire to convert each of their units to a time period use. A condominium project unit owners association desiring to convert to a time period unit use must apply to the town on a form provided by the town and must show written evidence that one hundred percent (100%) of the unit owners will convert to time period use within one year. Subsequent to any such conversion, but prior to time period unit use, the condominium declaration and bylaws must be amended and recorded to clearly show that the project is a time period unit project rather than simply a condominium project and to comply fully to all the above provisions. (Ord., 6-8-1989)
 4. Each time period unit project shall obtain an annual business license from the town. It is a class C misdemeanor, subject to penalty as provided in section [1-4-1](#) of this code, to occupy any time period unit or to allow access to any common area facility by unit owners or the general public without a business license. (Ord., 6-8-1989; amd. 2010 Code)

10-6C-12: MECHANICAL SCREENING OF ROOFTOP ELEMENTS:

Rooftop elements shall be set back at least five feet (5') from the edge of the structure.

All rooftop elements, except for flagpoles and windsocks, must be architecturally screened to (1) not detract from the natural environment of the canyon; (2) not adversely affect views from neighbors or canyon visitors; and (3) be harmonious with the base structure.

Title 10: LAND USE REGULATIONS

Chapter 6: ZONING DISTRICTS

Article D: BASE FACILITIES ZONE

10-6D-8: LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS:

Construction of any building, structure or improvements shall not be permitted where any of the following conditions exist:

- A. The lot area is less than one net developable acre in size; or
- B. The slope exceeds thirty percent (30%) ~~grade~~; or
- C. The width of the lot shall be less than one hundred feet (100'). (Ord. 2008-O-7, 6-12-2008)

10-6D-9: YARD REGULATIONS:

Because of the unique nature of topography and climatic conditions within the town, the side, rear and front yard requirements will be determined on an individual basis by the land use authority. In making its determination the land use authority shall take into account the following elements, among other relevant considerations:

- A. Relationship with other structures and open spaces.
- B. View sheds from SR-210, neighboring properties and visitors to the area.
- C. Topographical features.
- D. Existing vegetation.
- E. Natural waterways.
- F. Snow removal and snow storage requirements.
- G. Emergency and general access.
- H. Other elements deemed appropriate to ensure that the purposes of this article are met. (Ord. 2014-O-5, 12-11-2014)

10-6D-10: HEIGHT REQUIREMENTS:

The maximum height of any building or structure in zone A shall be twenty five feet (25') above the grade of SR-210 as measured from every point of the building horizontally to SR-210 directly north of that point.

The maximum height of any building in zone B shall be sixty feet (60') above the lower of Established Grade or Finished Grade, measured from the highest point of the building vertically to the lowest point of the lower of Established Grade or Finished Grade that is contiguous to the building.

The maximum height of any building in zone C shall be individually determined by the land use authority. In making its determination, the land use authority shall take into account the following elements, among other relevant considerations:

- A. Natural setting.
- B. View sheds from SR-210, neighboring properties and visitors to the area.
- C. Topographical features.
- D. Height, density and species of vegetation.
- E. Other elements ~~such as mentioned above~~ deemed appropriate to ensure that the purposes of this article are met. (Ord. 2014-O-5, 12-11-2014)

The maximum height of any building in zone C as established by the land use authority shall be that height as measured above the lower of Established Grade or Finished Grade, measured from the highest point of the building vertically to the lowest point of the lower of Established Grade or Finished Grade that is contiguous to the building.

10-6D-11: MAXIMUM COVERAGE:

The maximum coverage for the aggregate of all buildings, structures, graded surfaces, paved areas, overhangs, driveways, decks, parking areas and walkways shall be sixty five percent (65%) of the gross lot area.

~~Areas that have been graded but not paved but are used for vehicle access, parking, or walkways shall be included in the coverage calculations. The following areas shall not be counted as coverage:~~

- ~~(1) Any of those a~~ Areas that are (a) graded but not paved, ~~and are (b)~~ used for vehicle access, parking, or walkways, ~~but are and (c)~~ not maintained or plowed during the winter months (November 1 to April 1), ~~shall not be counted as coverage.~~
- ~~(2) Areas that may have been graded but remain vegetated and open to the sky, such as rope tow hills or grassy lawn areas, shall not count as coverage. (Ord. 2014 O 5, 12 11 2014)~~

Green or planted roofs shall count as coverage.

