



Staff Report

To: Francis City Planning Commission

From: Katie Henneuse

Report Date: May 29, 2025

Meeting Date: June 5, 2025

Title: Title 18 Zoning Code Text Amendment

Type of Item: Legislative

Executive Summary:

The City Council directed Staff to comprehensively update Title 18 of the Francis City Code. Title 18 includes many of the regulations for development in the City of Francis, including zoning regulations, review procedures for permitted and conditional uses, and development regulations. Following is a summary of the proposed amendments:

Commercial (C-1) and City Center (CC) Zones

- Initiate a system of tiered impacts to determine the buffer treatment required for commercial developments (see FCC 18.115.100).
- Consolidate the commercial development standards into section 18.115.
- Set specific architectural design standards and themes.
- Maximum building heights will not change (45 ft in CC and 40 ft in C-1). Definition of height in these zones will be changed to distance from *natural grade* to highest point of roof (instead of from finished grade).
- Architectural restrictions in CC zone prohibiting attics that can be habitable.

Zoning Use Table Updates

- Update use tables to be aligned with the General Plan. Set size limits for many types of commercial businesses.
- Industrial-type uses are only allowed in LI-1 Zone (construction equipment rental, cabinet, welding, landscape services, blacksmith, sawmills, storage facilities, construction storage yards, etc.)

- Higher impact uses are not allowed or are restricted in AG-1 and AG-2 zones (animal hospitals only allowed in C-1, RV parks or campgrounds only allowed in AG-2 or LI-1, commercial kennels not allowed in AG-1 or AG-2).
- Add food trucks as a use allowed in the C-1 and CC zone, along with regulations (see 18.15.225).
- Add recreational equipment rental as an allowed use in the C-1 zone.
- Add farm-style stores as an allowed use in the C-1 and CC zones.
- Reception centers are only allowed in C-1 and CC zones.
- Hotels removed from C-1 and CC zone use tables.
- Drive-through restaurants and car detailing no longer allowed in the CC zone.
- Drive-through restaurants will have further restrictions on idling, traffic queue studies, alignment with existing homes, and distance to other drive-through locations.
- Private schools are only allowed in nonresidential zones, boarding prohibited.
- Uses not listed in table are prohibited.

Conditional Use Permits (CUP)

- The number of conditional uses was significantly reduced. Most high impact uses were either eliminated from the use table or are allowed with tighter regulations set in the code.
- Public hearings before the Planning Commission will still be held.
- The City Council will no longer review conditional use applications since these are administrative. Instead, only the Planning Commission and staff will review CUP applications.

Short-Term Rentals (VRBO and Airbnb)

- No longer a conditional use – instead a Short-Term Rental Permit is required. Staff will review the permit for compliance with the code.
- The number of permits issued by the City will be capped at 3% of rooftops in the City (18 total allowed with current number of rooftops).
- Minimum distance from other STR properties is 500 feet.
- If there is a complaint, the owner or property manager must respond within one hour.
- STR Permit is not transferable if ownership changes.

Miscellaneous

- Comprehensive update to home-based business code to align with State Law (see FCC 18.80)
- Staggered front setbacks required in the Residential Cottage (R-C) zone (see FCC 18.40.50).
- Reduce level of commercial outdoor lighting to 50,000 lumens per acre (one requirement for dark sky certification).
- Update buffer requirements in LI-1 zone to be more specific.
- Localscape landscaping encouraged in residential and commercial areas.
- Board of Adjustment eliminated and replaced with Administrative Law Judge hearing for appeals and variance requests.
- Editorial changes to provide clarity and to reduce instances of code conflicts.

Staff Recommendation:

Review and discuss the amendments. Determine if any changes are needed. The Planning Commission may take any of the following actions: Forward to the City Council with a positive recommendation (including any changes made in the meeting), table if more time is needed to review and update the code, forward to the City Council with a negative recommendation.

Community Review:

A public hearing is required for this item. The public hearing was noticed in accordance with State and local law.

Title 18
ZONING

Chapters:

Division I. General Provisions

- 18.05 General Provisions and Procedures**
- 18.10 Definitions**
- 18.15 Supplementary Provisions**

Division II. Zone Districts and Regulations

- 18.20 Purpose and Tables**
- 18.25 AG-2 Agricultural Two Acre Zone**
- 18.30 AG-1 Agricultural One Acre Zone**
- 18.35 R-H Residential Half Acre Zone**
- 18.40 R-C Residential Cottage Zone**
- 18.45 C-1 Commercial Zone**
- 18.50 P-F Public Facilities Zone**
- 18.55 LI-1 Light Industrial Zone**
- 18.57 City Center Zone**
- 18.58 R-M Residential Multifamily Zone**
- 18.59 Planned Development Overlay Zone (PD)**

Division III. Review Procedures

- 18.60 Permitted Use Review Process**
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- 18.75 Nonconforming Uses**
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- 18.145 Penalties**

Chapter 18.05

GENERAL PROVISIONS AND PROCEDURES

Sections:

- 18.05.010 Purpose.
- 18.05.020 Short title.
- 18.05.030 Authority, legislative intent and statement of purpose.
- 18.05.040 Conflict with other laws or ordinances.
- 18.05.050 Effect on previous ordinances and maps.
- 18.05.060 Notices.
- 18.05.070 Creation of land use districts and zone map.
- 18.05.080 Licensing.
- 18.05.090 Zoning map adopted.
- 18.05.100 Permit procedure under this code.
- 18.05.110 Appearance before boards, commissions and councils.
- 18.05.120 Relation to prior development and subdivision ordinance.
- 18.05.130 Vesting of zoning rights.
- 18.05.140 Savings clause and continuation of prior ordinances.
- 18.05.150 Conflicts within this code.
- 18.05.160 Annexations.
- 18.05.170 Plat approval.

18.05.010 Purpose.

This chapter describes the general rules and regulations necessary to effectively administer the City of Francis development code. Procedures for permitted use and conditional use applicants are defined. Code and zoning amendments, as well as appeal procedures and nonconforming uses, are explained in detail. Other important procedures and provisions are defined in this chapter as well. (Ord. 2016-09 § 1, 2016; Ord. 66, 1993.)

18.05.020 Short title.

This title and FCC Title 17 shall be known as the City of Francis development code, and is referred to herein as this code, this development code or the code. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.1, 1993.)

18.05.030 Authority, legislative intent and statement of purpose.

The City Council of Francis adopts the ordinance codified in this title and FCC Title 17 pursuant to the Municipal Land Use Development and Management Act, Title 10, Chapter 9a, Utah Code Annotated, and such other authorities and provisions of Utah statutory and common law that are applicable.

~~Unless otherwise specified in this title or FCC Title 17, the City Council shall serve as the land use authority pursuant to Utah law for all land use applications in the City.~~

This title and FCC Title 17 contain standards, provisions and requirements intended to protect the health, safety and welfare of the citizens of Francis by ensuring that neighbors and adjacent and neighboring properties are protected from potential negative impacts in developing and using a parcel of land. It is further the intent to provide a means of ensuring predictability and consistency in the use of land and guiding and directing the development of land to achieve a balance in realizing the desires of property owners and the citizens of Francis. The purpose of this title and FCC Title 17 is to:

1. ~~1.~~ Promote a living environment that is safe and pleasant for individuals and families who choose to live in or visit Francis.
2. ~~2.~~ Maintain current housing and neighborhoods and guide future residential development in a manner which enhances the current appeal of the City, rather than destroying the very atmosphere which makes Francis an attractive place to live.

3. ~~3-~~Enhance economic resources and opportunities by encouraging commercial and/or institutional development which is compatible with the semi-rural residential nature of the City.
4. ~~4-~~Provide for efficient traffic circulation that minimizes traffic volume on residential streets and provide nonmotorized transportation/recreation corridors.
5. ~~5-~~Continue to provide for the necessary infrastructure such as water, sewer, and drainage needed for increased residential, commercial, and other development.
6. ~~6-~~Provide facilities which allow for needed community services, including the efficient functioning of government, sense of community, and the health and recreation of the citizenry.
7. ~~7-~~Enhance the unique beauty, visual and aesthetic qualities of the community, and preserve and provide access to the important natural features of the area including the nearby foothills, waterways, canyons, flora and fauna.

It is the intention of the City in adopting the ordinance codified in this title and FCC Title 17 to fully exercise all of the powers granted to the City by the provisions of the Utah Land Use and Management Act, Section 10-9a-1 et seq., Utah Code Annotated 1953, as amended, and all other powers granted by statute or by common law for the regulation of land uses and improvements. The intention of the City is to assure the managed, proper and sensitive/critical development of land within Francis and to protect and enhance the quality of rural life in general. This title and FCC Title 17 are intended to allow development in a manner that encourages the preservation of scenic values, the unique setting of Francis, and provide for well-planned commercial and residential centers, smooth traffic circulation, and efficient delivery of municipal services. This title and FCC Title 17 seek to prevent development impacted by existing geologic hazards, erosion, flooding, or other conditions that create potential dangers to life and safety in the community, or development that impacts critical wildlife habitats, or developments that detract from the quality of life in the community. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.2, 1993.)

18.05.040 Conflict with other laws or ordinances.

The provisions of this title and FCC Title 17 are in addition to all other City ordinances, laws of the state of Utah and United States, and applicable common law. This title and FCC Title 17 shall not supersede any private land use regulations in deeds or covenants which are more restrictive than this title and FCC Title 17. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.3, 1993.)

18.05.050 Effect on previous ordinances and maps.

The existing zoning ordinances of Francis, including the official zoning map adopted with those ordinances, are hereby amended in their entirety to conform to the provisions of this title and FCC Title 17, providing that this title and FCC Title 17 are a continuation of those existing ordinances, and not a new enactment, insofar as the substance of the old and new provisions are the same. This title and FCC Title 17 shall not be construed as affecting the term of office of any Board or Commission member appointed under the prior enactment. Structures built prior to the adoption of FCC Titles 17 and 18, or for which building permits were issued and on which work commences as required under the permit shall, to the extent they do not conform to this title and FCC Title 17, be considered as nonconforming uses, and shall not be affected hereby. Uses which were nonconforming under the old ordinance shall not be affected by this title and FCC Title 17, unless this title or FCC Title 17 is changed in a manner that makes the use conforming to the new code or zone. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.4, 1993.)

18.05.060 Notices.

Notice of hearings before the Planning Commission and City Council concerning amendments to the general plan, zoning map, ~~this title and FCC Title 17~~Francis City Code, ~~preliminary subdivision plan approvals~~, appeals, ~~and~~ variances ~~and other requests of actions of the Board of Adjustment~~ shall be provided in accordance with the Utah Open and Public Meetings Act, as amended (see Section 52-4-101 et seq., Utah Code Annotated 1953) and the Utah Municipal Land Use, Development, and Management Act, the requirements of this section, and shall describe the proposed action. See Table 1.1 for a general summary matrix of the notice requirements. All notice required under this section shall be given as follows:

1. Posted Notice. The notice shall state that a public hearing will be held, describe the subject of the hearing and any property affected thereby, and identify the date, time, and location of the hearing. Notice shall be posted at least 10 calendar days before the date set for the hearing or in accordance with state law.

2. Courtesy Notice. As a courtesy to property owners, the applicant shall provide the City with stamped and ~~preaddressed~~pre-addressed envelopes for each owner of record of each parcel located entirely or partly within 600 feet from any boundary of the property subject to the application, together with a mailing list for those owners. The addresses for adjacent owners shall be as shown on the Summit County website. The courtesy notice shall state that a public hearing will be held, describe the subject of the hearing and any property affected thereby, and identify the date, time, and location of the hearing. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the City Council or ~~Planning Commission~~any board or commission.

3. Proof of Notice. Proof that notice was given pursuant to either subsection (1) or (2) of this section is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under state law within 30 days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper.

4. Other Public Meetings. Notice shall be posted 24 hours in advance for regular meetings and as much notice as possible for emergency meetings in accordance with the Utah Open and Public Meetings Act, as amended (See Section 52-4-101 et seq., Utah Code Annotated 1953) and the Utah Municipal Land Use, Development, and Management Act (see Section 10-9a-101 et seq., Utah Code Annotated 1953).

Francis Application Notice Matrix

ACTION	POSTED	MAILED
Adoption or Amendments of Land Use Ordinance	At least 10 days prior to each public hearing before the Planning Commission and City Council. Agenda posted at least 24 hours prior to public meeting.	-NA-
Adoption or Amendments of Land Use Ordinance or Zoning Map	At least 10 days prior to first <u>each</u> public hearing before the Planning Commission and City Council. Agenda posted at least 24 hours prior to public meeting.	To all owners of the property within 600 feet, 10 days prior to first hearing. Must state that owner has 10 days after first public hearing to file a written objection to the legislative body.
Preparation, Adoption or Amendment to the General Plan	At least 10 days' public notice required upon inception of the initial process for any comprehensive plan amendment before the Planning Commission, with one additional public hearing and notice required prior to recommendation. One public hearing with City Council before adoption. Agenda posted at least 24 hours prior to public meeting.	-NA-
Preliminary Subdivision Plan	At least 10 days prior to public hearing before the Planning Commission and City Council. One public hearing required before Planning Commission and City Council.	To all owners of the property within 600 feet, 10 days prior to each hearing.
1. Vacating Some or All of a Public Street, Right-of-Way or Easement 2. Vacating or Amending a Subdivision Plat	At least 10 days prior to each hearing before Planning Commission and City Council.	1. Mailed to record owner of each parcel that is accessed by the public street, right-of-way, or easement; mailed to each affected entity; posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public. 2. Notice mailed to the record owner of each parcel within 600 feet of that property OR posted on the property proposed for subdivision.
Board of Adjustment —Variance Requests	At least 10 days prior to each hearing before the Administrative Hearing Board of Adjustment.	To all owners of the property within 600 feet, 10 days prior to each hearing

Francis Application Notice Matrix

ACTION	POSTED	MAILED
	Agenda posted at least 24 hours prior to public meeting.	
Annexation Policy Plan	At least 3 places, 14 days prior to each public hearing before the Planning Commission and City Council. Agenda posted at least 24 hours prior to public meeting.	To all owners of property within 600 feet and affected entities, 14 days prior to each hearing.
Conditional Use Permit CUP	At least 10 days prior One to informational hearing before the Planning Commission and City Council . Agenda posted at least 24 hours prior to public meeting.	Courtesy notice to all owners of property within 600 feet, 10 days prior to hearing.

(Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2017-05, 2017; Ord. 2016-09 § 1, 2016; Ord. 66 § 1.6, 1993.)

18.05.070 Creation of land use districts and zone map.

In order to carry out the purposes of this title and FCC Title 17, land use districts have been established as set forth in the City of Francis general plan and a zoning map has been established in FCC 18.05.090. The zoning map is adopted as a part of this title and FCC Title 17 and this title and FCC Title 17 are intended to be consistent with the zoning map. In interpreting the zoning map, the following standards shall apply:

- ~~1.~~ The zoning boundary lines are intended to conform to existing property boundary lines when not in a public right-of-way, or to follow the center line of public rights-of-way (including prescriptive rights-of-way), unless the lines are located by specific dimensions, in which case the dimensions shall control. Where the zoning district lines approximately follow the lot lines as they exist at the date of adoption of the ordinance codified in this title and FCC Title 17, the district lines shall be conformed to the lot lines.
- ~~2.~~ Where the zoning district lines appear to have intentionally divided a lot or parcel between two or more districts, the applicable zoning for each portion of the lot or parcel shall be determined by using the scale shown on the map. If the placement of the district line cannot be determined, the standards of the zone allowing the less intensive land use shall be applied to the entire parcel.
- ~~3.~~ Where the district lines are intended to follow natural land contours, such as the ridge tops, hillsides or waterways, the line shall be determined at the point at which the general slope of the land changes 15 percent in grade or in the case of waterways, the average centerline of the waterway. In the event of a dispute as to the location of the change in grade, the point shall be fixed with reference to topographic data submitted to the City. Where land of less than 15 percent slope is surrounded by land of 15 percent or greater slope, the Planning Commission may entertain an application to rezone the land of less than 15 percent slope to a suitable residential use if the City staff determines that the land is adequately accessible and not within a sensitive lands overlay zone or designation.
- ~~4.~~ If the Planning Commission, City Council, or member of the public requests an interpretation of a zoning district the matter shall be forwarded to the City Planner for an interpretation. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.7, 1993.)

18.05.080 Licensing.

All departments, officials and public employees of the City who are vested with the duty or authority to issue permits or licenses, including business licenses, shall conform to the provisions of this title and FCC Title 17 and state code, and shall issue licenses and permits only in conformance with the provisions of these codes. Licenses issued in violation of these codes shall take no effect, and are null and void. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.9, 1993.)

18.05.090 Zoning map adopted.

The Francis zoning map is the official zoning map for Francis. Upon amendment to the zoning map, the Mayor shall execute a new map, or reexecute the existing map with the amendments noted in a timely manner. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.10, 1993.)

18.05.100 Permit procedure under this code.

No building permit(s) shall be issued for any project without final approval. Proposals shall be reviewed according to either the permitted use review under Chapter 18.60 FCC or the conditional use review under Chapter 18.65 FCC. Permitted use applications shall be reviewed by the City Planner for approval. Appeals of the City Planner may be made to the City Council for review. ~~Conditional use applications shall be initially reviewed by the Planning Commission and final approval shall be granted by the City Council. Subdivisions are subject to the subdivision application procedure and approval process set forth in Chapter 17.10 FCC et seq. Subdivisions shall be initially reviewed by the Planning Commission and final approval shall be granted by the City Council. No planning review shall occur until all applicable planning application fees have been paid, and no final City Council approval shall be effective until all other fees assessed by this title and FCC Title 17 or other ordinance, including applicable City fees have been paid. Upon issuance of final approval under either review process, the pBuilding plans are forwarded to reviewed by~~ the Building Official for building permit issuance under the provisions of the International Building Code.

Fees for projects that require review and/or inspection by the City Attorney, City Engineer, or other consultant(s) shall be billed to the applicant at the actual billed rates incurred by the City, in addition to all other applicable fees. To assure prompt payment, the applicant shall deposit with the City sufficient funds against which the City may draw to satisfy these costs, in amounts set forth in the City's then-prevailing fee and rate ordinance.

All funds in applicant deposit accounts are available at all times for expenditure by the City to satisfy fees incurred by the City for the project. The City shall notify applicants monthly of the fees incurred during the previous month for the applicant's project. The City shall pay interest on applicant deposit accounts, at the rate at which the City would earn interest on monies in the City's general fund balance for the applicable period, and shall credit said interest to the applicant's deposit account. If the balance on deposit for an applicant drops below an amount sufficient to cover anticipated costs, the applicant must pay all outstanding billings for the month plus bring the deposit account back up to a sufficient amount, as set forth in the City's then-prevailing fee and rate ordinance. If at any time an applicant's deposit account does not comply with the provisions set forth herein, the City's staff and its contractors, agents and consultants shall stop work on the project until the account comes into compliance. At the conclusion or termination of a project, any unexpended amounts in an applicant's deposit account shall be refunded to the applicant with interest. (Ord. 2016-09 § 1, 2016; Ord. 2011-04, 2011; Ord. 1999-1 § 1.11, 1999; Ord. 66 § 1.11, 1993.)

18.05.110 Appearance before boards, commissions and councils.

All persons speaking before any City agency, department, committee, commission, board or the City Council on behalf of the owners of any project shall provide reasonable evidence of their agency relationship with the owner. This agency shall be presumed if the spokesman is associated with the architect or engineer whose name appears on the plans, or if the owner is present. The Planning Commission or City staff may request an agent to provide a statement signed by the owner indicating the nature of the relationship and the authority of the agent to make decisions or representations concerning the project. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.17, 1993.)

18.05.120 Relation to prior development and subdivision ordinance.

The procedures set forth in this title and FCC Title 17 are intended to supersede any inconsistent procedural provisions in the previous development ordinances. The substantive requirements of the application form and the review process shall remain unchanged, but all final actions under that ordinance are subject to the appeal processes set forth herein, and all applications for subdivision approval are subject to termination as set forth herein. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.19, 1993.)

18.05.130 Vesting of zoning rights.

Upon payment of the required application fees and submission of a completed application, an applicant shall be entitled to have the filed application reviewed and acted upon pursuant to the terms of ~~this title and FCC Title 17 or development code~~ the Francis City Code and zoning map in effect at the time of filing of the application, subject to the exceptions set forth below. The applicant may take advantage of amendments to this title and FCC Title 17 and zoning map that would permit greater density or more intense use of the land; provided, however, that these changes may be deemed a modification of the plan and require the payment of additional planning review fees.

For the purposes of this title and FCC Title 17, a complete application includes all documentation required by this title and FCC Title 17, other relevant laws and ordinances of the City of Francis, and relevant state and federal laws.

~~and any other information deemed necessary by the Planning Commission to complete a thorough review of the proposed project and make a well-informed decision. At the concept plan meeting with the Planning Commission, the Commission will inform the applicant of any information required in order to deem the application complete. Upon receipt of the information required by this code and any additional information by the City Clerk, the application will be deemed complete. No application will be deemed complete prior to the concept plan meeting with the Planning Commission.~~ An applicant may not appeal the need to provide information required by this title and FCC Title 17 or any other City ordinance, or any state or federal law. However, any applicant may appeal the need to provide any additional information requested by the Planning Commission to the City Council on the next available meeting of the Council with adequate time to fully discuss the matter.

Non-zoning related matters, including, but not limited to, site development standards, procedural requirements and building code requirements, will not vest until complete building permit applications have been filed and required fees have been paid. Water and sewer connection availability, costs of water and sewer connection and water development fees, and applicable impact fees and other charges will vest only upon payment of the building permit application fees and submission of all materials necessary for the issuance of a building permit.

Vesting of all permits and approvals terminates upon the expiration or termination of the permit or approval.

1. Exceptions. Applicants shall not be entitled to review and approval of applications pursuant to the terms of this title and FCC Title 17 in effect at the time of application when revisions to this title and FCC Title 17 are pending at the time of application which would prohibit or further condition the approval sought, ~~or when there exists a compelling reason for applying a new standard or requirement retroactively to the time of application.~~ (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.20, 1993.)

18.05.140 Savings clause and continuation of prior ordinances.

1. The Francis Development Code. The Francis development code is hereby amended and recodified in entirety to read as herein provided by this title and FCC Title 17.
2. Continuation of Prior Ordinances. The amendment of all zoning, subdivision and development ordinances previously enacted by Francis shall not:
 - a. Affect suits pending or rights of the City existing immediately prior to the effective date of the ordinance codified in this title and FCC Title 17;
 - b. Impair, void, or affect any grant or conveyance made or right acquired or cause of action as of the effective date of the ordinance codified in this title and FCC Title 17 or now existing.
3. Continuation of Similar Provisions. The provisions of this title and FCC Title 17 insofar as they are the same or substantially the same as any prior ordinances shall be construed as a continuation of the prior ordinance.
4. Severability. If any phrase, clause, sentence, paragraph, or section of this title or FCC Title 17 shall be declared unlawful by any court of competent jurisdiction, it shall be severed and such decision shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this title and FCC Title 17.
5. Effective Date. The ordinance codified in this title and FCC Title 17 shall become effective immediately after passage and subsequent publication in a newspaper having general circulation in Francis City. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.23, 1993.)

18.05.150 Conflicts within this code.

Every effort is made by the City to insure that this title and FCC Title 17 are readable, understandable, and contain as few defects as possible. If however, any conflicts, defects, inconsistencies or ambiguities are found within different sections or chapters of this title and FCC Title 17, the Planning Commission shall follow the section or wording that is more restrictive, stringent, or of a higher standard as defined or interpreted by the Planning Commission.

The Planning Commission shall then make every effort to amend this title and FCC Title 17 to further clarify or repair the defect, conflict, inconsistency or ambiguity. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.24, 1993.)

18.05.160 Annexations.

All annexations shall be consistent with the Francis annexation policy declaration. Upon receiving a petition for annexation, the City will process the petition in accordance with the relevant provisions of the Utah Code. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.25, 1993.)

18.05.170 Plat approval.

On all projects requiring the recording of a plat or record of survey map under applicable state law, the plat shall conform to the following standards before approval will be granted by the City:

1. ~~1.~~ Owner's Execution. A subdivision plat must be signed by the owner of the property and all persons claiming an interest in the property within the plat, including those holding a security interest in the property, excluding mechanic liens and judgment liens. All signatures must be legally acknowledged.
2. ~~2.~~ Contents of Plat. The plat must have signature blocks for the Mayor, City Engineer, South Summit Fire District, Recorder, Attorney, Planning Commission Chair, and County Recorder. The survey data and accuracy of the plat must be certified by a licensed surveyor, and the plat must bear the surveyor's official stamp.
3. ~~3.~~ Submission. The submission for plat approval must be accompanied by any covenants, declarations, easements, dedications of rights-of-way, or similar documents that are in addition to the contents of the plat. The submission must also be accompanied by a current title report showing the persons having an interest in the property, and verifying the ownership is consistent with the ownership as indicated on the plat. The legal descriptions of the property must also be consistent among the plat, declarations or covenants and title report.
4. ~~4.~~ Recording. Upon granting of final approval by the City, the City Recorder shall ~~release the fully-executed plat and the declaration and covenants to the title company designated by the applicant for recording. The City shall have no obligation to advance recording fees, but may~~ deliver the plat to the county directly ~~rather than through the designated title company.~~ No plat shall be recorded until the Recorder has verified that all fees relative to the project have been paid, including the final engineering bills from the plat approval, if applicable.
5. ~~5.~~ Effect of Approval. In approving the plat, the City and its officers and agents are only certifying to substantial compliance with the statute and ordinances regarding the recording of plats and the prior approval of the project as being in compliance with local zoning ordinances. The City does not make any representation concerning the accuracy of the information in the plat drawn by the applicant, nor the value of the project. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.21, 1993.)

Chapter 18.10

DEFINITIONS

Sections:

18.10.005	Definition usage.
18.10.010	“A” Definitions.
18.10.020	“B” Definitions.
18.10.030	“C” Definitions.
18.10.040	“D” Definitions.
18.10.050	“E” Definitions.
18.10.060	“F” Definitions.
18.10.070	“G” Definitions.
18.10.080	“H” Definitions.
18.10.090	“I” Definitions.
18.10.100	“J” Definitions.
18.10.110	“K” Definitions.
18.10.120	“L” Definitions.
18.10.130	“M” Definitions.
18.10.140	“N” Definitions.
18.10.150	“O” Definitions.
18.10.160	“P” Definitions.
18.10.170	“Q” Definitions.
18.10.180	“R” Definitions.
18.10.190	“S” Definitions.
18.10.200	“T” Definitions.
18.10.210	“U” Definitions.
18.10.220	“V” Definitions.
18.10.230	“W” Definitions.
18.10.240	“X” Definitions.
18.10.250	“Y” Definitions.
18.10.260	“Z” Definitions.

18.10.005 Definition usage.

For the purpose of this title and FCC Title 17, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this chapter. Where definitions are given in another chapter or section of this title or FCC Title 17 that apply to only that section or chapter, those definitions shall apply first. In some instances, words or terms that have a definition in this chapter may show in *italics* elsewhere in this title and FCC Title 17.

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations”; the word “code” means “this code.”

A “person” includes a corporation, a partnership, a limited company, a limited liability company, and an incorporated association of persons such as a club; “shall” is always mandatory; a “building” includes “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.” (Ord. 2016-09 § 1, 2016; Ord. 66, 1993.)

18.10.010 “A” Definitions.

“Access” means the provision of vehicular and/or pedestrian ingress and egress to structures, facilities or property.

“Accessory apartment” means a second and separate living quarters occupying the same lot as a primary residence. It has its own kitchen, bathroom(s), living/sleeping area(s), and separate entrance(s). Kitchens have facilities for

sanitation (sink) and cooking (oven, cooktop, range). For the purpose of this title, the terms “accessory apartment” and “accessory dwelling unit” or “ADU” shall be synonymous. There are two classifications of ADUs. Accessory dwellings built within the footprint of the primary dwelling, such as basement apartments, are referred to as internal ADU (IADU). Dwellings that are detached from the primary dwelling, such as those located above a detached garage or as a separate unit on grade, are referred to as external ADU (EADU).

“Accessory building” means a building upon the same lot (or on a contiguous lot under the same ownership) as the principal building and which is (a) clearly incidental to, and customarily found in connection with, such principal use; and (b) is either in the same ownership as the principal use or maintained and operated on the same lot for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use.

“Accessory use” shall mean a use conducted on the same lot as the principal use or structure with which it is associated; and is a use which is clearly incidental to and customarily found in connection with such principal use; and is either in the same ownership as the principal use or maintained and operated on the same lot for the benefit or convenience of the owners, occupants, employees, customers or visitors of the principal use. No accessory use shall be allowed on any parcel unless the permitted use is being actively utilized.

“Administrative permit” means a permit issued by the City staff or the Building Official for specified uses after compliance with applicable zoning or development code regulations is determined.

“Agricultural feed yard” means a building or open enclosure, where at least 10 horses or 10 cattle, or 20 sheep, or 10 hogs, or 50 turkeys are kept in a relatively restricted area for intensive feeding for more than three months of the year, as contrasted to open pasturage; provided, that any area where a combination of horses, cattle, sheep, or hogs, totaling 10 or more is so kept and fed, constitutes a feed yard.

“Agriculture” means the tilling of the soil, the raising of crops and animals for private, commercial or industry, horticulture, and gardening.

“Alley” means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

“Antenna” means a device for sending and/or receiving radio, television, data or similar communication signals.

“Apartment” means a dwelling unit within a multi-unit dwelling building.

“Applicant” means the owner of the property that is the subject of the application, or the owner’s agent.

“Application” means a form or checklist supplied by the City indicating the data and information necessary to process the applicant’s proposed project(s).

“Arterial” means a road intended to allow through traffic to and from such major attractions as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators and/or as a route for traffic between communities or large areas.

“Attached building” means units connected on one or more sides to an adjacent unit or units by a common party wall with separate exterior entrances for all unit(s). This shall apply to commercial as well as residential units. (Ord. 2023-05 § 1 (Exh. A), 2023; Ord. 2020-15 § 1 (Exh. A), 2020; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 2.5.1; Ord. 66 §§ 2.1 – 2.12, 1993.)

18.10.020 “B” Definitions.

“Balcony” means a platform that projects from the wall of a building and is surrounded by a railing or balustrade.

“Bed and breakfast inns” means a dwelling, including those dwellings of historical significance in which two to eight rooms are rented out by the day, offering overnight lodging to travelers, and where one or more meals are provided to the guests only, the price of which may be included in the room rate.

“Block” means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad or utility rights-of-way, shorelines of waterways, or boundary lines of municipalities.

~~“Boardinghouse” means a building other than a hotel, cafe, or restaurant with two or more bedrooms where for direct or indirect compensation lodging and/or kitchen facilities or meals are provided for boarders and/or roomers not related to the head of the household by marriage, adoption, or blood.~~

“Building” means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

1. “Building and zoning inspector or official” means the person designated by the City to enforce the ordinance codified in this title and FCC Title 17 as enacted by the City.
2. Building, Attached. See “Attached building.”
3. “Building, detached” means any building or structure separated from another building on the same lot by at least six feet.
4. “Building, main” means the principal building, or one of the principal buildings on a lot, or the building or one of the principal buildings housing a principal use upon a lot.
5. “Building pad line” denotes that area in which the entire new structure must lie. The area of construction disturbance attributable to the structure (as opposed to utilities installation) may not extend beyond 20 feet from the building pad line.
6. “Building, public” means structures constructed by or intended for use by the general public such as libraries, museums, the municipal or public works buildings, etc.

“Business offices” means any site or location which provides space for the transactions, service, or administration by a commercial enterprise and/or where storage of goods and sale of merchandise is minimal and secondary to performance of the service. (Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.13 – 2.24, 1993.)

18.10.030 “C” Definitions.

“Canopy” means a roof structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building with supports extended to the ground directly under the canopy or cantilevered from the building.

“Capital improvements program” means a proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government’s operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

“Child care center” means a facility in which the provision of child day care for 13 or more children occurs on a regular basis.

“Child day care” means the provision (day or night) of supplemental parental care instruction and supervision (a) for a nonrelated child or children; (b) on a regular basis; and (c) for less than 24 hours a day. As used in this title and FCC Title 17, the term is not intended to include babysitting services of a casual, nonrecurring nature or in the child’s own home. Likewise, the term is not intended to include cooperative child care by a group of parents in their respective domiciles.

“City Council” means the City Council of Francis, Utah.

“City Engineer” means the state of Utah licensed engineer designated by the City to furnish engineering assistance for the administration of these and other regulations.

“City staff” means those elected officials, officers, board and commission members, employees, and other agents assigned specific duties by the Mayor, City Council, or Planning Commission.

“Collector roads” means a road intended to move traffic from local roads to arterials. A collector road serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it.

“Common area” means facilities, land and yard areas identified within projects for the use and enjoyment of all the residents and maintained and operated by an organization of property holders of that project.

“Concept plan” means a preliminary plan indicating the proposed use and layout of a development project. Concept plans do not require approval, ~~but must be completed prior to preparation of a preliminary plan.~~

“Conditional use” means a use requiring special consideration and review in the manner set forth in Chapter 18.70 FCC.

“Condominium” means any structure which has been submitted to condominium ownership under the provisions of the Utah Condominium Ownership Act. This includes residential, nonresidential, and any other space.

“Construction plan” means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission or City Engineer as a condition of the approval of the plat.

“Contractor’s storage yard” or “Contractor’s equipment storage yard” means an open space, used by contractors to store equipment, materials, and tools related to their work.

“Coverage” means lot area covered by a building.

“Cul-de-sac” means a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement as well as fire fighting and other public safety equipment. (Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.25 – 2.36, 2.158 – 2.160, 1993.)

18.10.040 “D” Definitions.

“Deck” means a structure which is either freestanding or attached to a principal or accessory structure, constructed at grade or above grade, and may be intended or designed for use as an outdoor living space.

“Developer” means the person, persons, corporation, firm or partnership owning the land proposed to be developed in any way, or a designated legal representative. Consent shall be required from the legal owner of the premises.

“Development credits” means points allocated to parcels of ground in certain districts based on the parcel’s square footage. Development credits shall be used to determine volume of allowed uses. Development credits are nontransferable.

“Dwelling” means a building or portion thereof designed for use as the residence or sleeping place of one or more persons or families with cooking and bathroom facilities, not including hotel, motel, or nursing home rooms.

“Dwelling, multifamily” means a building arranged or designed to be occupied by two or more families living independently of each other in separate but attached dwellings.

“Dwelling, single-family” means a building arranged or designed to be occupied by one family; a structure having only one dwelling unit. (Ord. 2020-09 § 1 (Exh. A), 2020; Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.37 – 2.41, 1993.)

18.10.050 “E” Definitions.

“Easement” means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.

“Escrow” means a deposit of cash with the City or approved alternate entity in lieu of an amount required and still in force on a performance or maintenance guarantee. Such escrow funds shall be deposited in a separate account. (Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.42, 2.43, 1993.)

18.10.060 “F” Definitions.

“Failure” means the omission of expected or required action.

“Family” means an individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than four persons who are not related, living in a dwelling unit as a single housekeeping unit.

“Fence” means a structure constructed for reasons of privacy, security, or aesthetics which is located in such a manner as to separate or divide areas. Includes hedges and masonry walls and may or may not be sight-obscuring or lighttight.

“Final approval” means final approval by the City Council, ~~Board of Adjustment~~, or Planning Commission of a plan, project, rezoning, use, activity, or other action that shall be given after all the requirements set out in the preliminary approval have been met and after all concerns of the reviewing agency regarding such plan, project, rezoning, use, activity, or other action have been addressed and answered. Final approval does not refer to plat approval unless the plat is submitted simultaneously.

“Final plat” means the map or plan or record of a subdivision and any accompanying material, as described in these regulations.

“Flag lot” describes the shape of a lot, where the access to a lot is provided along a long narrow driveway and the lot does not meet minimum lot frontage requirements.

“Floodplain area” means an area adjoining a river, stream, or watercourse, or other body of standing water in which a potential flood hazard exists, due to inundation or overflow of water having sufficient volume and velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses. Any area designated as a floodplain by the Department of Housing and Urban Development or the Federal Emergency Management Agency or any other agency of the United States Government or state and local government agencies, including the City of Francis.

“Floor area” is the area of a building that is enclosed by surrounding exterior walls, excluding a 600-square-foot allowance for garages. It is the intent of this definition to include lower levels into the floor area calculation which are not true basements. A true basement has all four walls underground. Therefore, a lower level will be counted into the floor area of a building if it is less than 80 percent underground or has an outside door (including garage door) visible from public right-of-way. If an entire lower level does not meet the criteria for exclusion from the floor area calculation, no part of the lower level may be excluded. Unenclosed porches, balconies, patios and decks will not be considered floor area. This definition is for planning purposes only and may conflict with other methods of calculating square footage such as the International Building Code.

“Floor area ratio” shall be the floor area as defined in this chapter, divided by the total area of the lot or parcel on which it, the structure, is situated.

“Forestry” means the harvesting and processing of trees.

“Frontage” means that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side on a corner lot.

“Frontage block” means all property abutting one side of a 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.

“Frontage street” means any street to be constructed by the developer or any existing street in which development shall take place on both sides. (Ord. 2020-11 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.44 – 2.54, 1993.)

18.10.070 “G” Definitions.

“Garage, private” means a detached accessory building, or a portion of a main building, used for the storage of motor vehicles for the tenants or occupants of a specific building and not by the general public.

“Garage, public” means a building or a portion thereof, other than a private garage, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

“General plan” means a comprehensive or general plan for development of the City, prepared and adopted by the Planning Commission and City Council, pursuant to state law, and including land use maps or other suitability maps or any part of such plan separately adopted and any amendment to such plan, or parts thereof.

“Geologic hazard” means a hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements, due to the movement, failure, flooding, or shifting of the earth.

“Governing body” means the governing or legislative body of the City (Francis City Council) having the power to adopt, amend or rescind ordinances, including this code.

“Grade” means the slope of a road, street, or other public way, specified in percentage terms and calculated by dividing the difference in elevation between two points by the horizontal distance.

“Grade, finished” means the average elevation of the ground abutting the building or structure at the exterior walls after completion of cutting and/or filling.

“Grade, natural” means elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous site disturbance. Natural grade, when not readily established due to prior modifications in terrain, shall be fixed by reference elevations and slopes at points where the prior disturbance appears to meet the undisturbed portions of the subject property or the adjacent property’s undisturbed grade. The estimated natural grade shall tie into the elevation and slopes of adjoining properties without creating a need for new retaining walls, or abrupt differences in the visual slope and elevation of the land; and not change the direction or flow of runoff water.

“Guarantee” means any form of security including a letter of credit, escrow agreement, bond or instrument of credit in an amount and form satisfactory to the City. All guarantees shall be approved by the City wherever required by these regulations.

~~“Guest house” means an accessory building intended for the inhabitation by nonrent-paying guests. Provides separate cooking and sleeping quarters and is maintained and owned by the primary residence.~~ (Ord. 2024-03 § 1 (Exh. A), 2024; Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.55 – 2.63, 1993.)

18.10.080 “H” Definitions.

“Hard-surfaced” means covered with concrete, asphalt or other impervious surface.

“Health department and health officer” means the agency and person designated by the City to administer the health regulations of the City, county or state. This may be the Summit County Health Department and Director or the applicable Department of Health and Director of the state of Utah.

“Height” means the vertical distance from natural grade to the highest point of a flat or pitched roof. ~~In the commercial (C-1) and city-center (CC) zones, properties within 500 feet of SR 32 or SR 35 may measure height from finished grade to the highest point of a flat or pitched roof if finished grade is at or below the grade of the road at the edge of the asphalt.~~

“Highway, limited access” means a freeway, or expressway, providing a traffic way for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the Utah Department of Transportation, having jurisdiction over such traffic way.

Home Occupation. See Chapter 18.80 FCC for a detailed definition.

“Hotel/motel” means a building containing sleeping rooms for the temporary occupancy of guests. Accessory facilities may include a lobby, meeting rooms, recreation facilities, group dining facilities and/or other facilities or activities customarily associated with hotels or hotel apartments. ~~This does not include lock-outs or boardinghouses.~~

“Hotel room” means a unit consisting of one room, without a kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

~~“Hotel suite” means a unit consisting of living space and a kitchen, intended for temporary living and sleeping purposed and including a separate, exclusive bathroom.~~ (Ord. 2024-03 § 1 (Exh. A), 2024; Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.64 – 2.70, 1993.)

18.10.090 “I” Definitions.

“Impact analysis” means a determination of the potential effect of a proposed residential, commercial, or industrial development upon the community and services it must provide.

Improvements. See “Lot improvements” or “Public improvements.” (Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.71, 2.72, 1993.)

18.10.100 “J” Definitions.

“Joint ownership” among persons shall be construed as the same owner or “constructive ownership” for the purpose of imposing subdivision regulations. (Ord. 2016-09 § 1, 2016; Ord. 66 § 2.73, 1993.)

18.10.110 “K” Definitions.

“Kitchen” means a room or space within a room equipped with such electrical or gas hook-up services which would enable the installation of a range, oven, or like appliance using 220/240 volts or natural gas (or similar fuels) for the preparation of food. (Ord. 2016-09 § 1, 2016; Ord. 66 § 2.74, 1993.)

18.10.120 “L” Definitions.

“Lawn” means ground that is covered with grass or turf that is regularly mowed.

Limits of Disturbance. The limits of disturbance line indicates the area in which construction activity must be contained. Construction disturbance may not extend beyond the limits of the disturbance line as indicated on the subdivision plat unless the City staff has amended the limit as per this code.

“Local government” means Francis, Utah.

Local Government Attorney. See “City attorney.”

Local Government Engineer. See “City Engineer.”

“Local road” means a road intended to provide access to other roads from individual properties and to provide a right-of-way outside the paved road for sewer, water, power lines, curb, gutter, sidewalk, and storm drainage pipes.

“Lot” means a parcel or unit of land describable either by metes and bounds, or by other legal plat designation held or intended to be held in separate ownership or leasehold, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into smaller units. A lot may not necessarily be buildable.

“Lot, corner” means a lot located at the intersection of two streets, the interior angle of the intersection less than 135 degrees.

“Lot depth” means the minimum distance measured from the front property line to the rear of same property boundary.

“Lot improvement” means any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly guaranteed as provided in these regulations.

“Lot line, front” means the property line dividing a lot from the right-of-way of the street. A front setback shall be required for each side of a parcel which borders a public or private street right-of-way, unless a project with private streets has previously designated specific setbacks. See Chapters 18.15 and 18.80 through 18.110 FCC for specific setbacks on unusual lots.

“Lot line, rear” means the property line opposite the front lot line.

“Lot line, side” means any lot line other than a front or rear lot line.

“Lot width” means the minimum distance between the side property lines. (Ord. 2023-08 § 1 (Exh. A), 2023; Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.75 – 2.87, 1993.)

18.10.130 “M” Definitions.

Major Street Plan. See official zoning map or land use or zoning maps. The major street plan is part of these map(s).

~~“Major subdivision” means all subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, infrastructure, or the creation of any new public improvements.~~

Master Plan. See “General plan.”

“Master planned development” means a development consisting of several plats and clustering.

“Model home” means a dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Planning Commission, by permitting a portion of a major subdivision involving no more than two lots to be created according to the procedures for minor subdivisions, as set out in this title and FCC Title 17.

“Municipality” means City of Francis, Utah. (Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.88 – 2.93, 1993.)

18.10.140 “N” Definitions.

“Neglect” means failure to do something that one is bound to do, carelessness.

