

TOWN OF ALTA
ALTA, UTAH
Ordinance No. 2023-_____

AN ORDINANCE AMENDING TITLE 10, CHAPTER 6 OF THE TOWN CODE OF ALTA, UTAH TO ADOPT A NEW ARTICLE F (RECREATION RESORT OVERLAY) TO ESTABLISH A NEW OVERLAY DISTRICT FOR TOWN OF ALTA.

WHEREAS, the Town of Alta (the “**Town**”) is an incorporated municipality in Salt Lake County, Utah; and

WHEREAS, the Town Council of the Town (the “**Town Council**”) is authorized by law to enact ordinances for the protection of the health, safety, and welfare of the Town; and

WHEREAS, the Town Council is authorized by law to enact and amend land use ordinances, including ordinances to establish new overlay districts, and zoning map amendments; and

WHEREAS, on _____, the Planning Commission for the Town (the “**Planning Commission**”) held a legal noticed public hearing to consider enacting a new Article F “Recreation Resort Overlay” to Chapter 10-6 of the Town Code of Alta, Utah; and

WHEREAS, the Planning Commission found that [_____]

WHEREAS, after public hearings before the Planning Commission and the Town Council, the Town Council has determined, in the exercise of its legislative discretion, that it is in the best interests of the Town to approve the creation of the Recreation Resort Overlay on the terms set forth in **Exhibit A**, attached hereto and incorporated herein by this reference; and

NOW, THEREFORE, be it ordained by the Town Council of Town, Utah:

SECTION 1. An overlay district is established to facilitate desirable development and use of land within the Town in accordance with the terms set forth in Exhibit A, and in the locations identified in the Town’s zoning map on file with the town clerk, which is hereby amended to reflect the establishment of this overlay district.

SECTION 2. The forgoing overlay district is applied to the real property described on the attached Exhibit B and the Town’s zoning map on file with the town clerk shall be amended to reflect the application of the overlay.

SECTION 3. This ordinance shall take effect immediately upon passage.

Passed by the Town Council of Alta, Utah this _____ day of _____, 2023.

Exhibit A

ARTICLE F. RECREATION RESORT OVERLAY

SECTION:

- 10-6F-1: Overlay Map
- 10-6F-2: Purpose
- 10-6F-3: Permitted Uses
- 10-6F-4: Conditional Uses
- 10-6F-5: Lot Area and Slope Requirements
- 10-6F-6: Yard Regulations
- 10-6F-7: Height Requirements
- 10-6F-8: Maximum Lot Coverage
- 10-6F-9: Density Regulations
- 10-6F-10: Wastewater System RRO
- 10-6F-11: Special Regulations
- 10-6F-12: Petitions to Apply the RRO
- 10-6F-13: Development Agreements

10-6F-1: OVERLAY MAP:

The Recreation Resort Overlay zoning district or "RRO" applies to property within the Town of Alta shown on the Recreation Resort Overlay map on file at the Town of Alta.

10-6E-2: PURPOSE:

The purpose of the RRO is to facilitate residential, resort and commercial uses in appropriate areas, in order to preserve and protect the scenic beauty and sensitive natural environment of the Town of Alta, and to facilitate recreational uses in the community.

10-6F-3: PERMITTED USES:

All permitted uses in the underlying zone shall be permitted uses in the RRO. The following uses shall also be permitted in the RRO. The permitted uses in the RRO are as follows:

- Accessory uses and structures customarily incidental to a permitted use;
- Commercial and private recreation;
- Condominium Project;
- Hotel;
- Living quarters for persons employed on the premises of any Main Use;
- Offices incidental to Main Use;
- Parking lot and the parking of motor vehicles accessory to the permitted uses herein;
- Restaurant; and

Storage of materials accessory to permitted uses, provided all such storage is located within a structure.

Permitted uses in the RRO are subject to sections 10-6F-5 through and including 10-6F-13 of this Article F, notwithstanding conflicting standards in the underlying zone.

10-6F-4: CONDITIONAL USES:

Any conditional uses in the underlying zone that are not permitted uses in the RRO, shall be conditional uses in the RRO. All conditional uses in the RRO are subject to sections 10-6F-5 through and including 10-6F-13 of this Article F, notwithstanding conflicting standards in the underlying zone.

10-6F-5: LOT AREA AND SLOPE REQUIREMENTS:

The minimum area where the RRO may be applied is four (4) acres.

The area where the RRO is applied shall be considered one lot for development purposes, regardless of the number of lots or parcels included in the area where the RRO is applied.

In the RRO no buildings shall be permitted on any portion of the area where the ground slope exceeds thirty percent (30%). Where exceptional and extraordinary conditions exist, relief may be granted by the appeal authority pursuant to chapter 5 of this title.

10-6F-6: YARD REGULATIONS:

Because of the unique nature of topography and climatic conditions within the town, side yard, rear and front setbacks shall not be required.

10-6F-7: HEIGHT REQUIREMENTS:

Building height shall extend no more than forty feet (40') above the adjacent public road as measured at centerline of road. Stairs and elevator overruns, mechanical appurtenances and enclosures, and architectural features may exceed the maximum height by ten feet (10').

10-6F-8: MAXIMUM LOT COVERAGE:

The maximum building footprint permitted within the RRO shall not exceed thirty-five percent (35%) of a lot in the RRO area, not include driveways.

10-6F-9: DENSITY REGULATIONS:

The density for projects in the RRO shall be limited as described below. These densities are not exclusive, as a project may contain both types of units.