10-6D-13: MECHANICAL SCREENING OF ROOFTOP ELEMENTS:

~~Mechanical equipment, elevator penthouses and similar appurtenances defined in section 10-7-12 of this title may be installed on the roof of a building in the base facilities zone. It is the intention of this article that a~~

Rooftop elements shall be set back at least five feet (5') from the edge of the structure or fifteen feet (15') from the north or south building facades.

All mechanical equipment, elevator penthouses and similar appurtenances rooftop elements, except for flagpoles and windsocks, must be architecturally screened so as to (1) not to detract from the natural environment of the canyon; (2) and not to adversely affect views from neighbors or canyon visitors; and (3) be harmonious with the base structure. .

~~Mechanical equipment in the base facilities zone shall be limited to six feet (6') above the lower of the maximum building height as allowed or built and shall be architecturally screened to be aesthetically pleasing and harmonious with both the natural environment of the canyon and the base structure.~~

~~Elevator penthouses shall be limited to eight feet (8') above the lower of the maximum building height as allowed or built and shall be architecturally screened or painted to be aesthetically pleasing and harmonious with both the natural environment and the base structure.~~

~~Any mechanical equipment, elevator penthouses or similar appurtenances shall be set back at least five feet (5') from the edge of the structure or fifteen feet (15') from the north or south building facades. (Ord. 2014 O-5, 12-11-2014)~~

10-6D-14: SPECIAL REGULATIONS:

- A. Natural Hazards: Construction of permanent structures shall not be permitted, erected, established or performed in such a manner as to place real and personal property and individuals at unreasonable risk of harm or injury from natural, geographic or topographic hazards, namely, floods, landslides, avalanches, a high water table, or inordinate soil erosion. In addition to compliance with the provisions of the building code governing topographic, structural, construction and design standards necessary to meet the maximum foreseeable risk of such hazards, persons developing, improving, managing or owning such property shall have the obligation and bear the burden of so developing and otherwise improving the property in such a manner that the property and the general public are safeguarded from unreasonable risk of harm or injury from such natural hazards to the satisfaction of the land use authority and the building official.
- B. Board Of Health Approval: Prior to issuance of a building permit by the building official, approval of all uses, regardless of size or number of units, shall be given in writing by the Salt Lake Valley health department and Salt Lake City division of public utilities, or the respective successors thereof, who shall certify as to the adequacy of the culinary water system and the sewage system. The approval of all culinary water and sewage facilities shall be in accordance with the regulations of the Salt Lake Valley health department and Salt Lake City division of public utilities.
- C. Sewage System: Site plan approvals or building permits shall not be issued until the complete sewage system design and specifications have been approved in writing by all appropriate governmental agencies with jurisdiction.
- D. Building Materials: Buildings shall be designed to preserve the natural beauty of the canyon area. Only those building materials which will blend harmoniously into the natural environment shall be permitted. The use of wood and stone and other harmonious materials is encouraged and the use of bland, unpainted concrete blocks and unpainted metal is prohibited on exterior surfaces.
- E. Grading: To reduce the possibility of erosion and eliminate unsightly scars on the mountain slopes, all excavation, grading and cut and fill operations shall be done under the strict control and approval of the building official. All areas disturbed by construction activities

shall be revegetated and maintained in accordance with a plan submitted by the owner of the property as part of the application for a building permit and approved by the land use authority. No certificate of occupancy for any project shall be issued by the building official until all revegetation is complete.

- F. Natural Vegetation: All existing and proposed vegetation shall be shown on the approved site plan, and existing vegetation shall not be removed except as shown thereon. The design of the project shall be such as to retain as much of the existing natural vegetation as possible.
- G. Stream Regulations; Erosion Control: No building, structure, improvement or appurtenance shall be constructed, raised or established, the nearest point of which is closer than fifty feet (50') from the nearest high water line of any "natural waterway", as defined in section [10-1-6](#) of this title. The approved site plan shall also indicate the extent and specific design of the proposed method of control of erosion during and after construction activities. The complete, approved erosion control system shall be installed and approved by the building official prior to commencement of any construction activities on any site.