“Neighborhood park and recreation improvement fund” means a special fund that may be established by the City Council to retain money contributed by developers in accordance with the “money in lieu of land” provisions of these regulations to develop land within reasonable proximity of the land to be subdivided so as to be of local use to the future residents of the subdivision(s).

“Nightly rental” ~~or short-term rental~~ means the rental of a room, apartment, or house or lockout room for a time period of less than 30 days.

“Nonconforming use” means the use of a building, structure, or land which does not conform to current use regulations for the district in which it is situated, but which was in conformity with prior regulations at the time of its establishment, or which was in existence prior to the establishment of use regulations for the district in which it is situated.

“Nonresidential subdivision” means a subdivision whose intended use is other than residential, such as agricultural, commercial or industrial. Such subdivision shall comply with the applicable provisions of the City general plan and the requirements of this title and FCC Title 17.

“Nursery, greenhouse” means a place or structure in which young plants are raised for experimental purposes, for transplanting, or for sale.

“Nursing home” means an institution described also as a “rest home,” or “convalescent home,” other than a hospital, in which persons are lodged and furnished with care rather than diagnoses or treatment. (Ord. 2021-11 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.94 – 2.99, 1993.)

18.10.150 “O” Definitions.

Official Master Plan. See “General plan.”

“Official zoning map” means the map established by the City Council pursuant to law showing the streets, highways, parks, ~~and drainage systems, setback lines,~~ and zoning districts, adopted and established by law, ~~and any amendments or additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.~~

“Off-site” means any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

“One-bedroom apartment” means a dwelling consisting of a living room, a kitchen (which may be a part of the living room), a single room designed and intended as a bedroom, and a bathroom for the exclusive use of that unit, all having a combined floor area of not more than 1,000 square feet.

“Open space” means different separate types dependent upon occupancy, use, and control. All types of open space are referred to collectively as “open space” in this title and FCC Title 17. Any of these types of open space could be public or private open space. They shall include:

- a. “Agricultural open space” means open lands left undisturbed or dedicated primarily as usable agricultural lands for farming and ranching purposes and intended for use by residents of the development, neighborhood or community;
- b. “Natural open space” means natural, undisturbed areas with little or no improvements or irrigation. This may include such areas as ridgelines, slopes over 30 percent, wetlands, stream corridors, trail linkages, or visual linkages. These areas may be subject to an open space conservation easement to ensure that they remain undisturbed and to provide public access as deemed appropriate by the Planning Commission;
- c. “Neighborhood open space” means landscaped areas free of buildings, structures, and other substantial improvements, and includes without limitation (a) outdoor swimming pools, swimming pool areas, hard-surfaced recreational areas, and other recreational areas that are unenclosed, and fences, canopies, bathhouses, and accessory structures for recreation use, whether enclosed or unenclosed; (b) driveways that cross the required yard at approximately right angles and serve fewer than three parking spaces; (c) the ground surface above underground facilities, provided it otherwise qualifies as usable open space under the provisions of this section; (d) pedestrian ways to plazas within a building that are directly oriented to the major pedestrian entrance to the building and are open to view and use by the public; and (e) decks, porches, patios, terraces and steps under 30 inches high, provided they are not covered by a portion of a building;
- d. “Recreational open space” means parks and areas of active recreation use including neighborhood or community centers or clubhouses intended for use by residents of the development, neighborhood or community.

“Ordinance” means any legislative action, however denominated, of the Francis City Council which has the force of law, including any amendment or repeal of any ordinance.

“Owner” means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed or subdivided under these regulations. (Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.100 – 2.106, 1993.)

18.10.160 “P” Definitions.

“Park strip” means a typically narrow landscaped area located between the back-of-curb and sidewalk.

“Parking lot, commercial” means a lot used for the temporary parking of automobiles for compensation.

“Parking lot, private” means a lot used for the temporary parking of automobiles for compensation.

“Parking, public” means a parking area or facility on private or public property to be used by the public. Fees for the use thereof may or may not be involved.

“Parking space” means an area maintained for the parking or storage of an automobile or other vehicle, which is graded for proper drainage and is hard surfaced, porous paved or graded and compacted gravel where specially permitted.

“Parking structure” means a fully enclosed structure designed and intended for parking or storage of more than four vehicles.

“Perimeter street” means any existing street to which the parcel of land to be subdivided abuts on only one side.

“Permitted use” means a use of land allowed by right under the provisions of this title and FCC Title 17.

“Planning Commission” means the Planning Commission of the City of Francis.

“Plat amendment” means a change in a map of an approved or recorded subdivision plat if such change affects any street layout in such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. ~~Also referred to as a “resubdivision.”~~

“Porous paving” means a substantial surfacing material designed and intended to support light vehicular movement. Porous paving includes paving systems such as modular pavers which provide at least 50 percent surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not acceptable as porous paving materials.

“Preliminary ~~plan~~plat” means the preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the ~~Planning Commission and City Council~~Administrative Land Use Authority for approval.

~~“Primary Use” means The primary or main use shall be~~ the purpose for which the premises, land or a building therein is designed, arranged, or intended, or for which it is or may be occupied or maintained.

“Professional office” means a building or space used by persons such as accountants, architects, artists, dentists, designers, engineers, lawyers, physicians, teachers, and others who, by virtue of training and/or license, are qualified to perform services of a professional nature, and/or where no goods or merchandise are sold or stored.

“Property line, front” means that part of a lot which abuts a public or private street or public right-of-way.

“Public improvement” means any drainage ditch or system, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, water or sewer system, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City responsibility is established. All such improvements shall be properly guaranteed and installed as per City codes, specifications and regulations.

“Public use” means a use operated exclusively by a public body, 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, service facilities, and public utilities. (Ord. 2023-08 § 1 (Exh. A), 2023; Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.107 – 2.122, 1993.)

18.10.170 “Q” Definitions.

“Quasi-public use” means 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, and universities, or similar uses. (Ord. 2016-09 § 1, 2016; Ord. 66 § 2.123, 1993.)

18.10.180 “R” Definitions.

“Recreation, commercial” means recreation facilities operated as business on private or public property and open to the public for a fee, such as a golf course, tennis court, equestrian center, skating rink, etc., and support facilities customarily associated with the development.

“Recreation, private” means recreation facilities operated on private property and not open to the public.

“Recreation, public” means recreation facilities operated by a public agency and open to the public with or without a fee.

“Registered engineer” means an engineer properly licensed and registered in the state of Utah.

“Registered land surveyor” means a land surveyor properly licensed and registered in the state of Utah.

“Restaurant” means a building in which food is prepared and served for consumption within the premises.

“Restaurant, drive-in” means a building in which food is prepared and served for consumption on the premises, and which includes a facility which allows food to be ordered and taken from the premises for consumption elsewhere.

~~Resubdivision. See “Plat amendment.”~~

“Right-of-way” means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

“Roads, classification” means for the purpose of providing for the development of the streets, highways, roads, and rights-of-way in and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks and drainage, each existing street, highway, road, and right-of-way, and those located on approved and filed plats, have been designated on the official zoning map of the City and classified therein. The classification of each street, highway, road, and right-of-way is based upon its location in the respective zoning districts of the City and its present and estimated future traffic volume and its relative importance and function as specified in the streets master plan or land use maps or zoning maps. The required improvements shall be measured as set forth for each street classification on the official zoning map.

“Road, dead-end” means a road or a portion of a street with only one vehicular traffic outlet.

“Road right-of-way width” means the distance between property lines measured at right angles to the center line of the street. (Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.124 – 2.135, 1993.)

18.10.190 “S” Definitions.

“Sale or lease” means any immediate or future transfer of ownership, or any interest in land, including contract of sale, lease, devise, intestate succession, or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

“Same ownership” means ownership by the same person, corporation, firm, entity, partnership, or association; or ownership by different corporations, firms, partnerships, entities, or associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or association.

“Satellite receiving station” shall mean and include any apparatus or device which is designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrial and/or orbital based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, satellite microwave antennas, TVROs or dish antennas. This definition does not include conventional television antennas or ham radio antennas.

“Screening” means either (a) a strip of at least 10 feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four feet high at the time of planting, of a type that, for a year-round period, will provide a dense screen at least six feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six feet high. Either subsection (a) or (b) of this definition shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except the following: for each entrance, one directional arrow with the name of the establishment with “For Patrons Only” or like limitation, not over two square feet in area, which shall be nonilluminated. Where required in the [district zoning](#) regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining or nearby properties.

~~“Secondary living quarters” means areas within main dwellings which are used by the property owner or primary tenant as dwellings for the private use of the property owner’s relatives, domestic help, caretakers, nursing staff, house guest, or similar users. This title and FCC Title 17 require these quarters to be small, on the same utility meter system as the main dwelling, with limited access, and not separately rented or leased. Review for this use is undertaken by the Planning and Building Departments at the time of building permit request and is a conditional use.~~

“Semi-detached building” means units connected on one side by an insulated common or party wall with separate exterior entrance for each unit.

“Setback” means the distance between a building and the street line or road right-of-way, or nearest property line thereto.

“Setback, front” means a front setback will be required for each side of a lot bordering a public street or other right-of-way.

Signs. The following definitions pertain specifically to signs and sign regulation in this Code:

a. “A-frame sign” means any sign or structure composed of two sign faces mounted or attached back-to-back in such a manner as to form a basically triangular vertical cross-section through the faces.

b. “Animated sign” means any sign which is designed and constructed to give its message through movement or semblance of movement created through a sequence of progressive changes of parts, lights, or degree of lighting.

c. “Building face” means the visible outer surface of a main exterior wall of a building. The area of the face of the building shall be the total area of such surface including the area of doors and windows which open into surface.

d. Canopy. See “Marquee.”

e. “Erect” means to build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display. Normal maintenance, including refinishing, is not included in this definition provided the sign copy is not changed or altered.

f. “Frontage” means the length of the sides along the street or any other principal public thoroughfare, but not including such length along an alley, watercourse, railroad, street, or thoroughfare with no permitted access.

g. “Marquee” shall mean and include any roofed structure attached to and supported by a building, and projecting over public property.

h. “Monument sign” means a freestanding sign erected on the ground.

i. “Movable, freestanding sign” means any sign not affixed to or erected into the ground.

j. “Off-premises sign” means any sign which advertises products, services or business establishments which are not located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.

k. “On-premises sign” means any sign which advertises products, services, or business establishments which are located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.

l. “Outdoor advertising structure” means a structure erected and maintained for outdoor advertising purposes upon which a poster, bill, printing, or painting may be placed to advertise products, goods, services, or business establishments located, conducted, manufactured, or sold upon the premises on which the structure is erected.

m. “Projecting sign” means any sign attached to a building or structural wall and extending horizontally outward from such wall more than 18 inches.

n. “Roof sign” means any sign which is erected upon or over the roof or over a parapet of any building or structure.

o. “Sign” means any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade names, or trademarks by which anything is made known, such as are used to designate a firm, association, corporation, profession, business, or service, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof, frame, support, fence, or other manmade structure, which are

visible from any public street, public highway, or public road right-of-way. For the purpose of this code, the word “sign” does not include the flag, pennant, or insignia of any nation, state, town, city, or other political unit, or of a nonprofit organization. It shall not include, further, any official notice issued by any court, public body or officer, or directional warning or information sign or structure required or authorized by law.

p. “Sign area” shall mean the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-face sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than 45 degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle large enough to frame the display.

q. “Time and temperature device” means any mechanism that displays the time and temperature, but does not display any commercial advertising or identification.

r. “Wall sign” means any sign posted or painted upon, suspended from, or otherwise affixed to a wall, fascia, canopy, or marquee in an essentially vertical position or with exposed face of the sign in a place approximately parallel with the wall or fascia upon which it is attached.

s. “Wind sign” means any propeller, whirligig, or similar commercial device which is designed to flutter, rotate, or display other movement under the influence of wind. This definition shall not include pennants, flags, or banners.

“Site development standards” means established regulations for lot areas, setbacks, building height, lot coverage, open space, and other regulations deemed necessary to accomplish the goals and purposes of the underlying zoning district.

~~“Sketch plat” means a sketch preparatory to the preparation of the preliminary plan (or subdivision plat in the case of minor subdivisions) to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat and the objectives or conditions of these regulations.~~

“Street, public” means a thoroughfare which has been dedicated and accepted by the Council, which the City has acquired by prescriptive right or which the City owns, or accepted for dedication on an approved final plat, or a thoroughfare which has been dedicated or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues, and boulevards. Any street or road shown on the streets master plan or land use maps or official zoning maps as a public street.

~~“Storage facility” or “Storage yard” means an open area used to store equipment, vehicles, trailers, containers, goods, or materials.~~

~~“Storage units” means rentable, enclosed space typically used for storing personal or business items.~~

“Structure” means anything constructed, the use of which requires fixed location on or in the ground, or attached to something having a fixed location upon the ground and which imposes an impervious material on or above the ground; definition includes “building.” All structures must maintain the minimum setbacks for the district in which they are located, both above and below the ground.

“Studio apartment” means a dwelling unit consisting of a single room equipped for cooking, living, and sleeping, having a separate bathroom or kitchen for the exclusive use of that apartment, all having a combined floor area of not more than 1,000 square feet.

“Subdivider” means any person who (a) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (b) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot parcel site, unit, or plat in a subdivision; or who (c) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision; or who (d) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

“Subdivision” means any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests ~~for the purpose of offer, sale, lease, or development, either on the installment plan or upon any or all other plans, terms, and conditions, including resubdivision.~~ Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

“Subdivision agent” means any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

“Subdivision plat” means the final map or drawing, described in these regulations, on which the subdivider’s plan of subdivision is presented to the ~~Planning Commission and City Council~~ Administrative Land Use Authority for approval and which, if approved, may be submitted to the Summit County Recorder for filing at the subdivider’s expense.

~~Support Commercial Facilities. Examples of support commercial uses are barber shops, beauty salons, travel agencies, clothing stores, gift shops, convenience stores, art galleries, auto rentals, camera stores, liquor stores, pharmacies, sporting goods stores, day care nurseries, information centers, tennis or golf pro shops, or other hotel-lobby-type uses. No use occupying more than 2,000 gross square feet of floor area will be considered as support-commercial. (Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.136 – 2.154, 1993.)~~

18.10.200 “T” Definitions.

“Tandem parking” means parking designs which necessitate parking one vehicle behind another. Such parking may not include more than two cars in depth, and may not require occupants of separate dwellings to park behind one another.

“Temporary improvement” means improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance guarantee.

“Total landscaped area” means improved areas of the property that incorporate all the completed features of the landscape. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, and other nonirrigated areas intentionally left undeveloped. (Ord. 2023-08 § 1 (Exh. A), 2023; Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.155, 2.156, 1993.)

18.10.210 “U” Definitions.

“Unit equivalent” means the relative density factor applied in this title and FCC Title 17 to different sizes and configurations of dwelling units and commercial spaces.

“Use, intensity” means the maximum number of residential units, or commercial, or industrial space within a specified land area designated for that purpose. (Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.161, 2.162, 1993.)

18.10.220 “V” Definitions.

Reserved.

18.10.230 “W” Definitions.

Reserved.

18.10.240 “X” Definitions.

Reserved.

18.10.250 “Y” Definitions.

“Yard” means a required space on a lot other than a court, unoccupied and unobstructed by buildings from the ground upward, except as otherwise provided herein. Yard areas for below-grade structures must be provided unless a variance is obtained.

“Yard, front” means a required space between the front line of the main building and the front lot line or closer right-of-way line of an abutting street or right-of-way and extending across the full width of a lot. The “depth” of the front yard is the minimum distance between the front lot line and the front line of the closest main building.

“Yard, rear” means a required space between the rear line of the building and the rear lot line, or closer public street and extending the full width of the lot. The depth of the rear yard is the minimum distance between the rear lot line and the rear line of the main building.

“Yard, side” means a required space between the side line of the building and the side lot line and extending from the front yard to the rear yard. The “width” of the side yard shall be the minimum distance between the side lot line and the side line of the building. (Ord. 2016-09 § 1, 2016; Ord. 66 §§ 2.163 – 2.166, 1993.)

18.10.260 “Z” Definitions.
Reserved.

Chapter 18.15

SUPPLEMENTARY PROVISIONS

Sections:

- 18.15.010 Purpose.
- 18.15.020 Reduced site requirements.
- 18.15.030 Lot standards.
- 18.15.040 Sale or lease of required space.
- 18.15.050 Sale of lots below minimum space requirements.
- 18.15.060 Fences, walls and hedges.
- 18.15.070 Clear view of intersecting streets.
- 18.15.080 Public utility structures.
- 18.15.090 Zero side yard requirements.
- 18.15.100 Height provisions.
- 18.15.110 Establishments offering alcoholic beverages for sale.
- 18.15.120 Right to farm provisions.
- 18.15.130 Standards for approving storage facilities.
- 18.15.140 Household pets and domesticated farm animals.
- 18.15.150 Nuisance abatement.
- 18.15.160 Parking and access.
- 18.15.170 Landscaping.
- 18.15.180 Location of boats, trailers, campers, and motor homes.
- 18.15.190 Trash and hazardous waste storage.
- 18.15.200 Decks.
- 18.15.210 Accessory dwelling units (ADUs).
- 18.15.220 Short-term rentals.
- [18.15.225 Food trucks.](#)

18.15.010 Purpose.

The regulations in this chapter and Chapters 18.80 through 18.110 FCC qualify or supplement the regulations appearing elsewhere in this title and FCC Title 17. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.1, 1993.)

18.15.020 Reduced site requirements.

Any lot under separate ownership of record prior to the adoption of the original Francis development code, on March 10, 1993, which has dimensions which would prevent building because of the front yard, rear yard, and side yard setback required by the zone in which the lot is located, and any lot which has been approved by the City prior to the effective date of the ordinance codified in this title and FCC Title 17 which would prevent building because of the front yard, rear yard, and side yard setbacks required by the zone in which it is located, shall be deemed to comply with the requirements of the zone in which it is located. The standards of the International Building Code for development on construction on or near lot lines must still be met.

This section is not intended to conflict with FCC 18.15.070 nor shall it be interpreted as taking precedence over the requirements of FCC 18.15.070. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.3, 1993.)

18.15.030 Lot standards.

Except as otherwise provided in this title and FCC Title 17, no building permit shall be issued for a lot unless the lot has the area, width, and depth required by the regulations for the zone in which it is located, and frontage on a street shown on the streets master plan, land use map, official zoning maps or on private easements connecting the lot to a street as shown on the above-mentioned plans or maps. (Ord. 2022-01 § 1 (Exh. A), 2022; Ord. 2016-09 § 1, 2016; Ord. 66 § 3.4, 1993.)

18.15.040 Sale or lease of required space.

No space needed to meet the width, yard area, coverage, parking, or other requirements of this title and FCC Title 17 for lot or building requirements may be sold or leased away from such lot or building. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.5, 1993.)

18.15.050 Sale of lots below minimum space requirements.

No parcel of land which has less than the minimum width and area requirements for the [district-zone](#) in which it is located may be created from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.6, 1993.)

18.15.060 Fences, walls and hedges.

1. Clear View Area. No sight-obscuring fence, wall, or structure in excess of 48 inches in height above road grade which will prevent a clear view to automobile drivers of approaching vehicles or pedestrians shall be placed on a corner lot within a triangular area formed by the street property lines and a line connecting them at points 25 feet from the point of intersection of the street lines. Street trees and other landscaping plantings are permitted within the clear vision area, provided they are pruned and trimmed to a height of not more than 48 inches in height nor less than seven feet above the road grade so as to not obstruct the clear view of motor vehicle drivers.

2. Fences, Walls, Hedges, and Other Structures in a Front Setback. No fence, wall, hedge, planting or other structure extending into or enclosing all or part of the front or side yard setback area adjacent to a street shall be constructed or maintained at a height greater than 48 inches; provided, that where the fence fabric is to be of the chain link or other open mesh type not more than 20 percent opaque and remains nonsight-obscuring, the height may be increased to 72 inches.

3. Fences, Walls, Hedges, and Other Structures in a Side Yard Setback, Corner Lot. No fence, wall, hedge, planting or other structure shall be constructed in the side yard setback of a corner lot exceeding 48 inches unless the following conditions are met:

- a. No portion of the fence, wall, hedge, planting or other structure exceeding 48 inches in height shall be located closer than 20 feet to the property line adjacent to the street, and shall not extend into the front setback area or the clear vision area of the lot as defined in subsection (1) of this section.
- b. The fence, hedge, wall, planting or structure shall not exceed six feet in height.
- c. Placement of the fence, wall, hedge, planting or other structure in the location proposed shall not result in the establishment of a hazardous condition.

4. Fences, Walls, Hedges, and Other Structures on Double Frontage Lots. A sight-obscuring fence, wall, hedge, or other structure may be placed within three feet of the rear property line; provided, that the placement will not result in the establishment of a hazardous condition to adjacent properties as determined by the City Planner. Decisions of the City Planner may be appealed to the Planning Commission.

5. Fences in Other Locations. Fences, walls, and hedges constructed in areas not expressly prohibited may be freely erected; provided, that no fence shall be higher than six feet, unless [the applicant receives a conditional use permit required for a commercial development screen or buffer](#). (Ord. 2016-09 § 1, 2016; Ord. 1999-1 §§ 3.7.1, 3.7.4, 3.7.6, 1999; Ord. 66 § 3.7, 1993.)

18.15.070 Clear view of intersecting streets.

In all zones, no obstruction to public or private street views in excess of two feet in height above road grade shall be placed on any corner lot within a triangular area formed by the streets at the property lines and a line connecting them at points 25 feet from the intersection of the street right-of-way lines, except that landscaping plantings are permitted within the clear vision area, provided they are pruned and trimmed to a height of not more than 48 inches in height nor less than seven feet above the road grade to permit automobile drivers an unobstructed view. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 3.9, 1999; Ord. 66 § 3.9, 1993.)

18.15.080 Public utility structures.

Public utility structures may be permitted on less than the required size lots in any district as approved by the Planning Commission. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.10, 1993.)

18.15.090 Zero side yard requirements.

In subdivisions where the arrangement and placement of buildings are fixed, and so designated on the final plat, the Planning Commission may, after careful review, approve the subdivision waiving one of the required side yards. These reductions are only made to help in the preservation of the open space, common areas, pedestrian walkways or pathways, sensitive natural features, and common parking lots. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.11, 1993.)

18.15.100 Height provisions.

The height of any structure shall not exceed the maximum height of 32 feet in residential zones, 40 feet in the C-1, LI-1, and P-F zones, and 45 feet in the City Center (CC) zone, unless an express exception in this code applies, nor exceed the recommendation of the South Summit Fire District. To allow for attachments which are unoccupied and clearly accessory in nature, the following exceptions apply:

1. Antennas, chimneys, flues, vents, or similar structures may extend up to 10 feet above the specified maximum height limit for the zone.
2. Water towers and mechanical equipment in nonresidential zones may extend up to 10 feet above the specified maximum height limit.
3. Church spires, bell towers, clock towers, cupolas, and like architectural elements on nonresidential lots may extend over the specified maximum height limit but shall not contain any habitable spaces above the maximum zone height stated. These elements must be approved as part of the site plan review and under no circumstances shall be more than 50 feet above grade unless approved as part of a conditional use permit. (Ord. 2024-07 § 1 (Exh. A), 2024; Ord. 2024-03 § 1 (Exh. A), 2024; Ord. 2016-09 § 1, 2016; Ord. 2008- § 3.13, 2008; Ord. 1999-1 § 3.13, 1999; Ord. 66 § 3.13, 1993.)

18.15.110 Establishments offering alcoholic beverages for sale.

Any application for a permit to operate an establishment that offers alcoholic beverages for sale must first be reviewed for local consent by the City Council, which the City Council may grant or deny, in its sole and absolute discretion. ~~If the City Council votes to grant local consent, the application will then be considered by the Planning Commission and City Council as a conditional use in accordance with FCC Title 17 and this title and in accordance with governing Utah law.~~ (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.15, 1993.)

18.15.120 Right to farm provisions.

Francis has areas that have traditionally been agriculture. The City Council places a high value on the protection and preservation of agricultural land. At the discretion of the City staff, developments that border an agricultural area, contain within them an agricultural or irrigation right-of-way or easement, or will contain an agricultural open space or preservation, shall have additional requirements imposed upon the developer in the form of an analysis to be reviewed and implemented as part of the ~~conditional use process~~ [commercial development](#) or subdivision process. This impact analysis shall be used to determine the impact(s) on associated farming and/or livestock operations affected by the development, and implement mitigation and protection designs in the development to alleviate conflicts with the affected agricultural operations.

The developer is responsible for the performance of the analysis with the input and review by the City. The Planning Commission and developer shall use the following review guidelines or issues in determining the impact on farming operations of the development, and will apply appropriate conditions during the approval process to insure that the farm or ranch affected is assured a right to farm without undue burden of residential or commercial growth and complaints by neighbors. All rights to farm are preserved to the best ability of the City, taking into consideration practical land use applications and private property rights and concerns.

The following factors shall be used as guidelines or issues in the preparation and review of the agricultural impact analysis. Solutions may be developed as permit conditions and restrictive covenants or agreements:

1. Protection of irrigation access and maintenance of ditches and canals.

2. Safety and protection of the public from ditches, canals, ponds and drainage systems.
3. Livestock movement corridor protections and safety concerns.
4. Fencing safety (i.e. electrical, barbed wire) and design.
5. Private property protection issues.
6. Hunting protection, access and livestock safety concerns.
7. Protection of farm equipment ingress and egress.
8. Erosion and soil protection and conservation concerns.
9. Drainage of the subdivision and designs to minimize the impact on agricultural lands and soils.
10. Noxious weeds, pests and pet (dog) controls in the subdivision.
11. Provisions, acknowledgments and understandings by new property owners (including hold harmless agreements if necessary) that farm work hours run late and begin early and that farm operations may contribute to noises and odors objectionable to some subdivision residents.
12. Screening provisions and landscaping designs to reduce noise or visual impacts.

Any other provisions or concerns that the Planning Commission deems necessary to protect the rights to farm on adjoining or appurtenant properties.

These provisions are not in any way intended to relieve an agricultural landowner of appropriate responsibility. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.21, 1993.)

18.15.130 Standards for approving storage facilities.

The intent and purpose of this section is to protect the community and neighboring properties from litter, vermin, a loss of property value, or other ill effects of unsightly or uncontained storage, junk or salvage yards.

1. Scope. The provisions of this section shall apply to storage facilities authorized by which zone they are applied for.
2. Requirements. The City Planner may grant a permit for a storage yard, provided the following conditions are met:
 - a. Such use is located in the ~~AG-1, AG-2 or LI-1 zone and has main primary access off of major arterial roads: State Road 32 or State Road 35.~~
 - b. All facilities shall provide an attractive eight-foot sight-obscuring fence of substantial nature on surrounding property lines. The fence materials may not include vinyl, chain-link, or residential wood slat. The fence shall be set back four to eight feet from the property line(s) adjacent to public streets to allow for landscaping.
 - c. All storage facilities must meet setbacks of current property zones or uses they are adjacent to. Current use will supersede zoning.
 - d. Follow City noise ordinance.
 - e. Follow commercial ~~design-development~~ standards as outlined in the following sections: FCC 18.45.030 (Permitted accessory uses), 18.45.040 (Lot area), 18.~~45~~~~115-100-170~~ (Trash, material storage, and pollution), 18.~~45~~~~115-110-090~~ (Landscaping), 18.~~45-120~~~~115-110~~ (Grading and drainage), 18.~~45-130~~~~115-120~~ (Utilities), 18.~~45-170~~~~115-130~~ (Service and loading areas), 18.100.100 (Off-street parking), ~~18-115-080(1) (Landscaping requirements)~~, and Chapter 18.118 FCC (Commercial Outdoor Lighting).

~~3. Signage. If the storage yard is in an AG-1 or AG-2 zone, a maximum of two wall signs, not to exceed 32 square feet each measured from the farthest extent of the sign to form a rectangle, may be mounted on the fence at the front~~

~~property line, with a maximum of one sign mounted on each side of the entrance. No part of any sign shall extend above the fence upon which it is mounted.~~ (Ord. 2021-06 § 1 (Exh. A), 2021; Ord. 2020-06/2020-11 § 1 (Exh. A), 2020; Ord. 2016-09 § 1, 2016; Ord. 2008- § 3.22, 2008; Ord. 1999-1 § 3.31 [3.22], 1999; Ord. 66 § 3.22, 1993.)

18.15.140 Household pets and domesticated farm animals.

Domesticated farm animals include horses, cattle, sheep, llamas, pigs, chickens, goats and donkeys. Household animals include dogs and cats. Platted subdivisions are defined as any division of a tract of land or parcel of land into more than four lots for the purpose of development and zoned R-H, R-C, or M-F, or [aAG-1 or AG-2](#) conservation subdivision ~~(not including designated agricultural open space).~~

1. Areas of Francis City which have historically been agricultural and are not part of platted subdivisions are allowed to have such domesticated farm animals as can be properly cared for on each lot.
2. Areas of Francis City within platted subdivisions are permitted to have two horses or cattle, or four sheep, llamas, goats or donkeys per contiguous half acre devoted exclusively to their care. Additional animal densities may be approved through the conditional use process.
3. No more than three household animals are permitted per ~~half-acre lot in platted subdivisions,; however, additional densities may be approved through the conditional use process.~~
4. No domesticated farm animals are permitted in the R-C ~~or M-F~~ zone.
5. In platted subdivisions, chickens may be kept only pursuant to the following provisions:
 - a. Up to six hens are allowed per household or property address. No crowing hens or roosters are permitted.
 - b. All coops must be located in the rear portion of the lot and must ~~meet the Francis City minimum~~ setback [at least requirements of](#) 12 feet for side yards and 25 feet from the rear property line. In addition, no coop may be located within 30 feet of the nearest dwelling unit on adjacent properties.
 - c. Coops must be constructed with solid walls on all sides, except for access by chickens. Coops must have a solid roof and be built to prevent intrusion, including by burrowing, from all types of rodents, vermin and predatory animals.
 - d. Chickens must be confined within a secure area that ensures they will not leave the owner's property.
 - e. Coops, pens and/or runs must be cleaned so that there is no odor.
 - f. Chickens may be kept for personal use only. No sale or income resulting from the keeping of chickens is allowed. (Ord. 2022-01 § 1 (Exh. A), 2022; Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 2013-02 §§ 1, 2, 2013; Ord. 2012-06 §§ 1, 2, 2012; Ord. 2008- § 3.24, 2008; Ord. 66 § 3.24, 1993.)

18.15.150 Nuisance abatement.

The provisions of this section shall apply in all zones in Francis City.

1. Definitions.

“Junk” includes, but is not limited to, scrap or remnant building materials, lumber or metals; discarded furniture, fixtures or appliances; motor vehicle parts and tires; wrecked or nonoperational, unlicensed or abandoned vehicles or trailers; inoperable, abandoned, demolished, or dismantled machinery; boats and other goods and equipment in such condition of deterioration or disrepair as to be unusable in their existing condition.

“Rubbish” and “debris” mean all waste, refuse and rejected matter and material, whether animal, vegetable or mineral, manufactured or natural.

2. Unlawful Accumulations.

a. It shall be deemed a public nuisance and unlawful to deposit, accumulate, store, keep, abandon or to permit the accumulation, storage, keeping or abandonment of junk, rubbish or debris in an open area or yard on private or public property within the City. All such materials must be screened from public streets and adjacent property or stored within an enclosed building.

b. It is unlawful for any person to place, leave, dump or permit to accumulate any garbage, rubbish or trash in any building or on any premises, improved or vacant, or on any open lot or alley so that the same shall or may afford food or harborage for rats or other vermin. (Ord. 2024-09 § 1 (Exh. A), 2024; Ord. 2016-09 § 1, 2016.)

18.15.160 Parking and access.

Each residential dwelling unit is required to provide off-street parking in accordance with FCC 18.100.100. (Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.3.10, 1993.)

18.15.170 Landscaping.

All property located in front of the residential structure and the front setback, except driveways, parking areas, walkways, utility areas, improved decks, patios, and porches, shall be maintained with suitable landscaping of plants, shrubs, trees, grass or other landscaping materials.

The following water conservation outdoor landscaping standards apply to residential front and side yards and to developer/contractor installed residential area landscaping:

1. Lawn shall not be less than eight feet wide at its narrowest point.
2. Lawn shall not exceed 50 percent of the total landscaped area.
3. Small residential lots, which have no back yards, where the total landscaped area is less than 250 square feet, and where the front yard dimensions cannot accommodate the minimum eight feet wide lawn area requirement, are exempt from the eight foot minimum lawn area requirement and maximum of 50 percent lawn requirement.
4. Lawn shall not be installed in park strips, paths, or on slopes greater than 25 percent or 4:1 grade.
5. In multifamily development common area landscapes, lawn areas shall not exceed 20 percent of the total landscaped area, outside of areas of the landscape dedicated to active play where lawn may be used as the playing surface (e.g., sports fields and play areas).

[6. The Localscape approach \(localscapes.com\) is recommended.](#) (Ord. 2023-08 § 1 (Exh. A), 2023; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.3.11, 1993.)

18.15.180 Location of boats, trailers, campers, and motor homes.

Boats, trailers, campers and motor homes may not be stored in the front yard setback, the side yard setback of a corner lot, or in the street in front of a lot in excess of 24 hours, except that a vehicle owned by a guest of the resident may be stored in a required front yard setback or side yard setback of a corner lot for up to 14 consecutive days per calendar quarter. A motor home or RV may be occupied by a guest or guests of the resident for up to 14 consecutive days per calendar quarter. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.3.12, 1993.)

18.15.190 Trash and hazardous waste storage.

All trash storage areas shall be screened from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public. (Ord. 2024-09 § 1 (Exh. A), 2024; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.3.13, 1993.)

18.15.200 Decks.

Residential decks are to be built per International Residential Code R507 Exterior Decks. Commercial decks are to be built per International Building Code 1604.8.3.

All decks must be permitted and inspected, except those less than or equal to 200 square feet, less than or equal to 30 inches above grade, not attached to dwelling, and not serving required exit door.

The following yard setback requirements shall apply on all lots in all zones:

1. Front Yard Setback. The minimum front yard for all decks shall be 25 feet, except in the R-C zone and in conservation subdivisions the minimum front yard for all decks shall be 20 feet.
2. Side Yard Setback. The minimum side yard for all decks on interior lots shall be 10 feet.
3. Rear Yard Setback. The minimum rear yard for all decks shall be 10 feet.

All decks require a building permit. (Ord. 2022-01 § 1 (Exh. A), 2022; Ord. 2020-09 § 1 (Exh. A), 2020.)

18.15.210 Accessory dwelling units (ADUs).

1. Purpose and Intent. The purposes of this section are to assist in the creation of new housing units; to support a more efficient use of existing housing stock and infrastructure; to provide housing that responds to changing family needs, smaller households, and increasing housing costs; and to provide reasonable regulations for the construction and use of accessory dwelling units within the City.

The Planning Department is vested with authority to review and evaluate applications under this section and to approve, approve with conditions, or deny any such application. Conditions imposed for approval shall be designed to mitigate any adverse effects of an ADU.

2. Limitations On Accessory Dwelling Units.

a. External accessory dwelling units (“EADUs”) are allowed as a permitted use in the AG-1, AG-2 or R-H zones on lots greater than or equal to one-half acre if the following conditions are met:

- i. The EADU must meet the same residential setback requirements as the zone in which it is located;
- ii. Not more than one EADU or IADU is allowed per parcel;
- iii. HOA or CC&R requirements must be met;
- iv. A building permit must be obtained for an EADU before it is constructed, and all inspections must be complete before occupancy;
- v. EADU living space may not exceed 1,000 square feet;
- vi. An EADU shall provide kitchen, sleeping, and sanitary facilities that are separate from those provided within the primary dwelling unit;
- vii. The EADU shall be used exclusively for the purpose of family or guest use or of offering a long-term rental of 30 days or longer;
- viii. The EADU may house a maximum of four unrelated tenants;
- ix. Two off-street designated parking stalls shall be provided for the EADU separate from what is required for the primary dwelling;
- x. The EADU may be connected to and served by the same utility lines as the principal dwelling; however, the property owner shall have two City utility service accounts, with the owner responsible for both accounts. The two dwelling units will total 150 percent of water allotted by the City. In the event of an overage, the principal dwelling account will be charged additionally. Impact fees (water, sewer and road) will also be charged for the additional unit;
- xi. An EADU will not be given a separate address by the City. Residences with EADUs may refer mail to the EADU by the same street address as the residence and refer to the owner-occupant as located in unit “A” and the tenant(s) in the EADU as located in unit “B,” or by similar logical distinction;

xii. Mobile homes, recreational vehicles, travel/camp trailers and similar units are prohibited for use as an EADU or for any other dwelling purpose under this title; and

xiii. An EADU shall not be used as a short-term rental, shall not be listed for rental on a short-term rental website or for short-term rental in any other media or publication.

b. Internal accessory dwelling units (“IADUs”) are allowed as a permitted use in a single-family dwelling in the AG-1, AG-2, R-H, and R-C zones. They are not allowed as a permitted use in the M-F residential zones.

i. A maximum of one IADU is allowed per single-family dwelling. An IADU is prohibited in single-family attached dwellings such as, but not limited to, duplexes, twin homes, townhomes, and quadplexes;

ii. The IADU shall be located within the footprint of the primary dwelling at the time the IADU is created;

iii. The IADU shall be used exclusively for the purpose of family or guest use or of offering a long-term rental of 30 days or longer;

iv. The IADU may house a maximum of four unrelated tenants;

v. A primary dwelling with an IADU shall provide parking in a manner consistent with the City’s parking ordinances, rules, and regulations. In addition to the parking standards of the City and in the applicable zone, there shall be at least one off-street parking stall for an IADU. If an IADU is created within a garage or carport, the parking stalls previously contained within the garage or carport shall be replaced with an equal number of off-street parking stalls;

vi. The IADU shall comply with all applicable building, health, and fire codes;

vii. The IADU shall be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;

viii. An IADU is prohibited within any mobile home (as defined by Section 57-16-3, Utah Code Annotated);

ix. If the primary dwelling is served by a septic tank, written approval shall be required from the Summit County Health Department;

x. The lot or parcel on which the primary dwelling is located shall be at least 6,000 square feet in size;

xi. An IADU shall provide kitchen, sleeping, and sanitary facilities that are separate from those provided within the primary dwelling unit;

xii. The IADU shall share all utility meters with the primary residence;

xiii. An IADU will not be given a separate address by the City. Residences with IADUs may refer mail to the IADU by the same street address as the residence and refer to the owner-occupant as located in unit “A” and the tenant(s) in the IADU as located in unit “B,” or by similar logical distinction; and

xiv. An IADU shall not be used as a short-term rental, shall not be listed for rental on a short-term rental website or for short-term rental in any other media or publication.

3. ADU Application and Permit.

a. Every owner of an IADU or EADU in the City shall obtain an ADU permit before any portion of a single-family residence is used for that purpose or before an EADU is constructed. A permit issued under this section does not run with the land and expires upon the residence failing to be owner-occupied or upon the sale of the residence.

- b. An application for an ADU permit shall be filed with the Planning Department and accompanied by the fee required by the fee and rate schedule.
- c. An applicant shall file a site plan and floor plan with the application. The site plan and floor plan shall demonstrate that all requirements of this section are met, including without limitation requirements related to: compliance with all health, building and fire codes; parking requirements; size of the ADU; utility services; and kitchen, sleeping and sanitary facilities.
- d. The site plan and floor plan shall be drawn accurately to scale showing property lines and dimensions, the location of existing buildings or additions, distances from buildings or additions to property lines, the location of parking stalls, utility meters, entrances to the home, and areas within the single-family residence to be used as an ADU.

4. Noncompliance – Revocation or Withdrawal of Permit. A permit for an ADU may be revoked or withdrawn in the following circumstances:

- a. The conditions upon which the permit has been issued no longer are maintained by the property owner;
- b. The requirements of this section or the permit have been violated; or
- c. The property owner applies for a withdrawal by submitting a sworn declaration that the property owner or lawful tenant is not allowing and will not allow any occupant to use the accessory dwelling unit in violation of this section.

5. Enforcement – Revocation of Permit. In the event of a violation of this section, enforcement and revocation proceedings may be commenced as provided in this title. (Ord. 2024-08 § 1 (Exh. A), 2024; Ord. 2023-05 § 1 (Exh. A), 2023; Ord. 2023-04 § 1 (Exh. A), 2023; Ord. 2021-19 § 1 (Exh. A), 2021; Ord. 2020-15 § 1 (Exh. A), 2020.)

18.15.220 Short-term rentals.

1. Purpose – Allowed Locations. The purpose of this section is to establish the process for permitting of short-term rentals whether as a vacation rental or otherwise. The intent is to protect the integrity and characteristics of established land use districts by ensuring that short-term or vacation rentals are operated in a manner that minimizes negative impacts of those uses on neighbors, public services, and the surrounding community. A short-term rental use is allowed as a conditional use in any residential zone when there is not already a short-term rental permit issued within 500 feet. The maximum number of short-term rental permits that shall be issued in the City is 3% of the total number of residential properties in the City.

2. Planning Commission-Department Review. The Planning Commission-Department is vested with authority to review and evaluate applications under this section and to approve, approve with conditions, or deny any such application.

3. Definitions.

- a. Responsible Party. The owner(s), agent(s) or management company responsible for the operation and maintenance of the short-term rental property and for its compliance with all laws, rules and regulations applicable to the same. The responsible party must respond to a complaint in person within one hour.
- b. Occupant(s). The individual(s) renting or residing in a short-term rental dwelling unit.
- c. Pets. Dogs, cats, or other domesticated animals allowed under City ordinances that, with permission of the responsible party, accompany the occupants of the short-term rental.

4. Permit Required. A conditional use short-term rental permit, business license, and all licenses and permits required by the Summit County Health Department and the State shall be required for all properties used as short-term rentals. The fee required by the fee and rate ordinance shall accompany the conditional use permit application. Short-term rental permits are not transferable. If the property is sold, the new owner(s) must apply for a permit if they wish to continue the use.

5. Application for Permit. The application for a [conditional-use-short-term rental](#) permit shall be made on forms provided by the City and shall include a phone contact number and email address for the owner and, as applicable, the responsible party. The application shall be accompanied by a site plan and floor plan that demonstrate that all requirements of this section are met. The plans shall be drawn to scale showing the location of all buildings, property lines, distances from property lines to all buildings, the location of all parking stalls, utility meters, entrances, and such other information as may be required by the application. The drawings shall also demonstrate compliance with all applicable building, health, and fire codes. If the application is made by any person other than the owner of the property, or if the property is not owner-occupied or owner-managed, the application shall be accompanied by a signed document demonstrating the owner's permission to use the premises as a short-term rental, identifying the responsible party, and providing all details about the identity and business operations of the responsible party as may be required in the application.

6. Prior to operating a short-term rental, the owner or responsible party shall obtain [conditional-use](#) approval and shall meet all requirements of the [conditional-use](#) permit. At the time of, or prior to, receiving conditional use approval, the responsible party shall register the business with the state, and obtain a state sales tax ID number; proof of the same shall be filed with the City.

7. Review. The Planning [Commission-Department](#) shall review complete applications for a [conditional-use-short-term rental](#) permit under this section and shall approve, approve with conditions, or deny the application based on the criteria listed in this section. In addition to the requirements of this section, the Planning Commission may impose conditions that are necessary to mitigate the potential adverse effects of the short-term rental on neighbors and nearby uses.

8. Reports and Taxes. The responsible party shall comply with all reporting requirements incident to the use as a short-term rental property, and shall collect and remit all sales, resort, and transient room taxes to the State Tax Commission.