- A. The maximum density for hotels shall be at a rate of fourteen (14) guestrooms per acre. Hotel guestrooms in the RRO means a lodging room without kitchen, and the square footage for which shall not exceed seven hundred (700) feet per room, excluding hallways.
- B. The maximum density for residential condominium units shall be at a rate of eight (8) units per acre. There is not a maximum square footage for a condominium unit.
- C. For projects including both condominiums and hotel units in the same building, at least sixty percent (60%) of the total number of residential condominium units and hotel guest rooms, shall be hotel guest rooms.

10-6F-10: WASTEWATER SYSTEM RRO

Prior to submittal for a building permit for any occupied structure in the RRO, the applicant shall submit a will serve letter from the operator of a public sewer system.

10-6F-11: SPECIAL REGULATIONS

- A. Natural Hazards: Construction of permanent or temporary 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, including, but not limited to, 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.
- C. 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.
- D. 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, in accordance with applicable law. 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, or adequate financial assurance is provided if seasonal conditions are not conducive to revegetation.

E. 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.

F. Stream Regulations:

1. Within the RRO, no dwelling, building, or structure shall be constructed, raised or established within fifty feet (50') from the high water line of any Waterway or within ten feet (10') from the Top of Bank as determined by the building official.
2. Notwithstanding (1) above, on any property owned by the U.S. Forest Service, structures which are not buildings and are for commercial recreation ski area operation or campground operations, such as, without limitation, lift towers, signs, avalanche control devices, snowmaking equipment, picnic tables and fire pits, are exempt from the applicable setbacks so long as such structures comply with requirements of the regulatory bodies having jurisdiction, including US Forest Service, U.S. Army Corp Engineers, State Engineer's Office, Utah Division of Water Rights, Salt Lake Valley Health Department, and the Salt Lake City Division of Public Utilities and such approval, if required by the regulatory bodies having jurisdiction, shall be submitted to the building official prior to the structure being put in place. Written notification of the installation or construction of any structure, whether or not an approval from the regulatory bodies is required, must be given to the building official prior to the structure being put in place or any site preparation for the structure.
3. The approved site plan shall depict the Waterway and Top of Bank setbacks and also indicate the extent and specific design of the proposed method of control of erosion during and after construction activities, including activities to build driveways, access roads or other improvements over or through a Waterway or Top of Bank. 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.

G. 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 financial assurance, in an amount determined by the building official in accordance with applicable law, 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 or adequate financial assurance is provided if seasonal conditions are not conducive to revegetation.

H. Parking Requirements:

1. The following minimum parking standard shall be met:
 - i. Condo/residential unit - 1.5 spaces per condominium/residential unit
 - ii. Hotel room - 1 space per every 2 hotel units
 - iii. Restaurant – 1 space per every 125 square feet of gross floor area
2. Tandem parking is permitted.
3. Covered parking is encouraged in the RRO.
4. Parking for any other use not addressed by the above shall comply with the requirements of the underlying zoning district.

I. Utilities: All utility lines shall be placed underground.

J. Mechanical Screening:

1. Rooftop elements shall be setback at least five feet (5') from the edge of the structure and fifteen feet (15') from the north or south building facades.
2. All rooftop elements, except for flagpoles and windsocks, must be architecturally screened to:
 - i. Not detract from the natural environment of the canyon;
 - ii. Not adversely affect views from neighbors or canyon visitors; and
 - iii. Be harmonious with the base structure.

10-6F-12: PETITIONS TO APPLY THE RRO:

A. Content of Petition: Any request to apply the Recreation Resort Overlay to a particular area within the town shall require a written and verified petition be submitted to the town clerk. Said petition shall include the following elements:

1. The full name and address of the petitioner.
2. A statement of all legal, contractual and equitable interest in the property as to which the overlay application is sought, including the names and addresses of all such individuals.
3. A legal description by metes and bounds, or otherwise, of the area as to which the overlay is sought.
4. A statement as to the reasons and basis for the application of the overlay.

5. If real property is to be developed pursuant to the proposed application of the overlay, a statement of the concept plans and documents relating to such development, including those elements as required in sections 10-6F-3 through and including 10-6F-9 of this article. The petitioner shall attach two (2) copies of the concept plans and other documents as may be necessary to describe the nature, character and extent of the proposed development as to which the petition relates.
- B. Fees: At the time the petition is filed, the applicant shall also pay to the town clerk all required fees as set by resolution of the town council.
- C. Planning Commission Review: Upon receipt of any petition filed under this section and payment of all appropriate fees by petitioner, the town clerk shall forward forthwith such petition and all attachments to the chairperson of the planning commission for review, analysis and recommendation by that commission pursuant to law at the next regularly scheduled meeting of the commission. The commissions shall make a recommendation to the town council.
- D. Town Council Approval: Upon receipt of the planning commission recommendation, the town clerk shall forward forthwith such petition and all attachments to the town council for review, analysis and action by the council pursuant to law at the next regularly scheduled meeting of the town council.

10-6F-13: DEVELOPMENT AGREEMENT:

A development agreement, or modification of an existing development agreement, shall be required for all projects seeking to be within the RRO. Such development agreement shall contain the following sections:

- A. Development Rights and Responsibilities. The development agreement shall include the approved development rights of the project and responsible parties for completion of project elements including, but not limited to, the following:
1. Entitlements granted to the property,
 2. Any phasing of the development,
 3. Construction and maintenance of public improvements,
 4. Special conditions relating to lot design, necessary off-site conditions or improvements, open space and parks, location of utilities, physical characteristics of the property; and
 5. Any other conditions or methodologies necessary for the project's buildout.
- B. Amendments. The development agreement shall include sections for amendments to the agreement.

Exhibit B
Legal Description