[The foregoing subsection G will change depending on which waterways option the Town selects.]

- H. Rehabilitation Of Existing Landscape Scars: In conjunction with submission of plans and documents for building permit or conditional use approval, the applicant shall submit for approval a detailed program for rehabilitation of existing scars on the landscape, if any, caused by unused roads, mine dumps, excavation, construction or other causes. A bond, in an amount determined by the building official, covering such rehabilitation program shall be deposited with the town to ensure that rehabilitation will be completed. No certificate of occupancy shall be issued by the building official until all approved rehabilitation work is complete.
- I. Utilities: All utilities shall be placed underground. (Ord. 2008-O-7, 6-12-2008; amd. Ord. 2014-O-5, 12-11-2014)

Title 10: LAND USE REGULATIONS

Chapter 6: ZONING DISTRICTS

Article E: ALBION BASIN PROTECTION OVERLAY ZONE

10-6E-1: OVERLAY ZONE MAP:

The Albion Basin Protection Overlay Zone applies to those certain parcels within the town of Alta shown on the Albion Basin Protection Overlay Zone Map on file in the town of Alta.

10-6E-2: PURPOSE:

The Albion Basin is a unique, beautiful, and fragile alpine ecosystem that includes the headwaters of the Little Cottonwood Canyon watershed. The purpose of the Albion Basin Protection Overlay Zone is to preserve and protect the scenic beauty and sensitive natural environment of the Albion Basin, as well as the quality of the Little Cottonwood Canyon watershed.

Title 10: LAND USE REGULATIONS

Chapter 7: SUPPLEMENTARY AND QUALIFYING REGULATIONS

~~10-7-11: ADDITIONAL HEIGHT ALLOWED:~~

~~Public and semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding seventy five feet (75') if the building is set back from each otherwise established building line at least one foot (1') for each additional foot of the building height above the normal height limit required for the zone in which the building is erected. (Ord., 6-8-1989)~~

10-7-12: EXCEPTIONS TO HEIGHT LIMITATIONS AND SCREENING REQUIREMENTS:

~~Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, water tanks, wireless or television masts, or similar structures, may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space. (Ord., 6-8-1989)~~

~~Mechanical equipment, elevator penthouses and similar appurtenances defined in section 10-7-12 of this title~~

~~Rooftop elements may be installed on the roof of a building structure in any zone.~~

~~Flagpoles and windsocks shall be limited to twelve feet (12') above the lower of the maximum building height as allowed or as built.~~

~~Elevator penthouses and stair enclosures shall be limited to eight feet (8') above the lower of the maximum building height as allowed or as built, unless a greater height is necessary to comply with the requirements of the U.S. Americans with Disabilities Act, as determined by the building official.~~

~~All other rooftop elements shall be limited to six feet (6') above the lower of the maximum building height as allowed or as built.~~

~~For renewable energy production systems, such as solar panels and wind turbines, the Land Use Authority may establish a greater height limit than provided in this section and may modify the architectural screening requirements in sections 10-6A-11, 10-6C-12, and 10-6D-13, upon application by a property owner. In reviewing such an application, the Land Use Authority shall consider:~~

- ~~(1) the benefits of the proposed renewable energy production system;~~
- ~~(2) the necessity of granting an exception to the requirements of this section and sections 10-6A-11, 10-6C-12, and 10-6D-13, including the availability of alternate renewable energy equipment and installation locations; and~~
- ~~(3) the impacts of granting an exception to the requirements of this section and sections 10-6A-11, 10-6C-12, and 10-6D-13, including:~~
 - ~~a. impacts upon views;~~
 - ~~b. visual impacts upon and harmony with surrounding natural areas and structures;~~
 - ~~c. impacts upon wildlife; and~~
 - ~~d. other relevant factors.~~

~~It is the intention of this article that all mechanical equipment, elevator penthouses and similar appurtenances be architecturally screened so as not to detract from the natural environment of the canyon and not to adversely affect views from neighbors or canyon visitors.~~

~~Mechanical equipment shall be limited to six feet (6') above the lower of the maximum building height as allowed or built and shall be architecturally screened to be aesthetically pleasing and harmonious with both the natural environment of the canyon and the base structure.~~

