

Chapter 8
FORESTRY MULTI-FAMILY ZONES
FM-10 and FM-20

Sections:

22-8-1	Purpose
22-8-2	Permitted Uses
22-8-3	Conditional Uses
22-8-4	Lot Area, Lot Width, and Slope Requirements
22-8-5	Yard Regulations
22-8-6	Height Regulations
22-8-7	Density Regulations
22-8-8	Maximum Coverage Regulations
22-8-9	Special Regulations
22-8-10	Construction Documents Approval
22-8-11	Petitions to Rezone

Section 22-8-1 PURPOSE. To allow high density residential, limited commercial, resort dwellings occupied or owned for periods of less than thirty, (30), days and other uses as set forth and specified by Sections 22-8-2 and 22-8-3 of this Chapter to the extent that such development is compatible with the protection of the natural and scenic resources of the Town and the safety of the public. Unique winter hazards exist in the Town requiring specific management control of resort hotels, condominiums, and commercial enterprises for the protection of the public and the health, safety, and general welfare of the residents of the Town of Alta.

Section 22-8-2 PERMITTED USES. All permitted uses are subject to Sections 22-8-4 through and including 22-8-10.

1. Single Family Dwellings.
2. Name plates and signs as defined and limited in Chapter 12 of this Title.
3. Accessory uses and structures customarily incidental to a permitted use.

Section 22-8-3 CONDITIONAL USES. All conditional uses are subject to Sections 22-8-4 through and including 22-8-10.

1. Accessory uses and structures customarily incidental to a conditional use.
2. Commercial and private recreation.
3. Apartment house, lodging house, hotel, time period unit, and condominium project.
4. Multiple family dwelling.
5. Dwelling group.
6. Planned Unit Development as defined in Chapter 9.
7. Class B Beer Outlet, Package Agency, State Store.
8. Restaurant, Boutique, Ski Shop, and other limited commercial uses determined by the Town Council to be one of the same character of these listed and serving the needs of the visitors and residents of the canyon.
9. Living quarters for persons employed on the premises of any main use.
10. Offices incidental to the main use.
11. Public and Quasi-public Uses.
12. Temporary Structures.

13. Private Non-profit Locker Club.

Section 22-8-4 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:

1. The lot area shall be less than one-half, (1/2), acre in size, or,
2. The property from which the said lot was subdivided shall have contained less than one, (1), net developable acre as defined in Section 22-1-6 of this Title, or,
3. The slope exceeds thirty percent, (30%). grade, or,
4. The width of the lot shall be less than one-hundred, (100), feet.

Where exceptional and extraordinary conditions exist, resort may be made to the Land Use Appeal Authority pursuant to Chapter 5 of this Title.

Section 22-8-5 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 Planning Commission.

Section 22-8-6 HEIGHT REGULATIONS. 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:

1. Natural setting.
2. Relationship with other structures and open spaces.
3. Contour intervals and topographic features.
4. Height, density, and species of vegetation.
5. Scenic vistas and sight lines.
6. Other elements deemed appropriate to insure that the provisions of Section 22-8-1 are met.

No single family dwelling shall be erected to a height greater than three, (3), stories nor less than one, (1), story, and in no case to a height greater than thirty-five, (35), feet above the lowest finished grade adjacent to the perimeter of the structure.

Section 22-8-7 DENSITY REGULATIONS. The maximum density for residential dwelling units shall be as follows:

<u>Zone</u>	<u>Maximum Density</u>
FM-10	Up to 10 dwelling units or 20 guest rooms per net developable acre and contained in not more than two, (2), buildings.
FM-20	Up to 20 dwelling units or 40 guest rooms per net developable acre and contained in not more than two, (2), buildings.

The terms "dwelling unit", "guest room", and "building" shall strictly comply with their definitions as set forth in Section 22-1-6 of this Title.

The foregoing maximum density regulations shall not be subject to proration, and except for single family dwellings, a full, contiguous, net developable acre as defined in Section 22-1-6 shall be required for any property to be eligible for subdivision in an FM-10 or FM-20

zone.

Section 22-8-8 MAXIMUM COVERAGE REGULATIONS. 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.

Section 22-8-9 SPECIAL REGULATIONS.

1. 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 inordinant 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.

2. 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 City/County Department of Health, 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 City/County Department of Health and the Utah State Division of Health.

3. 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.

4. 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.

5. 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.

6. 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.