9. Noise, Nuisances and Adverse Effects of Use. The responsible party shall regulate the occupancy of the short-term rental and ensure that:

- a. Occupants and their pets do not create noise or other conditions that by reason of time, nature, intensity or duration are out of character with noise and conditions customarily experienced in the surrounding neighborhood;
- b. Occupants do not disturb the peace of surrounding residents by engaging in outside recreational activities or other activities that adversely affect nearby properties before 7:00 a.m. or after 10:00 p.m.;
- c. Occupants and their pets do not interfere with the privacy of nearby residents or trespass onto nearby properties;
- d. Occupants do not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol; and
- e. The premises, responsible party and all occupants strictly comply with Utah Administrative Code Rule R392-502, Public Lodging Facility Sanitation.

10. Parking. On-street parking is prohibited. An off-street parking stall shall be provided for each vehicle, including trailers, an occupant brings to the premises of the short-term rental. The number of occupants' vehicles shall not exceed the number of bedrooms available in the short-term rental. Vehicles parked at the short-term rental shall not impede clear sight distances, create a nuisance or hazard, violate any City laws or winter-restricted parking requirement, or infringe on the property rights of any adjacent or nearby property. Parking of vehicles shall be entirely within a garage or carport, or upon a driveway or other gravel or paved surface. Parking is prohibited within any landscape area.

11. Camping Equipment, Facilities, and Other Temporary Facilities. All short-term rentals shall be conducted entirely within an approved residential dwelling unit. Occupied camp trailers, travel trailers, recreational vehicles, tents, yurts, or any similar structures are prohibited.

12. Signage – Exterior and Interior. Exterior signage other than ordinary street address signage is prohibited. The responsible party shall provide a prominent display within the dwelling unit that provides, at minimum, the following information:

- a. Contact information for the responsible party at which it may be contacted at any time (24/7);
- b. All local regulations addressing noise, parking, pets, trespassing, illegal activity, and conduct; and
- c. Any additional rules or regulations imposed by the responsible party.

13. Maintenance and Standards. Any property licensed as a short-term rental shall conform to the following standards:

- a. Structures shall be properly maintained and all facilities such as plumbing, HVAC equipment, appliances, etc., kept in a condition that is fully operational and otherwise in good repair.
- b. Grounds and landscaped areas shall be properly maintained to ensure that the use does not detract from the general appearance of the neighborhood or create any hazard or nuisance to the occupants or to neighboring properties.
- c. Each habitable space shall meet current federal, state, and local building and health codes, and shall be equipped with fully functional smoke and carbon monoxide detectors located at places within the dwelling unit that comply with applicable building codes.
- d. Garbage shall be placed in City-approved receptacles, shall not be allowed to accumulate on the property and shall be removed on regularly scheduled pickup days.
- e. A fully functional fire extinguisher shall be located in an easily accessible location.
- f. A fire exit route plan and statement of the maximum occupancy number for the premises shall be prominently posted.
- g. The responsible party shall comply with all inspection requirements of the state, Summit County, and the City.

14. Complaints. Complaints received by the City for any violation of this section will be handled as follows:

- a. A first complaint will result in an investigation and, if warranted, the City will issue a written warning to the responsible party; said warning shall provide notice of the complaint, a description of any violation, and actions to be performed to correct a violation. Upon receipt of a second complaint, the City will conduct an investigation, and if warranted, will take one of the following courses of action:
 - i. Issue another warning;
 - ii. Issue a citation for violation of City ordinances or rules in accordance with Chapter 18.145 FCC, Penalties;
 - iii. Initiate formal cause proceedings to revoke the ~~conditional-use short-term rental~~ permit and business license; or
 - iv. Initiate revocation proceedings as provided in this section.
- b. In the event of an order to formal proceedings, the responsible party shall appear before an administrative law judge to demonstrate, by clear and convincing evidence, why the ~~conditional-use short-term rental~~ permit should not immediately be revoked. If the responsible party fails to appear, the facts alleged in the notice for the formal proceeding shall be deemed to be true and the administrative law judge may take such action as it deems appropriate, including revocation of the ~~conditional-use short-term rental~~ permit.

c. Notwithstanding any other remedy in this section, violations of federal, state, or local laws may be prosecuted in any court or administrative tribunal having jurisdiction over the matter. (Ord. 2021-19 § 1 (Exh. A), 2021.)

18.15.225 Food trucks.

A. Definition

Food Truck: A fully encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption.

B. License required: No person shall sell food from a motorized vehicle or trailer without obtaining a Francis City business license prior to beginning operation. Each party engaged in such a business shall display the business license in a conspicuous location at the point of sale on the lower left (driver) side of the windshield of the vehicle. The City may deny, suspend, or revoke a license if the applicant or licensee:

1. Has violated any provision of this Title or the business license requirements;
2. When applicable, has been convicted of a felony or has served a sentence for a felony conviction within five years, or a misdemeanor within the last three years involving controlled substances, alcohol, sex crimes, contributing to the delinquency of a minor, theft, possession of stolen property or, any other criminal act with might relate to the operation of the business.

C. Application: Application must be made at least 10 business days prior to operation of the business.

D. Business License: The business license shall be for a one year period and renewed annually. The license shall run from January 1st of the year to December 31st.

E. Multiple Vehicles: A separate business license is required for each motorized vehicle engaged in a Mobile Food Vendor Business. Each business license shall be tied to the license plate number of the vehicle.

F. Reciprocity: Where applicable, Francis City recognizes the business licenses, health permits, and fire inspections of other municipalities in accordance with Utah State Code when considering business license applications.

G. Conditions and Requirements for Food Trucks:

1. General Requirements

1. The vehicle shall be inspected by the health, police, and fire departments.
2. Each applicant for a license or renewal under this Section shall submit with its application evidence of general liability insurance in an amount not less than \$500,000 when using motorized vehicles. The applicant must submit to the City a certificate of insurance that provides that the policy cannot be canceled prior to giving the City at least 10 days written notice of cancellations.
3. The motorized vehicle and operator must comply with all other requirements of this Chapter and any other requirements of ordinance or statute that may be applicable.
4. The volume of any audio equipment used to advertise for the business must be approved by the Planning Department.
5. Applicant shall provide a sales tax license number for Francis City.

6. Anyone under the age of eighteen (18) years of age shall not engage in a Food Truck without an accompanying adult.
7. A building permit shall be obtained for any electrical connections.
8. Retail sales are restricted to Commercial and City Center Zones. Retail sales are permitted at parks or on public property as part of a special event with permission of the City.
9. Food Trucks shall comply with all requirements of the zoning code, as outlined in Title 18.
10. For each location the following shall be submitted as part of the application:
 1. Days and hours of operation.
 2. A letter of authorization from the property owner.
 3. A site plan, including the location of the food truck, signage, and dining areas.
 4. Any proposed signage.
11. Food Trucks shall not be permitted to be on a public street or within the public right of way unless as part of a special event and with written permission from the City.

Chapter 18.20
PURPOSE AND TABLES

Sections:

- 18.20.010 Generally.
- 18.20.020 Density requirement table.
- 18.20.030 Setback and frontage requirement table.
- 18.20.040 Prior created lots of record.
- 18.20.050 One dwelling per lot.

18.20.010 Generally.

The regulations set forth in this division detail each of the zone districts and describe the various uses, both permitted and conditional allowed in each zone. Uses not expressly allowed as a permitted or conditional use are not allowed in the zone.

Any applicant desiring a use not expressly allowed must complete the provisions for a code amendment in accordance with Chapter 18.140 FCC. Additionally, if a determination of whether or not a particular use is allowed in a zone, the applicant will apply for a written determination from the City Council. The Council will discuss the use at the next Council meeting with adequate time to fully discuss the proposed use and will provide the applicant with a written determination. In no case shall the City Council approve a use which is clearly not allowed in that zone without following the correct amendment procedure found in Chapter 18.140 FCC. (Ord. 2016-09 § 1, 2016; Ord. 66, 1993.)

18.20.020 Density requirement table.

Density

Zone	Minimum Lot Size	Density (dwellings per acre)
Agricultural, AG-2	2 Acres	1 Dwelling Per Two Acres
Agricultural, AG-1	1 Acre	1 Dwelling Per One Acre
Residential Half, RH	One-Half Acre	1 Dwelling Per Half Acre
Residential Cottage, RC	7,000 sq. ft.	

(Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2, 1993.)

18.20.030 Setback and frontage requirement table.

Setbacks and Frontage

Zone	Front (from property line)	Side*	Rear	Frontage Min.
Agricultural, AG-2	35 ft.	12 ft.	30 ft.	150 ft.
Agricultural, AG-1	30 ft.	12 ft.	25 ft.	150 ft.
Residential Half, RH	30 ft.	12 ft.	25 ft.	100 ft.
Residential Cottage, RC	25 ft. See FCC 18.040.050	10 ft.	See FCC 18.040.050 20 ft.	70 ft.

Zone	Front (from property line)	Side*	Rear	Frontage Min.
Commercial, C1 City Center, CC	10 ft.	0 ft. See FCC 18.45.070, FCC 18.57.070, and FCC 18.115.100 (15 ft. when adjoining existing residence)	0 ft. See FCC 18.45.070, FCC 18.57.070, and FCC 18.115.100 (20 ft. when adjoining existing residence)	35 ft.
Public Facilities, P-F	30 ft.	see Ch. See FCC 18.50 FCC	20 ft.	50 ft.
Light Industrial, LI-1	30 ft.	30 ft.	30 ft.	50 ft.

*See this title and FCC Title 17 for corner lot setbacks.

(Ord. 2021-02 § 1 (Exh. A), 2021; Ord. 2017-04 § 1, 2017; Ord. 2016-09 § 1, 2016; Ord. 2008- , 2008; Ord. 66 § 5.2, 1993.)

18.20.040 Prior created lots of record.

Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the adoption of this title and FCC Title 17 shall not be denied a building permit solely for reason of nonconformance with the parcel or density requirements of this chapter and are declared a nonconforming use under this title and FCC Title 17. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.1.5, 1993.)

18.20.050 One dwelling per lot.

Not more than one primary single-family dwelling may be placed upon a lot or parcel of land in a residential zone. (Ord. 2016-09 § 1, 2016.)

Chapter 18.25

AG-2 AGRICULTURAL TWO ACRE ZONE

Sections:

- 18.25.010 AG-2 agricultural two acre zone established.
18.25.020 Permitted and conditional uses.
18.25.030 Minimum lot area/density.
18.25.040 Lot frontage.
~~18.25.050 Lots of record.~~
18.25.~~060~~~~050~~ Yard requirements – Dwellings and main buildings.
18.25.~~070~~~~060~~ Yard requirements for accessory buildings.

18.25.010 AG-2 agricultural two acre zone established.

The AG-2 agricultural two acre zone is established to provide areas where single-family residential development and associated uses may be harmoniously integrated with agricultural pursuits. This zone is intended to allow the keeping of farm animals in conjunction with single-family dwelling units, yet retain land in parcels large enough to provide efficient and attractive development or as clustered developments to encourage natural or agricultural open spaces. The AG-2 zone is also intended to accommodate equestrian-oriented residential developments, allowing a design which could contain ~~noncommercial~~ stables, training areas and equestrian or pedestrian trails as an integral part of the development. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.3, 1993.)

18.25.020 Permitted and conditional uses.

Any use not listed in this table shall be strictly prohibited.

Type: AG-2 Use	Allowed	Conditional Use Permit	Business License
Accessory structure Garage, workshop, home office, exercise room, sunroom, or similar uses. No bedrooms. Half bathroom only (no bathtub or shower).	✓		
Accessory apartments, in accordance with FCC 18.15.210	✓		
Agriculture activities	✓		
Animal accessory building minimum distance 40 feet from any dwelling or proposed dwelling	✓		
Animal hospital/clinic	✓	-	✓
Contractor's equipment storage yard, FCC 18.15.130	✓	-	✓
Contractor's storage yard, FCC 18.15.130	✓	-	✓
Equestrian training facilities	✓		✓
Feed yards	✓		
Field and seed crops and related activities	✓		
Firewood and coal yards	✓		
Fruit and vegetable stands <u>for the selling of farm products, not to exceed 600 square feet in area and limited to one stand per lot</u>	✓		✓
Golf course		✓	✓
Home occupation as regulated by business license and Chapter 18.80 FCC	✓		✓
Kennels, <u>noncommercial</u>	✓	✓	

Type: AG-2 Use	Allowed	Conditional Use Permit	Business License
Manufactured homes, detached, which satisfy the Department standards which are placed upon permanent foundation of reinforced concrete in accordance with IBC International Building Code standards and which satisfy the snow load requirements for their location	✓		
Noncommercial storage buildings	✓		✓
Nurseries (trees, flowers, shrubs, plants)	✓		✓
Outdoor commercial recreation		✗	
Outdoor storage yard, FCC 18.15.130	✗	-	✗
Parks, trails and other noncommercial recreational facilities	✓		
Pasture and range land	✓		
Religious structures and related activities	✓		✗
RV park or campground, FCC 18.95	✓	✗	✓
Sawmills		✗	✗
School, preschool, private	-	✗	✗
School, public	✓		✓
Single-family dwellings	✓		
Welding, blacksmith, auto body repair, auto repair and maintenance shops	-	✗	✗

(Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2020-15 § 1 (Exh. A), 2020; Ord. 2020-06/2020-11 § 1 (Exh. A), 2020; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.2.3.1, 1999; Ord. 66 §§ 5.2.3.1, 5.2.3.2, 1993.)

18.25.030 Minimum lot area/density.

The minimum lot size in the AG-2 zone shall be two acres. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.3.3, 1993.)

18.25.040 Lot frontage.

The minimum lot frontage in the AG-2 zone shall be 150 feet; lots on a cul-de-sac shall abut the right-of-way for a minimum of 35 feet at the property line. (Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.3.4, 1993.)

~~18.25.050 — Lots of record.~~

~~Lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the application of this title and FCC Title 17 shall not be denied a building permit solely for reason of nonconformance with the parcel requirements of this title and FCC Title 17 and are declared a nonconforming use in accordance with Chapter 18.75 FCC. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.3.5, 1993.)~~

18.25.060~~050~~ Yard requirements – Dwellings and main buildings.

The following yard setback requirements shall apply on all lots in the AG-2 zone:

1. Front Yard and Side Street Setback. The minimum front yard and side street setback shall be 35 feet from the front property line or 65 feet from the centerline of the right-of-way, whichever distance is greater.
2. Side Yard Setback. The minimum side yard for all buildings on interior lots in the AG-2 zone shall be 12 feet.
3. Rear Yard Setback. The minimum rear yard for all buildings in the AG-2 zone shall be 30 feet from property line. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.3.6, 1993.)

18.25.070060 Yard requirements for accessory buildings.

The following yard setback requirements for accessory buildings shall apply on lots in the AG-2 zone:

1. Front Yard Setback. The minimum front yard setback for all accessory buildings in the AG-2 zone shall be 30 feet including any deck more than eight inches above the finished grade.
2. Side Yard Setback. An accessory building may be located in a side yard no closer than eight feet from the side property line and no closer than six feet from the dwelling or main building, except that an accessory building may not be located in the required street side yard of a corner lot.
3. Rear Yard Setback. An accessory building may be located in a rear yard no closer than eight feet from the dwelling or main building, or rear property lines.
4. Animal Accessory Buildings. Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of 40 feet from any dwelling or proposed dwelling.
5. Easements. No permanent accessory building shall be located within a platted easement area of any kind. (Ord. 2017-04 § 1, 2017; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.3.7, 1993.)

Chapter 18.30

AG-1 AGRICULTURAL ONE ACRE ZONE

Sections:

- 18.30.010 AG-1 agricultural one acre zone established.
- 18.30.020 Permitted and conditional uses.
- 18.30.030 Lot area and density.
- 18.30.040 Lot frontage.
- 18.30.050 Yard requirements for dwellings and main buildings.
- 18.30.060 Yard requirements for accessory buildings.

18.30.010 AG-1 agricultural one acre zone established.

The AG-1 agricultural zone is established to provide areas where single-family residential development and associated uses may be harmoniously integrated with agricultural pursuits. The zone is intended to allow the keeping of farm animals in conjunction with single-family dwelling units, yet retain land in parcels large enough to provide efficient and attractive development to encourage natural or agricultural open spaces. The AG-1 zone is also intended to accommodate equestrian-oriented residential developments, allowing a design which could contain ~~noncommercial~~ stables, training areas and equestrian or pedestrian trails as an integral part of the development. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.1, 1993.)

18.30.020 Permitted and conditional uses.

Any use not listed in this table shall be strictly prohibited.

Type: AG-1 Use	Allowed	Conditional Use Permit	Business License
Accessory structure Garage, workshop, home office, exercise room, sunroom, or similar uses. No bedrooms. Half bathroom only (no bathtub or shower).	✓		
Accessory apartments, in accordance with FCC 18.15.210	✓		
Agriculture activities	✓		
<u>Animal accessory building, minimum distance 40 feet from any dwelling or proposed dwelling.</u>	✓		
<u>Animal hospital/clinic</u>	✗	-	✗
<u>Contractor's equipment storage yard, FCC 18.15.130</u>	✓	-	✗
<u>Contractor's storage yard, FCC 18.15.130</u>	✓	-	✗
Equestrian facilities, riding academics, schools and accompanying stables	✓		✓
Firewood and coal yards	✓		
Fruit and vegetable stands for the selling of farm products which are grown on the premises , not to exceed 600 square feet in area and limited to one stand per lot	✓		✓
Home occupation as regulated by business license and Chapter 18.80 FCC	✓		✓
Kennels, <u>noncommercial</u>	✓	✓	
Manufactured homes detached which satisfy the Department standards which are placed upon permanent foundation of reinforced concrete in accordance with IBC	✓		

Type: AG-1 Use	Allowed	Conditional Use Permit	Business License
International Building Code standards and which satisfy the snow load requirements for their location			
Nurseries (trees, flowers, shrubs, plants)	✓		✓
Outdoor storage yard, FCC 18.15.130	✗	-	✗
Parks, trails and other noncommercial recreational facilities	✓		
Religious structures and related activities	✓		✓
RV park or campground	-	✗	✗
Sawmills	-	✗	✗
Schools, preschool, private	-	✗	✗
Schools, public	✓		✓
Single-family dwellings	✓		
Welding, blacksmith, auto-body repair, auto repair and maintenance shops	-	✗	✗

(Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2020-15 § 1 (Exh. A), 2020; Ord. 2020-06/2020-11 § 1 (Exh. A), 2020; Ord. 2017-04 § 1, 2017; Ord. 2016-09 § 1, 2016; Ord. 1999-1 §§ 5.1.1, 5.1.2, 1999; Ord. 66 §§ 5.1.1, 5.1.2, 1993.)

18.30.030 Lot area and density.

The minimum lot size in the AG-1 zone shall be one acre. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.1.3, 1993.)

18.30.040 Lot frontage.

The minimum lot frontage in the AG-1 zone shall be 150 feet; lots on a cul-de-sac shall abut the right-of-way for a minimum of 35 feet at the property line. (Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.1.4, 1993.)

18.30.050 Yard requirements for dwellings and main buildings.

The following yard setback requirements for dwellings and main buildings shall apply on all lots in the AG-1 zone:

1. Front Yard Setback. The minimum front yard setback for all buildings in the AG-1 zone shall be 30 feet including any deck more than eight inches above the finished grade.
2. Side Yard Setback. The minimum side yard setback for all buildings on interior lots in the AG-1 zone shall be 12 feet.
3. Side Yard Setback on Corner Lots. The minimum side yard setback for all buildings on corner lots in the AG-1 zone shall be 12 feet on the side adjoining another lot and 30 feet on the side adjoining the street.
4. Rear Yard Setback. The minimum rear yard for all buildings in the AG-1 zone shall be 25 feet.
5. Easements. No dwelling or main building shall be located within a platted easement area of any kind. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.1.7, 1993.)

18.30.060 Yard requirements for accessory buildings.

The following yard setback requirements for accessory buildings shall apply on lots in the AG-1 zone:

1. Front Yard Setback. The minimum front yard setback for all accessory buildings in the AG-1 zone shall be 30 feet including any deck more than eight inches above the finished grade.

2. Side Yard Setback. An accessory building may be located in a side yard no closer than eight feet from the side property line and no closer than six feet from the dwelling or main building, except that an accessory building may not be located in the required street side yard of a corner lot.

3. Rear Yard Setback. An accessory building may be located in a rear yard no closer than eight feet from the dwelling or main building, or rear property lines.

4. Animal Accessory Buildings. Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of 40 feet from any dwelling or proposed dwelling.

5. Easements. No permanent accessory building shall be located within a platted easement area of any kind. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.1.8, 1993.)

Chapter 18.35

R-H RESIDENTIAL HALF ACRE ZONE

Sections:

- 18.35.010 R-H residential half acre zone established.
- 18.35.020 Permitted and conditional uses.
- 18.35.030 Lot area.
- 18.35.040 Lot frontage.
- 18.35.050 Yard requirements – Dwellings and main buildings.
- 18.35.060 Setback for accessory buildings.

18.35.010 R-H residential half acre zone established.

The R-H residential half acre zone is established to provide a residential environment within the City which is characterized by attractively landscaped single-family residential lots and open space. The R-H zone is not intended to be an agricultural zone although limited animal rights are preserved and development is intended to occur at relatively low densities. (Ord. 2017-04 § 1, 2017; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.1, 1993.)

18.35.020 Permitted and conditional uses.

Any use not listed in this table shall be strictly prohibited.

Type: R-H Use	Allowed	Conditional Use (CUP)	Business License
Accessory structure Garage, workshop, home office, exercise room, sunroom, or similar uses. No bedrooms. Half bathroom only (no bathtub or shower).	✓		
Accessory apartments, in accordance with FCC 18.15.210	✓		
Greenhouses (noncommercial)	✓		
Home occupation as regulated by business license and Chapter 18.80 FCC	✓		✓
Manufactured homes detached which satisfy the Department standards which are placed upon permanent foundation of reinforced concrete in accordance with IBC International Building Code standards and which satisfy the snow load requirements for their location	✓		
<u>Parks, trails, and other noncommercial recreational facilities</u>	<u>✓</u>		
Religious structures and related activities	✓		
<u>Recreation facilities</u>	<u>✓</u>	–	<u>✓</u>
<u>Schools, preschool, private</u>	–	<u>✓</u>	<u>✓</u>
<u>Schools, public</u>	<u>✓</u>	–	<u>✓</u>
Single-family dwellings	✓		
Solar energy systems	✓		

(Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2020-15 § 1 (Exh. A), 2020; Ord. 2016-09 § 1, 2016; Ord. 66 §§ 5.2.1.1, 5.2.1.2, 1993.)

18.35.030 Lot area.

The minimum lot size in the R-H zone shall be one-half acre. (Ord. 2016-09 § 1, 2016; Ord. 2008- § 5.2.1.3, 2008; Ord. 66 § 5.2.1.3, 1993.)

18.35.040 Lot frontage.

Each lot or parcel of land located in the R-H zone shall abut along the right-of-way line of a public or private street for a minimum distance of 100 feet; lots on a cul-de-sac shall abut the right-of-way for a minimum of 35 feet at the property line. (Ord. 2022-01 § 1 (Exh. A), 2022; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.1.5, 1993.)

18.35.050 Yard requirements – Dwellings and main buildings.

The following yard setback requirements shall apply on all lots in residential zones:

1. Front Yard and Side Street Setback. The minimum front yard and side street setback for all buildings in residential zones shall be 30 feet from the property line or 60 feet from the centerline of the right-of-way, whichever is greater.
2. Side Yard Setback. The minimum side yard for all buildings on interior lots in the R-H zone shall be 12 feet.
3. Rear Yard Setback. The minimum rear yard for all buildings in residential zones shall be 25 feet. (Ord. 2016-09 § 1, 2016; Ord. 2008- § 5.2.1.8, 2008; Ord. 66 § 5.2.1.8, 1993.)

18.35.060 Setback for accessory buildings.

An accessory building allowed by this title and FCC Title 17 shall be located no closer than five feet from the side and rear property lines. Accessory buildings shall not be permitted in the required front or side street yard areas required for main buildings. Roof drainage shall be required to be retained on site for all accessory buildings.

Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of 40 feet from any dwelling. (Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.1.9, 1993.)

Chapter 18.40

R-C RESIDENTIAL COTTAGE ZONE

Sections:

- 18.40.010 R-C residential cottage zone.
- 18.40.020 Permitted and conditional uses.
- 18.40.030 Minimum lot area.
- 18.40.040 Lot frontage.
- 18.40.050 Yard requirements – Dwellings and main buildings.
- 18.40.060 Setback for accessory buildings.

18.40.010 R-C residential cottage zone.

The R-C residential cottage zone is established to provide a residential environment within the City which is characterized by attractively landscaped single-family residential lots, cottage-type homes, and open space. The R-C zone is not intended to be an agricultural zone and development is intended to occur at medium densities. (Ord. 2016-09 § 1, 2016; Ord. 2008- § 5.2.2, 2008; Ord. 66 § 5.2.2, 1993.)

18.40.020 Permitted and conditional uses.

[Any use not listed in this table shall be strictly prohibited.](#)

Type: R-C Use	Allowed	Conditional Use Permit	Business License
Accessory structures, unoccupied	✓		
Home occupation as regulated by business license and Chapter 18.80 FCC	✓		
Manufactured homes detached which satisfy the Department standards which are placed upon permanent foundation of reinforced concrete in accordance with IBC International Building Code standards and which satisfy the snow load requirements for their location	✓		
Parks, trails, and other noncommercial recreational facilities	✓		
Single-family dwelling	✓		

(Ord. 2022-01 § 1 (Exh. A), 2022; Ord. 2016-09 § 1, 2016; Ord. 66 §§ 5.2.2.1, 5.2.2.2, 1993.)

18.40.030 Minimum lot area.

The minimum lot size in the R-C zone shall be 7,000 square feet. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.2.3, 1993.)

18.40.040 Lot frontage.

Each lot or parcel of land located in the R-C zone shall abut along the right-of-way of a public or private street for a minimum distance of 70 feet; lots on a cul-de-sac shall abut the right-of-way for a minimum distance of 25 feet at the property line. (Ord. 2022-01 § 1 (Exh. A), 2022; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.2.4, 1993.)

18.40.050 Yard requirements – Dwellings and main buildings.

The following yard setback requirements shall apply on all lots in the R-C zone:

1. Front Yard and Side Street Setback. [Front setbacks shall be staggered at five foot variances, with 20 feet the minimum setback. One-third of the buildings containing dwelling units shall be at each of at least three different setbacks as approved by City Staff. For example, one-third at 20 feet, one-third at 25 feet and one-third at 30 feet. City Staff may waive this requirement when a curvilinear street design is used and shown to create the same varying setback effect, with the setbacks being the average front yard setback of 25 feet. Front setbacks shall be measured from the front property line.](#) The minimum ~~front yard and~~ side street setback shall be 25 feet from the front property line or 55 feet from the center line of the right-of-way, whichever distance is greater.

2. Side Yard Setback. The minimum side yard for all buildings on interior lots in the R-C zone shall be 10 feet.

3. Rear Yard Setback. The minimum rear yard for all buildings in the R-C zone shall be 15 feet when the front setback is 30 feet, 20 feet when the front setback is 25 feet, and 25 feet when the front setback is 20 feet. (Ord. 2016-09 § 1, 2016; Ord. 2008- § 5.2.2.6, 2008; Ord. 66 § 5.2.2.6, 1993.)

18.40.060 Setback for accessory buildings.

1. An accessory building, allowed by this title and FCC Title 17, shall be located no closer than five feet from the side and rear property lines. Accessory buildings shall not be permitted in the required front or side street yard areas required for main buildings. Roof drainage shall be required to be retained on site for all accessory buildings.

2. Accessory buildings greater than 12 feet in height shall not be permitted. (Ord. 2022-01 § 1 (Exh. A), 2022; Ord. 2017-04 § 1, 2017; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.2.2.7, 1993.)

Chapter 18.45

C-1 COMMERCIAL ZONE

Sections:

- 18.45.010 C-1 commercial zone established.
- 18.45.020 Permitted and conditional uses.
- 18.45.030 Permitted accessory uses.
- 18.45.040 Lot area.
- 18.45.050 Lot width.
- 18.45.060 Lot frontage.
- 18.45.070 Setback requirements.
- 18.45.080 Building height.
- 18.45.090 Signs.
- ~~18.45.100 Trash, material storage, and pollution.~~
- ~~18.45.110 Landscaping.~~
- ~~18.45.120 Grading and drainage.~~
- ~~18.45.130 Utilities.~~
- 18.45.140 100 Architectural design and materials.
- ~~18.45.150 Buffers, fences and walls.~~
- 18.45.160 110 Parking areas.
- ~~18.45.170 Service and loading areas.~~
- ~~18.45.180 Outdoor lighting.~~
- ~~18.45.190 General maintenance.~~
- ~~18.45.200 Highway access.~~

18.45.010 C-1 commercial zone established.

The commercial zone, hereinafter also referred to as the C-1 zone, is established to encourage commercial and retail development. Businesses that provide services directly to the residents of Francis will be highly encouraged. Transportation and other concerns may limit the types of businesses approved in the C-1 zone. The provisions contained herein should be used to encourage greater integrity and aesthetic improvements as these areas are developed and improved. Integrated and coordinated landscaping, parking, ingress, egress, signing and building design should be encouraged. New construction should be in harmony with the characteristics of the surrounding developed commercial and residential areas. ~~The uses characteristic of this zone will be small retail and service stores and shops. Parking must conform to Chapter 18.100 FCC and is encouraged to be located behind the building.~~

Special approval procedures, landscaping requirements, buffering, and design guidelines are applicable in the C-1 zone. These regulations can be found in Chapter 18.115 FCC. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3, 1993.)

18.45.020 Permitted and conditional uses.

~~Any use not listed in this table shall be strictly prohibited. Any business with any hours of operation between 11 pm and 5 am shall be considered a Tier 1 impact.~~

Type: C-1 Use	<u>Impact Tier</u>	Allowed	Conditional Use Permit	Business License
Accessory structure unoccupied	<u>1</u>	✓		
<u>Art gallery smaller than 5,000 sq ft</u>	<u>3</u>	<u>✓</u>		<u>✓</u>
Athletic club or recreational facility <u>smaller than 10,000 sq ft</u>	<u>3</u>	✓		✓
<u>Athletic club or recreational facility smaller than 20,000 sq ft</u>	<u>2</u>			

Type: C-1 Use	Impact Tier	Allowed	Conditional Use Permit	Business License
Automotive body/paint repair establishment, welding and blacksmith shops		-	✓	✓
Bakery <u>smaller than 5,000 sq ft</u>	<u>3</u>	✓		✓
Banking, financial services	<u>2</u>	✓		✓
Bar, tavern, lounge as per Utah State Code, <u>Only allowed after local consent is given per FCC.18.15.110.</u>	<u>1</u>	<u>✓</u>	✓	✓
Barber shops and hair salons <u>smaller than 5,000 sq ft</u>	<u>3</u>	✓		✓
Bed and breakfast		-	✓	✓
Bowling alley	<u>2</u>	✓		✓
Cabinet shop		✓	-	✓
Child care for -business	<u>2</u>	✓		✓
Church		✓	-	-
Cinema, indoor	<u>2</u>	✓		✓
Computers/electronics sales and repair <u>smaller than 5,000 sq ft</u>	<u>3</u>	✓		✓
Convenience goods, sales	<u>2</u>	✓		✓
Dry cleaning establishment <u>smaller than 5,000 sq ft</u>	<u>3</u>	✓		✓
Equipment rental, light		✓	-	✓
<u>Food trucks, FCC 18.15.225</u>	<u>3</u>	<u>✓</u>		<u>✓</u>
<u>Farm stands, selling locally grown or produced goods</u>	<u>3</u>	<u>✓</u>		<u>✓</u>
Furniture sales, new and used <u>smaller than 20,000 sq ft</u>	<u>2</u>	✓		✓
Gas stations <u>smaller than 5,000 sq ft, none other located within 1,000 ft</u>	<u>1</u>	<u>✓</u>	✓	✓
Health care center or dentist, hospital <u>smaller than 5,000 sq ft</u>	<u>3</u>	✓		✓
<u>Health care center or dentist smaller than 10,000 sq ft</u>	<u>2</u>	<u>✓</u>		<u>✓</u>
Home occupation as regulated by business license and Chapter 18.80 FCC	<u>3</u>	✓		✓
Hotel/motel		-	✓	✓
<u>Hospital</u>	<u>1</u>	<u>✓</u>		<u>✓</u>
Indoor/outdoor recreational facility		-	✓	✓
Large animal clinic	<u>2</u>	✓		✓
Landscape services <u>smaller than 5,000 sq ft, no outdoor storage</u>	<u>3</u>	✓		✓
Laundromat	<u>2</u>	✓		✓
Liquor store, <u>only allowed after local consent is given per FCC 18.15.110</u>	<u>2</u>	<u>✓</u>	✓	✓
Lumber sales and storage		-	✓	✓
Manufacturing, compounding, processing, fabrication and warehousing of goods and materials. Only within fully	<u>2</u>	✓		✓

Type: C-1 Use	Impact Tier	Allowed	Conditional Use Permit	Business License
enclosed warehouses with retail fronts; set back a minimum of 150 feet from state roads. Smaller than 20,000 sq ft.				
Mortuary	<u>2</u>	✓		✓
Museum smaller than 5,000 sq ft	<u>3</u>	✓		✓
Museum smaller than 20,000 sq ft	<u>2</u>	✓		✓
Nursery/greenhouse	<u>3</u>	✓		✓
Office and professional, retail shops larger than 20,000 square feet		-	✓	✓
Office and professional, retail shops smaller than 20,000 square feet	<u>2</u>	✓		✓
Outdoor recreational facility smaller than a half-acre	<u>2</u>	✓		✓
Packaging and delivery services smaller than 5,000 sq ft	<u>3</u>	✓		✓
Pet grooming smaller than 5,000 sq ft	<u>3</u>	✓		✓
Pharmacy	<u>2</u>	✓		✓
Photo lab/studio smaller than 5,000 sq ft	<u>3</u>	✓		✓
Printing/publishing smaller than 5,000 sq ft	<u>3</u>	✓		✓
Reception center smaller than 10,000 sq ft	<u>2</u>	✓		✓
Recreational equipment rental smaller than 5,000 sq ft	<u>3</u>	✓		✓
Recreational equipment rental smaller than 10,000 sq ft	<u>2</u>	✓		✓
Religious structures and related activities	<u>2</u>	✓		✓
Repair services, small appliances, smaller than 5,000 sq ft	<u>3</u>	✓		✓
Restaurant, fast food, drive through, none other located within 1,000 ft, queue traffic impact study required, sign stating no idling for 1 minute or longer.	<u>1</u>	✓	✓	✓
Restaurant, cafe	<u>2</u>	✓		✓
Retail sales and service smaller than 20,000 sq ft	<u>2</u>	✓		✓
Retail-grocery store larger than 20,000 square-feet		-	✓	✓
Retail grocery store smaller than 20,000 square-feet sq ft	<u>2</u>	✓		✓
Retail grocery store smaller than 30,000 sq ft	<u>1</u>	✓		✓
School, preschool, private school, not overnight or boarding and smaller than 20,000 sq ft	<u>2</u>	✓	✓	✓
Small animal clinic smaller than 10,000 sq ft	<u>2</u>	✓		✓
Surplus, secondhand store smaller than 10,000 sq ft	<u>2</u>	✓		✓
Theater, concert hall, indoor	<u>2</u>	✓		✓

(Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 2008- § 5.3.2, 2008; Ord. 1999-1 § 5.3.1, 1999; Ord. 66 §§ 5.3.1, 5.3.2, 1993.).

18.45.030 Permitted accessory uses.

Accessory uses and structures are permitted in the C-1 zone provided they are incidental to, and do not alter, the character of the permitted principal use or structure. Such permitted uses and structures include, but are not limited to, the following:

1. Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily incidental to a principal use or structure permitted in the C-1 zone.
2. Storage of materials used for construction of buildings, including the contractor's temporary office; provided, that such use be located on the building site or immediately adjacent thereto; and provided further, that such use shall be permitted only during the construction period. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.3, 1993.)

18.45.040 Lot area.

There shall be no minimum lot area requirements in the C-1 zone except as may be dictated by off-street parking requirements, adequate circulation, and property site utilization. Lot area requirements shall be determined by the Planning Commission and City Council. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2017-04 § 1, 2017; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.3.4, 1999; Ord. 66 § 5.3.4, 1993.)

18.45.050 Lot width.

There shall be no requirements for lot width, provided all requirements of necessary parking regulations can be satisfied. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.5, 1993.)

18.45.060 Lot frontage.

Each lot or parcel of land in the C-1 zone shall have frontage on a public or private street for a minimum distance of 35 feet. (Ord. 2022-01 § 1 (Exh. A), 2022; Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.6, 1993.)

18.45.070 Setback requirements.

The following setback requirements shall apply in the C-1 zone:

1. Each structure in the C-1 zone shall be located at least 10 feet from the front property line.
2. Each structure in the C-1 zone shall be located at least zero feet from the nearest building or parcel ~~and 15 feet when adjoining existing residence.~~ [See FCC 18.115.100 for required buffer distance.](#)
3. Each structure in the C-1 zone shall be located at least zero feet from the rear property line ~~and 20 feet when adjoining existing residence.~~ [See FCC 18.115.100 for required buffer distance.](#) (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.3.7, 1999; Ord. 66 § 5.3.7, 1993.)

18.45.080 Building height.

Buildings in the C-1 zone shall not exceed 40 feet in height, unless an express exception in FCC 18.15.100 applies, nor exceed the recommendation of the South Summit Fire District. (Ord. 2024-07 § 1 (Exh. A), 2024; Ord. 2024-03 § 1 (Exh. A), 2024; Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.8, 1993.)

18.45.090 Signs.

All signs erected in the C-1 zone shall be in conformance with the sign provisions of Chapter 18.105 FCC. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.10, 1993. Formerly 18.45.100.)

~~18.45.100 Trash, material storage, and pollution.~~

~~No trash, used or raw materials, wrecked or nonoperational or abandoned vehicles or equipment shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property located with an opaque fence or wall, or must be stored within an enclosed building. All trash storage areas shall be screened and hidden from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public. Trash storage plans must be~~

~~presented to the Planning Commission or Planning Department for approval, as applicable, prior to issuance of a building permit.~~

~~Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah State Air Conservation Board or the Board of Health and any use which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering ground water in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Board or the Board of Health shall be prohibited. (Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.11, 1993. Formerly 18.45.110.)~~

18.45.110 — Landscaping.

~~Landscaping guidelines are established to maintain the site qualities that exist in the C-1 zone area and minimize alteration, removal, or degradation of landscaping that currently exists in the area.~~

~~(Ord. 2023-08 § 1 (Exh. A), 2023; Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.13, 1993. Formerly 18.45.120.)~~

18.45.120 — Grading and drainage.

~~Drainage from any lot must follow current Francis City requirements. Drainage shall not be allowed to flow upon adjoining lots unless an easement for such purpose has been granted by the owner of the lot upon which the water flows.~~

~~A site plan with grading, drainage, and clearing plans must be approved by the Planning Commission and City Council before any such activities may begin. Lot grading shall be kept to a minimum. Where possible, roads and development shall be designed for preservation of natural grade. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.14, 1993. Formerly 18.45.130.)~~

18.45.130 — Utilities.

~~All utility lines shall be underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity or any other energy or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purpose during construction.~~

~~1. Transformers shall be grouped with other utility meters where possible and screened with vegetation or other appropriate method.~~

~~2. Each contractor and owner/developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be their responsibility.~~

~~3. Prior to construction, contact must be made with Blue Stakes to identify underground utility lines.~~

~~4. Each development shall be required to be serviced by City water and sewer unless expressly approved by the City Council. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.15, 1993. Formerly 18.45.140.)~~

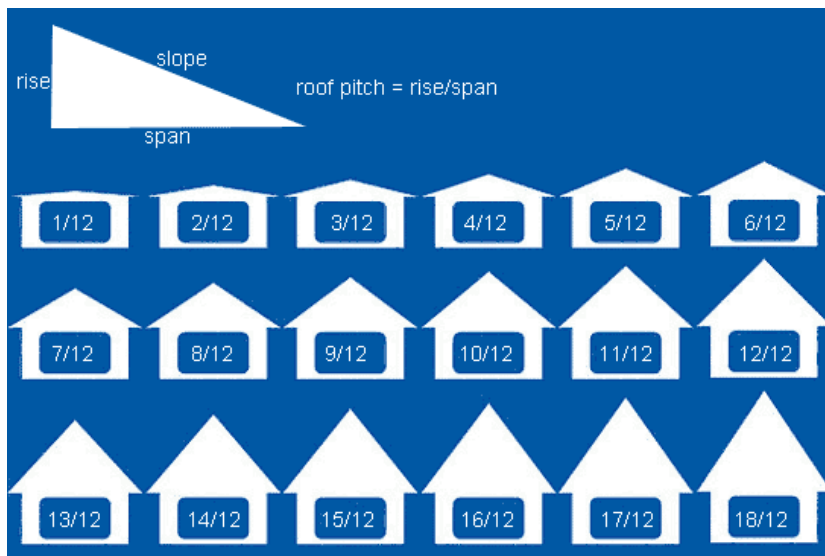
18.45.140 ~~100~~ Architectural design and materials.

The treatment of building mass, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with ~~the proportions of~~ other surrounding developments. Proposed developments shall be designed with ~~a common theme either an agricultural or mountain rustic theme~~ that reflects the heritage and community of Francis City. Themes shall be reviewed ~~and approved by the Planning Commission and approved by the City Council and may include but are not limited to agricultural or mountain tourism.~~ Requirements applicable to all buildings are stated below:

1. All sides of buildings shall receive equal design consideration, particularly where exposed to vehicular traffic and adjacent properties. ~~At least 30% of street-facing façade shall be stone or wood. Facade shifts shall be articulated at intervals no greater than 50 feet, through use of divisions or architectural changes in plane or material, to reflect traditional building widths, be encouraged on structures with a width greater than 50 feet or at neighboring property lines.~~

2. Basic materials shall be limited to no more than three types of materials per building and all buildings within the development shall ~~possess a similar~~ be designed with the same architectural theme. ~~Building styles shall be compatible with existing buildings in the C-1 zone. Highly reflective metal or large expanses of glass are not in keeping with rural character and are prohibited.~~

3. A minimum of 50% of the roof shall be pitched with a minimum slope of 4:12. Flat roof fronts are discouraged and only allowed when concealed by false gables, fronted with a pitched façade, or when the design includes a portico, all of which must have a minimum slope of 4:12 and span a minimum of 50% of the width. Roofs wider than 50 feet shall include a varied roofline or change in height.



4. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls.

45. Mechanical equipment shall be located or screened so as not to be visible from public and private streets. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or on the roof. Screen materials shall be ~~compatible of the same material and color with as~~ those of the building.

56. Plans for the exterior modifications to any existing structures must be submitted to the Planning Commission for approval and must meet the same requirements as all other structures within the C-1 zone.

7. Formula businesses (restaurants, retail, etc.) must customize their architecture to meet these design standards. Prototype designs used elsewhere will not be accepted unless the materials, colors, rooflines, and other design elements are modified to be compliant with this Chapter. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.16, 1993. Formerly 18.45.150.)

Characteristics of Mountain Rustic Design Theme

- Features such as exposed timber frames, stone chimneys, and overhanging eaves are encouraged.
- Preferred materials are those commonly found in mountain environments such as wood, log, fiber-cement siding simulating wood, stone, and metal accents.
- The color palette is limited to natural brown, taupe, green, and grey earth tones. Darker accent colors may be used for trims and doors but must complement the overall scheme. Neon or bright palettes are prohibited.