~~Elevator penthouses shall be limited to eight feet (8') above the lower of the maximum building height as allowed or built and shall be architecturally screened or painted to be aesthetically pleasing and harmonious with both the natural environment and the base structure.~~

~~Any mechanical equipment, elevator penthouses or similar appurtenances shall be set back at least five feet (5') from the edge of the structure or fifteen feet (15') from the north or south building facades.~~

Title 10: LAND USE REGULATIONS

Chapter 8: NONCONFORMING ~~BUILDINGS-STRUCTURES~~ AND USES

10-8-1: PURPOSE:

This chapter regulates the continued existence of nonconforming uses and nonconforming structures. This chapter is intended to balance the public interests of (1) limiting enlargement, alteration, restoration, and replacement of nonconforming uses and nonconforming structures which would increase the discrepancy between existing conditions and the development standards prescribed by Alta Town Code; (2) preserving and protecting the scenic beauty and sensitive natural environment of the Albion Basin, as well as the quality of the Little Cottonwood Canyon watershed; (3) promoting economic and community development within the Town by supporting the ski resort-based economy and facilitating year-round residency.

10-8-~~21~~: CONTINUATION MAINTENANCE PERMITTED:

A nonconforming use may continue subject to the standards and limitations of this chapter. A nonconforming structure may continue to be used and occupied subject to the standards and limitations of this chapter. ~~A nonconforming building or structure may be maintained if such use was lawfully existing at the time of the effective date hereof. (Ord., 6-8-1989)~~

10-8-3: BURDEN OF PROOF:

The property owner shall have the burden of establishing the legal existence of a nonconforming use or nonconforming structure. Any party claiming that a nonconforming use or nonconforming structure has been abandoned or otherwise terminated shall have the burden of establishing the abandonment or termination.

10-8-~~42~~: REPAIRS, ~~AND~~ ALTERATIONS, DETERIORATION, AND DEMOLITION:

(A) Inside the Albion Basin Protection Overlay Zone:

(1) Repairs and alterations may be made to a nonconforming structure or to a structure housing a nonconforming use so long as such repairs or alterations do not:

(a) enlarge the nonconforming structure; or

(b) change or increase the intensity of the nonconforming use.

(2) Restoration or reconstruction of a nonconforming structure is prohibited, and the nonconforming use of a structure is terminated, if:

(a) the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within one year after written notice to the property owner that the structure is uninhabitable; or

(b) the property owner has voluntarily demolished, over time and in total, more than 50% of the nonconforming structure or the structure that houses the nonconforming use.

(B) Outside the Albion Basin Protection Overlay Zone:

(1) Repairs and alterations to a nonconforming structure or to a structure housing a nonconforming use may be made, may enlarge the nonconforming structure, and may change or increase the intensity of the nonconforming use, so long as such repairs or alterations do not change the existing footprint of the structure.

(2) If repairs or alterations to a nonconforming structure or to a structure housing a nonconforming use will expand or move the footprint of the structure beyond the existing footprint, the structure and the use must comply with current Town ordinances following the repairs or alterations.

(3) Restoration or reconstruction of a nonconforming structure is prohibited, and the nonconforming use of a structure is terminated, if the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within one year after written notice to the property owner that the structure is uninhabitable.

(4) If a property owner voluntarily demolishes, over time and in total, more than 50% of a noncomplying structure or a structure housing a nonconforming use, the property owner may restore or reconstruct the structure within its existing footprint, and the nonconforming use of the structure will not be terminated.

~~Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use so long as such repairs or alterations do not change or enlarge the nonconforming use. A nonconforming building or a building housing a nonconforming use may be enlarged with the approval of the appeal authority after recommendation of the building official to accommodate satisfaction of building code requirements and/or life safety improvements. (Ord. 1992 Z-1, 6-11-1992; amd. 2010 Code)~~

10-8-53: ALTERATION WHERE PARKING INSUFFICIENT:

~~A building or structure lacking sufficient automobile parking space in connection therewith as required by this title may be altered, provided additional automobile parking space is provided to meet the requirements of this title for such alteration. (Ord., 6-8-1989)~~

10-8-64: RESTORATION IN RESPONSE TO CALAMITY OF DAMAGED BUILDINGS:

