

Chapter 1  
GENERAL PROVISIONS

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Section 22-1-1 SHORT TITLE. This Title shall be known as the "Uniform Zoning Ordinance of the Town of Alta, Utah" and may be so cited and pleaded.

Section 22-1-2 PURPOSE. This Title is designed and enacted for the purpose of preserving, protecting, and promoting the public health, safety, order, morals and the general welfare of the Town of Alta and specifically, to preserve and maintain Alta as a vibrant, viable, protective, and orderly recreation area, to perpetuate its inherent geologic and geographic features, to preserve the essential watershed of Little Cottonwood Canyon for all the residents of the Salt Lake Valley, and to otherwise retain and replenish the remarkable and natural beauty, peace, and tranquility of Alta.

Section 22-1-3 INTERPRETATION. In interpreting and applying the provisions of this Title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

Section 22-1-4 CONFLICT. This Title shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

Section 22-1-5 EFFECT ON PREVIOUS ORDINANCES AND MAPS. The existing ordinances of the Town covering the zoning of areas and districts in the Town of Alta, in their entirety and including the maps heretofore adopted and made a part of said ordinances, are hereby superceded and amended to read as set forth herein; provided, however, that this Title including the maps on file with the Alta Planning Commission and Town Clerk and by this reference made a part hereof, shall be deemed a continuation of previous ordinances, and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this Title, whether in the same or different language; and this Title shall be so interpreted upon all questions of construction, including but not limited to questions of construction, relating to tenure of officers and boards established by previous ordinances, and to questions of conforming or nonconforming uses, buildings, or structures, and to questions as to the dates upon which such uses, buildings, or structures become conforming or nonconforming.

Section 22-1-6      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.)

- (1) ABANDONMENT. See Section 22-4-12.
- (2) AGRICULTURE is the tilling of the soil, the raising of crops, horticulture, and gardening, but not including the keeping or raising of domestic animals or fowls, except household pets, and not including any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.
- (3) ALLEY is any public way or thoroughfare less than 16 feet but not less than 10 feet in width which has been dedicated or deeded to the public for public use.
- (4) APARTMENT HOUSE is any building or portion thereof which contains three or more dwelling units and, for the purpose of this code, includes residential condominiums.
- (5) APPEAL AUTHORITY means 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.
- (6) BASEMENT is 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 herein.
- (7) BUILDING is any structure used or intended for supporting or sheltering any use or occupancy.
- (8) BUILDING, ACCESSORY, is 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.
- (9) BUILDING HEIGHT is 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.
- (10) BUILDING, MAIN, is the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.
- (11) CARPORT is 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.
- (12) CARETAKER is a person employed by the owner of a private, residential dwelling to reside within the building and to primarily provide maintenance, custodial, and security services. A person shall not be deemed a caretaker within the meaning of this Title who shall possess any interest, whether legal or beneficial in the dwelling, or who shall give consideration, excluding caretaker services, to the owner of said dwelling for the privilege of residing therein.
- (13) CARETAKER UNIT is a room or rooms within or annexed to a larger dwelling, used or intended to house a caretaker as defined in

Subsection (12) of this Section, and certified to be used as such by the owner or owners of the dwelling upon a form supplied by the Town and certifying that the caretaker unit is to be occupied only by a caretaker as defined in Subsection (12) of this Section.

(14) CHILD NURSERY is 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.

(15) COMMERCIAL RENTAL is 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.

(16) CONDITIONAL USE is a use of land for which a conditional use permit is required pursuant to Chapter 31 of this Title.

(17) CONDOMINIUM PROJECT is a real estate plan or project whereby two 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.

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, Title 57, Chapter 8, Utah Code Annotated, 1953, 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.

(18) COURT is an occupied space on a lot, other than a yard, that is designed to be partially or completely surrounded by group dwellings.

(19) DISTRICT is a portion of the Town of Alta.

(20) DWELLING is any building or portion thereof which contains not more than two dwelling units.

(21) DWELLING, SINGLE FAMILY, is a building used or intended to be occupied by one, (1), family as defined in Subsection 27 of this Section.

(22) DWELLING, TWO FAMILY, is a building used or intended to be occupied by two, (2), families as defined in Subsection 27 of this Section.

(23) DWELLING, MULTIPLE FAMILY, is a building used or intended to be occupied by more than two, (2), families as defined in Subsection 27 of this Section.

- (24) DWELLING GROUP is a group of two, (2), or more dwellings located on a parcel of land in one, (1), ownership and having any yard or court in common.
- (25) DWELLING UNIT is any building, or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this code, for not more than one family.
- (26) EFFICIENCY DWELLING UNIT is a dwelling unit containing only one habitable room.
- (27) FAMILY is an individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.
- (28) FLOOR AREA is 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.
- (29) FRONTAGE is all property fronting on one, (1), 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.
- 30) GARAGE, PRIVATE, is 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, (1), truck for each family dwelling upon the premises, and no such truck shall exceed two and one-half, (2 1/2), tons capacity.
- (31) GARAGE, PUBLIC, is any garage other than a private garage.
- (32) GRADE is 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 5 feet from the building, between the building and a line 5 feet from the building.
- (33) GUEST is 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.

