

Chapter 2: DEFINITIONS

Definition Usage

For the purpose of this Code, 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 Code 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 Code.

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” mean “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”.

2.1. Access

The provision of vehicular and/or pedestrian ingress and egress to structures, facilities or property.

2.2. Accessory Building

A building upon the same lot (or on a contiguous lot under the same ownership) as the principal building and which is (1) clearly incidental to and customarily found in connection with such principal use; and (2) 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.

2.3. 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.

2.4. Administrative Permit

A permit issued by the Town Staff or the building official for specified uses after compliance with applicable zoning or development code regulations is determined.

2.5. Agriculture

The tilling of the soil, the raising of crops and animals for private, commercial or industry, horticulture, and gardening.

2.6. Alley

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.

2.7. Antenna

A device for sending and/or receiving radio, television, data or similar communication signals.

2.8. Apartment

A dwelling unit within a multi-unit dwelling building.

2.9. Applicant

The owner of the property that is the subject of the Application, or the Owner's Agent.

2.10. Application

A form or checklist supplied by the Town indicating the data and information necessary to process the applicant's proposed project(s).

2.11. Arterial

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.

2.12. Attached Building

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.

2.13. Balcony

A platform that projects from the wall of a building and is surrounded by a railing or balustrade.

2.14. Bed and Breakfast Inns

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.

2.15. Block

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad or utility rights-of-way, shore lines of water ways, or boundary lines of municipalities.

2.16. Boarding House

A building other than a hotel, café, 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.

2.17. Building

Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

2.18. Building, Attached

(See Attached Building.)

2.19. Building, Detached

Any building or structure separated from another building on the same lot by at least six feet.

2.20. Building, Main

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.

2.21. Building, Public

Structures constructed by or intended for use by the general public such as libraries, museums, the municipal or public works buildings, etc.

2.22. Building and Zoning Inspector or Official

The person designated by the Town to enforce this Development Code as enacted by the Town.

2.23. Building Pad Line

The 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 twenty (20) feet from the building pad line.

2.24. Business Offices

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.

2.25. Canopy

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.

2.26. Capital Improvements Program

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.

2.27. Child Care Center

A facility in which the provision of Child Day Care for 13 or more children occurs on a regular basis.

2.28. Child Day Care

The provision (day or night) of supplemental parental care instruction and supervision (a) for a non-related child or children; (b) on a regular basis; and (c) for less than 24 hours a day. As used in this Code, the term is not intended to include baby-sitting services of a casual, non recurring 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.

2.29. Collector Roads

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.

2.30. Common Area

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.

2.31. Concept Plan

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.

2.32. Conditional Use

A use requiring special consideration and review in the manner set forth in chapter 1 of this code.

2.33. Condominium

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.

2.34. Construction Plan

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 Town Engineer as a condition of the approval of the Plat.

2.35. Coverage

Lot area covered by a building.

2.36. Cul-de-sac

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.

2.37. Developer

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.

2.38. Development Credits

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 non-transferable.

2.39. Dwelling

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 homes.

2.40. Dwelling, Multi-Family

A building arranged or designed to be occupied by two or more families living independently of each other in separate but attached dwellings.

2.41. Dwelling, Single-Family

A building arranged or designed to be occupied by one family; a structure having only one dwelling unit.

2.42. Easement

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.

2.43. Escrow

A deposit of cash with the Town 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.

2.44. Family

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.

2.45. Fence

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 light tight.

2.46. Final Approval

Final approval by the Town 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.

2.47. Final Plat

The map or plan or record of a subdivision and any accompanying material, as described in these regulations.

2.48. Flood Plain Area

An area adjoining a river, stream, or water course, 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 water courses. Any area designated as a flood plain 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 Town of Francis.

2.49. Floor Area

The 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% 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 Uniform Building Code.

2.50. Floor Area Ratio

The 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.

2.51. Forestry

The harvesting and processing of trees.

2.52. Frontage

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.

2.53. Frontage Block

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.

2.54. Frontage Street

Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

2.55. Garage, Private

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.