~~A If a nonconforming building or structure or a building or structure occupied by a nonconforming use which is involuntarily destroyed in whole or in part damaged or destroyed by fire, flood, wind, earthquake, avalanche, or other calamity or act of God, or the public enemy, and the nonconforming structure or nonconforming use has not been abandoned, the nonconforming structure may be restored and the nonconforming use may be resumed, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction, may be continued or resumed; provided that such~~

restoration is started within a period of one year and is diligently prosecuted to completion, and that the intensity of the use is not increased. (~~Ord., 6-8-1989~~)

10-8-~~75~~: ABANDONMENT BY ONE YEAR DISCONTINUATION OR VACANCY:

A ~~building or~~ structure, or portion thereof, occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by ~~a the~~ nonconforming use for a continuous period of one year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located. (Ord., 6-8-1989)

10-8-~~86~~: OCCUPATION WITHIN ONE YEAR:

A vacant ~~building or~~ structure may be occupied by a use for which the ~~building or~~ structure was designed or intended if so occupied within a period of one year after the use became nonconforming. (~~Ord., 6-8-1989~~)

10-8-~~97~~: CHANGE OF USE:

The nonconforming use of a ~~building or~~ structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use. (Ord., 6-8-1989)

10-8-~~108~~: EXTENSION OF USE PERMITTED:

A nonconforming use may be extended to include the entire floor area of the existing ~~building structure~~ in which it was conducted at the time the use became nonconforming. (Ord., 6-8-1989)

10-8-~~119~~: NONCONFORMING USE OF LAND:

The nonconforming use of land, existing at the time this title became effective, may be continued; provided, that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property; and provided, that if such nonconforming use of land, or portion thereof, is abandoned or changed for a period of one year or more, the future use of such land shall be in conformity with the provisions of this title. (Ord., 6-8-1989)

10-8-~~1240~~: NONCONFORMING RESTAURANTS AND PRIVATE LOCKER CLUBS:

Existing restaurants or nonprofit locker clubs which were nonconforming as of July 1, 1969, may, upon application, be granted a conditional use permit for a state store, subject to this code. (Ord., 6-8-1989)

ORDINANCE REVISIONS RELATED TO WATERWAYS

OPTION A

Step 1: Revise the definitions in 10-1-6 as follows:

10-1-6 DEFINITIONS:

~~NATURAL~~ WATERWAYS: Those areas varying in width along streams, creeks, gullies, ~~or~~ washes, rivulets, or culverts, whether constructed, altered, or naturally occurring, which normally contain or convey water either throughout or during only at least part of the year, including during runoff events, which are natural drainage channels as determined by the building official, and in which areas no buildings shall be constructed.

EROSION CHANNELS: Channels which have been created by erosion but which do not normally contain or convey water, except during local rainstorm, ~~or~~ snowmelt, or runoff events, and which do not support riparian vegetation or habitat, as evidenced by the presence of hydrophilic plants or other evidence. For purposes of this Title, Erosion Channels are not Waterways.

NET DEVELOPABLE ACREAGE: The area of ground within a lot that satisfies all of the following conditions:

- A. Slope less than thirty percent (30%); and
- B. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah department of health to ensure against detriment to surface and groundwater quality; and
- C. Minimum distance from the high water line of any ~~natural~~-waterway of fifty feet (50'); and
- D. Free from unreasonable risk of harm to the property and the general public from natural hazards such as flood, landslide, avalanche, a high water table, or inordinate soil erosion after full compliance with applicable provisions of the building code governing topographic, structural and general design standards necessary to meet the maximum foreseeable risk of such hazards, and in discharge of the obligation imposed upon any person so developing and/or improving property subject to such natural hazards imposed by subsection 10-6A-8A of this title.

Step 2: Revise the “Stream Regulations” in 10-6A-8, 10-6C-9, and 10-6D-14 as follows:

G. Stream Regulations: No ~~portion of any building,~~ structure, improvement or appurtenance ~~shall~~may be constructed, raised, or established, ~~the nearest point of which is (1) closer~~ less than fifty feet (50') ~~from outside~~ the ~~nearest~~ high water line of any ~~Natural~~ Waterway, ~~as determined by the Building Official, as defined in section 10-1-6 of this title; or (2),~~ not less than twenty feet (20') outside the top of the waterway embankment slope of any Waterway, as determined by the Building Official. The approved site plan shall also indicate the extent and specific design of the proposed method of control of erosion during and after construction activities. The complete, approved erosion control system shall be installed and approved by the building official prior to commencement of any construction activities on any site.