Characteristics of Agricultural Design Theme

- Traditional farmhouse or barn-style architecture. Features such as covered porches, barn-style cupolas, dormers, and wood corbels are encouraged.
- Preferred materials are stone, brick, or timber, board-and-batten siding, reclaimed or local wood, cedar shingles, and corrugated metal roofing (in muted tones).
- The color palette is limited to natural brown and taupe earth tones, soft whites, and greys. Darker accent colors may be used for trims and doors but must complement the overall scheme. Neon or bright palettes are prohibited.



18.45.150 — Buffers, fences and walls.

~~The intent in having special buffer, fence, and wall requirements is to provide quality separation between incompatible commercial uses, and to provide physical and visual protection between commercial and residential uses.~~

~~Landscape buffers are preferred over fences and walls where a separation is desirable. A visually open look should be encouraged between similar uses. Visual screening is often more important than a physical separation and the Planning Commission or City Council may, at its own option, require special treatment of such areas.~~

~~Buffer treatment may be required whenever a change occurs between residential and nonresidential uses. Additional landscaping and screening may be required at the discretion of the Planning Commission and City Council within the setback which separates the uses. Fences or walls will be reviewed for their effectiveness in screening a view, and for their color and texture in relationship to building materials.~~

~~Where differing uses are to be developed adjacent to existing residential areas, special consideration shall be made to protect the privacy of residents and requirements shall be at the discretion of the Planning Commission and City Council. As a minimum, the negative effects of noise and artificial lighting shall be minimized to protect existing residents. Outdoor lighting must meet the requirements of Chapter 18.118 FCC, Commercial Outdoor Lighting.~~

~~Service areas shall be properly screened. Outdoor lighting shall be designed to prevent exposure of light source to the view of residents. Facilities that require late night customers and activities shall be located away from residential areas to reasonably prevent disruption of privacy. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.17, 1993. Formerly 18.45.160.)~~

18.45.160 ~~110~~ Parking areas.

Parking areas must meet the requirements of Chapter 18.100 FCC, Off-Street Parking.

All parking spaces and driveways shall be paved with asphaltic cement or concrete, and shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces shall not be provided within a required front or side setback.

Parking areas shall be considered as structures since they present a three-dimensional appearance when occupied.

1. Location of parking shall be determined not only from its visual relationship to building and site, but also as it relates to safe convenient pedestrian and vehicular circulation patterns. The placing of building and parking elements on a site shall be evaluated by the Planning Commission and City Council on the basis of the following factors:

- a. Type of land use and structure.
- b. Building height and configuration.
- c. Relationship to other buildings both horizontally and vertically.
- d. Natural land features such as slopes and vegetation.
- e. Physical features such as rail lines, canals, and controlled ingress and egress.
- f. Visibility from vehicular approaches and distant highways.
- g. Parking is strongly encouraged to be located on the side and to the rear of any proposed structures, with minimum parking between the front of the building and the street.

2. Parking shall not occur adjacent to any public street except when:

- a. It has been established that such a location is needed or justified by other site conditions or building entrance orientation.
- b. The use is restricted to visitors and/or key employees.
- c. Parking is 80 percent screened by fencing, walls, and/or landscaping from the highway or street by either depressing the paved areas or using elevated landscape berms.
- d. A minimum of 10 feet of landscaped screening consisting of mixed evergreen and deciduous trees shall surround the periphery of paved areas adjacent to buildings or property lines. The number of trees for this area shall be determined by a standard of one tree per every 200 square feet of landscaping required. (Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.18, 1993. Formerly 18.45.170.)

~~18.45.170—Service and loading areas.~~

~~Loading and refuse collection areas shall not be permitted between buildings and streets, and must be screened from view of public and private streets. Streets shall not be used directly for loading, unloading, or refuse collection. Building and improvements upon lots must be designed to properly accommodate loading, unloading and refuse collection. Loading and refuse collection areas shall be properly screened meeting standards stated herein. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.19, 1993. Formerly 18.45.180.)~~

~~18.45.180—Outdoor lighting.~~

~~Outdoor lighting must meet the requirements of Chapter 18.118 FCC, Commercial Outdoor Lighting. For parking lot lighting, pole-mounted fixtures are recommended. Lighting of all pedestrian pathways is recommended. Lighting of a building and site identification signs are permitted as allowed by this title.~~

~~Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings. All streetlights shall be shoebox design type fixtures and installed as required by the street lighting policy. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.20, 1993. Formerly 18.45.190.)~~

~~18.45.190 — General maintenance.~~

~~An overall maintenance schedule shall be implemented by property owners in maintaining all buildings, landscaping, fences, walls, drives, parking lots (including surfacing and striping, signs, or other structures). The above shall be maintained in good and sufficient repair in a safe and aesthetically pleasing manner. Roads and pavements shall be kept true to line and grade and in good repair. Drainage ditches shall be kept clean and free of any obstacles. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.21, 1993. Formerly 18.45.200.)~~

~~18.45.200 — Highway access.~~

~~All access from state roads shall be in accordance with the master street plan for Francis City. Access for this zone shall be made from a properly designed and landscaped frontage road or as otherwise approved by Francis City and UDOT. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.22, 1993. Formerly 18.45.210.)~~

Chapter 18.50

P-F PUBLIC FACILITIES ZONE

Sections:

18.50.010	Purpose and objectives.
18.50.020	Permitted and conditional uses.
18.50.030	Lot area.
18.50.040	Lot width.
18.50.050	Lot frontage.
18.50.060	Setback requirements.
18.50.070	Building separation.
18.50.080	Parking and access.
18.50.090	Landscaping.
18.50.100	Site plan review.
18.50.110	Other requirements.
18.50.120	Reversion of zoning.

18.50.010 Purpose and objectives.

The public facilities (P-F) zone is established to provide areas for the location and establishment of facilities which are maintained for public or quasi-public use. The P-F zone should be created in areas which are suitable and compatible with neighboring zones, possibly providing “buffer” areas where appropriate. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.4.1, 1999; Ord. 66 § 5.4.1, 1993.)

18.50.020 Permitted and conditional uses.

Type: P-F Use	Allowed	Conditional Use Permit	Business License
Accessory structure, unoccupied	✓		
Cemetery	✓		
Cultural activities and nature exhibitions	✓		
Farm animals/livestock	✓		
Government, executive, legislative and judicial functions	✓		
Hospitals	-	✗	✗
Military bases and institutions	-	✗	✗
Motor vehicle transportation	-	✗	✗
Parks and playgrounds	✓		
Postal services	✓		✓
Railroad or other rapid transit	-	✗	✗
Recreational activities	✓		
Rodeo grounds and arenas	✓		
Schools, public	✓		✓

(Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.4.2, 5.4.2.1, 5.4.2.2, 1999; Ord. 66 § 5.4.2, 5.4.2.1, 5.4.2.2, 1993.)

18.50.030 Lot area.

The minimum area of a lot or parcel in the P-F zone shall be determined by the uses and structures intended and the requirements of this chapter pertaining to setbacks, access, parking and landscaping. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.4.3, 1999; Ord. 66 § 5.4.3, 1993.)

18.50.040 Lot width.

Each lot or parcel of land in the P-F zone shall have, at the front setback line, a minimum width of 100 feet. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.4.4, 1999; Ord. 66 § 5.4.4, 1993.)

18.50.050 Lot frontage.

Each lot or parcel of land in the P-F zone shall abut along the right-of-way line of a public or private street a minimum distance of 50 feet. (Ord. 2022-01 § 1 (Exh. A), 2022; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.4.5, 1999; Ord. 66 § 5.4.5, 1993.)

18.50.060 Setback requirements.

The following setback requirements shall apply in the P-F zone:

1. Front Yard. The minimum front yard for all lots in the P-F zone shall be 30 feet.
2. Side Yards – Interior Lots. No side yard is required on interior lots in the P-F zone, except that the minimum side yard which is adjacent to a residential zone or structure shall be 20 feet.
3. Side Yards – Corner Lots. No side yard is required on the side of a corner lot which is adjacent to another lot in the P-F zone. The minimum street side yard of a corner lot in the P-F zone shall be 20 feet.
4. Rear Yard. The minimum rear yard for all lots in the P-F zone shall be 20 feet. The minimum rear yard may be used for vehicle parking or access.
5. Property Line Construction. All buildings located closer than five feet from a property line shall be equipped with facilities for the discharge of all roof drainage onto the subject lot. (Ord. 2022-07 § 1 (Exh. A), 2022; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.4.7, 1999; Ord. 66 § 5.4.7, 1993.)

18.50.070 Building separation.

All buildings in the P-F zone shall have a minimum separation of 20 feet. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.4.10, 1999; Ord. 66 § 5.4.10, 1993.)

18.50.080 Parking and access.

Each lot or parcel of land in the P-F zone shall have sufficient, marked parking spaces to meet requirements of this section as well as the parking regulations of Chapter 18.100 FCC. Parking spaces and accesses to public streets shall be paved with concreted or asphaltic cement. Notwithstanding minimum landscaping and yard requirements of FCC 18.50.090, parking areas and accesses located in front and street side setback areas shall be accented with landscaped islands in appropriate locations to mitigate the negative effects of large paved surfaces and to control traffic circulation. Planting of shade trees is encouraged in parking areas to reduce heat, wind, noise and glare. Concrete curb walls may be used around parking areas and driveways. All public street accesses shall be located a minimum of 50 feet from other driveways or streets. One-way driveways shall have a minimum width of 12 feet. Two-way driveways and all driveways on developments of one acre or larger in size shall have a minimum width of 20 feet. Concrete or masonry walkways shall be required for access to buildings and parking areas. (Ord. 2022-07 § 1 (Exh. A), 2022; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.4.11, 1999; Ord. 66 § 5.4.11, 1993.)

18.50.090 Landscaping.

Unpaved front and side yard areas of lots in the P-F zone shall be landscaped using water-wise landscaping where appropriate. No landscape materials shall exceed three feet in height in a clear vision zone. In addition to any required front or side yard landscaping, at least two percent of each lot or parcel in the P-F zone shall be landscaped with berms, trees, shrubs, ground cover or other landscape elements. All landscaping in the P-F zone shall be installed and properly maintained according to an approved landscape plan.

All submitted landscape plans shall be designed to encourage water conservation as a primary consideration. Lawn shall not be installed in park strips, paths, or on slopes greater than 25 percent or 4:1 grade. Lawn areas shall not exceed 20 percent of the total landscaped area, outside of areas of the landscape dedicated to active play where lawn may be used as the playing surface (e.g., sports fields and play areas). (Ord. 2023-08 § 1 (Exh. A), 2023; Ord. 2022-07 § 1 (Exh. A), 2022; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.4.12, 1999; Ord. 66 § 5.4.12, 1993.)

18.50.100 Site plan review.

Developments in the P-F zone shall be designed according to the requirements of this chapter. A site plan shall be submitted for review by the Planning Commission prior to the issuance of a building permit. All signs, fences, walls, lighting, parking, access, architecture and landscaping will be reviewed by the Planning Commission at the time of site plan review. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.4.13, 1999; Ord. 66 § 5.4.13, 1993.)

18.50.110 Other requirements.

1. Trash Containers and Utility Fixtures. All trash dumpsters, utility fixtures, power transformers and other appurtenances in developments in the P-F zone shall be screened with a sight-obscuring fence, wall or landscaping feature as approved by the Planning Commission.

2. Fences and Walls. Fences and walls in the P-F zone may be constructed after first obtaining approval of the Planning Commission. Said fences or walls shall not exceed four feet in height in front yards and six feet in side and rear yards. Sight-obscuring fences, walls and shrubs shall not exceed three feet in a clear vision zone. A masonry fence may be required adjacent to other zoning districts as determined by the Planning Commission. (Ord. 2022-07 § 1 (Exh. A), 2022; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.4.14, 1999; Ord. 66 § 5.4.14, 1993.)

18.50.120 Reversion of zoning.

If a building permit has not been issued and construction commenced within one year of the establishment of the P-F zone on a project that required rezoning to the P-F zone, the City Council, by resolution, may at any time thereafter direct the City Planner to initiate a rezoning action to revert the P-F zone to its original zone or any other appropriate zone. For purposes of this section, commencement of construction shall be deemed to be the installation of footings and foundation of one main building as set forth on the approved site plan for the proposed development. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.4.15, 1999; Ord. 66 § 5.4.15, 1993.)

Chapter 18.55

LI-1 LIGHT INDUSTRIAL ZONE

Sections:

18.55.010	Purpose and objectives.
18.55.020	Permitted and conditional uses.
18.55.030	Lot area.
18.55.040	Lot width.
18.55.050	Lot frontage.
18.55.060	Setback requirements.
18.55.070	Building height.
18.55.080	Parking, loading, and access.
18.55.090	Signs.
18.55.100	Storage developments.
18.55.110	Trash and waste storage.
18.55.120	Other requirements.
18.55.130	Landscaping.
18.55.140	Grading and drainage.
18.55.150	Utilities.
18.55.160	Architectural design and materials.
18.55.170	Buffers, fences and walls.
18.55.180	Parking areas.
18.55.190	Service and loading areas.
18.55.200	Outdoor lighting.
18.55.210	General maintenance.
18.55.220	Highway access.

18.55.010 Purpose and objectives.

The light industrial (LI-1) zone is established to provide areas for the location and establishment of mining sites and light industrial operations which, because of their nature of operation, are not appropriate near residential areas. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.5.1, 1999; Ord. 66 § 5.5.1, 1993.)

18.55.020 Permitted and conditional uses.

Type: L-1 Use	Allowed	Conditional Use Permit	Business License
Accessory structure unoccupied	✓		
Adult/sexually oriented business		✓	✓
Automotive body/paint repair establishment	✓		✓
Automobile, truck and heavy equipment repairs and facilities	✓		✓
Automobile wrecking and salvage yards, surrounded by landscaping and eight-foot-sight-obscuring fence, so that the materials stored in the enclosure cannot be observed from any street adjacent to the yard	-	✓	✓
Caretaker dwellings with the lot size and setbacks to be set as conditions, where the dwelling is clearly incidental and secondary to permitted or conditionally permitted use in the zone. <u>One per five acres.</u>		✓	
Coal and firewood yards	✓		
Concrete or asphalt batch plant, rock crusher, or mineral reductions or processing plant which is located on the same lot as the pit or mine from which the rock material is derived. <u>Operation is not allowed after 9 pm or before 6 am.</u>	✓	✓	✓

Type: L-1 Use	Allowed	Conditional Use Permit	Business License
Contractor's equipment storage yard, FCC 18.15.130	✓		✓
Contractor's storage yard, FCC 18.15.130	✓		✓
Equipment rental	✓		✓
Freight or trucking terminals or yard	✓		✓
Hunting preserve or a shotgun, pistol or rifle shooting range (plus incidental accessory structures) subject to the applicant submitting a site plan and providing adequate evidence of safe setbacks, location, layout, noise reduction and continuing management		✓	✓
Lumber sales and storage	✓		✓
Manufacturing, compounding, processing, fabrication and warehousing of goods and materials	✓	✓	✓
Mines; sand, gravel, topsoil and earth-products pits; and the attendant stockpiles and waste dumps located on the same lot as the mine or pit, subject to the provisions of Chapter 18.110 FCC		✓	✓
Office, business and professional	✓		✓
Office, equipment storage and other nonresidential structures that are accessory to a conditionally permitted mine, sand, gravel or clay pit when located on the same lot or adjoining land in same ownership as the mine or pit	✓	✓	✓
Oil, gas and water wells, and appurtenant pumps and pump houses		✓	✓
Outdoor storage yard, FCC 18.15.130	✓		✓
Packaging and delivery services smaller than 10,000 sq ft	✓		✓
Repair services, small app.	✓		✓
Sawmills, lumber processing and storage		✓	✓
Storage units	✓	✓	✓
Towing yard, FCC 18.15.130	✓	✓	✓
Welding, blacksmith, auto body repair and maintenance shops	✓		✓
Wireless communications towers, limited to 150 feet in height		✓	✓

(Ord. 2020-06/2020-11 § 1 (Exh. A), 2020; Ord. 2016-09 § 1, 2016; Ord. 1999-1 §§ 5.5.2, 5.5.2.1, 5.5.2.2, 1999; Ord. 66 §§ 5.5.2, 5.5.2.1, 5.5.2.2, 1993.)

18.55.030 Lot area.

There shall be no minimum lot area requirements in the LI-1 zone except as may be dictated by off-street parking requirements, adequate circulation, and property site utilization. Lot area requirements shall be determined by City Planner. (Ord. 2017-04 § 1, 2017; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.5.3, 1999; Ord. 66 § 5.5.3, 1993.)

18.55.040 Lot width.

There shall be no minimum requirements for lot width, provided all requirements of necessary parking regulations can be satisfied. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.5.4, 1999; Ord. 66 § 5.5.4, 1993.)

18.55.050 Lot frontage.

Each lot or parcel of land in the LI-1 zone shall have frontage on a public or private street for a minimum distance of 35 feet. (Ord. 2022-01 § 1 (Exh. A), 2022; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.5.5, 1999; Ord. 66 § 5.5.5, 1993.)

18.55.060 Setback requirements.

The following setback requirements shall apply in the LI-1 zone:

1. Each structure in the LI-1 zone shall be located at least 20 feet from any public street; provided, however, that no parking stalls or structures shall be located closer than 30 feet from any public street right-of-way.
2. Each structure in the LI-1 zone shall be located at least 20 feet from the nearest building or parcel.
3. Each parcel in the LI-1 zone shall be located at least 30 feet from the rear property line. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.5.6, 1999; Ord. 66 § 5.5.6, 1993.)

18.55.070 Building height.

Buildings in the LI-1 zone shall not exceed 40 feet. Any building or structure design of over 40 feet in height shall be a conditional use to ensure adequate fire protection. No building in the LI-1 zone shall exceed 50 feet from the natural grade to the tallest portion of the building. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.5.7, 1999; Ord. 66 § 5.5.7, 1993.)

18.55.080 Parking, loading, and access.

All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces shall not be provided within a required front or side setback. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.5.8, 1999; Ord. 66 § 5.5.8, 1993.)

18.55.090 Signs.

All signs erected in the LI-1 zone shall be in conformance with the sign provisions of Chapter 18.105 FCC. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.5.9, 1999; Ord. 66 § 5.5.9, 1993.)

18.55.100 Storage developments.

Individual storage units shall not be accessed directly from a public street but shall have their own parking and access within the storage unit development. Internal streets should be constructed at a width sufficient to allow movement of all anticipated vehicles, including fire and other emergency vehicles. Each development of this type shall be reviewed and approved by the South Summit Fire District. It is the responsibility of the applicant to demonstrate that adequate traffic flow can be accomplished. Provisions should be made which allow authorized access for public safety employees into these developments for public and personal safety. This includes access to entrance codes, electronic opening devices, lock combinations, and the like.

All storage and warehouse developments shall be fenced in a manner which will provide adequate security and a deterrent from public access. These fences should be kept in good repair. The rear sides of buildings which provide adequate security may satisfy this requirement.

No unit or area in any storage development shall be used as a residence or habitation for any length of time or for conducting of any commercial or business activities other than storage. (Ord. 2017-01 § 1, 2017; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.12, 1993.)

18.55.110 Trash and waste storage.

No trash, used materials, wrecked or nonoperational or abandoned vehicles or equipments shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property located within the LI-1 zone with a sight-obscuring fence or wall, or must be stored within an enclosed building. All trash storage areas shall be screened and hidden from the public street or adjoining residential areas view by appropriate fencing or landscaping features and placed in a rear area of the main building or use if possible. No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet health department regulations or are accessible to the public. Trash storage plans must be presented to the Planning Commission for approval, prior to issuance of a building permit. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.5.10, 1999; Ord. 66 § 5.5.10, 1993.)

18.55.120 Other requirements.

1. Flammable Materials. The yards around buildings shall be kept free of debris, refuse, weeds and other flammable material which may constitute a fire hazard.

2. Critical Angle of Repose. No building site, street, driveway, or other cut or fill shall be made so the side slopes exceed the critical angle of repose of the soil, as determined by the City Engineer.

3. Topsoil. All land surface from which topsoil is removed and all land surface on which subsoil is deposited shall be covered by buildings, hard surfacing, or a layer of topsoil at least one inch in depth. In order to prevent the soil from eroding, it shall be reseeded with plant material having sufficient concentration to screen at least 25 percent of exposed surface from view. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 5.5.11, 1999; Ord. 66 § 5.5.11, 1993.)

18.55.130 Landscaping.

Landscaping guidelines are established to maintain the site qualities that exist in the LI-1 zone area and minimize alteration, removal, or degradation of landscaping that currently exists in the area.

1. No plans for any building, structure or other improvements shall be approved by the Planning Commission unless there shall also have been submitted separate landscape plans satisfactory to the Planning Commission.

2. All submitted landscape plans shall be designed to encourage water conservation as a primary consideration. Lawn shall not be installed in park strips, paths, or on slopes greater than 25 percent or 4:1 grade. Lawn areas shall not exceed 20 percent of the total landscaped area, outside of areas of the landscape dedicated to active play where lawn may be used as the playing surface (e.g., sports fields and play areas).

3. Landscaping in accordance with the plans submitted must be installed within 30 days following the occupancy of the site or as otherwise approved by the Planning Commission as seasonal conditions may dictate.

4. The land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed-free condition or landscaped, as approved by the Planning Commission.

5. The developer shall bond for such landscape improvements to ensure that installations are completed as submitted and approved. Performance assurance requirements for landscape improvements shall be the same as required by the City for street improvements.

6. Plant Materials.

a. Sixty percent medium trees and shrubs in a combination with deciduous trees with a caliper from two to three inches and evergreen trees with a height from five to eight feet.

b. Forty percent small trees and shrubs in a combination with deciduous trees with a caliper of one and one-half to two inches and evergreen trees with a height of four feet.

c. Where possible, a 50/50 mix of deciduous and evergreen tree species shall be used for on-site landscaping.

d. Street trees with a minimum two-inch caliper shall be installed along all public rights-of-way by the developer of the property. The species, type, location, and spacing of trees shall be as shown on the approved landscape plan.

7. Installation. It shall be the responsibility of the developer to grade, place topsoil, seed, sod, install sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.

8. Maintenance. It shall be the responsibility of the developer to properly maintain landscaped areas including watering, mowing, pruning, fertilizing, and the removal and replacement of dead plant materials in a timely manner. Pruning trees for exposure is prohibited.

9. Vegetation Removal. Removed vegetation shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper. Street trees that are necessarily removed shall be replaced with comparable individual caliper as approved by the Planning Division.

When utility connections or other disturbances are made to existing landscaped areas the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the City Planner. (Ord. 2023-08 § 1 (Exh. A), 2023; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.13, 1993.)

18.55.140 Grading and drainage.

Drainage from any lot must follow current Francis City requirements. Drainage shall not be allowed to flow upon adjoining lots unless an easement for such purpose has been granted by the owner of the lot upon which the water flows.

A site plan with grading, drainage, and clearing plans must be approved by the Planning Commission and City Council before any such activities may begin. Lot grading shall be kept to a minimum. Where possible, roads and development shall be designed for preservation of natural grade. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.14, 1993.)

18.55.150 Utilities.

All utility lines shall be underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity or any other energy or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purpose during construction.

1. Transformers shall be grouped with other utility meters where possible and screened with vegetation or other appropriate method.
2. Each contractor and owner/developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be their responsibility.
3. Prior to construction, contact must be made with blue stakes to identify underground utility lines.
4. Each development shall be required to be serviced by City water and sewer unless expressly approved by the City Council. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.15, 1993.)

18.55.160 Architectural design and materials.

The treatment of building mass, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with the proportions of other surrounding developments. Proposed developments shall be designed with a common theme that reflects the heritage and community of Francis City. Themes shall be reviewed and approved by the Planning Commission and City Council and may include but are not limited to agricultural or mountain tourism. Requirements applicable to all buildings are stated below:

1. All sides of buildings shall receive equal design consideration, particularly where exposed to vehicular traffic and adjacent properties. Facade shifts shall be encouraged on structures with a width greater than 50 feet.
2. Basic materials shall be limited to no more than three types of materials per building and all buildings within the development shall possess a similar architectural theme. Building styles shall be compatible with existing buildings in the LI-1 zone.
3. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls.
4. Mechanical equipment shall be located or screened so as not to be visible from public and private streets. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or on the roof. Screen materials shall be compatible with those of the building.
5. Plans for the exterior modifications to any existing structures must be submitted to the Planning Commission for approval and must meet the same requirements as all other structures within the LI-1 zone. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.16, 1993.)

18.55.170 Buffers, fences and walls.

The intent in having special buffer, fence, and wall requirements is to provide quality separation between incompatible commercial uses, and to provide physical and visual protection between commercial and residential uses.

Landscape buffers are preferred over fences and walls where a separation is desirable. A visually open look should be encouraged between similar uses. Visual screening is often more important than a physical separation and the Planning Commission or City Council may, at its own option, require special treatment of such areas.

Buffer treatment may be required whenever a change occurs between residential and nonresidential uses. Additional landscaping and screening may be required at the discretion of the Planning Commission and City Council within the setback which separates the uses. Fences or walls will be reviewed for their effectiveness in screening a view, and for their color and texture in relationship to building materials.

Where differing uses are to be developed adjacent to existing residential areas, special consideration shall be made to protect the privacy of residents and requirements shall be the discretion of the Planning Commission and City Council. As a minimum, the negative effects of noise and artificial lighting shall be minimized to protect existing residents.

Service areas shall be properly screened. Outdoor lighting shall be designed to prevent exposure of light source to the view of residents. Facilities that require late-night customers and activities at any time between the hours of 11 pm and 5 am shall be located away-at least 500 feet from existing residential adjoining property lines areas to reasonably prevent disruption of privacy. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.17, 1993.)

18.55.180 Parking areas.

Parking areas shall be considered as structures since they present a three-dimensional appearance when occupied.

1. Location of parking shall be determined not only from its visual relationship to building and site, but also as it relates to safe convenient pedestrian and vehicular circulation patterns. The placing of building and parking elements on a site shall be evaluated by the Planning Commission and City Council on the basis of the following factors:

- a. Type of land use and structure.
- b. Building height and configuration.
- c. Relationship to other buildings both horizontally and vertically.
- d. Natural land features such as slopes and vegetation.
- e. Physical features such as rail lines, canals, and controlled ingress and egress.
- f. Visibility from vehicular approaches and distant highways.
- g. Parking is strongly encouraged to be located on the side and to the rear of any proposed structures, with minimum parking between the front of the building and the street.

2. Parking shall not occur adjacent to any public street except when:

- a. It has been established that such a location is needed or justified by other site conditions or building entrance orientation.
- b. The use is restricted to visitors and/or key employees.
- c. Parking is 80 percent screened by fencing, walls, and/or landscaping from the highway or street by either depressing the paved areas or using elevated landscape berms.
- d. A minimum of 10 feet of landscaped screening consisting of mixed evergreen and deciduous trees shall surround the periphery of paved areas adjacent to buildings or property lines. The number of trees for this area shall be determined by a standard of one tree per every 200 square feet of landscaping required. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.18, 1993.)

18.55.190 Service and loading areas.

Loading and refuse collections areas shall not be permitted between buildings and streets, and must be screened from view of public and private streets. Streets shall not be used directly for loading, unloading, or refuse collection. Building and improvements upon lots must be designed to properly accommodate loading, unloading and refuse collection. Loading and refuse collection areas shall be properly screened meeting standards stated herein. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.19, 1993.)

18.55.200 Outdoor lighting.

Outdoor lighting must meet the requirements of Chapter 18.118 FCC, Commercial Outdoor Lighting. For parking lot lighting, pole-mounted fixtures are recommended. Lighting of all pedestrian pathways is recommended. Lighting of a building and site identification signs are permitted as allowed by this title.

Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings. Intensities shall be controlled so that neighboring areas will not be adversely affected by glare or excessive direct light. All streetlights shall be shoe box design type fixtures and installed as required by the street lighting policy. (Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.20, 1993.)

18.55.210 General maintenance.

An overall maintenance schedule shall be implemented by property owners in maintaining all buildings, landscaping, fences, walls, drives, parking lots (including surfacing and striping, signs, or other structures). The above shall be maintained in good and sufficient repair in a safe and aesthetically pleasing manner. Roads and pavements shall be kept true to line and grade and in good repair. Drainage ditches shall be kept clean and free of any obstacles. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.21, 1993.)

18.55.220 Highway access.

All access from state roads shall be in accordance with the master street plan for Francis City. Access for this zone shall be made from a properly designed and landscaped frontage road or as otherwise approved by Francis City and UDOT. (Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.22, 1993.)

Chapter 18.57
CITY CENTER ZONE

Sections:

- 18.57.010 City center zone established.
- 18.57.020 Table of uses.
- 18.57.030 Permitted [accessory](#) uses.
- ~~18.57.040 Conditional uses.~~
- ~~18.57.040 Lot area.~~
- ~~18.57.050 Lot width~~
- ~~18.57.060 Lot frontage~~
- ~~18.57.070 Setback requirements.~~
- ~~18.57.080 Parking.~~
- ~~18.57.090 Architectural review.~~
- ~~18.57.100 Residential mixed use.~~
- ~~18.57.110 Building height.~~
- ~~18.57.120 Signs~~

18.57.010 City center zone established.

The city center zone, hereinafter also referred to as the CC zone, is established to:

1. Create a strong commercial identity at the heart of Francis City.
2. Encourage private and public investment, attract shoppers and visitors, and appeal to existing and new residents.
3. Promote a diverse mix of residential, business, commercial, office and institutional, educational, cultural and entertainment activities for employees, visitors, and residents.
4. Encourage pedestrian-oriented development within walking distance.
5. Create a place that represents a unique, attractive, and memorable destination for visitors and residents.
6. Enhance the community’s character through the promotion of high-quality urban design.
7. To provide opportunities to increase the City sales tax base, thereby helping to fund public improvements and public services.

Special approval procedures, landscaping requirements, [buffer treatment](#), and design guidelines are applicable in the CC zone. These regulations can be found in Chapter 18.115 FCC.

~~All requirements pertaining to the commercial zone (C-1), Chapter 18.45 FCC, are applicable in the CC zone, excepting the provisions of this chapter.~~ (Ord. 2021-08 § 1 (Exh. A), 2021; Ord. 2021-02 § 3 (Exh. C), 2021.)

18.57.020 Table of uses.

[Any use not listed in this table shall be strictly prohibited. Any business with any hours of operation between 11 pm and 5 am shall be considered a Tier 1 impact.](#)

Type: City Center Zone (CC Zone)	Impact Tier	Allowed	Conditional Use Permit	Business License
Art gallery smaller than 5,000 sq ft	3	✓		✓
Athletic club or indoor/outdoor recreational facility smaller than 10,000 sq ft	3	✓		✓
Bakery smaller than 5,000 sq ft	3	✓		✓

Type: City Center Zone (CC Zone)	Impact Tier	Allowed	Conditional Use Permit	Business License
Banking, financial services	2	✓		✓
Bar, tavern, lounge as per Utah State Code, <u>Only allowed after local consent is given per FCC 18.15.110.</u>	1	✓	✓	✓
Barber shops and hair salons <u>smaller than 5,000 sq ft</u>	3	✓		✓
Bed-and-breakfast			✓	✓
Bowling alley	2	✓		✓
Car-detailing			✓	✓
Cinema, indoor	2	✓		✓
Consignment, surplus or secondhand store <u>smaller than 10,000 sq ft</u>	2	✓		✓
Convenience goods, sales	2	✓		✓
<u>Farm stands, selling locally grown or produced goods</u>	3	✓		✓
Floral shop <u>smaller than 5,000 sq ft</u>	3	✓		✓
<u>Food trucks, FCC 18.15.225</u>	3	✓		✓
Furniture sales, new and used, <u>smaller than 10,000 sq ft</u>	2	✓		✓
Gas stations <u>smaller than 5,000 sq ft, none other located within 1,000 ft</u>	1	✓	✓	✓
Hotel/motel			✓	✓
Liquor store, FCC 18.15.110, <u>smaller than 5,000 sq ft</u>	1	✓	✓	✓
Museum <u>smaller than 5,000 sq ft</u>	3	✓		✓
<u>Museum smaller than 10,000 sq ft</u>	2	✓		✓
Office and professional, retail shops smaller than <u>210,000 square feet</u>	2	✓		✓
Pharmacy	2	✓		✓
Photo studio <u>smaller than 5,000 sq ft</u>	3	✓		✓
Reception center <u>smaller than 10,000 sq ft</u>	2	✓		✓
Residential mixed use	2	✓		
Restaurant, fast food, drive-through			✓	✓
Restaurant, cafe	2	✓		✓
Retail sales and service <u>smaller than 10,000 sq ft</u>		✓		✓
Retail grocery store smaller than <u>2015,000 square feet</u>		✓		✓
Theater, concert hall, <u>indoor</u>	2	✓		✓

(Ord. 2021-08* § 1 (Exh. A), 2021; Ord. 2021-02* § 3 (Exh. C), 2021; Ord. 2020-03 § 1 (Exh. A), 2020; Ord. 2018-05 § 1 (Exh. A), 2018. Formerly 18.57.010.)

*—Code reviser's note: Ords. 2021-08 and 2021-02 inadvertently omitted amendments to this section from Ord. 2020-03 concerning car-detailing. The amendments from Ord. 2020-03 have been retained at the direction of the city.

18.57.030 Permitted accessory uses.

Accessory uses and structures are permitted in the C-1 zone provided they are incidental to, and do not alter, the character of the permitted principal use or structure. Such permitted uses and structures include, but are not limited to, the following:

1. Accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily incidental to a principal use or structure permitted in the C-1 zone.

Storage of materials for construction of buildings, including the contractor's temporary office shall be a permitted use; provided, that such be located on the building site or immediately adjacent thereto; and provided further, that such use shall be permitted only during the construction period. (Ord. 2021-08 § 1 (Exh. A), 2021; Ord. 2021-02 § 3 (Exh. C), 2021.)

2.

18.57.040 Conditional uses.

~~Accessory uses and structures shall be a conditional use in the CC zone. They must be incidental to, and should not alter, the character of the permitted principal use or structure. Such conditional accessory uses and structures include, but are not limited to: accessory buildings such as garages, carports, equipment storage buildings and supply storage buildings which are customarily incidental to a principal use or structure permitted in the CC zone. (Ord. 2021-08 § 1 (Exh. A), 2021; Ord. 2021-02 § 3 (Exh. C), 2021.)~~

18.57.040 Lot area.

There shall be no minimum lot area requirements in the CC zone except as may be dictated by off-street parking requirements, adequate circulation, and property site utilization. Lot area requirements shall be determined by the Planning Commission and City Council.

18.57.050 Lot width.

There shall be no requirements for lot width, provided all requirements of necessary parking regulations can be satisfied.

18.57.060 Lot frontage.

Each lot or parcel of land in the CC zone shall have frontage on a public or private street for a minimum distance of 35 feet.

18.57.070 Setback requirements.

The following setback requirements shall apply in the CC zone:

1. Each structure in the CC zone shall be located at least 10 feet from the front property line.
2. Each structure in the CC zone shall be located at least zero feet from the nearest building or parcel. See FCC 18.115.100 for required buffer distance.
3. Each structure in the CC zone shall be located at least zero feet from the rear property line. See FCC 18.115.100 for required buffer distance.

18.57.050080 Parking.

Parking areas must meet the requirements of Chapter 18.100 FCC, Off-Street Parking.

All parking spaces and driveways shall be paved with asphaltic cement or concrete, and shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces shall not be provided within a required front or side setback.

Parking areas shall be considered as structures since they present a three-dimensional appearance when occupied.

1. Location of parking shall be determined not only from its visual relationship to building and site, but also as it relates to safe convenient pedestrian and vehicular circulation patterns. The placing of building and parking

elements on a site shall be evaluated by the Planning Commission and City Council on the basis of the following factors:

- a. Type of land use and structure.
- b. Building height and configuration.
- c. Relationship to other buildings both horizontally and vertically.
- d. Natural land features such as slopes and vegetation.
- e. Physical features such as rail lines, canals, and controlled ingress and egress.
- f. Visibility from vehicular approaches and distant highways.
- g. Parking is strongly encouraged to be located on the side and to the rear of any proposed structures, with minimum parking between the front of the building and the street.

2. Parking shall not occur adjacent to any public street except when:

- a. It has been established that such a location is needed or justified by other site conditions or building entrance orientation.
- b. The use is restricted to visitors and/or key employees.

Parking shall not occur adjacent to any public street except when:

1. It has been established that such a location is needed or justified by other site conditions or building entrance orientation.
2. The use is restricted to visitors, key employees, or residents.

The provisions set forth in FCC 18.45.160(2)(c) and (d) are not applicable in the CC zone. (Ord. 2021-08 § 1 (Exh. A), 2021; Ord. 2021-02 § 3 (Exh. C), 2021.)

18.57.060090 Architectural review.

Proposed developments shall undergo an architectural review by the Planning Commission and City Council. The review will determine if the developer has effectively incorporated a mountain aesthetic with neutral colors that is in harmony with the surrounding landscape and structures. Structures are limited to three stories. The maximum building coverage shall be 55 percent of the lot area. (Ord. 2021-08 § 1 (Exh. A), 2021; Ord. 2021-02 § 3 (Exh. C), 2021.)
The treatment of building mass, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with other surrounding developments. Proposed developments shall be designed with a mountain rustic theme that reflects the heritage and community of Francis City. The design shall be reviewed by the Planning Commission and approved by the City Council. Requirements applicable to all buildings are stated below:

1. All sides of buildings shall receive equal design consideration, particularly where exposed to vehicular traffic and adjacent properties. At least 30% of street-facing façade shall be stone or wood. Facade shifts shall be articulated at intervals no greater than 50 feet, through use of divisions or architectural changes in plane or material, to reflect traditional building widths.
2. Basic materials shall be limited to no more than three types of materials per building and all buildings within the development shall be designed with the same architectural theme. Highly reflective metal or large expanses of glass are not in keeping with rural character and are prohibited.
3. A minimum of 50% of the roof shall be pitched with a minimum slope of 4:12. Flat roof fronts are discouraged and only allowed when concealed by false gables, fronted with a pitched façade, or when the design includes a

portico, all of which must have a minimum slope of 4:12 and span a minimum of 50% of the width of the structure. Roofs wider than 50 feet shall include a varied roofline or change in height.

4. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls.

5. Mechanical equipment shall be located or screened so as not to be visible from public and private streets. Screens shall be aesthetically incorporated into the design of the building whether located on the ground or on the roof. Screen materials shall be of the same material and color as those of the building.

6. Plans for the exterior modifications to any existing structures must be submitted to the Planning Commission for approval and must meet the same requirements as all other structures within the C-1 zone.

7. Formula businesses (restaurants, retail, etc.) must customize their architecture to meet these design standards. Prototype designs used elsewhere will not be accepted unless the materials, colors, rooflines, and other design elements are modified to be compliant with this Chapter.

8. Structures are limited to three stories. Attics with a height from floor to ceiling over 5 feet are considered a story.

9. The maximum building coverage shall be 55 percent of the lot area.

Characteristics of Mountain Rustic Design Theme

- Features such as exposed timber frames, stone chimneys, and overhanging eaves are encouraged.
- Preferred materials are those commonly found in mountain environments such as wood, log, fiber-cement siding simulating wood, stone, and metal accents.
- The color palette is limited to natural brown, taupe, green, and grey earth tones. Darker accent colors may be used for trims and doors but must complement the overall scheme. Neon or bright palettes are prohibited.



(Ord. 2021-08 § 1 (Exh. A), 2021; Ord. 2021-02 § 3 (Exh. C), 2021.)

18.57.070100 Residential mixed use.

Residential mixed use development is encouraged in the CC zone. The following standards regulate mixed use development:

1. The maximum number of dwelling units allowed is eight units per acre. An additional four units per acre, with a maximum of 12 units per acre, are allowed if the additional units are subject to moderate income housing requirements per Chapter 17.55 FCC.
2. Each dwelling unit shall have separate kitchen and bathroom facilities, separate utilities, adequate parking provided as defined in FCC 18.100.100, and its own address.
3. Residential dwelling units are permitted on the second floor or higher, except as required for accessibility by the International Building Code Chapter 11. (Ord. 2021-08 § 1 (Exh. A), 2021.)

18.57.080110 Building height.

Buildings in the CC zone shall not exceed 45 feet in height, unless an express exception in FCC 18.15.100 applies, nor exceed the recommendation of the South Summit Fire District. (Ord. 2024-07 § 1 (Exh. A), 2024.)

18.57.120 Signs.

All signs erected in the C-1 zone shall be in conformance with the sign provisions of Chapter 18.105 FCC.

Chapter 18.58

R-M RESIDENTIAL MULTIFAMILY ZONE

Sections:

- 18.58.010 R-M residential multifamily zone.
- 18.58.020 Permitted and conditional uses.
- 18.58.030 Requirements for building permit review.
- 18.58.040 Dimensional standards.
- 18.58.050 Lot requirements for dwellings and main buildings.
- 18.58.060 Accessory structure requirements.

18.58.010 R-M residential multifamily zone.

The R-M residential multifamily zone is established to provide a residential environment within the City which is characterized by attractively landscaped multifamily dwellings as defined in FCC 18.10.040 and open space. The explicit purpose of the multifamily zone is to obtain affordable housing within the community. The R-M zone is not intended to be an agricultural zone and development is intended to occur at medium densities. Only lots previously zoned AG-1, R-H, or R-C may be eligible for a zone change to the R-M zone. (Ord. 2024-04 § 1 (Exh. A), 2024; Ord. 2020-08 § 1 (Exh. A), 2020.)

18.58.020 Permitted and conditional uses.

[Any use not listed in the table below shall be prohibited.](#)

Type: R-M Use	Allowed	Conditional Use Permit	Business License
Accessory structures, unoccupied	✓		
Home occupation as regulated by business license and Chapter 18.80 FCC	✓		✓
Multifamily dwellings, up to 10 units per acre	✓		
Multifamily dwellings, up to 16 units per acre when all bonus density allowance units are deed restricted per Chapter 17.55 FCC, Moderate Income Housing	✓		

(Ord. 2024-04 § 1 (Exh. A), 2024; Ord. 2020-08 § 1 (Exh. A), 2020.)

18.58.030 Requirements for building permit review.

The following standards must be met for each development within the R-M zone:

1. Separate kitchen and bathroom facilities for each dwelling unit.
2. Separate utilities to each dwelling unit.
3. Each dwelling unit will have its own address.
4. A hard surface driveway or parking area (concrete or asphalt) must be installed for dwellings. (Ord. 2024-04 § 1 (Exh. A), 2024; Ord. 2020-08 § 1 (Exh. A), 2020.)

18.58.040 Dimensional standards.

1. The maximum number of dwelling units allowed is 10 units per acre.
2. A maximum of 16 dwelling units per acre are allowed when all bonus density allowance units are deed restricted per Chapter 17.55 FCC, Moderate Income Housing. (Ord. 2024-04 § 1 (Exh. A), 2024; Ord. 2020-08 § 1 (Exh. A), 2020.)

18.58.050 Lot requirements for dwellings and main buildings.

1. Front Yard and Side Street Setback. The minimum front yard and side street setback shall be 20 feet from the property line.
2. Side Yard Setback. The minimum side yard for interior lots in the R-M zone shall be 10 feet from the property line.
3. Rear Yard Setback. The minimum rear yard shall be 20 feet from the property line. (Ord. 2024-04 § 1 (Exh. A), 2024; Ord. 2020-08 § 1 (Exh. A), 2020.)

18.58.060 Accessory structure requirements.

1. An accessory building allowed by this title and FCC Title 17 shall be located no closer than five feet from the side and rear property lines. Accessory buildings shall not be permitted in the required front or side street yard areas required for main buildings. Roof drainage shall be required to be retained on site for all accessory buildings.