7. STREAM REGULATIONS. No building, structure, improvement, or appurtenance shall be constructed, raised, or established the nearest point of which is closer than fifty, (50), feet from the nearest high water line of any natural waterway as defined in Section 22-1-6. 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.

8. 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 insure that rehabilitation will be completed. No Certificate of Occupancy shall be issued by the Building Official until all approved rehabilitation work is complete.

9. PARKING REQUIREMENTS. The Planning Commission shall determine the number of parking spaces required. However, the minimum requirements of Chapter 11 of this Title shall be provided except that hotels and lodging houses shall provide one-half, (1/2), parking space for each guest room 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.

10 UTILITIES. All utilities shall be placed underground

11. TIME PERIOD UNIT PROJECT.

a. In every Time Period Unit project, the condominium declaration, unit owners' association articles of incorporation and by-laws shall be submitted to and approved by the Town Council of the Town of Alta prior to recordation. Time Period Unit projects are regarded as hotels for those characteristics bearing on service to the public and residents of the Town of Alta. For purposes of this Title and in regarding Time Period Units projects as hotels, all such projects shall be required to have management procedures and are subject to all other regulations identical to those 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 by-laws:

1. 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.

2. A statement that the act of ratification of the Time Period Unit project owners' association articles of incorporation and by-laws is a conferral of power of attorney for the unit owners upon the person in charge or the designated manager 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 of Alta and/or Salt Lake County, the Town may issue to the project manager, first officer of the project owner's 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 or the units within the project and to the owner's association.

b. The unit owner's association of any Time Period Unit project shall maintain a management reserve fund in the name of the Town of Alta 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 by-laws, to be assessed by the Town of Alta 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 Alta, or the general public in the absence from the project of the manager or other responsible employees or agents of the project.

c. No condominium unit shall be converted to a Time Period Unit use unless 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 100% of the unit owners will convert to time period use within one, (1), year. Subsequent to any such conversion, but prior to time period unit use, the condominium declaration and by-laws 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.

d. Each Time Period Unit project shall obtain an annual business license from the Town of Alta. It is a misdemeanor 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.

Section 22-8-10 CONSTRUCTION DOCUMENTS APPROVAL. In order to determine compliance with this Title and to promote orderly and harmonious development of canyon areas, construction documents for all projects shall be approved by the Building Official prior to the issuance of any building permits. Applications for Building Permit shall be accompanied by plans, specifications, and other documents with sufficient data and at a reasonable scale to describe all existing and proposed conditions including, but not limited to, topography, grading, roads and walks,

buildings, utilities, vegetation, exterior materials, color schedules, and other such information as may be required to insure compliance with the provisions of this Title. The Building Official may seek the recommendation of the Planning Commission prior to approval of any project. Applications may be approved as submitted, approved subject to conditions, or disapproved. Appeal of any decision of the Building Official may be made to the Town Council by filing a written notice of such appeal with the Clerk of the Town Council within twenty, (20), days of the date of the written notice of such determination. The Town Council shall thereupon promptly hear such appeal at the next regular meeting of the Town Council or at a special meeting, upon call of the Mayor, and the matter shall be reviewed *de novo*.

Section 22-8-11 PETITIONS TO REZONE.

1. Any request to amend an existing zoning ordinance or to amend and change the zoning of any particular property within the Town shall be submitted to the Town Clerk in the form of a written and verified Petition. Said petition shall include the following elements:
 - a. The full name and address of the petitioner.
 - b. A statement of all legal, contractual, and equitable interest in the property as to which zoning amendment or change is sought, including the names and addresses of all such individuals.
 - c. A legal description by metes and bounds or otherwise, of the property as to which zoning amendment or change is sought.
 - d. A statement as to the reasons and basis for the amendment or change to any zoning ordinance or land use classification.
 - e. If real property is to be developed pursuant to the proposed amended and/or changed zoning ordinance, a statement in detail of the plans relating to such development, including those elements as required in Sections 22-8-3 through and including 22-8-9. The petitioner shall attach two, (2), copies of plans, specifications, and other documents as may be necessary to fully describe in detail the nature, character, and extent of the proposed development as to which the Petition relates.
 - f. A statement as to the availability of all utility services.
2. At the time the petition is filed, the applicant shall also pay to the Town Clerk all required fees as shown in Title 9 of the Code of Revised Ordinances of Alta.
3. 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 Chairman of the Town Planning Commission for review, analysis, and action by that Commission pursuant to law at the next regularly scheduled meeting of the Commission.