ORDINANCE REVISIONS RELATED TO WATERWAYS

OPTION B

Step 1: Revise the definitions in 10-1-6 as follows:

10-1-6: DEFINITIONS:

NATURAL WATERWAYS: Those areas varying in width along streams, creeks, gullies, or washes, rivulets, or culverts, whether constructed, altered or naturally occurring, which normally contain or convey water either throughout or during only at least part of the year, including during runoff events, which are natural drainage water channels as determined by the building official, and in which areas no buildings shall be constructed.

PERENNIAL WATERWAYS: Waterways which usually contain or convey water during the majority of the year, except for infrequent periods of drought. Any Waterway supporting riparian vegetation or habitat, as evidenced by the presence of hydrophilic plants or other evidence, shall for the purposes of this ordinance be defined and regulated as a Perennial Waterway.

INTERMITTENT WATERWAYS: Waterways which usually contain or convey water for less than the majority of the year, such as seasonal streams, particularly following local rainstorm or snowmelt events, and do not support riparian vegetation or habitat, as evidenced by the presence of hydrophilic plants or other evidence.

EROSION CHANNELS: Channels which have been created by erosion but which do not normally contain or convey water except during local rainstorm or snowmelt events, and which do not support riparian vegetation or habitat, as evidenced by the presence of hydrophilic plants or other evidence. For purposes of this Title, Erosion Channels are not Waterways.

NET DEVELOPABLE ACREAGE: The area of ground within a lot that satisfies all of the following conditions:

A. Slope less than thirty percent (30%); and

B. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah department of health to ensure against detriment to surface and groundwater quality; and

C. Minimum distance from the high water line of any Natural-Perennial Waterway of fifty feet (50'); and

D. Minimum distance from the high water line of any Intermittent Waterway of thirty-five feet (35'); and

E. Free from unreasonable risk of harm to the property and the general public from natural hazards such as flood, landslide, avalanche, a high water table, or inordinate soil erosion after full compliance with applicable provisions of the building code governing topographic, structural and general design standards necessary to meet the maximum foreseeable risk of such hazards, and in discharge of the obligation imposed upon any person so developing and/or improving property subject to such natural hazards imposed by subsection 10-6A-8A of this title.

Step 2: Add the following language to the “Special Regulations” 10-6A-8, 10-6C-9, and 10-6D-14:

PIPING OR RELOCATION OF EXISTING INTERMITTENT WATERWAYS:

Piping and/or relocation of existing intermittent waterways is permissible subject to the following:

A. A permit is required. Applicant shall provide necessary details to the Building Official to certify that the proposed changes will not adversely impact the capacity or functioning of the waterway, nor hinder the ability to deliver flood waters across and through applicant’s property without adverse physical or environmental impact to either the applicant’s property, structures (proposed and existing), or any surrounding or downstream properties.

B. Application for permit shall include, as a minimum:

1. Detailed site contour mapping (1 foot contours unless otherwise approved);
2. Detailed hydrologic and hydraulic calculations stamped by a Utah licensed professional engineer based on a 100-year storm or snowmelt event, whichever is the worst case; and
3. Design details of proposed ditch modification and alignment.

C. The permit will be subject to the review and approval of the Building Official and, as appropriate, ~~he city attorney~~

D. Current and future landowner(s) are responsible for the perpetual and continual maintenance and condition of the ditch or piping along and through their property.

Step 3: Revise the “Stream Regulations” in 10-6A-8, 10-6C-9, and 10-6D-14 as follows:

G. Stream Regulations: No portion of any building, structure, improvement, or appurtenance may shall be constructed, raised, or established (1), the nearest point of which is closer less than fifty feet (50') from outside the nearest high water line of any "natural waterway" Perennial Waterway, as determined by the Building Official, as defined in section 10-1-6 of this title; (2) nor less than twenty feet (20') outside the waterway top of the embankment slope of any Perennial Waterway, as determined by the Building Official; or (3) nor closer less than thirty-five feet (35') from outside the nearest high water line of any Intermittent Waterway. The approved site plan shall also indicate the extent and specific design of the proposed method of control of erosion during and after construction activities. The complete, approved erosion control system shall be installed and approved by the building official prior to commencement of any construction activities on any site.