~~2. Accessory buildings used for the housing or shelter of animals shall be located a minimum distance of 40 feet from any dwelling.~~

~~3.~~ No accessory dwellings allowed. (Ord. 2024-04 § 1 (Exh. A), 2024; Ord. 2022-01 § 1 Exh. A), 2022; Ord. 2020-08 § 1 (Exh. A), 2020.)

Chapter 18.59

PLANNED DEVELOPMENT OVERLAY ZONE (PD)

Sections:

- 18.59.010 Purpose.
- 18.59.020 Requirements.
- 18.59.030 Process.
- 18.59.040 Residential and commercial uses.
- 18.59.050 Development standard [variations](#)~~exceptions~~.
- 18.59.060 Architectural review and standards.

18.59.010 Purpose.

The purpose of the planned development overlay zone (PD) is to encourage high-quality, innovative, and creative development in the City. It allows for flexibility in the consideration and approval of development plans, which serve public interests more fully than development permitted under conventional zoning regulations. A planned development is not a means to skirt the rules. Instead, its function is to elevate and encourage better design, better use of land, and improved engagement with the Planning Commission. The City shall only use this overlay when it is clearly demonstrated that in doing so the existing residents of Francis City will derive substantial benefit. (Ord. 2021-11 § 1 (Exh. A), 2021.)

18.59.020 Requirements.

For a development to qualify for planned development zoning, the applicant must demonstrate the potential for achievement of the following objectives throughout the planning, design, and development stages:

1. Implements the City's vision for current and future growth, furthering the goals and objectives of the Francis City general plan.
2. Encourages efficient use of land and resources, preserving and protecting to the greatest extent possible, open spaces and natural lands, the existing landscape features and view corridors, and historical structures.
3. Promotes greater efficiency in public and utility services, clustering dwelling units.
4. Encourages innovative planning and development that achieves exceptional sustainability performance with regards to resource consumption, sustainable materials, and the impact on natural systems.
5. Fosters an improved sense of community, providing for adequate, well-located, and well-designed open space and community facilities.
6. Providing for a planned, integrated, and comprehensive transportation system for pedestrian and vehicular traffic, which may include provisions for roads, trails, bicycle, or equestrian paths.

The planned development overlay shall only be applied to a project area of at least 10 acres. The planned development zone may be used in combination with any zone set forth in this title. However, it may not be overlaid on an individual flag lot. The provisions of the planned development zone shall be supplementary to the provisions of the zone with which it is combined and shall not be applied to any land area as an independent zone. (Ord. 2022-01 § 1 (Exh. A), 2022; Ord. 2021-11 § 1 (Exh. A), 2021.)

18.59.030 Process.

The petition process for a planned development overlay zone shall follow the procedure for a zone map amendment as outlined in this title, with the following additions to the process and application:

1. Concept Plan. The applicant shall submit a conceptual plan for discussion with the Planning Commission prior to the submission of an official application. The concept plan shall meet all the requirements of Chapter 17.15 FCC (Concept Plan) as well as the following:

a. Density. The number and layout of residential units proposed per acre in the planned development shall be shown on the map.

b. Site Area. The overall acreage of the project as well as the layout of open space, recreational facilities, commercial structures and parking, roadways, pedestrian and bike paths, other common community facilities and landscaped areas in public rights-of-way shall be depicted on the map.

2. Objectives. The applicant must include evidence showing the development meets the objectives listed in FCC 18.59.020. Written narratives, diagrams, photographs, renderings, and other information may be submitted as evidence with the application. An application is considered incomplete without such evidence.

3. Agreements. Creation of a development agreement that identifies land uses, zoning, residential densities, nonresidential land uses, public and private funding obligations, construction of public and private amenities, impact fees or other development credits, and phasing for the development is required. The development agreement must place maintenance and ownership responsibilities for private streets and alleys within a planned development with the landowner(s) or an owner's association such as a homeowner's association (HOA). The development agreement shall be executed upon approval of the planned development overlay zone. The developer shall submit to the City an agreement between the developer and the City stating among other things:

a. That in the event of failure or neglect on the part of the owners, successors, assigns, or homeowner's association (HOA) to maintain water and sewage facilities, private roads and alleys, common areas, landscaping, or other improvements in good conditions, the City may perform the necessary work and charge the cost thereof, including reasonable attorney fees, to the owners or their successors and assigns;

b. That the owners, successors, assigns, or HOA will reimburse the City for all costs which the City incurs as a result of performing the necessary work along with any penalties due per Chapter 18.145 FCC, Penalties;

c. That the terms of the contract shall be binding upon the heirs, assigns, receivers, successors, and HOA of the project for the life of the project or development; and

d. Any other conditions that the Planning Commission, City Council, and/or City Attorney deems to be reasonably necessary to carry out the intent of this chapter.

Approval of the planned development overlay zone does not constitute approval to proceed with development. The developer is required to follow the procedure and obtain the approvals required in FCC Title 17 and this title and other City ordinances to obtain subdivision approval.

An applicant shall be entitled to appeal a conditional approval or recommendation for disapproval of the planned development overlay zone by the Planning Commission to the City Council.

Failure to submit a preliminary subdivision plan or a commercial site plan within one year of receiving planned development overlay zone approval by the City Council shall terminate all proceedings and render the planned development overlay zone null and void and the land shall revert to its former land use classification prior to establishment of the planned development overlay zone.

The City Council may, in its sole discretion, grant the applicant an extension of this deadline, for good cause shown, if application is made prior to expiration of the deadline. (Ord. 2021-11 § 1 (Exh. A), 2021.)

18.59.040 Residential and commercial uses.

Uses allowed in a planned development shall be limited to those permitted or conditional uses set forth in the zone with which the planned development overlay zone is combined and the uses set forth in this section. Any conditional use shall be subject to the issuance of a conditional use permit as set forth in this title.

1. Density. Reduced lot areas shall be a permitted use in a planned development provided total density does not exceed the density permitted by the underlying zone in which the development is situated. Total density shall be calculated as total square footage of the subject property divided by the minimum lot requirement. Private roads and alleys are not deducted from the total square footage.

2. Commercial Uses. Any commercial use allowed in Chapter 18.45 FCC shall be a permitted use with the planned development overlay of a C-1 zone provided such use is designed as an integral element of the planned development, including building and landscaping design which is consistent with design elements of the development. (Ord. 2021-11 § 1 (Exh. A), 2021.)

18.59.050 Development standard ~~variation~~exceptions.

~~Variations-Exceptions~~ from applicable development standards of an underlying zone and FCC Title 17 and this title may be approved by City Council after receiving a Planning Commission recommendation as part of the planned development overlay zone approval; provided, that such ~~variations-exceptions~~ are explicitly noted in the ordinance granting planned development overlay zone approval; and provided, that the applicant demonstrates that:

1. A proposed project which includes a variation is the result of a substantial amount of advanced planning; and
2. Any adverse conditions which may result from the variation will be mitigated; and
3. Any variation for private streets or alleys at a minimum complies with Section 503 and Appendix D of the International Fire Code and the South Summit Fire District requirements; and
4. The variation will result in a substantial benefit not only to persons who live or work within the project, but also to Francis City and its residents generally.

Where a planned development establishes unique standards that conflict with the standards of FCC Title 17 and this title, planned development standards shall prevail. When a planned development is silent or does not establish development standards, the standards for the underlying zone shall apply as determined and interpreted by the City Planning Department. (Ord. 2021-11 § 1 (Exh. A), 2021.)

18.59.060 Architectural review and standards.

Proposed developments shall undergo an architectural review by the Planning Commission. The review will determine if the developer has effectively incorporated the architectural heritage and history of the valley into the development design. Manufactured homes are prohibited in a planned development. Permanent structures including panelized or prefabricated homes are allowable. All structures must be placed upon a permanent foundation of reinforced concrete in accordance with International Building Code standards. (Ord. 2021-11 § 1 (Exh. A), 2021.)

Chapter 18.60

PERMITTED USE REVIEW PROCESS

Sections:

- 18.60.010 Generally.
- 18.60.020 Application for permitted uses.

18.60.010 Generally.

On any proposal to construct a building or other improvement(s) to property which is defined by this title and FCC Title 17 as a permitted use in the zone in which proposed, the City staff shall review the submission to determine whether the proposal:

1. Is a permitted use within the zone for which it is proposed.
2. Complies with the requirements of that zone for height, setback, and lot coverage.
3. Meets the applicable parking requirements.
4. Requires analysis as defined in Chapter 18.120 FCC.

Upon finding that the proposal complies with the applicable zoning requirements, and can be adequately serviced by existing utility systems or lines, the plans shall be reviewed for building code compliance and permit issuance. If the submission does not comply with the requirements of the zone, the City staff shall notify the owner of the project or his agent stating the requirements of the zone that have not been satisfied. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.12, 1993.)

18.60.020 Application for permitted uses.

The application for a building permit for a permitted use shall contain the following information, in addition to information required by the International Building Code:

1. When a structure is to be built, the footing and foundation details, site plan, and elevations of all sides of the structure, and proof that all fees have been paid, prior to excavation.
2. A site plan showing the lot and the location of the proposed structure. The site plan must be drawn to scale. A certified survey may be required on projects with structures on or near the lot lines, or when the lot lines are difficult to determine from existing plats and monuments.
3. A statement of the name and address of the owner or responsible agent, and a telephone number.
4. The location of the proposed structure by street address or by reference to existing structures so that the location can be identified and assigned a street address.
5. A legal description of the property and proof of ownership.
6. The location and size of adjacent utility lines, [if required by the City Engineer](#).
7. A letter or certification from the Army Corps of Engineers, stating that the property (which is not in an approved subdivision) is approved for construction and will not impact any wetlands, if required by the City Engineer.
8. A statement of whether the property is subject to a homeowner's association declaration or similar covenants, conditions or restrictions. If so, the City shall instruct the applicant to contact the architectural committee or other body with authority over the proposed construction, but in no case shall the City be liable or responsible for failure to so instruct the applicant, or for the applicant's failure to comply in any way with the applicable covenants, conditions or restrictions. (Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 1.12.1, 1993.)

Chapter 18.65

CONDITIONAL USE REVIEW PROCESS

Sections:

- 18.65.010 Purpose.
- 18.65.020 Preapplication conference.
- 18.65.030 The application.
- 18.65.040 Written statement and other documentation.
- 18.65.050 Notice/posting.
- 18.65.060 Public comment.
- 18.65.070 City action.
- 18.65.080 Expiration.
- 18.65.090 Standards for review.
- 18.65.100 Sensitive lands review.

18.65.010 Purpose.

The purpose of this chapter is to describe the standards and processes by which the City will review applications for conditional uses in accordance with the Utah Land Use Development Management Act and other governing laws. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.14, 1993.)

18.65.020 Preapplication conference.

A preapplication conference may be held with the City staff or Planning Commission to determine the nature of the use and the general nature of conditions that might be imposed. At the preapplication conference, City staff and the applicant shall review the application form, the materials and information needed to complete the form, and the procedures used in reviewing the conditional use.

Fees for projects that require review and/or inspection by the City Attorney, City Engineer, or other consultant(s) shall be billed to the applicant at the actual billed rates incurred by the City, in addition to all other applicable fees. To assure prompt payment, the applicant shall deposit with the City sufficient funds against which the City may draw to satisfy these costs, in amounts set forth in the City's then-prevailing fee and rate ordinance.

All funds in applicant deposit accounts are available at all times for expenditure by the City to satisfy fees incurred by the City for the project. The City shall notify applicants monthly of the fees incurred during the previous month for the applicant's project. The City shall pay interest on applicant deposit accounts, at the rate at which the City would earn interest on monies in the City's general fund balance for the applicable period, and shall credit said interest to the applicant's deposit account. If the balance on deposit for an applicant drops below an amount sufficient to cover anticipated costs, the applicant must pay all outstanding billings for the month plus bring the deposit account back up to a sufficient amount, as set forth in the City's then-prevailing fee and rate ordinance. If at any time an applicant's deposit account does not comply with the provisions set forth herein, the City's staff and its contractors, agents and consultants shall stop work on the project until the account comes into compliance. At the conclusion or termination of a project, any unexpended amounts in an applicant's deposit account shall be refunded to the applicant with interest. (Ord. 2016-09 § 1, 2016; Ord. 2011-04, 2011; Ord. 66 § 1.14.1, 1993.)

18.65.030 The application.

A conditional use application shall be filed on a form prepared by the City, and shall be supported and accompanied by the following information:

1. A map of the site showing the existing conditions prior to the demolition of any existing structures and any grading, showing north arrow and scale.
2. A map identifying the subject site in relation to adjoining public streets and the neighborhood in which it is located with north arrow and scale.
3. The boundaries of the site, and any easements of record or known prescriptive easements, existing roads, fences, irrigation ditches, and drainage facilities.

4. Topography with contours shown at intervals of five feet or less, 100-year floodplain and high ground water areas, known spring and seep areas and ditches or canals, and known wetlands.
5. Vegetation type and location; soil type and load carrying capacity information.
6. Site plan of the proposed conditional use showing building locations, proposed road locations and other circulation features and proposed finish grade.
7. Proposed drainage, drainage works, retaining walls, and erosion control plans.
8. Proposed location of all site improvements such as arenas, barns, plazas, tennis courts, pools, and similar improvements.
9. Proposed easements for new utility services or relocated utility services, proposed intersections with existing public streets and lighting plans, if any.
10. Proposed landscaping and signage.
11. Designations of proposed ownership of areas shown on the site plan as common area or dedicated open space.
12. General architectural concept drawings of proposed buildings.
13. Proposed location of a common satellite receiving station or other antennas.
14. When appropriate proposed mitigation measures for any noise, lights, or odors produced by the conditional use and proposed hours of operation.
15. When appropriate, the means by which the applicant proposes to use for pollution control from dust, ground water pollution, and other pollutants as may be applicable.
16. Other information necessary for the meaningful review of the project. Additional information may be requested at the preapplication conference based on the nature of the project or the site. (Ord. 2022-01 § 1 (Exh. A), 2022; Ord. 2016-09 § 1, 2016; Ord. 66 § 1.14.2, 1993.)

18.65.040 Written statement and other documentation.

A written statement shall be submitted with the following documentation containing and/or explaining the following information:

1. A preliminary title report showing the title to the property, and listing all encumbrances, covenants, easements, and other matters affecting title, and a legal description of the site.
2. Copies of any covenants or easements which are referred to in the title report.
3. A development schedule indicating phased development, if any, and the estimated completion date for the project.
4. Stamped and addressed envelopes, including the return address listed for the City, for all property owners within 600 feet of the perimeter of the site or lot line with their current mailing addresses as shown from the most recently available county assessment rolls.
5. A general description of the project.
6. A statement of whether the property is subject to a homeowner's association declaration or similar covenants, conditions or restrictions. If so, the City shall instruct the applicant to contact the architectural committee or other body with authority over the proposed construction, but in no case shall the City be liable or responsible for failure to so instruct the applicant, or for the applicant's failure to comply in any way with the applicable covenants, conditions or restrictions.

7. Other information that might be helpful to the City in reviewing the proposed use. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.14.3, 1993.)

18.65.050 Notice/posting.

Upon receipt of the complete conditional use application and payment of all applicable fees, the City staff shall give notice to the public in accordance with the provisions of FCC 18.05.060. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.14.4, 1993.)

18.65.060 Public comment.

The posted, mailed, and published notice shall identify the conditional use proposal and location, and shall state that a public hearing has been scheduled in accordance with FCC 18.05.060. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.14.5, 1993.)

18.65.070 City action.

1. Time Frame. Once an application is received, the City staff will work diligently to review the application as quickly as time and workload allows.

2. City Staff Review. City staff and other appropriate City officials shall review the project and propose a conditional use permit encompassing the conditions of development and approval.

3. Planning Commission Review. Following a public hearing consistent with the requirements in FCC 18.05.060, the Planning Commission shall determine if all points of this title and FCC Title 17 have been complied with for review and compliance of the conditional use process and may further amend, add or delete conditions recommended by the City staff prior to approval. The Planning Commission ~~may approve, amend and approve, or deny the Conditional Use Permit. will recommend the permit for approval with appropriate conditions or denial of the permit to the City Council for their review at the next regularly scheduled City Council meeting that can meet notice requirements of FCC 18.05.060.~~

4. City Council Approval. ~~The City Council may approve, amend and approve or deny the application for a conditional use permit as proposed to the Planning Commission. After approval by the City Council, building permits are to be issued by the City Building Official as provided in the International Building Code and this title and FCC Title 17.~~ (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 1.14.6.5, 1999; Ord. 66 § 1.14.6, 1993.)

18.65.080 Expiration.

Unless otherwise specified during the review and approval process, conditional use permits shall expire one year from the date of the ~~City Council~~ [Planning Commission](#) approval of the conditional use permit, unless substantial construction activity has commenced on the project. Substantial construction activity is evidenced by the developer obtaining building permits for the project (or for the first phase of a phased project). Permits may be issued in stages, but the issuance of a footing and foundation permit is not evidence of substantial construction activity unless the permits for the remainder of the structure (or remainder of the phase, in phased projects) are obtained within six months of the issuance of the footings and foundation permit. Demolition permits do not evidence substantial construction work for purposes of extending a conditional use permit. Whether construction has commenced or not, the ~~City Council~~ [Planning Commission](#) may grant an extension for up to one additional year when the applicant is able to demonstrate a legitimate delay in the start of construction, such as inclement weather, delays in financing, or similar factors. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.14.9, 1993.)

18.65.090 Standards for review.

A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable [objective](#) standards of this title and FCC Title 17. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards of this title and FCC Title 17, the conditional use may be denied. No conditional use permit shall be issued unless the City finds that the application complies with all requirements of this title and FCC Title 17; ~~that the use will be compatible with surrounding structures in use, scale, mass and circulation; that the use is consistent with the general plan, and that the effects of any differences in use or scale have been mitigated through careful planning and that the reasonably anticipated detrimental effects can be mitigated.~~ All infrastructure improvements must be concurrently constructed and timed carefully with the development and costs associated with

them borne by the developer as previously outlined. The City shall review each of the following items when considering a conditional use permit and proposing or imposing conditions on the permit:

1. Size and location of the site.
2. Traffic considerations including capacity of the existing streets in the area, location and amount of off-street parking, and internal traffic circulation.
3. Utility capacity.
4. Emergency vehicle access and control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up or waste storage areas.
5. Fencing, screening, and landscaping to separate the use from adjoining uses.
6. Design, architectural detailing, building mass, bulk, orientation, and the location of buildings on the site including orientation to buildings on adjoining lots.
7. Usable and permanent open space considerations.
8. Signage and lighting.
9. Noise, vibration, pollution, odors, steam, or other mechanical factors that might affect people and property off site.
10. Potential for discharge into the air, ground water, surface and subsurface water, or soil.
11. Potential adverse impact on the ability of those who live or own property in the vicinity, including adverse effects to property values and the right to use and enjoy their property.
12. Other technical review matters as may be advised by the City. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.14.10, 1993.)

18.65.100 Sensitive lands review.

If a conditional use approval is located within the sensitive area overlay zone, or designated area, additional requirements and regulations may apply. See the sensitive lands provisions in Chapter 18.120 FCC. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.14.11, 1993.)

Chapter 18.70

APPEALS AND REVIEW PROCESS

Sections:

- 18.70.010 [Board of Adjustment Administrative Law Judge.](#)
- 18.70.020 Constitutional takings issues.
- 18.70.030 Appeal to City Council.
- 18.70.040 Appeal to District Court.
- 18.70.050 Record of appeal proceedings.
- 18.70.060 Finality of action.

18.70.010 Board of Adjustment.

~~The An Board of Adjustment~~[Administrative Law Judge](#) shall be the appeal authority to hear and decide requests for variances from the terms of this title. An adverse decision by the ~~Board of Adjustment~~[Administrative Law Judge](#) may be appealed to district court pursuant to Utah law. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.15, 1993.)

18.70.020 Constitutional takings issues.

The City Council shall be the appeal authority for review of constitutional takings issues. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.15.1, 1993.)

18.70.030 Appeal to City Council.

The City Council shall be the appeal authority of all nonvariance land use decisions in which the City Council has not first acted as the land use authority. Appeal of such decisions shall be made to the City Council within 10 days of the decision being appealed. The standard of review by the City Council shall be de novo. An adverse decision by the City Council acting as the appeal authority may be appealed to district court pursuant to Utah law. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 1.15.2, 1999; Ord. 66 § 1.15.2, 1993.)

18.70.040 Appeal to District Court.

Appeal shall be made directly to District Court of all nonvariance land use decisions in which the City Council has acted as the land use authority. In acting as the land use authority, the City Council shall keep a written record of its proceedings in the form of minutes or other records. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.15.3, 1993.)

18.70.050 Record of appeal proceedings.

Each appeal authority in the City shall keep a written record of its appeal proceedings. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.15.4, 1993.)

18.70.060 Finality of action.

If no appeal has been filed at the end of 30 calendar days from the date of final action by the City Council, Planning Commission, ~~Board of Adjustment~~[Administrative Law Judge](#), or City Planner, the action is final. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 1.15.6, 1999; Ord. 66 § 1.15.6, 1993.)

Chapter 18.75

NONCONFORMING USES

Sections:

- 18.75.010 Nonconforming use defined.
- 18.75.020 Regulation of nonconforming use.
- 18.75.030 Noncomplying structure defined.
- 18.75.040 Regulation of noncomplying structure.

18.75.010 Nonconforming use defined.

“Nonconforming use” shall be defined pursuant to the Utah Municipal Land Use, Development, and Management Act. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.22.1, 1993.)

18.75.020 Regulation of nonconforming use.

A nonconforming use may be continued by the present or a future property owner pursuant to the Utah Municipal Land Use, Development, and Management Act. The property owner shall have the burden of establishing the legal existence of a nonconforming use. A nonconforming use that has been discontinued for one consecutive year shall be considered abandoned and thereby terminated. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 1.22.2, 1999; Ord. 66 § 1.22.2, 1993.)

18.75.030 Noncomplying structure defined.

“Noncomplying structure” shall be defined pursuant to the Utah Municipal Land Use, Development, and Management Act. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.22.3, 1993.)

18.75.040 Regulation of noncomplying structure.

A noncomplying structure may be continued by the present or a future property owner pursuant to the Utah Municipal Land Use, Development, and Management Act. The property owner shall have the burden of establishing the legal existence of a noncomplying structure. The City may prohibit the reconstruction or restoration of a noncomplying structure pursuant to the Utah Municipal Land Use, Development, and Management Act. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 1.22.4, 1999; Ord. 66 § 1.22.4, 1993.)

Chapter 18.80

HOME/PREMISES OCCUPATIONS/HOME-BASED BUSINESSES

Sections:

- 18.80.010 Purpose.
- 18.80.020 Definitions.
- ~~18.80.0320 Home/premises occupations license~~ Home-based business license required.
- ~~18.80.0430 Standards for approval of all home businesses/premises occupations licenses.~~
- 18.80.050 Prohibited home businesses.
- 18.80.060 Agricultural uses.
- 18.80.070 Daycares and preschools.
- 18.80.090 Appeals.
- 18.80.100 Renewal of business license.
- 18.80.110 Noncompliance
- ~~18.80.040 Qualifications.~~

~~18.80.050 Conditional use permit required.~~

18.80.010 Purpose.

The purpose of this Chapter is to encourage entrepreneurship and economic development by allowing limited commercial activities within residential areas, provided these activities are clearly incidental to the residential use, preserve neighborhood character, and do not create adverse impacts such as noise, traffic, or hazards.

This Chapter establishes standards, licensing procedures, and restrictions for operating home-based businesses. It identifies allowable uses, application and approval processes, and ensures compliance with zoning, building, fire, and health codes.

The purposes of this chapter are to:

- ~~1. Encourage major business activities to be conducted in appropriate commercial zones.~~
- ~~2. Allow for home occupations that are compatible with the neighborhoods in which they are located as an accessory use.~~
- ~~3. To safeguard peace, quiet, and domestic tranquility within all residential neighborhoods within the City, and to protect residents from excessive noise, excessive traffic, nuisance, fire hazard and other possible adverse effects of commercial uses being conducted in residential areas.~~
- ~~4. Provide a means to terminate home occupations if disruption of a residential neighborhood occurs.~~
5. To establish a class of businesses that is permitted in the home to engage in the business of child care, and other group child activities. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.12(A), 1993.)

18.80.020 Definitions.

Home-Based Business: A business operated within a residential dwelling by a resident of that dwelling that is secondary and incidental to residential use.

High-Impact Residential Instruction: Teaching or tutoring services with five or more students at a time.

Home Office: A workstation within a residence used exclusively by the occupant for remote work or telecommuting for a business or employer not operated from the residence. Not considered a home-based business unless customers or clients visit the site or goods/services are sold.

Low-Impact Residential Instruction: Instructional services involving four or fewer students at a time, generally considered lower impact in terms of parking and neighborhood disruption.

Non-Resident Employee: An individual working for the home business who does not reside at the location. Restricted to one person.

On-Site Parking: Legal parking space(s) on the same lot as the home business that do no obstruct sidewalks, rights-of-way, or emergency access routes.

Primary Residential Use: The main use of the dwelling unit as a residence. Home businesses must remain clearly subordinate to this primary use.

Residential Child Day Care: Care for 5 to 12 children in a residence, including the caregiver's own children.

Residential Preschool: Structured educational care for up to 12 children under age six not enrolled in full-day school.

Retail Sales, Incidental: The sale of goods directly related to services offered at the residence (e.g., hair products at a salon). Incidental sales do not include general or unrelated merchandise.

18.80.020030 ~~Home/premises occupations license~~Home-based business license required.

~~A valid business license is required for any business operated within a residence, unless exempted by Utah State law. The license is not transferable and must be renewed annually. Written permission from the property owner is required if the applicant is not the owner. A home occupation shall be conducted within the City of Francis only in zone districts where allowed by this title and FCC Title 17 and in compliance with the following provisions unless it has been determined to be a nonconforming use pursuant to this title and FCC Title 17. A license to conduct a home occupation shall be issued by the City Business License Administrator. In order to be issued a license, a home occupation must receive a recommendation for approval from the City Planner pursuant to the following provisions— or as a nonconforming use. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.12(B), 1993.)~~

18.80.030 Standards for approval of all ~~home/premises occupations licenses~~home-based businesses.

~~The following standards shall be complied with in the operation of all home occupations at all times: All home-based businesses shall:~~

- ~~1. The home/premises occupation shall be an accessory use which is~~ Be clearly secondary ~~and incidental~~ to the primary use of the dwelling unit for residential purposes.
- ~~2. Be conducted entirely within the home or attached garage and use no more than 25% of the dwelling's floor area.~~
- ~~2. The home/premises occupation shall n~~Not physically change or alter the external residential appearance of the ~~principal or accessory structures~~home. Interior alterations for the purpose of accommodating the home ~~occupation~~business are prohibited if such alteration eliminates either the kitchen, dining area, bathrooms, living room or all of the bedrooms.
- ~~3. The home/premises occupation shall not involve the use of any yard space for storage or display of supplies, inventory or equipment when such use is in conjunction with the sale or production of goods or services. Prohibit outdoor storage of materials or equipment.~~
- ~~4. There shall be complete conformity with~~Maintain compliance with all fire, building, ~~plumbing, electrical~~health ~~codes~~, and all other City, county, state and federal codes.
- ~~5. The home/premises occupation shall n~~Not cause a demand for municipal, community, or utility services that are substantially in excess of those usually and customarily provided for residential uses.

6. ~~The home/premises occupation shall not be associated with or produce~~ Limit odor, smoke, dust, heat, fumes, light, glare, color, materials, construction, lighting, sounds, noises or vibrations or other nuisances ~~, including interferences with radio and television reception or other adverse effects associated with its use as a business that may be discernible beyond the premises or unreasonably disturb the peace and quiet of the neighborhood to levels typical of residential use.~~

7. Store only household-appropriate chemicals or materials; hazardous materials are prohibited. No process can be used which is hazardous to public health, safety, morals or welfare.

8. Operate only between 7:00 am and 9:00 pm. ~~The home/premises occupation shall not interfere or disrupt the peace, quiet and domestic tranquility of the neighborhood by creating excessive noise, excessive traffic, nuisance, fire hazard, safety hazard or other adverse effects of commercial uses.~~

9. ~~9- Allow no more than one non-resident employee. Inspection during reasonable hours by City officials may occur as necessary to assure compliance with these regulations.~~

10. ~~All vehicles, including customer, client or business related visitor vehicles must be provided off-street parking at the location wherein the home occupation is being conducted.~~ Provide off-street parking for clients, customers, and employees.

11. Restrict vehicular traffic to a level reasonably occurring for a residence in the neighborhood where the home business is located so that the average neighbor will not be significantly impacted by its existence. In no case, except for daycare or preschool businesses, shall the home occupation exceed two vehicular customers, and/or visits per hour, or six per day, nor deliveries or pickups exceed more than one per day.

12. Offer product for retail sales other than incidental retail sales.

13. ~~The home/premises occupation may u~~ Utilize up to one unanimated, nonilluminated flat sign, for each street upon which the dwelling fronts. The sign must be placed either in a window or on the exterior wall of the dwelling and may not have an area greater than six square feet.

(Ord. 2016-09 § 1, 2016; Ord. 66 § 3.12(C), 1993.)

18.80.040 Prohibited home businesses.

The following uses are prohibited as home-based businesses:

- Auto, boat, or small engine repair or services.
- Welding, metal fabrication, or foundries.
- Equipment, vehicle, or trailer rental.
- Junkyards or salvage.
- Mortuaries or crematoriums.
- Manufacture or sale of explosives.
- Medical laboratories handling biohazards.
- Sexually oriented businesses.
- Storage of vehicle(s) with a Gross Vehicle Weight (GVW) over 10,000 lb.
- Any use producing fumes, glare, vibration, excessive noise, or significant traffic impacts.

18.80.050 Agricultural uses.

Small-scale agricultural uses, such as gardening and limited livestock (in the AG-1 and AG-2 zones), may be permitted as home businesses if consistent with residential character as determined by the Planning Department and as permitted by state or county health regulations.

18.80.050 Daycares and preschools.

Residential daycares and preschools may operate as home-based businesses if:

1. They comply with state licensing requirements.
2. They provide safe ingress/egress and meet fire code standards.
3. Outdoor play areas are fenced and located in the side or rear yard.
4. The total number of children present at the residence is less than 12. This includes the licensee's and any non-resident employees' children if they are under twelve years of age.
5. Only one non-resident employee is present.

18.80.040 —Qualifications.

~~1. No more than one person (residing outside of the home) working a maximum of 20 hours per week shall be engaged, volunteer or be employed on the premises.~~

~~2. Visitors, customers, vehicular traffic shall not exceed that normally and reasonably occurring for a residence in the neighborhood where the home occupation is located and shall be conducted so that the average neighbor will not be significantly impacted by its existence. In no case shall the home occupation exceed two vehicular customers, and/or visits per hour, or six per day, nor deliveries or pickups exceed more than one per day.~~

~~3. The home occupation shall not generate or exceed eight children at one time, associated with group child activities (e.g. dance schools, preschool, music classes, other care or instruction of children). This number shall include the licensee's own children if they are under eight years of age and are under the care of the licensee at the time the home occupation is conducted. This restriction shall not apply to those nonincome-producing child care activities (such as babysitting cooperatives, babysitting exchanges and informal instructional activities for preschool-aged children) conducted within private residences.~~

~~All child care facilities shall be permitted to provide outdoor play time as required by federal, state, county or local laws governing such business activity. All outdoor play areas must be fenced with an appropriate material.~~

~~4. The home/premises occupation may include the sale of commodities; however, direct sales from display shelves is not permitted at the dwelling.~~

~~5. Vehicles or equipment may not be used primarily for the purposes of advertising the home/premises occupation at the site. Vehicles or equipment displaying such advertising should not be visible from the public right of way.~~

~~6. The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of 15,000 pounds or less.~~

~~7. The home/premises occupation may utilize one unanimated, nonilluminated flat sign, for each street upon which the dwelling fronts. The sign must be placed either in a window or on the exterior wall of the dwelling and may not have an area greater than six square feet.~~

~~8. No visitors in conjunction with the home/premises occupation (clients, patrons, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.~~

~~9. The home occupation shall be carried on wholly within the principal building. The premises occupation may occur in an accessory building which is clearly subordinate to the dwelling.~~

~~10. No more than 25 percent of the total main floor area or upper living levels of the dwelling unit, nor, in the alternative, more than 50 percent of the total floor area of any basement of the dwelling unit shall be utilized for the home occupation. No more than the equivalent of 50 percent of the total floor area of the main dwelling may be used~~

~~in an accessory structure for a premises occupation. (Ord. 2016-09 § 1, 2016; Ord. 2008 § 3.12, 2008; Ord. 66 § 3.12(D), 1993.)~~

18.80.050—Conditional use permit required.

~~Certain types of occupations which have substantial impacts upon the residential character of the area when carried on in residential districts must be reviewed to determine if the use is appropriate and to impose requirements and conditions necessary for the protection of adjacent properties and the public health, safety and welfare.~~

~~1. The following uses are appropriate in a dwelling only if they are determined to be compatible with the neighborhood and with the public health, safety and general welfare and if conditions specific to that activity are developed after full conditional use review by the Planning Commission and compliance with §5.16(c) standards, applicable ordinance provisions and the additional regulations set forth hereafter.~~

~~a. Any child day care home occupation that is expected to generate or exceed eight children at any one time.~~

~~i. A maximum of 16 children is permitted at any one time.~~

~~ii. This number shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.~~

~~iii. This restriction shall not apply to those nonincome-producing child care activities (such as babysitting-cooperatives, babysitting exchanges and informal instructional activities for preschool-aged children) conducted within private residences.~~

~~b. Any home/premises occupation that is expected to generate or exceed eight children associated with group child activities (e.g. dance schools, preschool, music classes, other care or instruction of children) at any one time other than child day care.~~

~~i. A maximum of 12 students/children generating separate vehicle trips is permitted at any one time.~~

~~ii. A maximum 24 students/children generating separate vehicle trips is permitted per day.~~

~~iii. Additional students/children who do not generate separate vehicle trips may be permitted to a maximum of 12 students/children at any one time and two sessions per day. Additional students/children will be permitted only if the total number of students/children generating separate vehicle trips does not exceed 24 per day.~~

~~iv. The total number shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.~~

~~v. This restriction shall not apply to those nonincome-producing child care activities (such as babysitting-cooperatives, babysitting exchanges and informal instructional activities for preschool-aged children) conducted within private residences.~~

~~c. Repair shops including welding, carpentry (use of three or more woodworking power equipment), sheet-metal work, furniture manufacturing, upholstery and other such manufacturing.~~

~~d. Any home/premises occupation using hazardous chemicals.~~

~~e. Any home/premises occupation which will generate in excess of two vehicular customers or visitors per hour or six per day. A maximum of 12 vehicular business associated visitors per day may be allowed under a conditional use permit.~~

~~f. Any home/premises occupation proposing to employ or employing a person working more than 20 hours per week or more than one employee (i.e. persons other than residents of the dwelling unit who are engaged, volunteer, or are employed on the premises of the home occupation). A maximum of one additional employee may be allowed under a conditional use permit.~~

~~g. Any home/premises occupation which proposes to use or uses commercial use vehicles in excess of one ton.~~

~~h. Any home/premises occupation involving or proposing to involve food or drink preparation, storage or catering. Such a home occupation will be considered for a conditional use permit only when it is authorized by the appropriate state or county department or agency.~~

~~i. Any home/premises occupation which proposes or conducts business between the hours of 10:00 p.m. and 6:00 a.m.~~

~~j. Any home/premises occupation that is referred to the Planning Commission by the City Planner for purposes of holding a meeting for public comment and Planning Commission recommendation.~~

~~2. In addition to the conditions established by the Planning Commission at the time of its review, all conditional use home/premises occupations must comply with the following:~~

~~a. The provisions of this title and FCC Title 17, concerning public hearing requirements.~~

~~b. Standards of approval for all home occupations licenses.~~

~~c. All home occupations licensed under this section require an approved conditional use permit and home occupation license prior to commencing business.~~

~~d. The Planning Commission may establish additional conditions for the home/premises occupation use to mitigate its effects on the area or for the general health, safety and welfare. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.12(E), 1993.)~~

Chapter 18.85

LOW POWER RADIO AND CELLULAR TOWERS

Sections:

- 18.85.010 Purpose.
- 18.85.020 Definitions.
- 18.85.030 Types of low power radio tower or cellular or PCS facilities.
- 18.85.040 Criteria for conditions.

18.85.010 Purpose.

The purpose of this chapter is to provide standards and regulations for the height, location and general design of low power communication towers. These requirements apply to both commercial and private low power radio systems such as cellular or personal communication systems (PCS) and paging systems. Each facility shall be considered as a separate use and an annual business license shall be required for each such facility. The Planning Commission will review each application for approval to ensure that the proposed facility is compatible with the height and mass of existing buildings and utility structures; that co-location of antennas or other structures is possible without significantly altering the existing facility; that the facility blends with existing vegetation, topography and buildings; and that location of a facility will not create a detrimental impact to adjoining property owners. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.14, 1993.)

18.85.020 Definitions.

The following list of definitions is provided to add clarification to this chapter. If further clarification of this chapter is required, it will be given by the Board of Adjustment.

“Antenna” means a transmitting or receiving device used in telecommunications that radiates or captures radio signals.

“Guyed wire tower” means an open steel frame supported by guyed wires which extend 80 percent of the height of the structure away from the structure.

“Lattice tower” means a self-supporting, multiple sided, open steel frame structure used to support telecommunications equipment.

“Low power radio services facility” means an unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

“Monopole” means a single cylindrical steel or wood pole that acts as the support structure for antennas.

“Roof-mounted antenna” means an antenna or series of antennas mounted on an existing roof, mechanical room or penthouse of a building.

“Wall-mounted antenna” means an antenna or series of antennas mounted against the vertical wall of a building or structure.

“Whip antenna” means an antenna that is cylindrical in shape that can be directional or omnidirectional and vary in size depending upon the frequency and gain for which it is designed.

All applications for approval of a low power radio tower or cellular or PCS facility shall be approved in writing by the Planning Commission. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.14.1, 1993.)

18.85.030 Types of low power radio tower or cellular or PCS facilities.

Low power radio tower or cellular or PCS facilities are characterized by the type or location of the antenna structure. The five general types of such antenna structures include wall-mounted, roof-mounted, monopoles less than two feet

in diameter, monopoles greater than two feet in diameter, and lattice towers. Standards for installation and construction of each type of structure are listed below:

1. Wall-Mounted Antenna. An antenna or series of antennas mounted against the vertical wall of a building or structure including, but not limited to, buildings, smokestacks, water tanks, and grain elevators. Wall-mounted antennas are a permitted use in all industrial zones and on City-owned property, and a conditional use in the commercial, agricultural and manufacturing zones. Any wall-mounted antenna shall comply with the following standards:

- a. Wall-mounted antennas shall not extend above the wall line of the structure more than four feet, nor shall they protrude more than four feet from the wall.
- b. Wall-mounted antennas and associated equipment shall be painted to match the color of the predominant background against which they are most commonly seen. All support structures and antennas should be architecturally compatible with the building or structure. Whip antennas are not allowed on a wall-mounted antenna structure.
- c. If any associated equipment is located on the ground, it shall be enclosed by a sight-obscuring fence and landscaped to match the surrounding landscaping or to the satisfaction of the Planning Commission.
- d. The owner of any structure on which a wall-mounted antenna is located must, in person or in writing, agree to all conditions of approval including the removal of a vacated antenna.

2. Roof-Mounted Antenna. An antenna or series of antennas mounted on the roof, mechanical room, or penthouse of a building or structure is a permitted use in all industrial zones and on City-owned property, and a conditional use in the commercial and manufacturing zones. Any roof-mounted antenna shall comply with the following standards:

- a. Roof-mounted antennas may only be erected on buildings or structures with a flat roof and shall be screened, constructed and/or colored to match the structure on which they are located.
- b. Antennas must be set back from the edge of the structure no less than one foot for every one foot of vertical antenna height to a maximum height of 10 feet. In no case shall a roof-mounted antenna be located closer than five feet from the edge of the structure on which it is erected.
- c. If any associated equipment is located on the ground, it shall be enclosed by a sight-obscuring fence and landscaped to match the surrounding landscaping or to the satisfaction of the Planning Commission.
- d. The owner of any structure on which a roof-mounted antenna is located must, in person or in writing, agree to all conditions of approval including the removal of a vacated antenna.

3. Monopole Structures Less Than Two Feet in Width. A single cylindrical steel or wooden pole that acts as the support structure for an antenna or series of antennas less than two feet in width is a permitted use in all industrial zones and on City-owned property, and a conditional use in the commercial, agriculture and manufacturing zones. These types of structures are intended to be placed on light poles, light standards, flag poles and other existing or planned vertical structures. The following requirements must be satisfied prior to construction of a monopole less than two feet in width.

- a. The total antenna structure mounted on a monopole shall not exceed two feet in width or diameter nor exceed 10 feet in height. The monopole itself shall not exceed more than 60 feet in height.
- b. No monopole antenna shall be placed in or within 200 feet of a residential zone.

4. Monopole Structures Greater Than Two Feet in Width. A single cylindrical steel or wooden pole that acts as the support structure for an antenna or series of antennas greater than two feet in width is a permitted use in all industrial zones and on City-owned property, and a conditional use in the commercial, agriculture and manufacturing zones. The following requirements must be satisfied prior to construction of a monopole greater than two feet in width:

- a. The actual antennas and antenna support structure on a monopole shall not exceed 13 feet in width and eight feet in height.
- b. No monopole shall be erected within 200 feet of a residential zone or a one-half mile radius to another monopole tower unless grid documentation is supplied by an independent consultant stating that co-location will create an unreasonable hardship.
- c. All monopoles shall be less than 60 feet in height unless the tower is designed for co-location of antenna structures. In the case of co-location, the height of the tower may be increased by 20 feet for each potential co-location not to exceed three potential co-locations or 100 feet in total monopole height.
- d. Co-location of more than one antenna structure is a permitted use on all approved monopoles and is approved administratively by the City staff.
- e. The applicant must supply the City with a letter indicating that if technology renders the tower obsolete or the tower is vacated, the applicant will remove the tower and all associated equipment, and restore the site to its original condition within 90 days of the vacation of the tower.
- f. Monopole towers may not be constructed in the required front setback, front landscape buffer area, or required parking area of any zone.
- g. All associated equipment located on the ground shall be enclosed by a sight-obscuring fence and landscaped to match the surrounding landscaping or to the satisfaction of the Planning Commission.
- h. The owner of any property on which a monopole tower-mounted antenna is located must, in person or in writing, agree to all conditions of approval including the removal of a vacated antenna. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.14.2, 1993.)

18.85.040 Criteria for conditions.

The Planning Commission may use the following criteria for determining necessary conditions to ensure:

1. The proposed facility is compatible with the height and mass of existing buildings and utility structures.
2. That co-location of antennas or other structures is possible without significantly altering the existing facility.
3. That the facility blends with existing vegetation, topography and buildings.
4. That location of a facility will not create a detrimental impact to adjoining property owners. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.14.3, 1993.)

Chapter 18.90

TEMPORARY USES

Sections:

18.90.010	Purpose and objectives.
18.90.020	Uses allowed.
18.90.030	Prior approval required.
18.90.040	Standards and requirements.
18.90.050	Revocation of permit.
18.90.060	Business license required.
18.90.070	Fees.
18.90.080	Christmas tree sales – Permit.
18.90.090	City celebrations or events.

18.90.010 Purpose and objectives.

The following regulations are provided to accommodate those uses of land or buildings which are temporary in nature and are not therefore listed as regular permitted or conditional uses in any zone of the City. The character of these uses is such that proper conditions are required to protect adjacent properties and the general health, safety, and welfare of citizens. Any building or structure which does not meet the requirements of this section shall be treated as a permanent land use and shall conform to all required standards of the building, health, fire, zoning, and other similar codes. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.16.1, 1993.)