(34) GUEST HOUSE is 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.

(35) GUEST ROOM is any room used or intended to be used by a guest for sleeping purposes. Every 100 square feet of total floor area in a dormitory shall be considered to be a guest room.

(a) Within the Base Facilities Zone, guest room shall be defined as every 600 feet of total floor area within a structure, and the remainder thereof.

(36) HABITABLE SPACE is 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.

(37) HELIPORT is 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.

(38) HELISTOP is the same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

(39) HOME OCCUPATION is 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 occupation shall be as follows: (1) One car for each 25 feet 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.

(40) HOTEL is any building containing guest rooms 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.

(41) HOUSEHOLD PETS are 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), dogs, 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, fowls, or

reptiles.

(42) JUNK YARD is 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.

(43) KENNEL is the keeping of three, (3), or more dogs at least four, (4), months old.

(44) LAND USE APPLICATION means all applications requiring approval from the Land Use Authority pursuant to Utah Code or Town of Alta ordinances.

(45) LAND USE AUTHORITY means a person, board, commission, agency or other body designated by the Town Council to act upon a land use application.

(46) LODGING HOUSE is any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor, or otherwise.

(47) LOT is a parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width, lot areas as are required by this Title, having frontage upon a street or upon a right-of-way approved by the Land Use Appeal Authority, or upon a right-of-way not less than sixteen, (16), feet wide. Except for group dwellings and guest houses, not more than one, (1), dwelling may occupy one, (1), lot.

(48) LOT, CORNER, is 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, (135), degrees.

(49) LOT, INTERIOR, is a lot other than a corner lot.

(50) NAME PLATES AND SIGNS shall include:

- a. One, (1), name plate for each dwelling unit, not exceeding two, (2), square feet in area, indicating the name of the occupant or permitted home occupation.
- b. One, (1), 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, (1), 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, (1), 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 name plate, bulletin board, or sign is illuminated, only indirect lighting shall be used, no flashing or intermittent illumination shall be employed.

(51) NATURAL WATERWAYS are 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.

(52) NET DEVELOPABLE ACREAGE is 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 State Department of Health to insure against detriment to surface and ground water quality, and,
- c. Minimum distance from the high water line of any natural waterway of fifty, (50), feet, 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 inordinant 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 Section 22-10-9(1) of this Title.

(53) NONCONFORMING BUILDING OR STRUCTURE is a building or structure or portion thereof, lawfully existing at the time this Title became effective, which does not conform to all the height, area, and yard regulations herein prescribed for the zone in which it is located.

(54) NONCONFORMING USE is a use which lawfully occupied a building or land at the time this Title became effective and which does not conform with the use regulations for the zone in which it is located.

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

(56) PARKING SPACE is an area within a building, lot, or parking lot for parking or storage of one automobile or other vehicle.

(57) PERMITTED USE is a use of land for which no conditional use permit is required.

(58) PLANNED UNIT DEVELOPMENT is a complete development plan for an area pursuant to Section 22-9C.

(59) PLANNING COMMISSION means the Town of Alta Planning Commission.

(60) PUBLIC USE is 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.

(61) QUASI-PUBLIC USE is a use operated by a private non-profit,

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.

(62) RECREATION, COMMERCIAL, is 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.

(63) REPAIR is the reconstruction or renewal of any part of an existing building for the purpose of its maintenance`

(64) STORY is 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 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such useable or unused under-floor space shall be considered as a story.

(65) STREET is any thoroughfare or public way not less than 16 feet in width which has been dedicated or deeded to the public for public use.

(66) STRUCTURE is 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.

(67) STRUCTURAL ALTERATION is any change in the supporting structural components of a building or structure, such as columns, bearing walls, beams, joists, or trusses.

(68) TIME PERIOD UNIT is 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.

(69) TIME PERIOD UNIT PROJECT is a real estate project devoted in whole or in part to time period units as defined in Subsection 22-1-6 (68).

(70) TOTAL FLOOR AREA means 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.

(71) TOWN ADMINISTRATION means the staff employed by the Town of Alta acting as the Town Clerk, the Town Administrator, and the Assistant Town Administrator.

(72) TOWN COUNCIL means the Town of Alta Town Council.

(73) USE, ACCESSORY, is any subordinate use customarily incidental to and located upon the same lot occupied by the main use.

(74) UTAH CODE means the Utah law as codified and periodically amended and supplemented in the Utah Code Annotated, and as interpreted by Utah courts.

(75) WIDTH OF LOT is the distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

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

(77) YARD, FRONT, is 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.