Title 8: UTILITIES

Chapter 3: SEWER SERVICE REGULATIONS

8-3-1: DEFINITIONS:

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of the drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal, also called "house connection".

CESSPOOL: An underground reservoir for liquid waste (as household sewage).

EASEMENT: An acquired legal right for the specific use of land owned by others.

FLOATABLE OIL: Oil, fat or grease in physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE: The animal and vegetable waste resulting from processes, trade or business, as distinct from domestic or sanitary wastes.

INDUSTRIAL WASTES: The wastewater from industrial processes, trade or business, as distinct from domestic or sanitary wastes.

MAY: Is permissive (see definition of Shall).

NATURAL OUTLET: Any outlet (including storm sewers) into a watercourse, pond, ditch, lake or other body of surface or groundwater.

OWNER: The owner of the real property to which the sewer system is connected, or to which the sewer system is required to be connected, which ownership is reflected on the records of the Salt

Lake County recorder as of the date a charge or fee is assessed by the town. Any person who sells real property, subject to a charge or fee assessed under this chapter, by means of a contract or instrument which does not transfer legal title to the buyer but only purports to transfer equitable title to the buyer, shall be deemed the "owner" of the premises for purposes of this chapter.

PERSON: Any individual, firm, company, association, society, corporation or group.

pH: The logarithm of the reciprocal of the hydrogen ions concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

PRIVY: A small building having a bench with holes through which the user may defecate or urinate.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch ($1/2$ ") (1.27 centimeters) in any dimension.

PUBLIC SEWER: A common sewer controlled by a governmental agency, public utility or the town.

RESIDENTIAL FLOWS: The flow strengths and flow volume.

RESIDENTIAL, HEAVY AND LIGHT COMMERCIAL, AND INDUSTRIAL USERS: Any industrial or commercial user who discharges waste into the system requiring higher than normal biochemical oxygen demand, or greater than normal total suspended solids.

SANITARY SEWER: A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of groundwater, stormwater and surface waters that are not admitted intentionally.

SEPTIC TANK: A tank in which the solid matter of continuous flowing sewage is disintegrated by bacteria.

SEWAGE: The spent water of a community. The preferred term is "wastewater".

SEWER: A pipe or conduit that carries wastewater or drainage water.

SEWER LATERAL: Sewer piping intended to serve a single building or residence.

SEWER MAINLINE: Sewer piping intended to serve more than one building or residence.

SHALL: Is mandatory (see definition of May).

SLUG: Any discharge of water or wastewater which in concentration of any given constituent or

in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN (Sometimes Termed "STORM SEWER"): A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

SUPERINTENDENT: The person or agency charged with management of the system as designated by the town.

SUSPENDED SOLIDS: Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods For The Examination Of Water And Wastewater" and referred to as nonfilterable residue.

SYSTEM: The sewer, wastewater or combined wastewater and stormwater or surface water facilities of the town.

UNPOLLUTED WATER: The water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER: The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

WASTEWATER FACILITIES: The structures, equipment and processes required to collect and carry away wastewater and industrial wastes.

WATERCOURSE: A natural or artificial channel for the passage of water, either continuously or intermittently. (Ord. 1994-O-1, 1-13-1994; amd. 2010 Code)

8-3-4: USE OF PUBLIC SEWERS REQUIRED:

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of said town, any human excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

D. The owners of ~~all every~~ houses, building~~s~~ structure, or property~~ies~~ used for human occupancy, employment, recreation~~s~~ or other purposes, situated within the town, is hereby required, at the owner's expense, to install and maintain suitable sewer facilities therein, and to connect such facilities directly with the public sewer in accordance with the provision of this chapter, within sixty (60) days after date of official notice to do so, provided the sewer is within three hundred feet (300') of the owner's property line and shall be charged a quarterly sewer fee effective sixty (60) days after receiving notice. (Ord. 1994-O-1, 1-13-1994)

8-3-5: APPLICATION FOR SEWER CONNECTION:

A. Required:

1. Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the town sewer system, shall file with the sewer department for each such connection a written and signed connection application in the form supplied by the town.
2. All owners or other persons who use the sewer system shall also adhere to this chapter and to the Cottonwood improvement district rules and regulations pertaining to wastewater treatment.