18.90.020 Uses allowed.

Uses allowed on a temporary basis in accordance with provisions of this section may include, but are not limited to, the following: carnivals, circuses, fireworks stands, fireworks displays, Christmas tree lots, promotional displays, revivals, retreats, political rallies, or campaign headquarters. Uses shall be allowed for not more than 30 days' duration and shall not be allowed in sensitive lands.

A temporary use permit shall not be required for a garage sale, provided that the garage sale shall not operate for more than a total of five days in any calendar year, and shall be conducted by bona fide residents of the premises. Goods for sale shall consist of personal belongings of the residents. Goods offered for sale shall not be placed over a public sidewalk or in a public right-of-way. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.16.2, 1993.)

18.90.030 Prior approval required.

Prior to the establishment of any of the above uses, or any qualifying temporary use (except fireworks stands or fireworks displays which shall be administered by the South Summit Fire District), a temporary use permit must be obtained from the Planning Commission with any conditions specified on the permit as required by the City. A temporary use permit shall not be construed as a conditional use permit and therefore is not required to meet the notification requirements of this title and FCC Title 17; however, the application procedure is similar to a conditional use permit in that specific conditions may be required of the applicant and compliance to the conditions and the International Building Code, if applicable, shall become necessary to the granting, continuance or administration of the permit. The granting of the permit shall require the following findings:

1. That the conduct of the requested use will not have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses.
2. That the requested use will not create excessive traffic or parking hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant.
3. That the applicant shall have sufficient liability insurance for the requested use or event. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.16.3, 1993.)

18.90.040 Standards and requirements.

A temporary use established under the provisions of this chapter shall conform to the following standards and requirements:

1. Any structure requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same lot as a host structure unless independent water and sewer service is provided to the temporary structure. Where such codes require sanitary facilities, they may be provided if there is:

- a. Valid food handler permits issued.
- b. No indoor seating of patrons.
- c. Written evidence that a host structure will provide permanent sanitary facilities for any employees and that such facilities are conveniently located not more than 300 feet from the structure and will be accessible during all periods of operation of the use.
- d. Written evidence from the City or County Health Department that all food will be prepared and delivered from an approved commissary and that all waste resulting from the operation of the use will be properly disposed.

2. Parking, access, circulation, and other significant elements of any other uses or structures existing on the site shall be handled on a case-by-case basis. Approval for each temporary use permit shall bear an expiration date based upon the nature of the use. In no case shall approval be given for a period exceeding 30 calendar days. Garage sales need not obtain a temporary use permit, but shall not operate the sale for a period exceeding five calendar days in any calendar year, and shall be conducted by bona fide residents or lessors of the premises. If any temporary structure becomes vacant prior to the expiration of the permit, it shall be removed within 15 calendar days of the vacancy. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 3.16.4, 1999; Ord. 66 § 3.16.4, 1993.)

18.90.050 Revocation of permit.

A permit may be revoked in the event of a violation of any of the provisions of this section or the conditions set forth in the temporary use permit. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.16.5, 1993.)

18.90.060 Business license required.

A temporary use permit is not a business license and the granting of said permit shall not relieve the permittee of any other license requirement of the City or any other public agency. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.16.6, 1993.)

18.90.070 Fees.

In order to offset a portion of the costs incurred by the City in processing temporary use permits, a fee may be charged as established by the City in its fee resolutions as may be applicable at the time. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.16.7, 1993.)

18.90.080 Christmas tree sales – Permit.

It shall be unlawful for any person to sell or offer for sale in the City any cut fir, evergreen, or Christmas tree without a permit, except when the permit requirement is specifically waived by the Planning Commission. The permit required by this section shall allow tree sales for a period of 30 days ending December 25th of the year in which the permit is issued. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.16.8, 1993.)

18.90.090 City celebrations or events.

Any City-sponsored celebrations or special events of a temporary nature are exempt from the requirements of obtaining a temporary use permit as described by this chapter. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.16.9, 1993.)

Chapter 18.95

COMMERCIAL RV PARKS OR CAMPGROUNDS

Sections:

- 18.95.010 Purpose – Permit required.
- 18.95.020 Definitions.
- 18.95.030 Development standards.
- 18.95.040 Maintenance and standards.
- 18.95.050 Complaints and revocation.

Prior legislation: Ords. 66 and 2016-09.

18.95.010 Purpose – Permit required.

The purpose of this chapter is to establish the process for permitting commercial RV parks or campgrounds. The intent is to protect the integrity and characteristics of established land use districts by ensuring that RV parks or campground facilities are operated in a manner that minimizes negative impacts of those uses on neighbors, public services, and the surrounding community. ~~The Planning Commission has the authority to issue an RV park or campground permit after finding that the applicant has met all the requirements of this title. The permit must be issued before such a facility is constructed. A commercial RV park or campground facility is a conditional use which must be issued in accordance with the provisions of this title, FCC Title 17, and this chapter before such a facility may be constructed in any zone in which this use is allowed as a conditional use.~~

Permits required by the Summit County Health Department and the state shall be required for all properties used for commercial RV parks or campgrounds. (Ord. 2024-09 § 1 (Exh. B), 2024.)

18.95.020 Definitions.

“Cabin” means a detached unit less than 1,000 square feet of living space including optional bathroom and kitchen facilities within the unit.

“Occupants” means the individual(s) staying in an RV park or campground facility.

“Responsible party” means the owner(s), agent(s), or management company responsible for the operation and maintenance of the facility and for its compliance with all laws, rules, and regulations.

“RV” means recreational camping type vehicles and travel trailers, as well as tent trailers, or tents if applicable. (Ord. 2024-09 § 1 (Exh. B), 2024.)

18.95.030 Development standards.

~~In addition to conditions as may be required upon the issuance of a conditional use permit for an RV park or campground, a~~All RV parks or campgrounds shall be built to the standards set forth in this title and FCC Title 17. Plans and elevations for the RV park or campground and any buildings or structures proposed for location therein shall be submitted with the application for a ~~conditional use~~RV park or campground permit. The plans shall be in conformance with the following general development standards:

1. Minimum Park Area. RV parks or campgrounds shall contain at least five acres.
2. Site Requirements. Each RV, cabin, or camping site in a park shall have an area of not less than 1,500 square feet. Sites must be set back at least 30 feet from all property lines. Each RV site shall have an average width of 25 feet. Trailers and cabins shall be separated from each other and from other structures by at least 15 feet. Any accessory uses such as attached awnings or steps shall, for the purposes of this separation requirement, be considered to be part of the trailer or cabin.
3. Cabins. Cabins are allowed at a rate of up to one cabin per RV and/or campground site.

4. Frontage and Gradient. Each site shall abut directly upon a park street for a minimum distance of 20 feet. Alignment and gradient shall be properly adapted to topography and provisions shall be made for proper drainage.

5. Parking. Each RV site shall have an RV parking space and an off-street parking space for at least one vehicle. Each cabin or tent site must have an off-street parking space for at least one vehicle. Not more than one RV shall be placed on an RV site. Additional parking must be provided in the campground at a ratio of one parking space for every five sites that do not have at least two off-street parking spaces.

Each RV site shall provide sufficient parking and maneuvering space so that the parking, loading or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk, right-of-way, or any private grounds not part of the RV parking area.

6. Landscaping. All open areas except driveways, parking areas, walking ways, utility areas, or patios shall be maintained with landscaping in accordance with a detailed landscaping plan to be approved by the Planning Commission in conjunction with issuance of a ~~conditional use~~ permit. All submitted landscape plans shall be designed to encourage water conservation as a primary consideration. Trees shall be planted at a rate of at least one per camping site. Deciduous trees shall have a caliper from two to three inches and evergreen trees shall have a height from five to eight feet.

7. Streets. Streets within campgrounds shall remain privately owned and maintained. Streets shall be at least 25 feet wide. Parking shall not be allowed on park streets. The park streets shall be paved in accordance with applicable City standards. Curb and gutter is optional. If curb and gutter is used, it shall be built to City standards.

8. Recreation Area. A central recreation area shall be established in all RV parks which shall be easily accessible from all sites. The size of such recreation areas shall be not less than 10 percent of the gross site area of all RV spaces, or 3,000 square feet, whichever is greater.

9. Restrooms. Restrooms, including toilets, showers, and lavatories, shall be provided within an RV or camping park to conveniently and adequately serve said park.

10. Cooking Facilities. Each site shall be equipped with a picnic table and benches or equivalent. Outdoor cooking facilities must meet the requirements of the South Summit Fire District.

11. Laundry. Laundry facilities are optional; however, outdoor laundry drying lines shall not be permitted at the RV park or campground.

12. Utilities. All utility distribution facilities shall be placed underground at depths to ensure proper safety. The owner shall make the necessary arrangements with each of the public serving utilities for installation of said facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other necessary appurtenances to such underground facilities may be placed above ground. All sites must be served with water and electricity. Natural gas hookups shall not be provided to RV or tent sites.

13. Storage. No accessory building, shed, or cabinet may be placed upon or erected upon an individual site for the storage of materials or personal belongings.

14. Fuel Tanks. All fuel tanks maintained within an RV site must be mounted securely upon or attached to the RV or vehicle which they serve. No such tanks shall be larger than 50-gallon capacity.

15. Site Identification and Addresses. Each site shall be marked and numbered for identification. There shall be no separate mailboxes, separate street address designations, or other similar accessories which would give the appearance of permanence to occupants of an RV or cabin site.

16. Screening. RV parks and campgrounds may be required to provide screening from adjacent uses, as determined by the Planning Commission.

17. Fire Protection. The campground shall provide fire protection in accordance with the South Summit Fire District requirements.

18. Wastewater, Trash Disposal, and Drinking Water. Each RV park shall have facilities for disposal from the holding tanks of trailers and similar vehicles which shall be hooked to the City sewer system, or a wastewater disposal system approved by the City Council and state Health Department. Also, a source of potable water for filling RV, travel trailer or other water tanks shall be required. Proper screened facilities for waste storage, handling and disposal must also be approved by the Planning Commission. (Ord. 2024-09 § 1 (Exh. B), 2024.)

18.95.040 Maintenance and standards.

The responsible party shall ensure that the RV park or campground conforms to the following standards:

1. Length of Occupancy. No site located within a park established under these provisions shall be occupied by the same guest or vehicle for a period exceeding 90 days per calendar year. After 90 days, guests and their vehicle(s) must leave the park for at least 72 hours before returning to a different site at the park. The responsible party shall keep a record of occupants' names and vehicles for each site and make these records available to City officials if requested.
2. Facility Maintenance. Structures shall be properly maintained and all facilities such as plumbing, HVAC equipment, appliances, etc., kept in a condition that is fully operational and otherwise in good repair.
3. Landscaping Maintenance. Grounds and landscaped areas shall be properly maintained to ensure that the use does not detract from the general appearance of the area or create any hazard or nuisance to the occupants or to neighboring properties.
4. Code Compliance. Each habitable space shall meet current federal, state, and local building and health codes, and shall be equipped with fully functional smoke and carbon monoxide detectors located at places within the dwelling unit that comply with applicable building codes.
5. Garbage. Garbage shall be placed in City-approved receptacles, shall be screened, shall not be allowed to accumulate on the property, and shall be removed on regularly scheduled pickup days.
6. Storage. There shall be no open storage of personal belongings within any site, nor shall there be an accessory building, shed, or cabinet placed upon or erected upon an individual site for the storage of materials or personal belongings.
7. Vehicle Repairs. There shall be no removal of axles, wheels or tires from an RV or other vehicle located within an RV or camping park, except for emergency, temporary removal to accomplish repairs.
8. Noise and Nuisances. Occupants and their pets shall not create noise or other conditions that by reason of time, nature, intensity or duration are out of character with noise and conditions customarily experienced in the surrounding neighborhood. Occupants shall not disturb the peace of surrounding residents by engaging in outside recreational activities or other activities that adversely affect nearby properties before 7:00 a.m. or after 10:00 p.m. Occupants and their pets shall not interfere with the privacy of nearby residents or trespass onto nearby properties.
9. Illegal Conduct. Occupants shall not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol. (Ord. 2024-09 § 1 (Exh. B), 2024.)

18.95.050 Complaints and revocation.

Complaints received by the City for any violation of this section will be handled as follows:

1. A first complaint will result in an investigation and, if warranted, the City will issue a written warning to the responsible party; said warning shall provide notice of the complaint, a description of any violation, and actions to be performed to correct a violation. Upon receipt of a second complaint, the City will conduct an investigation and, if warranted, will take one of the following courses of action:
 - a. Issue another warning;
 - b. Issue a citation for violation of City ordinances or rules in accordance with Chapter 18.145 FCC, Penalties;
 - c. Initiate formal cause proceedings to revoke the ~~conditional-use~~ permit and business license; or

d. Initiate revocation proceedings as provided in this section.

2. In the event of an order to initiate formal proceedings, the responsible party shall appear before an administrative law judge to demonstrate, by clear and convincing evidence, why the ~~conditional-use~~ permit should not immediately be revoked. If the responsible party fails to appear, the facts alleged in the notice for the formal proceeding shall be deemed to be true and the administrative law judge may take such action as it deems appropriate, including revocation of the ~~conditional-use~~ permit.

3. Notwithstanding any other remedy in this section, violations of federal, state, or local laws may be prosecuted in any court or administrative tribunal having jurisdiction over the matter. (Ord. 2024-09 § 1 (Exh. B), 2024.)

Chapter 18.100
OFF-STREET PARKING

Sections:

- 18.100.010 General requirements.
- 18.100.020 Remodeling or enlargement of buildings.
- 18.100.030 Quantity of parking spaces.
- 18.100.040 Landscaping.
- 18.100.050 Conversion of parking to other uses.
- 18.100.060 Area of spaces.
- 18.100.070 Mixed or combined parking uses.
- 18.100.080 Parking surfaces.
- 18.100.090 Parking vehicles on vacant lots.
- 18.100.100 Specific requirements by use.

18.100.010 General requirements.

There shall be provided and maintained at the time of erection of any main building or structure off-street parking space with adequate provisions for ingress and egress by standard-sized vehicles as hereinafter set forth. Such parking space shall be located on the same lot as the building it is to serve. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.18.1, 1993.)

18.100.020 Remodeling or enlargement of buildings.

Whenever existing buildings are enlarged or increased in capacity, or a change in use occurs, additional off-street parking spaces shall be provided which will meet the requirements applying to such enlargement or change in use. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.18.2, 1993.)

18.100.030 Quantity of parking spaces.

The number of parking spaces for uses not specified herein shall be determined by the Planning Commission being guided where appropriate by the regulations set forth herein and Table 1 for uses of buildings which are similar to the use or building under consideration. Handicap parking shall be provided in accordance with the Americans with Disabilities Act. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.18.3, 1993.)

18.100.040 Landscaping.

In reviewing the landscape plans, the Planning Commission shall consider the location, number, size, and type of plants, the method of irrigation to be used and other similar factors. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.18.5, 1993.)

18.100.050 Conversion of parking to other uses.

Space allocated to comply with these regulations shall not be used later for additional structures or uses unless other space so complying is provided. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.18.6, 1993.)

18.100.060 Area of spaces.

For the purpose of this section, a space of not less than nine feet by 20 feet of lot area with access to public or private streets by standard-sized automobiles shall be deemed to be parking space for one vehicle. (Ord. 2022-01 § 1 (Exh. A), 2022; Ord. 2016-09 § 1, 2016; Ord. 66 § 3.18.7, 1993.)

18.100.070 Mixed or combined parking uses.

In the case of mixed uses on the same site the amount of off-street parking spaces required shall be the sum of the parking required under this chapter for the principal use together with a reasonable amount for all accessory uses. A reasonable amount shall be determined in light of the uses, location and circumstances of the building or structure and in consideration of the provisions of this title.

Up to 25 percent of nonresidential parking facilities required by this chapter for a use considered to be primarily a daytime use may be provided by the parking facilities for a use considered to be primarily a nighttime use. Such reciprocal parking areas shall be contiguous, and the joint use of such facilities must be assured by covenant of the

owner(s) of said properties and recorded in the Summit County Recorder's office. The Planning Commission may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities under the conditions specified herein. (Ord. 2022-06 § 1 (Exh. A), 2022; Ord. 2016-09 § 1, 2016; Ord. 66 § 3.18.8, 1993.)

18.100.080 Parking surfaces.

All required parking areas shall be surfaced with either concrete or bituminous asphalt as approved as to specifications by the City Engineer. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.18.9, 1993.)

18.100.090 Parking vehicles on vacant lots.

It shall be unlawful for the owner of a motor vehicle to park it or allow it to be parked on the property of another person for the purpose of displaying it for sale, unless the person upon whose property it is parked or the lessee of such property has a business license to engage in the business of selling motor vehicles at that location. A business license may be subjected first to the requirements of obtaining a temporary conditional use permit or temporary use permit as deemed by the City as per this title and FCC Title 17. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.18.10, 1993.)

18.100.100 Specific requirements by use.

Minimum on-site and off-street parking spaces for individual or similar uses shall be provided for in accordance with Table 1 as follows and as interpreted by the Planning Commission for uses not specific to those listed in the following table:

Uses	Parking Requirement
Adult Oriented Business	4 spaces per 1,000 square feet
Animal Hospital	3 spaces per 1,000 square feet
Auto, Truck, RV Sales and Rental	3 spaces per 1,000 square feet
Automotive Repair Establishment	2 spaces per service bay plus 3 stalls per 1,000 square feet for office and retail areas
Banking, Financial Services	4 spaces per 1,000 square feet
Bed and Breakfast	3 spaces for residence plus 1 space per room for rent
Bowling Alley	4 spaces per lane
Child Care Facility/Center	1 space per on-duty employee and 1 per 6 children
Church	4 spaces per 1,000 square feet
Cinema, Indoor	1 space per 2 seats
Dwelling, Single-Family	3 spaces per dwelling unit
Dwelling, Two-Family	3 spaces per dwelling unit
Dwelling, Multifamily 2+ Bedrooms	3 spaces per dwelling unit
Dwelling, Multifamily Studio and 1 Bedroom	2 spaces per dwelling unit
Equipment Rental	2 spaces per 1,000 square feet
Food Truck	5 spaces
Group Home	2 spaces per 3 beds
Health Care Center	5 spaces per 1,000 square feet
Hospital	2 parking spaces per hospital bed
Hotel, Motel	1 parking space for each room, plus 32 spaces for each dwelling-unit ¹ hotel suite

Uses	Parking Requirement
Industrial Park	2 spaces per 1,000 square feet
Laundromat	3 spaces per 1,000 square feet
Laundry, Dry Cleaning	3 spaces per 1,000 square feet
Light Industry	2 spaces per 1,000 square feet
Mortuary	5 spaces per 1,000 square feet
Museum	1 space per 2,000 square feet
Nursery	2 spaces per 1,000 square feet
Office, Business or Professional	2 spaces per 1,000 square feet
Office, Government	4 spaces per 1,000 square feet
Public and Quasi-Public Institution, Public Utility, Municipal Facility	4 spaces per 1,000 square feet
Reception Center	4 spaces per 1,000 square feet
Restaurant, Fast Food	1 space per 3 seats or 1 space per 100 square feet when number of seats is unknown
Restaurant, Cafe	1 space per 3 seats or 1 space per 100 square feet when number of seats is unknown
Retail Sales Establishment	4 spaces per 1,000 square feet
Schools, Elementary, Middle Schools, High Schools Private and Higher Learning	1 parking space for each faculty member and other full-time employee plus 1 parking space for every 2 students
Shopping Center, Community	4 spaces per 1,000 square feet
Theater, Concert Hall	1 space per 2 seats
Warehouse Storage, Commercial Only	1 space per 2,000 square feet gross floor area plus 1 space per employee on the maximum shift

(Ord. 2022-06 § 1 (Exh. A), 2022; Ord. 2022-01 § 1 (Exh. A), 2022; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 3.18.11, 1999; Ord. 66 § 3.18.11, 1993.)

Chapter 18.105

SIGNS AND OUTDOOR ADVERTISING

Sections:

18.105.010	General requirements.
18.105.020	Sign approval.
18.105.030	Permits.
18.105.040	Sound or emissions.
18.105.050	Movable, freestanding signs.
18.105.060	Canopy signs.
18.105.070	Violations.
18.105.080	Signs on premises.
18.105.090	Exceptions.
18.105.100	Location standards.
18.105.110	Special purpose signs.
18.105.120	Classification of signs.
18.105.130	Signs permitted in agricultural and residential zones.
18.105.140	Signs permitted in public facilities zones.
18.105.150	Signs permitted in commercial zones.
18.105.160	Signs permitted in the light industrial zone.
18.105.170	Signs permitted in other zones.
18.105.180	Off-premises advertising structures.
18.105.190	Nonconforming signs.
18.105.200	Definitions pertaining to signs.

18.105.010 General requirements.

The following general requirements shall apply to all signs and outdoor advertising structures which may be erected or maintained within the City. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.1, 1993.)

18.105.020 Sign approval.

Except as otherwise provided, it shall be unlawful to erect or maintain any sign or outdoor advertising structure without first obtaining the approval of the Planning Department based upon the provisions of this section. Approval shall not be required for temporary nonelectrical wall and nonelectrical freestanding signs of less than 32 square feet in area. (Examples of signs not requiring Planning Department approval are real estate “for sale” signs and election campaign signs.) (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.1.1, 1993.)

18.105.030 Permits.

The approval of the Planning Department shall be evidenced by a permit issued by the Building Official. All signs shall be constructed and all permits shall be issued in accordance with the provisions of the International Building Code. All standards in this section are minimum standards; greater restrictions or limitations may be imposed by the Planning Department. Applications for permits, or for the renewal of permits, shall require the applicant to disclose the owner of the sign and the owner of the property on which the sign is or will be located, all relevant dates in regard to expiration of any lease or lease option, the date and cost of construction of the sign, the date and cost of any modification of the sign, and any other information reasonably required by the Planning Department. A permit may be revoked and a sign removed pursuant to FCC 18.105.070 if the applicant for a permit makes a false or misleading statement in the permit application or renewal. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.1.2, 1993.)

18.105.040 Sound or emissions.

No sign shall be designed for the purpose of emitting sound, smoke, or steam. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.1.3, 1993.)

18.105.050 Movable, freestanding signs.

Except as otherwise provided in this section, all movable, freestanding signs, including A-frame signs, are prohibited. This prohibition shall include signs mounted or painted upon vehicles or trailers which are parked in any

location for the purpose of calling attention to or advertising a person, place, or thing. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.1.4, 1993.)

18.105.060 Canopy signs.

Signs painted on or affixed to canopies which are part of the building shall be considered part of the total allowed area of wall signs for the walls from which the canopy projects. Signs suspended under canopies (marquees) which project over public rights-of-way shall be limited to six square feet. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.1.5, 1993.)

18.105.070 Violations.

It is unlawful to erect or maintain a sign contrary to the provisions of this chapter. If a sign is erected or maintained in violation of this chapter the Planning Department may do the following:

1. Order the defect corrected within a fixed period of time, not exceeding 30 days, if correction of the defect will bring the subject sign into compliance with the provisions of this section.
2. If correction of the defect will result in a violation of the provisions of this section, order that the subject sign be removed by, and at the expense of, the owner of the sign, within a fixed period of time not exceeding 30 days.
3. If the owner of the sign contests the order of the Planning Department, the remedy shall be an appeal to the Board of Adjustment, which appeal shall be taken in the time and manner otherwise provided in this title and FCC Title 17. If the owner of the sign fails or refuses to remove the subject sign at the order of the Planning Commission, the City may remove the sign at any time after the owner thereof exhausts his or her administrative remedies in relation thereto, unless otherwise ordered by a court of law. Removal by the City shall be at the expense of the owner, and the City may obtain judgment against the owner in an amount equal thereto, together with reasonable attorney's fees and costs. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.1.6, 1993.)

18.105.080 Signs on premises.

Except as provided within the provisions of respective zoning districts, and unless otherwise expressly provided in this section, no sign shall be permitted which is not used exclusively to advertise the ownership, sale, or lease of property upon which the sign is placed, or to advertise a business conducted, services rendered, goods produced or sold upon such premises, or to advertise or identify any other lawful activity conducted upon such premises. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.2, 1993.)

18.105.090 Exceptions.

This chapter shall have no application to signs used exclusively for:

1. The display of official notices used by any court, public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.
2. Directional, warning, or information signs of a public or semi-public nature, directed and maintained by an official body or public utility.
3. Any sign of a noncommercial nature when used to protect the health, safety, or welfare of the general public.
4. Any official flag, pennant, or insignia of any nation, state, City, town, or other political unit. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.3, 1993.)

18.105.100 Location standards.

All signs and outdoor advertising structures shall comply with the following location requirements:

1. No sign shall be erected in such a manner that any portion of the sign or its support will interfere with the use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator, or window.
2. No freestanding or projecting sign shall be erected at any intersection improved for vehicular traffic within a triangular area formed by the property lines and their projections and a line connecting them at points 25 feet from the intersections of the projecting property lines.

3. No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the state of Utah or rules and regulations duly promulgated by agencies thereof.

4. No sign shall be erected in such a manner that any portion of the sign or its support will extend over a public or private walkway with a minimum clearance of less than 10 feet. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.4, 1993.)

18.105.110 Special purpose signs.

In addition to any other permitted sign(s), signs for special purposes set forth in this section shall be permitted as provided herein.

1. In all zoning districts, signs may be erected to advertise the sale, rent, or lease of property upon which said signs are placed. Signs shall be limited to one sign per street face, unless otherwise provided by the zoning provisions, and shall not exceed an area of six square feet in residential zones or 32 square feet in nonresidential zoning districts.

2. In all districts where group occupancies in office buildings, commercial buildings, or industrial buildings are permitted, directory signs may be erected displaying the names of occupants of a building who are engaged in a particular profession, business, or industrial pursuit. These signs shall be situated at least two feet inside the property line and shall not exceed 10 feet in height. Said sign shall not exceed an area of 50 square feet and shall not be placed within a clear-vision area of a corner lot as set forth in this section.

3. Signs may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building; architects, engineers, and construction organizations participating in the project; and such other information as may be approved by the Planning Commission. In residential districts no such sign shall exceed 32 square feet in area. In other districts, no such sign shall exceed an area of 64 square feet, and no freestanding sign shall exceed 12 feet in height. All such signs shall be removed before a final inspection is granted by the Building Inspector or an occupancy permit is issued.

4. Open house signs advertising real estate open for inspection for a prospective sale may be placed on private property in all districts with the consent of the owner, lessee, or occupant. Such signs may state the name of the person or firm sponsoring the open house. Such signs shall not exceed six square feet.

5. In all districts, a church or quasi-public organization may erect one wall sign on the premises to identify the name of the organization and announce activities thereof. Apartment houses of five or more dwelling units may erect one sign on the premises to identify only the name of the apartment complex and to indicate a vacancy. Wall signs shall not exceed an area of 25 square feet, and may be mounted upon a freestanding, ornamental masonry, wood or stone wall.

6. One development promotional sign may be placed on the premises of each subdivision having five or more lots or approved dwelling units. The promotional sign may have an area of 24 square feet. A second development promotional sign may be placed on the premises of each subdivision, planned development, or condominium project having two or more separate, major points of access and having 50 or more lots or approved dwelling units. The above signs shall be removed no later than 30 calendar days following the sale of all lots or dwelling units in the development, and before a final inspection is granted by the building inspector.

7. One name plate or marker shall be allowed for each dwelling to indicate only the occupant's name. Name plates shall not exceed two square feet in area, and shall not contain an occupational designation. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 3.28.5 [3.19.5], 1999; Ord. 66 § 3.19.5, 1993.)

18.105.120 Classification of signs.

Every sign erected or proposed to be erected within the City shall be classified by the Planning Department in accordance with the definitions of signs contained in this chapter. Any sign which does not clearly fall within the classifications shall be placed in the classification which the sign, in view of its design, location, and purpose, most clearly approximates in the opinion of the Planning Department. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.6, 1993.)

18.105.130 Signs permitted in agricultural and residential zones.

No sign shall be erected in any agricultural or any residential zones except as provided within the provisions of the respective zoning districts as established in this title and FCC Title 17, except that certain special purpose signs may be erected in all zones in compliance with the provisions of FCC 18.105.110. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.7, 1993.)

18.105.140 Signs permitted in public facilities zones.

The signs described below are permitted on public property:

1. Nameplates not exceeding 32 square feet placed upon a building which identifies the name and/or address of a structure or complex.
2. A sign or a monument identifying points of interest or building complex not exceeding 32 square feet. The sign may be placed upon a suitable wall which identifies the name and address of the structure or complex, or be a freestanding sign five feet or less in height.
3. Except as otherwise provided in this section, wall signs on public property shall comply with the following requirements:
 - a. Maximum area shall be 32 square feet.
 - b. No part of any sign shall extend above the top of the wall upon which it is situated.
 - c. All signs, including any light box or structural part, shall not project more than 12 inches from the front face of the building to which it is attached.
 - d. Pertinent freestanding signs over five feet in height shall be allowed only with the issuance of a conditional use permit by the Planning Commission and City Council, and are subject to the conditions established therein. No sign shall exceed a height of 15 feet.
 - e. No signs shall project over a property line, nor project into any required front yard.
 - f. Only indirect and diffused lighted signs are permitted on public property. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.8, 1993.)

18.105.150 Signs permitted in commercial zones.

For each place of business or occupancy within a commercial zone, the following types of signs shall be permitted in conformance with the standards set forth:

1. One monument sign less than six feet in height and 60 square feet measured from the farthest extent of the sign to form a rectangle is allowed per commercial project. If a commercial project includes more than five potential businesses the Planning Department may approve a sign up to 10 feet in height and 100 square feet measured from the farthest extent of the sign to form a rectangle. Application for additional monuments signs in a commercial project will be considered a conditional use. The applicant must demonstrate to the Planning Department that the additional sign(s) are necessary. In no case shall the Planning Department approve more than one monument sign for a commercial project which has less than 200 feet of frontage on a publicly maintained street. All monument signs shall meet the following requirements:
 - a. No such sign shall project over a property line, nor more than five feet into any required front yard.
2. One wall sign not to exceed 30 square feet measured from the farthest extent of the sign to form a rectangle is allowed on the wall facing the primary entrance to the commercial project. Except as otherwise provided in this section, every wall sign and painted wall sign in a commercial zone shall comply with the following requirements:
 - a. No part of any sign shall extend above the wall upon which it is situated.
 - b. No sign, including any light box or structural part, shall project more than 12 inches from the face of the pan of the building to which it is attached. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.9, 1993.)

18.105.160 Signs permitted in the light industrial zone.

Signs permitted in the light industrial zone shall include freestanding signs under five feet, wall signs and painted wall signs, all in conformance with the following provisions:

1. One monument sign less than six feet in height and 60 square feet measured from the farthest extent of the sign to form a rectangle is allowed per industrial project. If an industrial project includes more than five potential businesses the Planning Department may approve a sign up to 10 feet in height and 100 square feet measured from the farthest extent of the sign to form a rectangle. Application for additional monument signs will be considered a conditional use. The applicant must demonstrate to the Planning Department that the additional sign(s) are necessary. In no case shall the Planning Department approve more than one monument sign for a project which has less than 200 feet of frontage on a publicly maintained street. All monument signs shall meet the following requirements:

a. No such sign shall project over a property line, nor more than five feet into any required front yard.

2. One wall sign not to exceed 30 square feet measured from the farthest extent of the sign to form a rectangle is allowed on the wall facing the primary entrance to the project. Except as otherwise provided in this section, every wall sign and painted wall sign in an industrial zone shall comply with the following requirements:

a. No part of any sign shall extend above the wall upon which it is situated.

b. No sign, including any light box or structural part, shall project more than 12 inches from the face of the pan of the building to which it is attached. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 3.28.10 [3.19.10], 1999; Ord. 66 § 3.19.10, 1993.)

18.105.170 Signs permitted in other zones.

For those zoning districts which do not have sign regulations as a part of the zone provisions, and for those which are not readily placed into classifications referred to in preceding sections, the Planning Department shall classify zones as either residential, agricultural, or commercial depending upon the similarity of the characteristics and permitted uses of the zone to those already classified. When such a classification has been made by the Planning Commission, the sign provisions applying to the respective classification shall apply to the zone. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.11, 1993.)

18.105.180 Off-premises advertising structures.

1. Prohibition of New Off-Premises Signs. Except for off-premises public information and government signs meeting the size, shape, color, and other requirements described in subsection (2) of this section, no permits shall be issued for the construction of off-premises signs or outdoor advertising structures. All lawfully existing off-premises signs and outdoor advertising structures are nonconforming uses in all zones of the City.

2. Public Information and Government Signs. Off-premises public information and government signs are permitted pursuant to this section for the purpose of directing the traveling public to points of interest, historical sites, and other locations of interest, as approved by the Planning Department.

3. Acquisition of Interests. The City of Francis may acquire title to off-premises nonconforming signs or outdoor advertising structures by gift, purchase agreement, exchange, or eminent domain, and shall have the right to amortize off-premises nonconforming signs as permitted by state or federal law. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.12, 1993.)

18.105.190 Nonconforming signs.

All on-premises or appurtenant signs which have been made nonconforming by the adoption of provisions contained within this title and FCC Title 17 shall be subject to the following regulations:

1. Any sign or portion thereof declared unsafe by a proper public authority must be restored to a safe condition or removed within 30 days of mailing or otherwise given notice of the unsafe condition.

2. A nonconforming sign shall not be reconstructed, raised, moved, placed, extended, or enlarged unless said sign is changed so as to conform to all provisions of this title and FCC Title 17. Alterations shall also mean that changing of the text or message that the sign is conveying from a use of the premises to another use of the premises and the

changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. Alterations shall not be interpreted to include changing the text or copy on off-premises advertising signs, theater signs, outdoor billboards or other similar signs which are designed to accommodate changeable copy.

3. Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, or act of God, to the extent of more than 60 percent of its assessed value shall, if repaired, be repaired or rebuilt in conformity with the regulations of this title and FCC Title 17 or shall be removed.

All off-premises signs which are made nonconforming uses by the provisions of this title and FCC Title 17 shall be subject to the following:

- a. Any sign or portion thereof found or declared unsafe in a manner provided by law must be restored to a safe condition within 30 days after the owner is given notice of the unsafe condition. Any sign not repaired as required and permitted by this section is unlawfully maintained and subject to the provisions of this section.
- b. All off-premises signs and their supporting structures shall be kept in good appearance and condition with normal maintenance and repair (example: painting), but it shall be unlawful to reconstruct, raise, move, place, extend, or enlarge such signs or the structure supporting such signs. Any sign altered contrary to the provisions of this subsection is unlawfully maintained and subject to the provisions of this section.
- c. A nonconforming off-premises sign or sign structure that ceases to be used for sign purposes for a period of one year shall be deemed abandoned on the ground that the nonconforming use has been abandoned, the nonconforming use has substantially changed, or such other grounds as may be appropriate. Any sign or sign structure which is abandoned or in an unreasonable state of repair is unlawfully maintained and subject to immediate revocation of its permit and removal pursuant to the provisions of this title and FCC Title 17. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.13, 1993.)

18.105.200 Definitions pertaining to signs.

Please refer to Chapter 18.10 FCC for specific definitions relating to signs. (Ord. 2016-09 § 1, 2016; Ord. 66 § 3.19.14, 1993.)

Chapter 18.110

OPEN PIT EXTRACTION AND STOCKPILING OF EARTH PRODUCTS

Sections:

- 18.110.010 Intent – Purpose.
- 18.110.020 Scope.
- 18.110.030 Standards/regulations.
- 18.110.040 Bond.
- 18.110.050 Permits.
- 18.110.060 Stockpile sites.

18.110.010 Intent – Purpose.

The intent and purpose of this chapter is to provide for the extraction of earth products using surface mining methods, for stockpiling mined materials, and for the placement of overburden and leftover earth materials in mining waste dumps, while protecting the environment, the rights of neighboring property owners, and roads and other public facilities from unusual wear or damage. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 3.32 [3.23], 1999; Ord. 66 § 3.23, 1993.)

18.110.020 Scope.

The provisions of this chapter shall apply to all sites where sand, gravel, clay, topsoil, rocks or minerals will be extracted by an open pit method; to all sites where such extracted earth products are stockpiled; and to sites where overburden and leftover earth materials are placed in waste dumps.

Exception. Sites having a valid, current permit at the time of passage of the ordinance codified in this chapter shall be completed according to the terms of such permit and any bonding agreements appurtenant thereto.

After January 1, 1999, the exception applies only to the portion of the site under permit at that date. Any expansion of pits, dumps, storage pits or operation areas beyond the existing permit is subject to all provisions of this section. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 3.32.1 [3.23.1], 1999; Ord. 66 § 3.23.1, 1993.)

18.110.030 Standards/regulations.

The City Council shall issue a permit for an open pit, a stockpile, or a waste dump only when all of the following are met:

1. The site lies in a zone where such use is a conditionally permitted use.
2. The applicant has submitted an application for a business license for the proposed use and has paid all applicable fees.
3. The applicant has presented an accurate site plan that shows the topography, utilities, roads and structures on the site at both the pre-permit stage and the stage after completing the excavation and rehabilitation of the pit.
4. There shall be no limit as to the area or portion of a lot that may be disturbed and involved in the extraction process as long as the entire disturbed area has been included in the rehabilitation bond required in FCC 18.110.040; also there shall be no limit to the time period used to complete the extraction of material.

Exception. Upon finding such is necessary to protect the property values of neighboring property interests or to preserve desirable aesthetics, the City Council may require as part of the bond agreement that the extent of the disturbed area at the site of extraction shall be no larger than seven acres at any one time and/or may require that the extraction process shall cease and the site rehabilitated (whether or not all materials have been obtained) within a specific time period, not to be less than five years. When limited to seven-acre units, the pit, or portions of it, shall be closed, rehabilitated, and approved by the City Engineer as meeting the standards of this chapter before further areas are disturbed.

5. The standards for rehabilitating the site shall be:

- a. The side walls of a pit or mound shall be smoothed and evenly contoured, and the floor of a pit or top of a mound shall be flattened and leveled.
 - b. Mounds of fill shall not remain after rehabilitation of an extraction operation, even if utility poles must be relocated at the operator's expense; mounds may only be permitted in conjunction with a mine waste dump.
 - c. No depression which lacks a surface outlet, nor pond or intermittent lake on the floor of the pit, shall exist on the rehabilitated site.
 - d. No slope shall be steeper than the critical angle of repose (e.g., 33 degrees for gravel deposits).
 - e. All areas shall be covered with a one-inch or thicker layer of topsoil and reseeded with a hardy plant material having a sufficient concentration to screen at least 25 percent of the exposed surface from view.
6. When the pit (or mound) and rehabilitation bond are proposed to cover less than the entire area of the lot, the operator shall place clearly identifiable survey markers on the outer boundaries of the bonded area and shall maintain such until the bond is released by the City. The Planning Commission may request an annual on-site investigation and report of the City Engineer to determine whether the terms of the grading plan, rehabilitation plan and bond agreement are being met.
7. Surface mining shall proceed in an orderly manner from the outer boundaries and lower slopes of the property inward and upward so the property can be rehabilitated in the older areas of the pit while new areas are being opened up.
8. Dust generated in the extraction and processing of the earth products shall be kept under control by the operator and contained on site by paving main roads in the pit, wetting extraction areas and loaded trucks, placing berms or landscape screening for protection from the prevailing winds and other suitable measures.
9. All cuts and fills shall be set back from the property boundary or boundary of the approved extraction site a distance of at least five feet.
10. The applicant shall present an off-site plan of any local public streets which loaded trucks will use in gaining access to state highways and arterial streets. The pit operator shall be liable for any severe damage his operation causes to such local roads.
11. The pit and/or extraction operation shall not constitute a nuisance. (Ord. 2016-09 § 1, 2016; Ord. 2013-08 § 1, 2013; Ord. 1999-1 § 3.32.2 [3.23.2], 1999; Ord. 66 § 3.23.2, 1993.)

18.110.040 Bond.

1. A cash or surety bond in the amount set by the City Engineer, but not less than \$2,500 per acre, shall be posted by the applicant to guarantee compliance with the provisions of this chapter. A violation of any provision shall be sufficient grounds for forfeiture of the entire bond to the City. If the bond is over the minimum bond amount per acre and the owner disputes the cost of reclamation set by the City Engineer, the City Council may determine the cost and set the bond amount, upon appeal by the owner.
2. The maximum bond and bond agreement period shall be seven years, after which time the bond amount shall be reevaluated based on inflation, the current costs of rehabilitation, and the amount of rehabilitation or excavation that has occurred during the elapsed time.
3. Any bond shall be accompanied by an agreement between the City of Francis and the applicant (plus the property owner if the latter is not also the applicant) wherein the City agrees to return the bond at the completion of work if the standards of this chapter have been met, and the applicant and property owner agree that the bond shall be forfeited in the event of noncompliance and to permit the City to enter upon the land to close operations and rehabilitate the excavated or filled areas. Any ambiguity or deficiency in the wording of the bond agreement shall be interpreted to include the terms of this chapter.
4. It shall be a violation to not complete the rehabilitation within one year of cessation of operations and grounds for forfeiture of the bond. The "trigger" for such forfeiture shall be any two-year period of time in which no material is

extracted, or any one-year period when there is no current business license or valid zoning compliance permit in effect.

5. Notwithstanding the forfeiture of the bond, the applicant shall retain individual responsibility to fully comply with this chapter, the terms of the permits issued thereunder, and the balance of any expense not covered by the bond to rehabilitate the property.

6. The bond requirement under this section is satisfied by submission of a properly executed reclamation contract for surety under the large mining operations requirements as found in Utah State Code. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 3.32.3 [3.23.3], 1999; Ord. 66 § 3.23.3, 1993.)

18.110.050 Permits.

In addition to the business licenses and building (or grading) permits required, any open pit operation shall be required to have a current zoning compliance permit. No zoning compliance permit for an open pit operation shall have a period of validity past December 31st of each calendar year, but the permit shall be automatically renewed if the pit is found to be in compliance with the standards of this chapter. The City Planner, with the advice of the City Engineer, shall determine if such compliance exists. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 3.32.4 [3.23.4], 1999; Ord. 66 § 3.23.4, 1993.)

18.110.060 Stockpile sites.

Any site for which a conditional use permit is sought to exclusively haul stored or stockpiled earth materials shall be subject to the following regulations: no mining, extraction or crushing of material shall be permitted. Only loading, hauling and screening of previously mined material is allowed. Loading, hauling and screening of stockpiled material may not disturb the native surface. The City Council may, upon recommendation from the Planning Commission, establish an annual fee schedule for a stockpile site conditional use permit that is different than the annual fee schedule for sites that conduct mining, extraction or crushing of material. (Ord. 2016-09 § 1, 2016; Ord. 2013-08 § 2, 2013; Ord. 66 § 3.23.5, 1993.)