2.56. Garage, Public

A building or a portion thereof, other than a private garage, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

2.57. General Plan

A Comprehensive or General Plan for development of the Town, prepared and adopted by the Planning Commission and Town 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.

2.58. Geologic Hazard

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.

2.59. *Governing Body*

The governing or legislative body of the Town (Francis Town Council) having the power to adopt, amend or rescind ordinances, including this code.

2.60. *Grade*

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.

2.61. *Grade, Natural*

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 run-off water. For the purpose of measuring the height of any building from natural grade, the measurement shall be the vertical distance from natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a hip roof. This measurement shall occur at any point within the building plane where height occurs.

2.62. *Guarantee*

Any form of security including a letter of credit, escrow agreement, bond or instrument of credit in an amount and form satisfactory to the Town. All guarantees shall be approved by the Town wherever required by these regulations.

2.63. *Guest House*

An accessory building intended for the inhabitation by non-rent paying guests. Provides separate cooking and sleeping quarters and is maintained and owned by the primary residence.

2.64. *Hard-surfaced*

Hard-surfaced shall mean covered with concrete, asphalt or other impervious surface.

2.65. *Health Department and Health Officer*

The agency and person designated by the Town to administer the health regulations of the Town, 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.

2.66. Height

The vertical distance from natural undisturbed grade to the highest point of a flat roof or to the deck line of mansard roof or to a point midway between the lowest part of the eaves or cornice and ridge of a hip roof. In no case shall a mansard roof or the parapet wall of a flat roof extend more than 18" above the deck line or maximum zone height, whichever is lower. Roofs not fitting clearly any of the above three classifications shall be classified by the Town Staff in accordance with the roof it most clearly resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration.

2.67. Highway, Limited Access

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.

2.68. Home Occupation

See the Supplementary Regulations in chapter 3 for a detailed definition.

2.69. Hotel/Motel

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 boarding houses.

2.70. Hotel Room

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

2.71. Impact Analysis

A determination of the potential effect of a proposed residential, commercial, or industrial development upon the community and services it must provide.

2.72. Improvements

See Lot Improvements or Public Improvements.

2.73. Joint Ownership

Joint ownership among persons shall be construed as the same owner or "constructive ownership" for the purpose of imposing subdivision regulations.

2.74. Kitchen

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.

2.75. 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 Town Staff has amended the limit as per this code.

2.76. Local Government

Francis, Utah.

2.77. Local Government Attorney

See Town Attorney.

2.78. Local Government Engineer

See Town Engineer.

2.79. Local Road

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.

2.80. Lot

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.

2.81. Lot, Corner

A lot located at the intersection of two streets, the interior angle of the intersection less than 135 degrees.

2.82. Lot Depth

The minimum distance measured from the front property line to the rear of same property boundary.

2.83. Lot Improvement

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.

2.84. Lot Line, Front

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 the Supplementary Regulation Chapter for specific setbacks on unusual lots.

2.85. Lot Line, Rear

The property line opposite the front lot line.

2.86. Lot Line, Side

Any lot line other than a front or rear lot line.

2.87 Lot Width

The minimum distance between the side property lines.

2.88. Major Street Plan

See Official Zoning Map or Land Use or Zoning Maps. The Major Street Plan is part of these map(s).

2.89. Major Subdivision

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.

2.90. Master Plan

See General Plan.

2.91. Master Planned Development

A development consisting of several plats and clustering.

2.92. Model Home

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 Code.

2.93. Municipality

Town of Francis, Utah.

2.94. Neighborhood Park and Recreation Improvement Fund

A special fund that may be established by the Town 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).

2.95. Nightly Rental

The rental of a room, apartment, or house or lockout room for a time period of less than 30 days.

2.96. Non Conforming Use

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.

2.97. Non-residential Subdivision

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 Town General Plan and the requirements of this Development Code.

2.98. Nursery, Greenhouse

A place or structure in which young plants are raised for experimental purposes, for transplanting, or for sale.

2.99. Nursing Home

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.

2.100. Off-site

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.

2.101. Official Zoning Map

The map established by the Town Council pursuant to law showing the streets, highways, and 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.