B. Subdividers, Developers: Whenever a subdivider or developer desires or is required to install sewer connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written agreement which shall constitute an application for permission to make the extensions and connections, and an agreement specifying the terms and conditions under which the sewer extensions and connections shall be made and the payments that shall be required. (Ord. 1994-O-1, 1-13-1994)

8-3-6: PRIVATE WASTEWATER DISPOSAL:

A. Permitted: Where a public sanitary sewer is not available, within 300 feet of the building, the building sewer shall be connected to a private wastewater disposal system complying with the provision~~s~~ of this section.

B. Permit Required: Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit issued by the town. The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications and other information as deemed necessary. A permit and inspection fee shall be paid to the town at the time the application is filed.

C. Inspections: Permission to use the system for a private wastewater disposal system shall not be authorized until the installation is completed in compliance with the approved plans applicable with all state and local codes and this chapter. Authorized town employees or representatives shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the town administrator when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within two (2) business days of the receipt of notice by the town administrator.

D. Compliance With State: The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the state department of

environmental quality. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

- E. When Public Sewer Available: At such time as a public sewer becomes available to a property served by a private wastewater disposal system, the owner shall make a direct connection to the public sewer within sixty (60) days after receiving, and subject to, notice of availability from the town, in compliance with this chapter, and shall pay the quarterly fee to the town, and the private disposal system shall be disconnected and made inoperable.
- F. Operation And Maintenance: When a public sewer is not available, the owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, and at no expense to the town. All private wastewater shall be disposed of at the sewer dump station located within the town. (Ord. 1994-O-1, 1-13-1994)

G. Wastewater disposal within Albion Basin Protection Overlay Zone:

1. Where a public sanitary sewer is available within 300 feet of the building, buildings constructed within the Albion Basin Protection Overlay Zone shall be connected to the public system using AWWA C-900 pipe.
2. Should connection to a public sanitary system not be available within 300 feet of the building, a private wastewater disposal system shall be installed which shall meet the following requirements:
 - Written approval by the Salt Lake County Health Department.
 - Disposal system shall consist of holding tank(s) equipped with an effective alarm system that remotely notifies the property owner and the Town of Alta in the event that the holding tank reaches 75% of full level.
 - System shall be equipped with an automatic water shut-off feature to the building in the event that the holding tank reaches 75% of full level.
 - Building owner shall maintain and submit to the Town of Alta pumping records for each holding tank at least once every year.

8-3-10: SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS:

- A. Separate Connection Required; Exceptions: A separate and independent building sewer shall be provided for every building; except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole system will be considered as one building sewer. Current users in violation of this subsection but which comply with regulations of the Cottonwood improvement district shall be exempt. The town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

- B. Existing Building Sewers: Building sewers which formerly serviced buildings, which buildings no longer exist or are torn down, may be used in connection with newly constructed buildings only when the building sewer is examined and tested by the town sewer and water superintendent and found to meet all requirements of this chapter.
- C. Construction, Installation: The size, slope, alignment, materials or construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes, or other applicable rules and regulations of the town and the state. In the absence of these code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF manual of practice no. 9 shall apply. [Sewer mainline and sewer lateral piping within the Albion Basin Protection Overlay Zone shall be constructed of AWWA C-900 piping unless otherwise approved by Town.](#)
- D. Elevation: Whenever possible, the building sewer shall be brought from the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Where such means are necessary, the owner shall be responsible for all installations, maintenance and operating costs for their operations.
- E. Polluted Surface Drainage: No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the town and the state department of environmental quality for purposes of disposal of polluted surface drainage.
- F. Connection Requirements: The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes, or other applicable rules and regulations of the town and the state, or the procedures set forth in appropriate specifications of the ASTM and the WPCF manual of practice no. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the town before installation. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town and to a condition equal to or better than the condition existing prior to the work being performed. (Ord. 1994-O-1, 1-13-1994)