(78) YARD, REAR is 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.

(79) YARD, SIDE, is 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.

(80) CLASS "A" BEER OUTLET is a place of business wherein beer is sold in original containers to be consumed off the premises in accordance with the Liquor Control Act of Utah and the licensing ordinance of the Town of Alta.

(81) CLASS "B" BEER OUTLET is a place of business wherein beer is sold in original containers for consumption on or off the premises in accordance with the Liquor Control Act of Utah and the licensing ordinance of the Town of Alta.

(82) CLASS "C" BEER OUTLET is 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 Liquor Control Act of Utah and the licensing ordinance of the Town of Alta.

(83) PACKAGE AGENCY is any outlet authorized by the Utah Liquor Control Commission to sell original package liquor or wine for consumption off the premises.

(84) PRIVATE NONPROFIT LOCKER CLUB is 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.

(85) PRIVATE NONPROFIT RECREATIONAL GROUNDS AND FACILITIES are 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.

(86) RESTAURANT is a place where meals or refreshments are sold to the public or guests for compensation.

(87) STATE STORE is an outlet for the sale of liquor located on premises owned and leased by the State of Utah.

Section 22-1-7 BUILDING PERMIT REQUIRED. Construction, alteration, repair, or removal of any building or structure or any part thereof, as provided or as restricted by this Title shall not be commenced, or proceeded with, except after the issuance of a written permit for the same by the Town of Alta Building Official. The use of the land shall not be commenced or proceeded with except after issuance of a written permit for the same by the Town Building Official.

Section 22-1-8 AMENDMENTS. The Alta Town Council may, from time to time, amend the number, shape, boundaries, or area of any zone, or any regulation of or within any district or districts or zones or any other provisions of this Title. Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the approval, disapproval, or suggestions of the Alta Planning Commission.

Zoning Amendment Applications denied by the Alta Planning Commission may be appealed to the Alta Town Council. Any such appeals must be made within ten, (10), calendar days of the date of the Planning Commission's decision. Should the Council find merit in the appeal, the application shall be remanded to the Planning Commission with the Council's recommendations and the matter shall be reconsidered by the Planning Commission at its next regularly scheduled meeting.

Denial of an application to amend the zoning map to reclassify any parcel or property shall prohibit the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof, to the same zone classification within one, (1), year from the date of the final denial of the previous application unless the Alta Planning Commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the denial of the previous application to merit consideration of a second application within the one year time period.

Section 22-1-9 HEARING AND PUBLICATION OF NOTICE BEFORE AMENDMENT. Before finally adopting any such amendment, the Alta Town Council shall hold a public hearing thereon, at least fifteen, (15), days notice of the time and place of which shall be given by at least one, (1), publication in a newspaper of general circulation within the Town.

Section 22-1-10 LICENSING. All departments, officials, and public employees of the Town of Alta which are vested with the duty and authority to issue permits or licenses shall conform to the provisions of this Title and shall issue no permit or license for use, building, or purpose where the same would be in conflict with the provisions of this Title, and any such permit or

license, if issued in conflict with the provisions of this Title, shall be null and void. Issuance of a permit or license in conflict with the provisions of the zoning ordinance shall not stop the Town from enforcing the provisions of the zoning ordinance.

Section 22-1-11 PENALTIES. Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of the provisions of this Title shall be guilty of a "Class C" misdemeanor and punishable as provided by law. Such person, firm, or corporation who intentionally violates this Title shall be deemed to be guilty of a separate offense for each and every day during which any violation of this Title is committed, continued, or permitted by such person, firm, or corporation and shall be punishable as herein stated provided, however, that when any structure or use is in continuous violation of this Title for a period exceeding five, (5), years, and upon proper affidavits being submitted to the Alta Board of Adjustment to the effect that no action has been instigated or complaint received during said period with respect to the violation, and when said Board finds that in the interest of justice and the general public good and welfare, such structure or use should be allowed to continue, then and in that event, said Board may declare such structure or use nonconforming. However, the period of limitation of five, (5), years prescribed herein shall not commence to run until the effective date of this Title and in no way shall be interpreted to permit the continuation of any violation which exists on the effective date hereof.

Section 22-1-12 Repealed

Sec. 22-1-13 TIME COMPUTATION. In computing any period of time prescribed or allowed by this Title, the day of the act, event, or decision after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, or a holiday. When the period of time prescribed or allowed is less than seven, (7), days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday. The date of a decision or recommendation of the Planning Commission shall be the date of the hearing at which such decision or recommendation is made. If no hearing is held on the matter, the date of the decision or recommendation shall be the date written notice of such decision or recommendation is mailed to the applicant.

Sec. 22-1-14 SEVERABILITY. If any portion of this Title shall be deemed to be unenforceable for any reason whatsoever, the remaining portions shall nevertheless be in full force and effect.