Chapter 18.115

COMMERCIAL DEVELOPMENTS

Sections:

- 18.115.010 Generally.
- 18.115.020 Relationship to other requirements of this code and other federal, state and City ordinances.
- 18.115.030 Purpose for commercial development standards.
- 18.115.040 Design and layout considerations.
- 18.115.050 Unsuitability.
- 18.115.060 Development name.
- 18.115.070 Compliance with zoning provisions.
- 18.115.080 Development design.
- 18.115.090 [Development layout](#)[Landscaping requirements](#).
- 18.115.100 [Submission and approval process](#)[Buffering, fences, and walls](#).
- 18.115.110 [Grading and drainage](#).
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- 18.115.130 [Service and unloading areas](#).
- 18.115.140 [Outdoor lighting](#).
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- 18.115.160 [Highway access](#).
- 18.115.170 [Trash, material storage, and pollution](#).
- 18.115.180 [Submission and approval process](#).
- 18.115.190 [Concept plan application procedure and requirements](#).
- 18.115.200 [Commercial development application procedure and requirements](#).
- 18.115.120 ~~Final plat.~~
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- 18.115.210 ~~Final plat — Vested rights.~~
- 18.115.220 ~~Final plat — Signing and recording of final plat.~~
- 18.115.230 ~~Exceptions to the requirements of FCC Title 17 and other requirements of this code.~~

18.115.010 Generally.

This chapter details the regulations and requirements for any commercial development that occurs in the City of Francis. This chapter will address issues such as intensity, circulation, design, compatibility, and landscaping. The approval process is also outlined in this chapter. All [commercial developments development in the C-1 Commercial and City Center zones](#) are required to satisfy ~~these requirements and those found in the relevant sections of Chapters 18.20 through 18.55 FCC~~ [the requirements of this Chapter and relevant sections of the Development Code](#). (Ord. 2016-09 § 1, 2016; Ord. 66 § 7, 1993.)

18.115.020 Relationship to other requirements of this code and other federal, state and City ordinances.

The requirements for commercial developments found in this chapter are in addition to all other applicable requirements of this title and FCC Title 17 and other federal, state and City ordinances. All commercial developments must satisfy all the requirements of this chapter and all other applicable federal, state and City requirements including the requirements found in this title and FCC Title 17, prior to [final plat approval submittal of a building permit application](#). (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.1, 1993.)

18.115.030 Purpose for commercial development standards.

These commercial development standards are adopted for the following purposes:

1. To provide organized, safe, and sustainable commercial development.
2. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the community, avoiding congestion and providing effective pedestrian facilities and linkages.
3. To establish standards of architecture and design in order to create an attractive commercial area that will draw desirable tenants, add beauty to the City, and become a gathering place for the citizens. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.2, 1993.)

18.115.040 Design and layout considerations.

All applications for commercial development will be required to submit a concept plan and prepare a [final plat site plan, landscaping plan, architectural design plan, outdoor lighting plan, and other plans as outlined in this Chapter. – using the criteria in this section as a guide, and in accordance with FCC 18.115.100.](#) The Planning Commission and City Council will [also use this criteria use these plans](#) in its consideration of approving the [final plat commercial development](#).

In addition to the requirements established herein and in FCC Title 17, all [final plat plans](#) shall comply with all applicable statutory provisions, sensitive lands overlay zone regulations, International Building and related codes, City design standards and specifications, the official streets master plan, the general plan, the official zone map, the trails master plan, public utilities plans, and capital improvements program of the City or any other local government having jurisdiction in the development, including all streets, trails, drainage systems and parks, and the rules of the Utah Department of Transportation if the commercial development abuts a state highway or connection street.

If the owner places restrictions on any of the land contained in the development greater than those required by this title and FCC Title 17 or these regulations, such restrictions or reference thereto may be required to be [indicated on the final plat recorded in a development agreement](#), or the [Planning Commission City Council](#) may require that restrictive covenants be recorded. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.3, 1993.)

18.115.050 Unsuitability.

If the Planning Commission or City Council finds lands unsuitable for commercial development due to natural hazards, flooding, improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, or other natural features, including ridgelines and hilltops, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the development or surrounding areas, the land shall not be developed.

The development may be made suitable if adequate methods are formulated by the developer and approved by the City, upon recommendation of a qualified planner or engineer hired by the developer, and approval of the City Engineer, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. Unsuitable land shall be set aside or reserved for uses that do not involve such a danger or severe environmental impact. Lands located in sensitive lands areas may be further regulated by Chapter 18.120 FCC.

Additionally, consideration must be given to soil conditions and ground water existence, and may include appropriate setbacks and conservation requirements. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.3.1, 1993.)

18.115.060 Development name.

The proposed name of the development and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other development, subdivision or street in the area covered by these regulations or nearby communities. The City Council shall have final authority to approve the name of the development and to select street names. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.3.2, 1993.)

18.115.070 Compliance with zoning provisions.

All applications for commercial development are required to satisfy the applicable zoning provisions found in Division II of this title. Of particular note for commercial developments are off-street parking and signs. Each commercial development shall satisfy the parking requirements found in Chapter 18.100 FCC. All commercial

projects are subject to the guarantees of performance required by this title and FCC Title 17. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.3.3, 1993.)

18.115.080 Development design.

It is the intention of this section to create attractive and sustainable commercial development. By requiring commercial developments to meet strict design ~~and landscaping~~ standards the City of Francis believes the commercial zones will become a place where citizens and visitors will frequent often, thus making the development more sustainable.

- ~~1. 4.3 Access. Generally speaking, the commercial areas in Francis are located on streets with a higher potential for traffic congestion. Therefore, access to commercial developments shall be limited to the extent possible in order to maintain traffic flow. However, each commercial development may be required to incorporate two points of ingress and egress to the proposed development, where necessary and feasible. No point of ingress and/or egress shall be located closer than 100 feet from another point of ingress and/or egress along the same public street. This requirement may be waived by the Planning Commission and City Council City Engineer if necessary and appropriate.~~
- ~~2. Development Layout. Commercial developments may have more than one main structure per parcel. In such cases, the applicant shall provide a project master plan to the Planning Commission and City Council indicating the location and size of each proposed structure. Additionally, the project master plan shall indicate accessory buildings, if any.~~
- ~~3. Headlight Impacts. Accesses for commercial developments and drive-through lanes shall not align with existing residences unless the location is required by the City Engineer or UDOT. If headlights will unavoidably impact an existing home, a landscape mitigation agreement shall be offered by the developer to the property owner, providing buffering at the same level as required for an adjacent property owner at the business's required impact tier as listed in Section 18.115.100.~~

(Ord. 2017-01 § 1, 2017; Ord. 2016-09 § 1, 2016; Ord. 66 § 7.3.4, 1993.)

18.115.090 Landscaping requirements.

~~Landscaping Requirements. The landscaping requirements found in this section are in addition to any other landscaping requirements of this title and FCC Title 17 or any other landscaping ordinances adopted by the City of Francis. Each applicant for commercial development shall submit a complete and detailed landscaping plan for review by the Planning Commission concurrently with submission of other documents for review by the Planning Commission commercial development review.~~

- ~~1. Water Conservation. All submitted landscape plans shall be designed to encourage water conservation as a primary consideration. It is recommended that landscape plans use the Localscape approach (localscapes.com).~~
- ~~2. Lawns. Lawn shall not be installed in park strips, paths, or on slopes greater than 25 percent or 4:1 grade. Lawn areas shall not exceed 20 percent of the total landscaped area, outside of areas of the landscape dedicated to active play where lawn may be used as the playing surface (e.g., sports fields and play areas).~~
- ~~3. Street Trees. All setback areas adjacent to a public street shall be fully landscaped and properly maintained. Trees shall be planted at the rate of at least one tree per 20 feet along the public street. The Street trees shall meet the requirements for medium and small trees in the section below applicant shall provide appropriate guarantees on the trees, or they shall have no less than a two-inch caliper when planted. No trees shall be planted within 45 feet of an intersection clear view area. Trees may be planted in clusters to create a more natural and/or screening effect, if appropriate.~~
- ~~4. 6. Plant Materials.~~

- 4.
- a. a-Sixty percent medium trees and shrubs in a combination with deciduous trees with a caliper from two to three inches and evergreen trees with a height from five to eight feet.
 - b. b-Forty percent small trees and shrubs in a combination with deciduous trees with a caliper of one and one-half to two inches and evergreen trees with a height of four feet.
 - c. e-Where possible, a 50/50 mix of deciduous and evergreen tree species shall be used for on-site landscaping.
 - d. Street trees with a minimum two-inch caliper shall be installed along all public rights-of-way by the developer of the property. The species, type, location, and spacing of trees shall be as shown on the approved landscape plan.
 - e. Street trees with a minimum two-inch caliper shall be installed along all public rights-of-way by the developer of the property. The species, type, location, and spacing of trees shall be as shown on the approved landscape plan.

4-Landscaped Areas. The land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed-free condition and landscaped, as approved by the Planning Commission.

5. All ground areas shall contain grass, or another ground cover acceptable to the Planning Commission, and shall be irrigated sufficiently. Shrubs, flower beds, decorative rocks, and other appropriate landscaping is highly encouraged. All landscaped areas shall be maintained using a sprinkling and/or irrigation system which is capable of being engaged automatically on a regular basis.
6. Vegetation Removal. Removed vegetation shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper. Street trees that are necessarily removed shall be replaced with comparable individual caliper as approved by the Planning DivisionDepartment.
7. Installation. It shall be the responsibility of the developer to grade, place topsoil, seed, sod, install sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.
8. Completion Timeline. Landscaping in accordance with the plans submitted must be installed within 30 days following the occupancy of the site or as otherwise approved by the Planning Commission as seasonal conditions may dictate.

2.

3. Parking areas shall be screened from public view using a landscaped berm, decorative screening wall, planted hedge, or other manner acceptable to the Planning Commission and City Council.

9. a-Maintenance of Landscaping. All landscaped areas shall be maintained on a regular basis and be kept neat and clean. It shall be the responsibility of the developer to properly maintain landscaped areas including watering, mowing, pruning, fertilizing, and the removal and replacement of dead plant materials in a timely manner. Pruning trees for exposure is prohibited.

10. Enforcement. If the a complaint is filed or if the zoning administratorCity Planner determines the maintenance requirement has not been satisfied, the zoning administrator shall notify the Planning CommissionCode Enforcement action will be taken. If the violation is not corrected, the Planning Commission shall notify the owner of the subject property, as listed in the office of the Summit County Recorder, shall be notified of a meeting to be held between the owner and the Planning Commission. The Planning Commission will detail the lack of maintenance and inform the owner that a continued lack of maintenance will warrant issuance of a class C misdemeanor charge against the property owner under the authority of Section 10-9-1003, Utah Code.

18.115.100.1 Buffers, fences and walls.

The intent in having special buffer, fence, and wall requirements is to provide quality separation between incompatible commercial uses, and to provide physical and visual protection between commercial and residential

uses. The level of required buffering is based on the impact of the business (as listed in the C-1 and CC zone use tables), the adjoining zone, and whether there is an adjoining existing residence.

<u>Impact</u>	<u>Adjoining Zone</u>	<u>Adjoining Residence¹</u>	<u>Fencing²</u>	<u>Evergreen Tree Buffer³</u>	<u>Buffer Distance⁴</u>
<u>Tier 1</u>	<u>AG-1, AG-2</u>	<u>Yes</u>	<u>6 ft Privacy</u>	<u>High</u>	<u>25 ft</u>
		<u>No</u>	<u>4 ft Farm</u>	<u>Not Required</u>	<u>10 ft</u>
	<u>R-H, R-C, R-M</u>	<u>Yes</u>	<u>8 ft Privacy or 8 ft Wall</u>	<u>High</u>	<u>35 ft</u>
		<u>No</u>	<u>6 ft Privacy</u>	<u>Medium</u>	<u>20 ft</u>
	<u>C-1, P-F, CC, LI-1</u>	<u>Yes</u>	<u>6 ft Privacy</u>	<u>Medium</u>	<u>20 ft</u>
		<u>No</u>	<u>Not Required</u>	<u>Not Required</u>	<u>0 ft</u>
<u>Tier 2</u>	<u>AG-1, AG-2</u>	<u>Yes</u>	<u>6 ft Privacy</u>	<u>Medium</u>	<u>20 ft</u>
		<u>No</u>	<u>4 ft Farm</u>	<u>Not Required</u>	<u>10 ft</u>
	<u>R-H, R-C, R-M</u>	<u>Yes</u>	<u>6 ft Privacy</u>	<u>Medium</u>	<u>20 ft</u>
		<u>No</u>	<u>6 ft Privacy Fence or Medium Trees</u>		<u>15 ft</u>
	<u>C-1, P-F, CC, LI-1</u>	<u>Yes</u>	<u>6 ft Privacy Fence or Medium Trees</u>		<u>15 ft</u>
		<u>No</u>	<u>Not Required</u>	<u>Not Required</u>	<u>0 ft</u>
<u>Tier 3</u>	<u>AG-1, AG-2</u>	<u>Yes</u>	<u>4-6 ft Privacy Fence or Low Trees</u>		<u>10 ft</u>
		<u>No</u>	<u>Not Required</u>	<u>Not Required</u>	<u>0 ft</u>
	<u>R-H, R-C, R-M</u>	<u>Yes</u>	<u>4-6 ft Privacy Fence or Low Trees</u>		<u>10 ft</u>
		<u>No</u>	<u>Not Required</u>	<u>Not Required</u>	<u>0 ft</u>
	<u>C-1, P-F, CC, LI-1</u>	<u>Yes</u>	<u>Not Required</u>	<u>Not Required</u>	<u>0 ft</u>
		<u>No</u>	<u>Not Required</u>	<u>Not Required</u>	<u>0 ft</u>

18.115.110 Grading and drainage.

Drainage from any lot must follow current Francis City requirements. Drainage shall not be allowed to flow upon adjoining lots unless an easement for such purpose has been granted by the owner of the lot upon which the water flows.

A site plan with grading, drainage, and clearing plans must be approved by the City Engineer, Planning Commission, and City Council before any such activities may begin. Lot grading shall be kept to a minimum. Where

¹ Adjoining existing residence within 500 feet of property line.

² Fencing shall be placed on the adjoining property line. Privacy fencing shall be an opaque material in a neutral color in earth tones (not white or black). Wall material shall be a precast decorative neutral concrete or rock. Farm fencing may be an open split rail style, or as desired for agricultural uses by the adjoining property owner.

³ Tree Buffer: High – 8 ft min tree height, Medium – 6 ft min tree height, Low – 4 ft min tree height. Trees shall be spaced 15 feet apart on center. Tree height is measured at time of planting. Trees may be deciduous if preferred by the adjoining property owner.

⁴ Tier 1 – distance is to structure, outdoor lighting, or parking. Tier 2 and 3 – distance is to structure.

possible, roads and development shall be designed for preservation of natural grade. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.14, 1993. Formerly 18.45.130.)

18.115.120 Utilities.

All utility lines shall be underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity or any other energy or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purpose during construction.

1. Transformers shall be grouped with other utility meters where possible and screened with vegetation or other appropriate method.
2. Each contractor and owner/developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be their responsibility.
3. Prior to construction, contact must be made with Blue Stakes to identify underground utility lines.
4. Each development shall be required to be serviced by City water and sewer unless expressly approved by the City Council. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.15, 1993. Formerly 18.45.140.)

18.115.130 Service and loading areas.

Loading and refuse collection areas shall not be permitted between buildings and streets, and must be screened from view of public and private streets. Streets shall not be used directly for loading, unloading, or refuse collection. Building and improvements upon lots must be designed to properly accommodate loading, unloading and refuse collection. Loading and refuse collection areas shall be properly screened meeting standards stated herein. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.19, 1993. Formerly 18.45.180.)

18.115.140 Outdoor lighting.

Outdoor lighting must meet the requirements of Chapter 18.118 FCC, Commercial Outdoor Lighting. For parking lot lighting, pole-mounted fixtures are recommended. Lighting of all pedestrian pathways is recommended. Lighting of a building and site identification signs are permitted as allowed by this title.

Lighting will be judged as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings. All streetlights shall be shoebox design type fixtures and installed as required by the street lighting policy. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.20, 1993. Formerly 18.45.190.)

18.115.150 General maintenance.

An overall maintenance schedule shall be implemented by property owners in maintaining all buildings, landscaping, fences, walls, drives, parking lots (including surfacing and striping, signs, or other structures). The above shall be maintained in good and sufficient repair in a safe and aesthetically pleasing manner. Roads and pavements shall be kept true to line and grade and in good repair. Drainage ditches shall be kept clean and free of any obstacles. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.21, 1993. Formerly 18.45.200.)

18.115.160 Highway access.

All access from state roads shall be in accordance with the master street plan for Francis City. Access for this zone shall be made from a properly designed and landscaped frontage road or as otherwise approved by Francis City and UDOT. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.22, 1993. Formerly 18.45.210.)

18.115.170 Trash, material storage, and pollution.

No trash, used or raw materials, wrecked or nonoperational or abandoned vehicles, goods, or equipment shall be stored in an open area or yard. All such materials must be screened from public streets and adjacent property located with an opaque fence or wall, or must be stored within an enclosed building. All trash storage areas shall be screened and hidden from the public or adjoining residential area view by appropriate fencing or landscaping methods and placed in a rear area of the main building if possible. No hazardous materials, chemicals or oils/solvents shall be stored in areas that do not meet Health Department regulations or are accessible to the public.

Trash storage plans must be presented to the Planning Commission or Planning Department for approval, as applicable, prior to issuance of a building permit.

Any use which emits or discharges gases, fumes, dust, glare, noise or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah State Air Conservation Board or the Board of Health and any use which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering ground water in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Board or the Board of Health shall be prohibited. (Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.11, 1993. Formerly 18.45.110.)

~~1. No plans for any building, structure or other improvements shall be approved by the Planning Commission unless there shall also have been submitted separate landscape plans satisfactory to the Planning Commission.~~

~~3. Landscaping in accordance with the plans submitted must be installed within 30 days following the occupancy of the site or as otherwise approved by the Planning Commission as seasonal conditions may dictate.~~

~~4. The land area not occupied by buildings, structures, hard surfacing, vehicular driveways or pedestrian walkways shall be kept in a weed-free condition or landscaped, as approved by the Planning Commission.~~

~~5. The developer shall bond for such landscape improvements to ensure that installations are completed as submitted and approved. Performance assurance requirements for landscape improvements shall be the same as required by the City for street improvements.~~

~~6. Plant Materials:~~

~~a. Sixty percent medium trees and shrubs in a combination with deciduous trees with a caliper from two to three inches and evergreen trees with a height from five to eight feet.~~

~~b. Forty percent small trees and shrubs in a combination with deciduous trees with a caliper of one and one-half to two inches and evergreen trees with a height of four feet.~~

~~c. Where possible, a 50/50 mix of deciduous and evergreen tree species shall be used for on-site landscaping.~~

~~d. Street trees with a minimum two-inch caliper shall be installed along all public rights-of-way by the developer of the property. The species, type, location, and spacing of trees shall be as shown on the approved landscape plan.~~

~~e. Street trees with a minimum two-inch caliper shall be installed along all public rights-of-way by the developer of the property. The species, type, location, and spacing of trees shall be as shown on the approved landscape plan.~~

~~7. Installation. It shall be the responsibility of the developer to grade, place topsoil, seed, sod, install sprinkler irrigation systems, and properly plant trees, shrubs, and other approved plant materials.~~

~~8. Maintenance. It shall be the responsibility of the developer to properly maintain landscaped areas including watering, mowing, pruning, fertilizing, and the removal and replacement of dead plant materials in a timely manner. Pruning trees for exposure is prohibited.~~

~~9. Vegetation Removal. Removed vegetation shall be replaced with equal or better quality plant materials. Trees that are necessarily removed shall be replaced with trees with comparable total caliper. Street trees that are necessarily removed shall be replaced with comparable individual caliper as approved by the Planning Division.~~

~~When utility connections or other disturbances are made to existing landscaped areas the existing landscaping must be replaced to its previous condition. Other modification of landscaped areas shall require approval by the City Planner.~~

~~2. Compatibility. In addition to the requirements of this title and FCC Title 17, the following design requirements shall apply to each commercial development approved under this chapter. All commercial development should be compatible with surrounding development as to mass, color, signage, and the like. The Planning Commission may~~

~~make recommendations to the applicant in order to improve compatibility with surrounding development. If changes to the anticipated structure are made, these changes should be submitted to the zoning administrator at the earliest possible date. The zoning administrator will determine whether the changes need to be reviewed by the Planning Commission.~~

~~3. Access. Generally speaking, the commercial areas in Francis are located on streets with a higher potential for traffic congestion. Therefore, access to commercial developments shall be limited to the extent possible in order to maintain traffic flow. However, each commercial development may be required to incorporate two points of ingress and egress to the proposed development, where necessary and feasible. No point of ingress and/or egress shall be located closer than 100 feet from another point of ingress and/or egress along the same public street. This requirement may be waived by the Planning Commission and City Council if necessary and appropriate. (Ord. 2017-01 § 1, 2017; Ord. 2016-09 § 1, 2016; Ord. 66 § 7.3.4, 1993.)~~

~~18.115.090 Development layout.~~

~~Unlike other developments approved under this title and FCC Title 17, commercial developments may have more than one main structure per parcel. In such cases, the applicant shall provide a project master plan to the Planning Commission and City Council indicating the location and size of each proposed structure. Additionally, the project master plan shall indicate accessory buildings, if any. Setback requirements in commercial zones may be varied to improve appearance and circulation, but must be approved by the Planning Commission and City Council. The Planning Commission and City Council shall consider impacts on adjacent parcels, traffic, pedestrian access, landscaping and other relevant issues when recommending setback requirements. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.3.5, 1993.)~~

18.115.100180 Submission and approval process.

- ~~1. Concept Plan.~~ The concept plan provides an opportunity for the applicant, City staff and Planning Commission to meet and discuss the proposed project in the conceptual stage. The applicant can use the concept plan meeting to ask questions of the Planning Commission and City staff, and receive some direction on development design and layout. At the concept plan meeting the City staff and Planning Commission will inform the applicant if the uses are allowed in the zone. The Planning Commission may also discuss the procedure for approval if a commercial development and the specifications and requirements as to general design and layout of streets, reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services.

~~1.~~

The Planning Commission may also advise the applicant, where appropriate, to discuss the proposed development with those agencies who must eventually approve those aspects of the final plat within their jurisdiction, including, but not limited to, the current South Summit Fire District, South Summit School District, and the various utility service providers. Neighbors of the planned project should also be consulted to get their views and concerns.

2. Commercial Development Application. After the Concept Plan is reviewed by the Planning Commission, the developer may submit an application for commercial development approval. This approval encompasses all commercial development approvals required by the applicable zoning code (lot requirements, setbacks, parking, and architectural design) as well as the approvals required by this Chapter (landscaping, buffers, site plan, layout, lighting, and trash storage). A sensitive lands analysis, traffic study, agricultural assessment, and other approvals required by this Title or Title 18 may also be required to be submitted concurrently as this application depending on site-specific conditions. All elements of the commercial development will be reviewed by the Planning Commission. The Planning Commission will approve or deny the landscaping plan and trash storage plan. The City Council has the authority to grant all other approvals for a commercial development after a recommendation is given by the Planning Commission. Building permit(s) for the project will not be issued until all necessary approvals are given.

- ~~2. Professional Review Fees.~~

3. Fees for projects that require review and/or inspection by the City Attorney, City Engineer, or other consultant(s) shall be billed to the applicant at the actual billed rates incurred by the City, in addition to all other applicable fees. To assure prompt payment, the applicant shall deposit with the City sufficient funds against which the City may draw to satisfy these costs, in amounts set forth in the City's then-prevailing fee and rate ordinance. This escrow account shall be set up concurrent with submittal of the commercial development application.

3.

All funds in applicant deposit accounts are available at all times for expenditure by the City to satisfy fees incurred by the City for the project. The City shall notify applicants monthly of the fees incurred during the previous month for the applicant's project. The City shall pay interest on applicant deposit accounts, at the rate at which the City would earn interest on monies in the City's general fund balance for the applicable period, and shall credit said interest to the applicant's deposit account. If the balance on deposit for an applicant drops below an amount sufficient to cover anticipated costs, the applicant must pay all outstanding billings for the month plus bring the deposit account back up to a sufficient amount, as set forth in the City's then-prevailing fee and rate ordinance. If at any time an applicant's deposit account does not comply with the provisions set forth herein, the City's staff and its contractors, agents and consultants shall stop work on the project until the account comes into compliance. At the conclusion or termination of a project, any unexpended amounts in an applicant's deposit account shall be refunded to the applicant with interest. (Ord. 2016-09 § 1, 2016; Ord. 2011-04, 2011; Ord. 66 § 7.4, 1993.)

18.45.120 — Grading and drainage.

Drainage from any lot must follow current Francis City requirements. Drainage shall not be allowed to flow upon adjoining lots unless an easement for such purpose has been granted by the owner of the lot upon which the water flows.

A site plan with grading, drainage, and clearing plans must be approved by the Planning Commission and City Council before any such activities may begin. Lot grading shall be kept to a minimum. Where possible, roads and development shall be designed for preservation of natural grade. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.14, 1993. Formerly 18.45.130.)

18.45.130 — Utilities.

All utility lines shall be underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity or any other energy or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground except for hoses, movable pipes used for irrigation or other purpose during construction.

1. Transformers shall be grouped with other utility meters where possible and screened with vegetation or other appropriate method.

2. Each contractor and owner/developer shall be responsible to know the whereabouts of all underground utilities. Protection of such utilities shall also be their responsibility.

3. Prior to construction, contact must be made with Blue Stakes to identify underground utility lines.

4. Each development shall be required to be serviced by City water and sewer unless expressly approved by the City Council. (Ord. 2021-02 § 2 (Exh. B), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 5.3.15, 1993. Formerly 18.45.140.)

18.115.110190 — Concept plan application procedure and requirements.

Prior to any approval of a commercial development, the owner of the land or an authorized agent shall submit an application for a commercial development concept plan. The plan shall:

1. Include the legal description of the property and all contiguous holdings of the owner with an indication of the portion which is proposed to be developed. Those contiguous areas not included in the development, if any, should include an indication of the proposed future use.

2. Be accompanied by the proper review fee in accordance with the adopted fee schedule.
3. Include an address and telephone number of the applicant and property owner.
4. Include a general written and graphic representation of the proposed development, all approvals being sought, and a presentation of the proposed materials and design theme of the proposed commercial development.

a. City Staff Review of Concept Plan. The City Planner shall consider the concept plan and render a report at a regular meeting of the Planning Commission concerning the plan. The City Planner shall direct the applicant to transmit the concept plan for review to appropriate officials or agencies of the local government, adjoining counties or municipalities, school, fire and other special service type districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. City Planner will consider all the reports submitted by the officials and agencies concerning the plan and shall submit a report for proposed action to the Planning Commission for the next available regular meetings.

The scale or complexity of a project or City Planner workload will dictate the processing period. The City Planner will provide the applicant a projected time frame when an application is filed. If the workload is too great for processing by available City Planner in a time frame acceptable to the applicant or additional expertise is required, the project review may be sent out to a consulting planner, engineer or architect approved by the City. The developer will be responsible for all fees incurred in any plan or development review process undertaken by an outside agency or consultant.

b. Planning Commission Review of Concept Plan. The Planning Commission shall study the concept plan and City staff report, taking into consideration the requirements of this title and FCC Title 17 and the general plan. Particular attention will be given to the arrangement and location of structures, sewerage disposal, drainage, utilities, erosion, location of natural or geologic hazards, the further development of adjoining lands, and the requirements of the official zoning map, general plan, land use map(s) and streets master plan, as adopted by the Planning Commission and City Council.

c. Planning Commission Action. There is no approval of a concept plan required or given. After reviewing and discussing the concept plan, City staff report and other reports as submitted by invited agencies and officials, the Planning Commission and City Council will advise the applicant of specific changes or additions, if any, required in the layout, and the character and extent of required improvements and reservations required as a prerequisite to the approval of the final plat. The Planning Commission and City Council may require additional changes as a result of further study of the subdivision in final form. The Planning Commission and City Council will grant the applicant the right to move forward with authorization to prepare and submit a final plat.

Although approval is not required, the Planning Commission shall not review any ~~final-platsite plan~~ without completing a review of the concept plan. (Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 7.4.1, 1999; Ord. 66 § 7.4.1, 1993.)

18.115.200 Commercial development application procedure and requirements.

Prior to any approval of a commercial development, the owner of the land or an authorized agent shall submit an application for a commercial development. The following items are required for consideration of a complete application:

1. Completed commercial development application on forms provided by the City.
2. Be accompanied by the proper review fee in accordance with the adopted fee schedule. Also include the escrow account funding as calculated by the City.
3. Include a written and graphic representation of the proposed development, including hours of operation, and plans graphically demonstrating the following:

- a. Civil site plan stamped by an engineer licensed to practice in the State of Utah showing the location of all building setback distances in relation to the property lines, grading, drainage, clearing, utilities, and any other requirements of the City Engineer.
- b. Landscape plan per FCC 18.115.90.
- c. Architectural design showing all sides of the proposed structure(s). Include an explanation and representation of the materials planned.
- d. Parking plans showing the location and quantity of parking in relation to surrounding streets and existing and proposed buildings. This plan also includes a tabulation of the parking requirements based on proposed uses.
- e. Buffer, fencing, and wall plans. For landscape buffers, show plant materials and type on the landscape plan. For fencing and walls, show colors and graphic representation of material to be used, along with a map showing placement on the site.
- f. Outdoor lighting plan.
- g. Trash storage plan.
- h. Signage plan including sign design, placement at the site, and dimensions.
- i. Master plan, if multiple buildings will be placed on the same parcel.

4. Include any other site specific plans required by the Planning Commission and City Staff including, but not limited to, a sensitive lands analysis, traffic study, and agricultural assessment.

After a complete application is submitted, City Staff will begin review of the plans. The scale or complexity of a project or City Planner workload will dictate the processing period. The City Planner will provide the applicant a projected timeframe when an application is filed. If the workload is too great for processing by available City Planner in a time frame acceptable to the applicant or additional expertise is required, the project review may be sent out to a consulting planner, engineer or architect approved by the City. The developer will be responsible for all fees incurred in any plan or development review process undertaken by an outside agency or consultant.

The City Planner and City Engineer will write reports and present them at a regular meeting of the Planning Commission. All elements of the commercial development will be reviewed by the Planning Commission. The Planning Commission will approve or deny the landscaping plan and trash storage plan. The City Council has the authority to grant all other approvals for a commercial development after a recommendation is given by the Planning Commission. Building permit(s) for the project will not be issued until all necessary approvals are given.

18.115.120 — Final plat.

Following the approval of the concept plan, the applicant may file an application for a final plat. The final plat shall be prepared by a registered land surveyor licensed by the state of Utah and certified on the plat. The final plat shall be prepared in India ink on tracing cloth or reproducible mylar at a scale not less than 100 feet equals one inch. The requirements herein are minimum and other information may be required by the City Council, Planning Commission, or City staff as the need dictates. The applicant shall provide the City with a PDF file of any final plat and a full size paper copy, if requested.

The final plat shall, at a minimum, contain the following information:

- 1. The date of the plat, north arrow and name of the development.
- 2. The location of the development with respect to surrounding property and streets, the names of all adjoining property owners of record or names of adjacent developments, the names of adjoining and proposed streets, and the location and dimension of all boundary lines.

3. The location of existing easements, water bodies, rivers, streams, trails, and other pertinent features such as swamps, buildings, parks, drainage or irrigation ditches, bridges, or other features determined by the Planning Commission. (Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 7.4.2, 1993.)

18.115.130 Final plat—Features to be shown on final plat.

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this title and FCC Title 17, the Planning Commission, City Council or City staff on the final plat whether included in this list or not. Failure to show any feature required by this title and FCC Title 17, the Planning Commission, City Council or City staff may result in denial of the plat. The final plat shall be presented to the Planning Commission at least four weeks prior to the regular meeting of the Planning Commission in which the project will be addressed.

The final plat shall, at a minimum, show the following:

1. The date of the map, approximate true north point, scale, and name of the development.
2. The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record or the names of adjoining developments, the names of adjoining streets, and the location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
3. The location of existing streets, easements, water bodies, rivers, streams, and other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by the Planning Commission and City Council.
4. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways, and easement and proposed street rights-of-way.
5. The location, dimensions, and areas of all proposed or existing parcels complete with utility easements, lot or parcel numbers, proposed addresses, square footage of each lot or parcel, and building setback lines. All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.
6. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation.
7. The name and address of the owner or owners of land to be developed, the name and address of the developer if other than the owner, and the name of the land surveyor.
8. Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines which would enable the engineer to reproduce the lines upon the ground, and the location of all proposed monuments.
9. Names of all new streets.
10. All information required by the Planning Commission or City staff after review of the concept plan.
11. Explanation of drainage and site easements, if any.
12. Explanation of reservations and conservation easements, if any.
13. Owner's dedication and consent to record as required by applicable state law.
14. Signature blocks for endorsement by the Planning Commission Chair, Mayor, City Engineer, South Summit Fire District and any other signatures required by the Planning Commission.
15. All utility facilities existing and proposed throughout the development.

~~16. If the plan does not include all contiguous property of the owner of the development, an indication of future use of the additional property.~~

~~17. Indication of the nearest location of all public and private utilities.~~

~~18. Indication of all slopes greater than 30 percent.~~

~~19. A landscaping plan as required herein.~~

~~20. The names and addresses of the property owners within 1,000 feet as shown on the county assessor's tax files, together with a stamped, addressed envelope for each such owner. The mailing address information may be shown on a separate current tax map reproduction from the assessor's office showing the development imposed thereon.~~

~~21. Complete construction plans containing the information required in FCC 18.115.140 and any other information required by the Planning Commission or City staff.~~

~~The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of disapproval of a final plat. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.4.2.2, 1993.)~~

18.115.140—Final plat—Construction plans.

~~Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one inch equals 50 feet. These requirements are the minimum; other information may be required by the Planning Commission, City Council, or City staff as the need dictates.~~

~~The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this title and FCC Title 17, the Planning Commission, City Council or City staff in the construction plans whether included in this list or not. Failure to show any feature required by this title and FCC Title 17, the Planning Commission, City Council or City staff may result in denial of the plan.~~

~~The following features, at a minimum, shall be shown:~~

~~1. Profiles showing existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the center line of the existing road or roads within 100 feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.~~

~~2. The Planning Commission or City Council may require, upon recommendation by the City Engineer, where steep slopes exist, that typical cross sections of all proposed streets be shown.~~

~~3. Plans and profiles showing the locations and typical sidewalks, drainage easements, irrigation ditches, servitudes, rights-of-way, manholes, and catch basins; the locations of street trees, streetlights, and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connections to any existing or proposed utility systems, and exact location and size of all water, gas, or other underground utilities or structures.~~

~~4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies or impoundments, streams, and other pertinent features such as swamps, wetlands, buildings, and features noted on the official zoning map. If the development borders a lake, river, or stream, the distances and bearings of a meander line established not less than 20 feet back from the ordinary high water mark of such waterways.~~

~~5. Topography with contour intervals of five feet, referred to sea-level datum. All datum provided shall be the latest applicable U.S. Geodetic Survey datum and should be so noted on the plat.~~

~~6. All other specifications, details, and references required by the design standards, construction specifications, and standard drawings, including a site grading plan for the entire subdivision.~~

~~7. Notation of approval by the owner, City Engineer and all utility providers.~~

~~8. Title, name, address, signature, and seal of the professional engineer preparing the plans, and date, including revision dates.~~

~~9. A limits of disturbance and revegetation plan. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.4.2.3, 1993.)~~

~~18.115.150 Final plat Format.~~

~~The applicant will provide a PDF file of the construction plans to the City. The construction plans should provide signature blocks for and be signed by the City Engineer and the applicant's engineer and surveyor. (Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 7.4.2.4, 1993.)~~

~~18.115.160 Final plat Planning Commission recommendation of final plat.~~

~~The final plat shall be presented to the Planning Commission for their review and recommendation at least four weeks prior to the regular meeting of the Planning Commission in which the project will be addressed. The Planning Commission will review the final plat for compliance with the requirements of this title and FCC Title 17. The Planning Commission shall make a recommendation to approve, approve with conditions, or deny the final plat. The recommendation of the Planning Commission will be forwarded to the City Council by the Planning Commission Chair.~~

~~The Planning Commission shall not recommend approval of any final plat until all review fees have been paid in full according to the City fee schedule. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.4.2.5, 1993.)~~

~~18.115.170 Final plat Council public hearing and approval of final plat.~~

~~Following a recommendation for approval, approval with conditions, or denial of a final plat by the Planning Commission, the City Council shall hold a public hearing on the final plat. Notice of the hearing shall be given in accordance with FCC 18.05.060. After review of the final plat and consideration of any testimony or exhibits presented at the public hearing, the Council shall approve, approve with conditions, or deny the final plat. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.4.2.6, 1993.)~~

~~18.115.180 Final plat Dedications.~~

~~At the time of final plat approval, all dedications shall be completed accompanied by all formal irrevocable offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the City Attorney. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.4.2.7, 1993.)~~

~~18.115.190 Final plat Proof of utility service.~~

~~The final plat shall be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the Planning Commission. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.4.2.8, 1993.)~~

~~18.115.200 Final plat Outstanding obligations.~~

~~At the time of final plat approval, the applicant shall provide evidence that all taxes are current and that no other City debts or obligations are outstanding and no liens or encumbrances are placed on the property. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.4.2.9, 1993.)~~

~~18.115.210 Final plat Vested rights.~~

~~Vesting for purposes of zoning occurs upon the filing of a complete application; provided, however, that no vested rights shall accrue to any plat by reason of final plat approval until the actual signing of the plat by the Chair of the Planning Commission and the Mayor. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the development generally shall be deemed a condition of approval to the signing of the final plat. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.4.2.10, 1993.)~~

~~18.115.220 Final plat Signing and recording of final plat.~~

~~The Chair of the Planning Commission and Mayor shall endorse approval on the plat after the approval by the City Council, and all the conditions pertaining to the final plat have been satisfied. The Chair of the Planning Commission and the Mayor will sign the tracing cloth or reproducible mylar original of the final plat. The City Recorder shall file the original mylar plat with the County Recorder within 10 days of the date of signature.~~

~~Simultaneously with the filing of the plat, the licensed title company shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the City Attorney. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.4.2.11, 1993.)~~

~~**18.115.230—Exceptions to the requirements of FCC Title 17 and other requirements of this code.**~~

~~Exceptions to the subdivision provisions codified in FCC Title 17 for commercial development are limited to the following:~~

- ~~1. More than one structure may be placed on a commercial parcel if the setback and all other requirements are satisfied.~~
- ~~2. The owner of commercial property does not need to provide a name for the commercial development.~~
- ~~3. Other requirements, which can be clearly demonstrated by the applicant, which are not applicable to commercial development. (Ord. 2016-09 § 1, 2016; Ord. 66 § 7.5, 1993.)~~

Chapter 18.118

COMMERCIAL OUTDOOR LIGHTING

Sections:

- 18.118.005 Purpose and intent.
- 18.118.010 Definitions.
- 18.118.015 Lighting plan.
- 18.118.020 Nonresidential lighting standards.
- 18.118.025 Exemptions.
- 18.118.030 Compliance.

18.118.005 Purpose and intent.

The purpose of the lighting requirements in this title is to reasonably preserve visibility of the night sky and to reduce the impact of necessary commercial or industrial lighting on adjacent residential surroundings. This does not require the elimination of any light to adjacent zones but requires reasonable efforts to reduce light from nonresidential zones to adjacent residential zones. Reductions can be accomplished with the use of fencing, landscaping, structure locations, and light fixtures. (Ord. 2019-11 § 1 (Exh. A), 2019.)

18.118.010 Definitions.

“Agricultural lighting” means lighting that is used in relation to the tilling of soil, the raising of crops and animals for private, commercial or industry, horticulture, and gardening as defined in FCC 18.10.010.

“Full cut-off” means the bulb is fully recessed within the lighting fixture with no light emitted above the horizontal plane of the fixture.

“Holiday lighting” means any lights or lighting of decorations in conjunction with the celebration of a national, state, local, cultural or religious holiday.

“Special events” means events that are temporary in nature, multiple days in length and have obtained a special event permit from Francis City. (Ord. 2019-11 § 1 (Exh. A), 2019.)

18.118.015 Lighting plan.

An outdoor lighting plan shall be submitted with the site/development plan. The plan must show the location, height, number and type of fixtures to be used for all outdoor lighting. The applicant in nonresidential zones must also provide a plan on how outdoor lighting will minimize impacts on adjacent properties and lumen output for each fixture. All lighting plans for nonresidential uses must be approved by the City Council. (Ord. 2019-11 § 1 (Exh. A), 2019.)

18.118.020 Nonresidential lighting standards.

The following standards must be met for lighting in nonresidential zones:

1. All outdoor lighting must be full cut-off directing the light downward.
2. The bulb or lighting source cannot be visible from the property line.
3. Outdoor lighting cannot be directed towards any adjacent neighboring properties.
4. The maximum outdoor light output shall not exceed ~~400~~50,000 lumens per acre. Allowed lumen output shall correspond with the size of the parcel.
5. Outdoor lighting shall be turned off or reduce total lumen usage output 50 percent by 11:00 p.m. except for the following conditions:
 - a. Operations that are open for 24 hours.

b. Lighting that has been approved by the city council for security purposes.

6. All fixtures shall be mounted no more than 18 feet high when adjacent to residential zones. Anything greater than 18 feet must be approved by the City Council. (Ord. 2019-11 § 1 (Exh. A), 2019.)

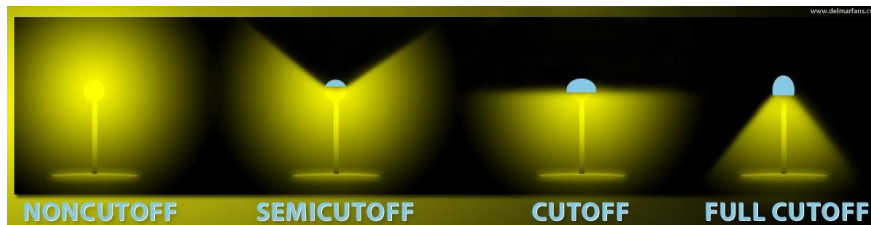
18.118.025 Exemptions.

The following are exempt from the lighting regulations and standards found in this title:

1. The lighting of a federal or state flag.
2. Holiday lighting.
3. Agriculture uses.
4. Monuments.
5. Special events. (Ord. 2019-11 § 1 (Exh. A), 2019.)

18.118.030 Compliance.

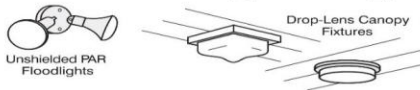
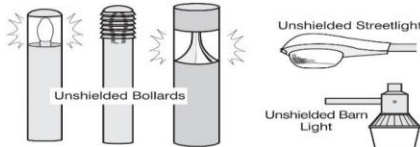
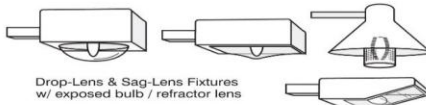
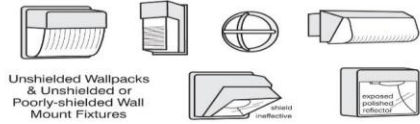
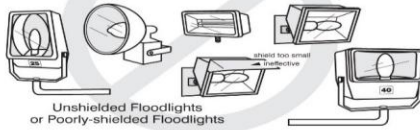
All outdoor lighting existing prior to the adoption of this title can remain in their current state. Upon replacement, expansion or remodel that warrants an inspection from the City building inspector related to outdoor lighting the outdoor lighting will be brought into compliance.



Examples of Acceptable / Unacceptable Lighting Fixtures

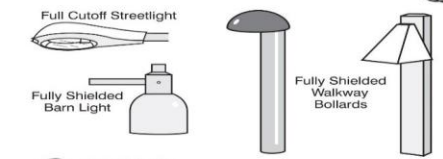
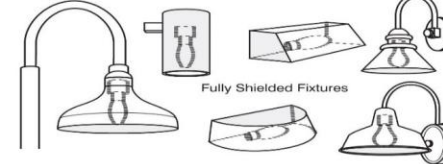
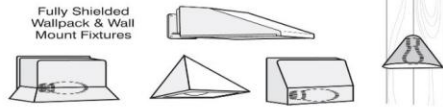
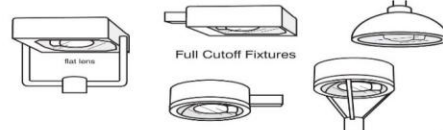
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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(Ord. 2019-11 § 1 (Exh. A), 2019.)

Chapter 18.120

SENSITIVE LANDS REGULATIONS

Sections:

18.120.010	Purpose.
18.120.020	Sensitive lands defined.
18.120.030	Sensitive lands definitions and usage.
18.120.040	Application and analysis requirements.
18.120.050	Sensitive lands identification.
18.120.060	Additional information and study requirements.
18.120.070	Waiver/modification of analysis and study requirements.
18.120.080	Sensitive lands regulations.
18.120.090	Slope protection regulations.
18.120.100	Ridgeline area protection regulations.
18.120.110	Sensitive lands entry corridor protection.
18.120.120	Wetlands and stream or river corridors.
18.120.130	Administrative provisions.
18.120.140	Tree and vegetation protection.
18.120.150	Limits of disturbance.
18.120.160	Economic hardship relief provisions.

18.120.010 Purpose.

This chapter details the regulations associated with the assessment, treatment and management of sensitive lands designated by the City during project-specific impact studies or lying within the sensitive lands overlay zone as shown on the official zoning maps of the City.

Special note: This chapter is in addition to any existing ordinance regulating any sensitive lands in the City of Francis. In no way is this chapter meant to repeal or supersede those regulations. In the event of conflict of this chapter and any other ordinance of the City, the stricter of the two shall apply. (Ord. 2016-09 § 1, 2016; Ord. 66, 1993.)

18.120.020 Sensitive lands defined.

For the purposes of this title and FCC Title 17, all areas located with the sensitive lands overlay zone are considered to be sensitive and must satisfy the requirements of this chapter. There may be additional areas not located in the sensitive lands overlay zone which will be required to satisfy the requirements of this chapter. These areas include, but are not limited to:

1. Drainage facilities, floodplains, and watershed and recharge zones.
2. Natural or environmentally hazardous areas.
3. Scenic areas, view sheds, foothills, slopes greater than 25 percent and ridgelines as determined by the City Council.
4. Unique vegetation cover.
5. Water corridors.
6. Wetlands as determined by the Army Corps of Engineers.
7. Wildlife habitat or refuge areas.
8. Surface and subsurface water. (Ord. 2016-09 § 1, 2016; Ord. 66 § 8.1, 1993.)

18.120.030 Sensitive lands definitions and usage.

For the purposes of this chapter, “ridgelines” shall be defined as the natural crest of hills or mountains surrounding the Francis-Kamas valley floor as viewed from Highway 32 (but not including the portion of Highway 32 at the bottom of the dugway at the west entrance to the City), Highway 35, or Spring Hollow Road.

“Crest of hill” means the highest point on a hill or slope as measured continuously throughout the property. Any given property may have more than one hill crest.

“Development approval application” includes any application for any development approval including but not limited to conditional use permits, rezoning, subdivision, or annexation. The term “development approval application” shall not include any building permits associated with construction within an approved subdivision or on an existing platted lot unless otherwise specified.

“Development code” means the City of Francis development code, as adopted and amended.¹

“Floodplain” means the area of land likely to be affected by flood waters during a 100-year storm event.

“Jurisdictional wetland” means wetlands as defined by the Army Corps of Engineers.

“Maximum extent feasible” means no prudent, practical and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining “maximum extent feasible.”

“Open space” shall have the meaning set forth in FCC 18.10.150.

“Ordinary high water mark” means the line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation or other appropriate means which consider the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

“Qualified professional” means a professionally trained person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

Ridgeline Areas. For the purposes of this chapter, “ridgelines” shall be defined as the natural crest of a hill or mountain as viewed from Highway 32, Highway 35, or Spring Hollow Road. The roof line of any structure in the proposed development may not protrude above the ridgeline.

“Slope” means the level of inclination of land from the horizontal determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. For purposes of regulation and measurement, slopes must cover at least 25 feet vertically and 100 feet horizontally.

“Steep slope” means slopes greater than 25 percent.

“Stream” means watercourses, excluding ditches and canals constructed for irrigation and drainage purposes, that flow year-round or intermittently during years of normal rainfall.

“Stream corridor” means the corridor defined by the ordinary high water mark.

“Surface and subsurface water” means water bodies and courses above the surface of the ground and well, springs and other water sources below the surface of the ground. (Ord. 2016-09 § 1, 2016; Ord. 66 § 8.1.1, 1993.)

18.120.040 Application and analysis requirements.

Lands in or partially in the sensitive lands overlay zone(s) as depicted in the land use map and zoning district map(s), and other areas outside of the overlay zone determined to have sensitive lands as defined by this chapter, require the developer to perform the following application and environmental studies, consisting of an analysis of each of the elements found in FCC 18.120.050 and 18.120.060 and as designated by the Planning Commission. The study shall follow all standards that shall apply in this chapter and provide enough information to the City to be able

to reasonably designate the sensitive lands areas. No final plat approval will be granted to any project located in the sensitive lands overlay zone or having sensitive lands until adequate treatment and mitigation alternatives for dealing with the development impacts have been approved.

The following analysis elements must be conducted to determine the exact boundaries of any sensitive areas and the mitigation measures necessary to eliminate or lessen the impacts of development. The studies do not necessarily define all of the sensitive areas. In some cases, the studies may indicate areas of sensitive lands not identified prior to the study. (Ord. 2016-09 § 1, 2016; Ord. 66 § 8.2, 1993.)

18.120.050 Sensitive lands identification.

Any applicant for development approval which contains sensitive areas as defined in this chapter must produce a sensitive areas analysis performed by qualified professionals as approved by the City that identifies and delineates all applicable features and conditions.

Some of these areas may include steep slope areas, ridgeline areas, wetlands areas and stream corridors, surface and subsurface water and other areas based on information submitted pursuant to this section, including any other information and data available to or acquired by the City. Delineation shall be used as the basis for all calculations of open space, density, buffers, setbacks, and density transfers permitted or required by this chapter. The study performed by the developer may suggest areas for designation and/or various alternatives; however, the final designation must be made by the City.

1. Topographic Map and Slope Analysis. A topographic map and slope analysis shall be prepared and based on a certified boundary survey and depict contours at an interval of five feet or less. The map shall highlight areas of high geologic hazard, areas subject to landsliding, and all slopes in the following categories:

- a. Greater than 20 percent but less than or equal to 30 percent.
- b. Over 30 percent.

2. Ridgeline Areas. Ridgeline areas shall be denoted including all crests of hills or steep slopes. For the purposes of this chapter, ridgelines shall be defined as the natural crest of a hill or mountain as viewed from Highway 32, Highway 35, or Spring Hollow Road.

3. Vegetative Cover. Vegetative cover shall be denoted generally by type and density of vegetation. This description should include deciduous trees, coniferous trees, gamble oak or high shrub, sage, and grassland. The City shall have the discretion to require a more detailed tree/vegetation survey if the site has significant or unique vegetation, stands of trees, or wooded areas.

4. Wetlands. Wetlands as delineated by the Army Corps of Engineers shall be indicated in the analysis. Likewise, stream corridors as defined by their ordinary high-water mark shall be denoted. If wetlands are present they shall be delineated and if required the appropriate permits shall be obtained from the Army Corps of Engineers and submitted to the City.

5. Wildlife Habitats. Delineation of all critical or sensitive wildlife areas and habitats as defined by the state or other studies and which wildlife species inhabit the area and may be affected by the different types of land uses proposed in the area. (Ord. 2016-09 § 1, 2016; Ord. 66 § 8.2.1, 1993.)

18.120.060 Additional information and study requirements.

In addition to the analysis required by FCC 18.120.050, the City Council, Planning Commission or City staff may require the applicant to undertake the following studies and submit the following information and assessments to ensure that the City has adequate information to comprehensively assess all development proposals in or containing sensitive lands. Such information and studies may include, but are not limited to:

1. Visual Assessment. Visual assessments of the subject property from relevant designated vantage points as directed by the City Council, Planning Commission or City staff depicting conditions before and after the proposed development, including the proposed location, size, landscaping, and other visual features of the project to assist in analyzing the potential aesthetic impact and most advantageous location of structures and other improvements to

reduce any adverse impact. The visual assessment shall be conducted using techniques as approved by the City Council, Planning Commission or City staff including but not limited to sketches, models, drawings, renderings, hand-enhanced photographs, and computerized images. Selection of the appropriate technique will depend on the size of the development and the visual sensitivity of the proposed development site.

2. Soil Investigation Report. Soil investigation report, including but not limited to shrink-swell potential, elevation of water table, general soil classification and suitability for development, erosion potential, hazardous material analysis, and potential frost action.

3. Geotechnical Report. Geotechnical report, including but not limited to location of major geographic and geologic features, depth and types of bedrock, structural features (folds, fractures, faults, etc.), and historic and potential landslide and other high-hazard areas such as mine shafts, quarries and known snow avalanche paths.

4. Additional Slope Information. If the size of the proposed development and visual sensitivity of the site dictate, the City Council, Planning Commission or City staff may require the submission of a slope/topographic map depicting contours at an interval of two feet.

5. Fire Protection Report. Fire protection report, including but not limited to identification of potential fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability.

6. Hydrologic Report. Hydrologic report, including but not limited to information on groundwater levels, natural and agricultural irrigation and drainage channels and systems, and base elevations in floodplains.

7. Agricultural Analysis. An agricultural analysis addressing issues found in Chapter 18.110 FCC may be required to determine the impacts on important agricultural areas. This analysis must address the effects of changing land uses on vegetation, irrigation systems, range land quality, weed control, agricultural accesses and rights-of-way, and fire concerns.

8. Annexations. Whenever an annexation petition is presented to the City, the applicant may be required to provide a sensitive lands analysis according to this title and FCC Title 17 and may require varying levels of detail based upon existing conditions of the site. The sensitive lands will be determined based upon that analysis. The analysis may lead to the designation of additional sensitive areas, significant ridgelines, wetlands areas or vantage points which may not have been previously included as a part of this chapter or of the accompanying maps. (Ord. 2016-09 § 1, 2016; Ord. 66 § 8.2.2, 1993.)

18.120.070 Waiver/modification of analysis and study requirements.

Based upon a preliminary assessment of the development proposal and a site field inspection, the City Council, Planning Commission or City staff may modify or waive any of the sensitive lands analysis requirements upon a determination that the information is not necessary for a full and adequate analysis of the development or is sufficient at a reduced level of detail. (Ord. 2016-09 § 1, 2016; Ord. 66 § 8.2.3, 1993.)

18.120.080 Sensitive lands regulations.

The following provisions shall apply to all delineated sensitive lands and areas contained in the sensitive lands overlay zone, or as delineated elsewhere as provided in FCC 18.120.040. Areas delineated as hazardous (geologic or natural hazards and high flooding potential) to development or areas where wildlife mitigation measures cannot be implemented to the satisfaction of the City in the studies and analysis requirements of this chapter will be deemed as undevelopable. The following parts of this chapter regulate development in the sensitive lands which are located outside of the designated undevelopable areas. (Ord. 2016-09 § 1, 2016; Ord. 66 § 8.3, 1993.)

18.120.090 Slope protection regulations.

The requirements in this section are in addition to the hillside protection ordinance adopted by the City of Francis. In the event of a conflict, the stricter of the two shall apply.

1. Intent. It is the intent of these regulations to protect visual character and environmentally sensitive areas on hillsides and slopes. This shall be accomplished by minimizing the visual and environmental impacts of development through careful site planning that maintains the maximum amount of open space, protects existing

vegetation, avoids sensitive natural areas, minimizes erosion, recognizes the need for water conservation and locates structures in the least visually sensitive location. These regulations shall apply to all slopes in excess of 15 percent.

2. Prohibitions. No development shall be allowed on or within 50 feet of slopes in excess of 30 percent, lands subject to landslide, regular flooding, soils deemed unsuitable as to safety, and other high-hazard geological areas, as determined by a geotechnical or soils report produced pursuant to FCC 18.120.040.

3. Graded or Filled Slopes. Cutting and filling to create additional or larger building sites shall be kept to a minimum and avoided to the maximum extent feasible. All proposed grading and filling shall be subject to review by the City Engineer and City staff to ensure minimum visual impact and geotechnical safety. Graded or filled slopes shall be limited to a three-to-one slope or less. All graded slopes shall be contoured and revegetated to the natural, varied contour of surrounding terrain.

4. Streets. Street construction in hillsides can be the most visually disruptive portion of a development. Development in some areas may not be appropriate if roads cannot be constructed to access it without causing significant visual impacts. Where streets and roads, public and private, are proposed to be constructed on steep slopes:

a. Streets that cross slopes of 30 percent or greater shall not be allowed, except that a short run of not more than 100 feet across slopes greater than 30 percent may be allowed by the City Council upon a favorable recommendation by the City Engineer that such streets will not have significant adverse visual, environmental, or safety impacts.

b. Where streets are proposed to cross slopes greater than 15 percent, the following standards shall apply:

i. Evidence must be presented that such streets will be built with minimum environmental damage and within acceptable public safety parameters.

ii. Streets shall, to the maximum extent feasible, follow contour lines, preserve the natural character of the land, and be screened with trees or vegetation.

iii. Cutting and filling shall be held to a minimum and retaining walls employed to help provide planting areas conducive to revegetation. Revegetation plans will be required for all areas disturbed by and during street construction.

5. Retaining Walls. Use of retaining walls may be encouraged to reduce the angle of manmade slopes and provide planting pockets conducive to revegetation. The use, design, and construction of all retaining walls shall be subject to the approval of the City Engineer based upon assessment of visual impact, compatibility with surrounding terrain and vegetation, and safety considerations.

6. Landscaping and Revegetation. In order to mitigate adverse environmental and visual effects, slopes exposed in new development shall be landscaped or revegetated in a manner acceptable to the City Council and City Engineer. Topsoil from any disturbed portion of a steep slope shall be preserved and utilized in revegetation. Fill soil must be of a quality to support native plant growth.

7. Location of Development with Steep Slopes. Any development permitted in steep slope areas pursuant to this section shall be located in such a manner to reduce visual and environmental impacts to the maximum extent feasible. To determine the most appropriate location for development, the City shall require the applicant to conduct a visual and environmental analysis considering visual impact from key vantage points, potential for screening, location of natural drainage channels, erosion potential, vegetation protection, access, and similar site design criteria. Based upon the analysis, the City may require any one or a combination of the following measures:

a. Clustering of development.

b. Dispersal of development. (Ord. 2016-09 § 1, 2016; Ord. 66 § 8.3.1, 1993.)

18.120.100 Ridgeline area protection regulations.

1. Intent. The intent of these provisions is to protect the unique visual and environmental character of all designated ridgeline areas within the sensitive lands overlay zone and to ensure that development near ridgeline areas blends in

with rather than interrupts or modifies the natural contour elevations of these landforms. Significant ridgeline areas should be retained in a natural state, and development should be sited in such a manner so as not to create a silhouette against the skyline or mountain backdrop as viewed from the designated vantage points.

2. Minimum Setback. No building, roof or other appurtenant device, including mechanical equipment, on any building may visually intrude on the ridgeline areas from any of the designated vantage points as described herein, and determined by a visual assessment. (Ord. 2016-09 § 1, 2016; Ord. 66 § 8.3.2, 1993.)

18.120.110 Sensitive lands entry corridor protection.

1. Intent. The intent of these provisions is to protect the visual image of Francis as people enter the community. The City would like to maintain the visual character of all designated entry corridors by eliminating or mitigating visually obtrusive development and ensuring that significant portions of open space remain intact.

2. Applicability to Future Annexed Properties. Upon submission of an annexation petition, the Planning Commission shall identify relevant sensitive lands entry corridors for designation by the City Council.

3. Landscaping. A landscaping plan shall be required for all entry corridor developments. (Ord. 2016-09 § 1, 2016; Ord. 66 § 8.3.3, 1993.)

18.120.120 Wetlands and stream or river corridors.

1. Intent. Wetlands, stream(s) and Provo River channel corridors provide important hydrologic, biological and ecological, aesthetic, recreational, and educational functions. Important functional values of wetlands and streams can be lost or significantly impaired as a result of various development activities and additional functional values of these important resources may be lost. The following requirements and standards have been developed to promote, preserve and enhance these valuable resources and to protect them from adverse effects and potentially irreversible impacts.

2. Approval of the Army Corps of Engineers. The City Council may require an approval letter from the Army Corps of Engineers for any development suspected of having jurisdictional wetlands.

3. Prohibited Activities. No person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy or alter any areas, including vegetation, within significant wetlands and significant stream or river corridors and their respective setbacks, except as may be expressly allowed herein.

4. Boundary Delineation. Wetland and stream corridor delineation shall be performed by a qualified professional that has demonstrated experience necessary to conduct site analysis. The qualified professional shall be approved by the City Council or engineer. Delineation of wetlands shall be established using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. Stream corridors shall be delineated at the ordinary high water mark as defined herein.

5. Setbacks. Setbacks from wetlands shall extend a minimum of 25 feet outward from the delineated wetland edge. Setbacks from stream corridors shall extend a minimum of 100 feet outward from the ordinary high water mark. Setbacks from irrigation ditches shall extend a minimum of 50 feet from the ordinary high water mark.

6. Runoff Control. All projects adjacent to wetlands will provide appropriate temporary (straw bail berms) and permanent runoff control to minimize sediment and other contaminants to the maximum extent feasible. These control systems must be approved by the City Engineer.

7. Habitat Restoration Projects. The City Council may approve wetland and stream restoration and enhancement projects providing that the project plan has been reviewed by a qualified professional and approved by the appropriate state and federal agencies with jurisdiction. All habitat restoration work shall be performed under the direct supervision of a qualified professional. (Ord. 2016-09 § 1, 2016; Ord. 2008- § 8.3.4.5, 2008; Ord. 66 § 8.3.4, 1993.)

18.120.130 Administrative provisions.

1. Development Approvals for Public Projects/Public Works/Public Utilities. All public development projects and public works that visually impact or otherwise adversely impact sensitive areas, and all public utility installations

including but not limited to water and sewer projects, pipelines, electrical supply facilities and wires, roads, and trails, constructed or undertaken within the sensitive lands overlay zone, shall be reviewed according to the following process and guidelines. It is the intent of this section that the proposed public utilities projects, both private and public, make all reasonable attempts to comply with the standards and guidelines of the sensitive lands regulations.

The project sponsor shall notify the City Council of the proposed project. A project plan delineating the location, alignment, and scope of the undertaking shall also be submitted. Minor projects which are determined by the City Council to have no potential for significant visual or environmental impacts shall be exempt from the process.

2. Mitigation. The City Council, Planning Commission and City staff shall review the proposed project and may request the project sponsor to prepare an environmental impact statement or mitigation plan that modifies the project to mitigate the environmental and visual impact of the project. To the maximum extent feasible, the project sponsor shall design the public works to preserve the natural character of the sensitive areas and locate it in areas not visible from major public rights-of-way or public property such as parks.

3. Emergency Repairs. In the event of an emergency that requires immediate action to protect the health and safety of the general public, such action may go forward without the immediate consent of the City Council. The City Council shall be consulted at the earliest stage reasonably possible in the construction/repair phase.

4. Maintenance. Maintenance projects shall proceed only after notification and approval by the City Council. If the City, due to the size or nature of the maintenance activity, determines that it may have a significant adverse impact on the sensitive areas, the project shall proceed through the review procedures set forth herein. (Ord. 2016-09 § 1, 2016; Ord. 66 § 8.4, 1993.)

18.120.140 Tree and vegetation protection.

The following provisions and mitigation measures are hereby adopted as enhancements to existing regulations contained in this title and FCC Title 17. These regulations will apply to new and existing platted subdivisions in the sensitive lands overlay zone, including the following criteria to be used in establishing limits of disturbance. (Ord. 2016-09 § 1, 2016; Ord. 66 § 8.5, 1993.)

18.120.150 Limits of disturbance.

1. Establishing Limits of Disturbance. Limits of disturbance may be required of any development having ridgelines, or any property found to contain sensitive lands. The limits of disturbance will be established using the following criteria:

- a. Visual impacts of the development, including but not limited to screening from adjacent properties, ridgeline areas protection, and protection of critical view sheds as defined in the sensitive lands regulations.
- b. Erosion prevention and control, including but not limited to protection of natural drainage channels.
- c. Fire prevention and safety, including but not limited to location of trees and vegetation near structures.
- d. Irrigation and water conservation.
- e. Wildlife habitat, including but not limited to preservation of critical wildlife habitat and migration routes, in accordance with the Department of Wildlife Resources.
- f. Stream and wetland protection and buffering.

2. Revegetation Plan. All applicants for developments on land subject to sensitive lands regulations involving cut and fill and graded slopes shall submit a revegetation and landscaping plan for approval by the City Council. The plan shall depict the type, size, and location of any vegetation and trees being planted and illustrate how the site will be recontoured in such a fashion and with sufficient topsoil to ensure that revegetation is feasible. The plan shall also indicate a time frame for revegetation which is acceptable to the City. Retaining walls may also be required to provide breaks in manmade steep slopes exceeding 15 percent and to provide planting pockets. (Ord. 2016-09 § 1, 2016; Ord. 66 § 8.6, 1993.)

18.120.160 Economic hardship relief provisions.

1. Hardship Relief Petition. Any applicant for development, after a final decision on its development application is taken by the City Council, may file a hardship relief petition with the City Council seeking relief from certain of the sensitive lands regulations on the basis that the denial of the application has created a substantial economic hardship, depriving the applicant of all reasonable use of the property.

2. Affected Property Interest. The hardship relief petition must provide information sufficient for the City Council and the City Attorney to determine that the petitioner possesses a protectable interest in property under Article I, Section 22 of the Constitution of Utah and the Fifth Amendment to the United States Constitution.

3. Economic Hardship Standard. For purposes of this chapter, a substantial economic hardship shall be defined as a denial of all reasonable use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable use of the property, the City Council may provide the petitioner relief from certain provisions of the overlay zone or sensitive lands regulations.

4. Time for Filing Notice of Petition and Petition. No later than 10 calendar days from final action by the City Council on any development application, the applicant shall file a notice of petition in writing with the City Recorder. Within 30 days of filing of a petition, the applicant shall file a hardship relief petition with the City Recorder.

5. Information to Be Submitted with Hardship Relief Petition. The hardship relief petition must be submitted in letter form and must be accompanied at a minimum by the following information:

- a. Name of the petitioner.
- b. Name and address of current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners.
- c. Price paid and other terms of sale of the property, the date of purchase, and the name of the party from whom purchased, including the relationship, if any, between the petitioner and the party from whom the property was acquired.
- d. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest.
- e. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application.
- f. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application.
- g. The assessed value of any ad valorem taxes on the property for the previous three years.
- h. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to right of purchasers to assume the loan.
- i. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three years.
- j. All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property.
- k. For income-producing property, itemized income and expense statements from the property for the previous three years.

1. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property.

The City Council may request additional information reasonably necessary, in their opinion, to arrive at a final conclusion concerning whether there has been a denial of all reasonable use constituting a substantial economic hardship. The petitioner shall have the burden of proving that the denial of the application creates a substantial economic hardship.

6. Findings of the City Council. The City Council shall, after receiving all the necessary information, hold a public hearing in accordance with Chapter 18.05 FCC. The City Council shall make their decision on the basis of the evidence and testimony presented, and address the following issues in its report or findings:

- a. Whether the petitioner has complied with the requirements for presenting the information to be submitted with a hardship relief petition.
- b. Whether the petitioner has a protectable interest in property.
- c. The market value of the property considering the sensitive lands overlay zone designation.
- d. The market value of the property disregarding the sensitive lands overlay zone designation.
- e. Whether it was feasible to undertake construction on or development of the property as of the date of the application, or in the reasonably near future thereafter.
- f. Whether, in the opinion of the City Council, the denial of the application would create a substantial economic hardship. (Ord. 2016-09 § 1, 2016; Ord. 66 § 8.7, 1993.)

¹ Codified herein as FCC Titles 17 and 18.

Chapter 18.125

RESIDENTIAL OUTDOOR LIGHTING

Sections:

- 18.125.005 Purpose and intent.
- 18.125.010 Definitions.
- 18.125.015 Lighting plan.
- 18.125.020 Residential lighting standards.
- 18.125.025 Exemptions.
- 18.125.030 Compliance.

18.125.005 Purpose and intent.

The purpose of the lighting requirements in this chapter is to reasonably preserve visibility of the night sky and to reduce the impact of unnecessary lighting in residential zones. This does not require the elimination of any light to adjacent zones but requires reasonable efforts to mitigate or eliminate unnecessary lighting in residential zones. Reductions may be accomplished through the use of fencing, landscaping, structure locations, and light fixtures, although this list does not limit other means of light reduction. (Ord. 2021-01 § 1 (Exh. A), 2021.)

18.125.010 Definitions.

“Agricultural lighting” means lighting that is used in relation to the tilling of soil, the raising of crops and animals for private, commercial or industry, horticulture, and gardening as defined in FCC 18.10.010.

“Full cutoff” means the bulb is fully recessed within the lighting fixture with no light emitted above the horizontal plane of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as full cutoff. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as full cutoff.

“Holiday/temporary lighting” means any lights or lighting of decorations in conjunction with the celebration of a national, state, local, cultural, or religious holiday, or residential celebration of a temporary nature.

“Special events” means events that are temporary in nature, multiple days in length and have obtained a special event permit from Francis City. (Ord. 2023-02 § 1 (Exh. A), 2023; Ord. 2021-01 § 1 (Exh. A), 2021.)

18.125.015 Lighting plan.

An outdoor lighting plan shall be submitted with a site/development plan. The plan must show the location, height, number and type of fixtures to be used for all outdoor lighting. All lighting plans must be approved by the Francis City Building Inspector for compliance with Francis City Code. (Ord. 2021-01 § 1 (Exh. A), 2021.)

18.125.020 Residential lighting standards.

The following standards must be met for lighting in residential zones:

1. Outdoor lighting must be full cutoff directing the light downward.
2. The bulb or lighting source cannot be visible from the property line.
3. Outdoor lighting cannot be directed towards any adjacent neighboring properties.
4. Eaves lighting is not allowed except when directly over a porch or deck area and when the fixture is mounted at a height of 12 feet or less, as measured from the fixture to finished grade. Eaves lighting shall be fully shielded and downward directed. Angled eaves lighting that directs light beyond the face of the eaves is prohibited. (Ord. 2023-02 § 1 (Exh. A), 2023; Ord. 2021-01 § 1 (Exh. A), 2021.)

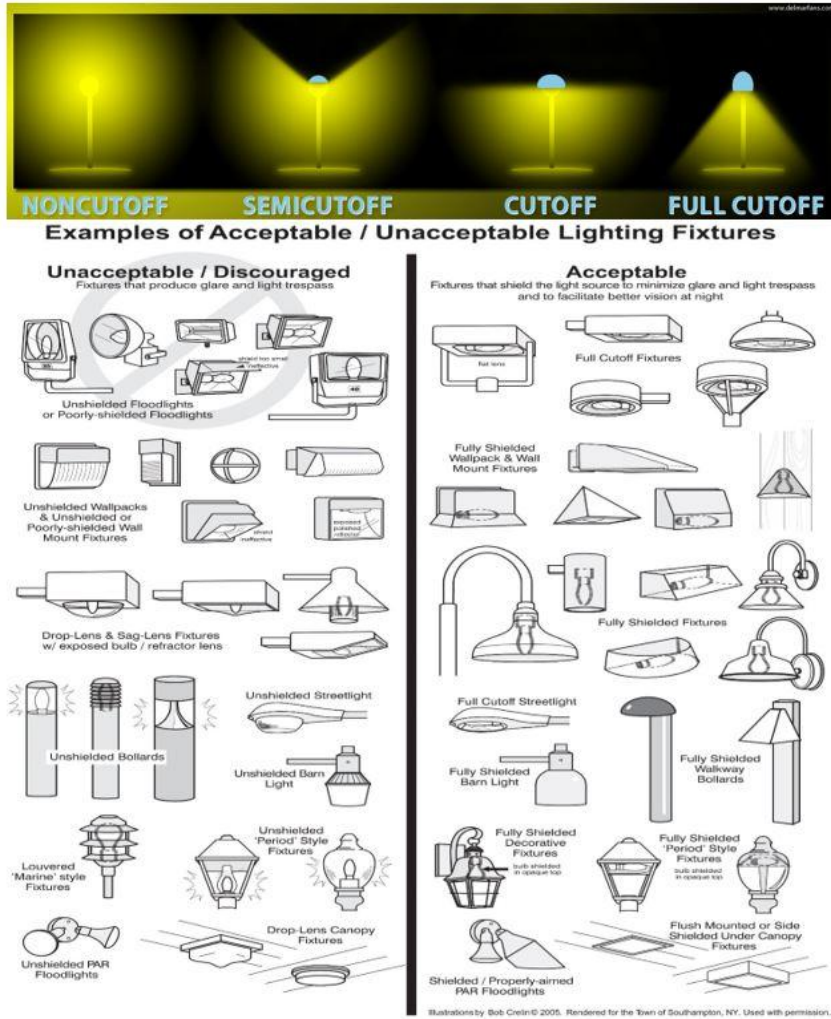
18.125.025 Exemptions.

The following are exempt from the lighting regulations and standards found in this chapter:

1. The lighting of a federal or state flag;
2. Holiday lighting;
3. Agriculture uses;
4. Monuments;
5. Special events. (Ord. 2021-01 § 1 (Exh. A), 2021.)

18.125.030 Compliance.

All outdoor lighting existing prior to the adoption of this chapter can remain in its current state.



(Ord. 2021-01 § 1 (Exh. A), 2021.)

Chapter 18.130

PLANNING COMMISSION

Commented [KH1]: Combine with 2.20?

Sections:

- 18.130.010 Duties and responsibilities.
- 18.130.020 Adoption of bylaws.
- 18.130.030 Planning Commission project review.
- 18.130.040 Plat approval.
- 18.130.050 Sensitive lands review.
- 18.130.060 Right to farm review.

18.130.010 Duties and responsibilities.

The Francis Planning Commission, hereinafter referred to as Planning Commission, Commission, or administrative body, organized in accordance to Section 10-9-301, Utah Code, as amended, shall have the following duties and responsibilities:

1. To prepare a general plan, any maps required by the plan, and amendments to the general plan and recommend the plan or amendments to the plan to the City Council.
2. To prepare FCC Titles 17 and 18 including zoning and subdivision regulations, any maps required by this title and FCC Titles 17 and 18, and amendments to FCC Titles 17 and 18 and recommend the title and FCC Titles 17 and 18 or amendments to the title and FCC Titles 17 and 18 to the City Council.
3. Administer provisions of FCC Titles 17 and 18 as provided in FCC Titles 17 and 18 and approved by the City Council.
4. Recommend approval or denial of subdivision and commercial applications in accordance to FCC Titles 17 and 18.
5. Advise the City Council on matters as the Council directs, and hear or decide any matters that the Council designates, including recommendations for approval or denial of conditional use permits.
6. Exercise any other powers found in the adopted bylaws of the Planning Commission after approval by the City Council, or powers that are necessary to enable the Commission to perform its function or those designated to the Commission by the Council.
7. To enter upon any land, under consideration for approval or which has been given a conditional use permit, at reasonable times, to make examinations and surveys. (Ord. 2016-09 § 1, 2016; Ord. 1999-1 § 4.2.3, 1999; Ord. 66 § 4.2.3, 1993.)

18.130.020 Adoption of bylaws.

The Planning Commission shall adopt bylaws which establish procedures for meetings and hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Planning Commission meetings are open to the public and will conform to the Utah Open and Public Meetings Act. Notice will be provided for as per FCC 18.05.060, and an annual meeting schedule will be posted in accordance with the Utah Open and Public Meetings Act, as amended (see Section 52-4-101 et seq., Utah Code Annotated 1953).

The bylaws will also address the procedures for the keeping of records and minutes of meetings which will be made available, upon request, to the public. Additionally, the bylaws will provide guidelines for findings of decisions and recommendations, requirements for a quorum, and voting procedures. (Ord. 2021-15 § 1 (Exh. A), 2021; Ord. 2016-09 § 1, 2016; Ord. 66 § 4.2.6, 1993.)

18.130.030 Planning Commission project review.

The Planning Commission will review each land use proposal for compliance with all requirements and regulations of FCC Titles 17 and 18 including, but not limited to, the following:

1. City Comprehensive Planning and Zoning Review. The Planning Commission shall have the primary responsibility to initiate long-range planning for the City, including adequate streets, parks, trails, and recreation facilities, long-range zoning objectives, and periodic review of existing plans to keep them current. The Commission shall review proposed annexations to the City and recommend action and zoning on land to be annexed. The Commission shall initiate, hear or recommend zone changes and review development standards within zones.
2. Recommendation of Subdivision Approval. The Planning Commission shall review all proposals for subdivisions and commercial projects for compliance with the provisions of all applicable regulations and FCC Title 17 and Division II of this title.

Following such review the Commission will forward a recommendation for approval or denial of all applications. (Ord. 2016-09 § 1, 2016; Ord. 66 § 4.2.7, 1993.)

18.130.040 Plat approval.

The Commission Chair shall review all plats to be recorded affecting land within the City limits or annexations to the City. The scope of review on plat approval is limited to finding substantial compliance with this title and FCC Title 17, and that all previously imposed conditions of approval, whether imposed by the City staff or the Commission, have been satisfied. Upon finding that the plat is in compliance with all applicable federal and state laws and this title and FCC Title 17, and that conditions of approval have been satisfied, the plat must be signed by the Commission Chair. The City Engineer, City Attorney, City Recorder, City Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda. (Ord. 2016-09 § 1, 2016; Ord. 66 § 4.2.10, 1993.)

18.130.050 Sensitive lands review.

Any project containing designated sensitive lands may be subject to additional requirements and regulations as outlined in the sensitive lands regulations contained in Chapter 18.120 FCC. (Ord. 2016-09 § 1, 2016; Ord. 66 § 4.2.11, 1993.)

18.130.060 Right to farm review.

Any project falling within the purview or scope of Chapter 18.110 FCC may be subject to additional requirements and regulations as outlined in the right to farm provisions. (Ord. 2016-09 § 1, 2016; Ord. 66 § 4.2.12, 1993.)

Chapter 18.140

AMENDMENTS

Sections:

- 18.140.010 Amendments to this title and FCC Title 17 and zoning map.
- 18.140.020 Petition for zone change or code amendment.
- 18.140.040 Hearings before the Planning Commission.
- 18.140.050 Action by Planning Commission.
- 18.140.060 Hearing before City Council.

18.140.010 Amendments to this title and FCC Title 17 and zoning map.

It may become desirable from time to time to amend the provisions of this title and FCC Title 17 or the zoning map. This title and FCC Title 17 should be constantly reviewed and improved upon to stay viable and useful to the City. Any amendment to this title and FCC Title 17 or the zoning map should be consistent with the direction of general plan and shall comply with state law. All amendments will be completed in the following manner:

1. Amendments. Amendments to the provisions of this title and FCC Title 17 may be initiated by the Planning Commission, City Council, an applicant for development approval, or member of the general public. Amendments may be initiated by, but are not necessarily limited to, the following reasons:

- a. Allowing a use previously prohibited.
- b. Prohibiting a use previously allowed.
- c. Increasing or decreasing the density of the uses previously allowed.
- d. Changing a permitted use to a conditional use.
- e. Changing a conditional use to a permitted use.
- f. Changing the zone of any property.
- g. Procedural or regulatory changes, both minor and/or major.
- h. Zone map amendments or modifications.
- i. Repealing of any regulation or procedure.
- j. Adding of any regulation or procedure.
- k. Any other miscellaneous changes that may become necessary.

It should be noted that many amendments to the zoning map and development code may require an amendment to the general plan as well. If a petition would require changes to the general plan it should be so noted on the petition and the changes should be made concurrently. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.5, 1993.)

18.140.020 Petition for zone change or code amendment.

A petition to change the zoning of any land within Francis or to amend this code other than changing the zoning map shall be filed first with the Planning Department in a letter or on a form prescribed for that purpose. The form or letter shall contain a legal description of the land affected by the petition, and a statement of the petitioner's interest in the land included within the petition. The petition shall indicate the current zone of the property and the zone desired or the proposed code amendment. The petition shall also indicate the reasoning for the change as well as the proposed use of the property. A fee will be established for acting on a petition for a zone change or code amendment as described in the current City fee resolution in effect at the time. The petition must also include all of the names and mailing addresses of property owners within a 600-foot radius of the property boundary under petition. The

City, at the applicant's expense, shall notify each of the property owners on the petition. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.5.3, 1993.)

18.140.040 Hearings before the Planning Commission.

The Planning Commission shall hold a public hearing on all petitions for zone change and code amendments and receive comments from citizens or property owners affected by the change. Notice of all zone change and code amendment hearings before the Planning Commission shall be given as set forth in FCC 18.05.060. The notice shall state generally the nature of the proposed amendment as outlined in FCC 18.140.010(1), the land affected, and the time, place, and date of the public hearing. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.5.4, 1993.)

18.140.050 Action by Planning Commission.

Following the hearing, the Planning Commission shall prepare a formal recommendation to be presented to the City Council regarding the petition. The recommendation shall be to approve, deny, or modify and approve the petition. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.5.5, 1993.)

18.140.060 Hearing before City Council.

The City Council shall hold a public hearing on the recommendation of the Planning Commission for all petitions for zone change and code amendments. Following the hearing, the Council shall approve, deny, or modify and approve the recommendation of the Planning Commission. The hearing may be continued, if necessary, without republication of notice. The recommendations of the Planning Commission are advisory only, and the Council may or may not adopt the recommendations of the Commission. Where the Council determines that a Planning Commission recommendation should be modified on issues not considered at a public hearing before the Commission, the Council may remand the recommendation back to the Commission for further review prior to taking final action. Council action on amendments to the zoning map or this title and FCC Title 17 require the affirmative vote of three or more City Council members. The Council may act on the petition at the time of the hearing or at subsequently scheduled meetings. (Ord. 2016-09 § 1, 2016; Ord. 66 § 1.5.6, 1993.)

Chapter 18.145

PENALTIES

Sections:

- 18.145.010 Penalties.
- 18.145.020 Criminal penalties.
- 18.145.030 Civil penalties.
- 18.145.040 Third-party enforcement.
- 18.145.050 Penalties and enforcement.

18.145.010 Penalties.

Any person, firm, partnership, or corporation, or the principals or agents thereof, violating or causing the violation of any provision of this title and FCC Title 17, as the same may be amended from time to time, shall be subject to the following penalties. (Ord. 2016-09 § 1, 2016; Ord. 2001-03 § 1, 2001; Ord. 66 § 1.8, 1993.)

18.145.020 Criminal penalties.

Each violation of any provision of this title and FCC Title 17 shall be a class C misdemeanor, punishable by a fine of not more than \$750.00 and/or imprisonment for a term not exceeding 90 days. Each day such violation is committed or permitted to continue shall constitute a new and separate violation, and shall be punishable as such. (Ord. 2016-09 § 1, 2016; Ord. 2001-03 § 1, 2001; Ord. 66 § 1.8.1, 1993.)

18.145.030 Civil penalties.

In lieu of pursuing criminal remedies with respect to any violation of any provision of this title and FCC Title 17, Francis City may elect, in its sole discretion based upon the particular facts and circumstances of each case, to pursue the following civil remedies regarding such violation. The following civil remedies may not be pursued for a violation that occurs in conjunction with a criminal violation as part of a single criminal episode that will be prosecuted in a criminal proceeding, but the following civil remedies may be pursued if no criminal proceedings will occur with respect to the violation.

1. Notice to Comply. Francis City shall issue a written notice to comply regarding each such violation to the offending party, which written notice shall identify the offending party, identify the violation, set forth the time period afforded to the offending party to come into compliance with this title and FCC Title 17 and thereby avoid further enforcement proceedings. The notice shall further set forth the date, time and location of an administrative hearing to be held regarding the same in the event that the offending party does not comply within the prescribed time period and instead submits to the City, prior to the expiration of the prescribed time period for coming into compliance, a written request for administrative hearing. For the first time offense, the applicable compliance period shall be 30 calendar days from the date of the written notice to comply, unless said violation is a matter of urgent public health, safety and welfare; in such event the compliance period shall be 10 calendar days. If the offending party is unable to correct the offense within the allowed compliance period, the party may request an extension. The extension must be in writing and must be signed by all property owners, tenants, and parties. The request for extension shall contain the requested extension date, factual evidence as to why the extension is justified, and a commitment to correct the violation within the extension period. The extension may be granted by the zoning enforcement officer at his or her discretion. Written approval or denial of the extension will be given to the offending party. In the event that the zoning enforcement officer does not grant the extension, his or her decision may be appealed to the administrative hearing officer.

In the event that a second notice to comply is issued to the same party with respect to a particular violation (or similar) within any rolling 12-month period, the applicable compliance period shall be 15 calendar days from the date of the written notice to comply. In the event that a third notice to comply is issued to the same party with respect to a particular violation within any rolling 12-month period, the applicable compliance period shall be the next calendar day after the date of the written notice to comply.

2. Amount of Civil Penalty. If a violation is not completely cured within the time period set forth in the written notice to comply, then such violation of any provision of this title and FCC Title 17 shall be subject to a civil penalty

in the amount of \$100.00 per day, which fine shall be imposed beginning on the first calendar day after the applicable compliance period has expired and ending on the date that the violation is completely cured and the offending party is in full compliance with this title and FCC Title 17 with respect thereto.

3. Administrative Hearing. The administrative hearing shall be a public meeting during regularly scheduled hours, conducted by an administrative law judge appointed by the City Council (which administrative law judge may be an employee of Francis City). If a written request for administrative hearing has been timely submitted to the City, the offending party shall be given an opportunity to be heard at the administrative hearing, and shall otherwise be afforded due process. The administrative hearing shall be recorded or otherwise documented so that a true and correct transcript may be made of its proceedings. The administrative law judge shall make a final administrative determination with respect to the citation, which determination may be that there was no violation, or that a violation occurred and must be abated, and the amount of the appropriate civil penalty within the parameters set forth herein.

4. Appeal. Any person adversely affected by any such administrative proceeding and order may petition a district court for review of the determination. In the petition, the petitioner may only allege that the administrative order was arbitrary, capricious or illegal. The petition is barred unless it is filed within 30 calendar days after the administrative order is final. No evidence may be submitted to the district court as part of such petition that is not included in the administrative record of the proceedings unless the evidence was offered to the administrative law judge as part of the administrative hearing and the district court determines that the evidence was improperly excluded by the administrative law judge.

5. Collection. In the event that Francis City is required to take formal legal action to collect any civil penalty imposed pursuant to this section, the person responsible therefor shall also be responsible for paying any costs of collection incurred by Francis City, including, but not limited to, reasonable attorney's fees, which costs of collection may exceed the amount of the civil penalty itself. (Ord. 2016-09 § 1, 2016; Ord. 2001-03 § 1, 2001; Ord. 66 § 1.8.2, 1993.)

18.145.040 Third-party enforcement.

Each and every continuing violation of any provision of this title and FCC Title 17 is declared to constitute a nuisance. Private citizens of and/or property owners in Francis City shall also have the right to commence and pursue formal civil legal proceedings with respect to any ongoing violations affecting their interests pursuant to Utah law. (Ord. 2016-09 § 1, 2016; Ord. 2001-03 § 1, 2001.)

18.145.050 Penalties and enforcement.

The provisions of this title and FCC Title 17 may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction. Suit may be brought by the City, or by affected property owners, pursuant to governing Utah law. (Ord. 2016-09 § 1, 2016; Ord. 66 § 4.6, 1993.)