2.102. Official Master Plan

See General Plan.

2.103. One Bedroom Apartment

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.

2.104. Open Space

Open space shall be defined as different separate types dependent upon occupancy, use, and control. All types of open space are referred to collectively as "open space" in this Code. Any of these types of open space could be public or private open space. They shall include:

2.104.1. Agricultural Open Space

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.

2.104.2. Natural Open Space

Natural, undisturbed areas with little or no improvements or irrigation. This may include such areas as ridge lines, slopes over 30%, 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;

2.104.3. Neighborhood Open Space

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, bath houses, 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; and (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;

2.104.4. Recreational Open Space

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.

2.105. Ordinance

Any legislative action, however denominated, of the Francis Town Council which has the force of law, including any amendment or repeal of any ordinance.

2.106. Owner

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.

2.107. Parking, Public

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.

2.108. Parking Lot, Commercial

A lot used for the temporary parking of automobiles for compensation.

2.109. Parking Lot, Private

A lot used for the temporary parking of automobiles for compensation.

2.110. Parking Space

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.

2.111. Parking Structure

A fully enclosed structure designed and intended for parking or storage of more than four vehicles.

2.112. Perimeter Street

Any existing street to which the parcel of land to be subdivided abuts on only one side.

2.113. Permitted Use

A use of land allowed by right under the provisions of this code.

2.114. Planning Commission

The Planning Commission of the Town of Francis.

2.115. Plat Amendment

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 "re-subdivision"

2.116. Porous Paving

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% 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.

2.117. Preliminary Plan

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 Town Council for approval.

2.118. Primary Use

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.

2.119. Professional Office

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.

2.120. Property Line, Front

That part of a lot which abuts a public or private street or public right-of-way.

2.121. Public Improvement

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 Town may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which Town responsibility is established. All such improvements shall be properly guaranteed and installed as per Town codes, specifications and regulations.

2.122. Public Use

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.

2.123. Quasi-Public Use

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

2.124. Recreation, Commercial

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.

2.125. Recreation, Private

Recreation facilities operated on private property and not open to the public.

2.126. Recreation, Public

Recreation facilities operated by a public agency and open to the public with or without a fee.

2.127. Registered Engineer

An engineer properly licensed and registered in the State of Utah.

2.128. Registered Land Surveyor

A land surveyor properly licensed and registered in the State of Utah.

2.129. Restaurant

A building in which food is prepared and served for consumption within the premises.

2.130. Restaurant, Drive-In

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.

2.131. Re-subdivision

See - Plat Amendment.

2.132. Right-of-Way

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.

2.133. Roads, Classification

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 Town 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 Town 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.

2.134. Road, Dead End

A road or a portion of a street with only one vehicular traffic outlet.

2.135. Road Right-of-Way Width

The distance between property lines measured at right angles to the center line of the street.

2.136. Sale or Lease

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, interstate succession, or other written instrument.

2.137. Same Ownership

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.

2.138. 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, TVRO's or dish antennas. This definition does not include conventional television antennae or ham radio antennae.

2.139. Screening

Either (a) a strip of at least ten 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

will 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 (a) or (b) 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 non-illuminated. Where required in the district regulations, a screen shall be installed along or within the lines of a plot as a protection to adjoining or nearby properties.

2.140. Secondary Living Quarters

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 Code requires 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.

2.141. Semi-Detached Building

Units connected on one side by an insulated common or party wall with separate exterior entrance for each unit.

2.142. Setback, Front

A front setback will be required for each side of a lot bordering a public street or other right of way.

2.143. Setback

The distance between a building and the street line or road right-of-way or nearest property line thereto.

2.144. Signs

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

1. **A-Frame Sign.** Any sign or structure composed of two (2) sign faces mounted or attached back-to-back in such a manner as to form a basically triangular vertical cross-section through the faces.
2. **Animated Sign.** 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.
3. **Building Face.** 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.
4. **Canopy.** See Marquee.
5. **Erect.** 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.
6. **Frontage.** The length of the sides along the street or any other principal public thoroughfare, but not including such length along an alley, water course, railroad, street, or thoroughfare with no permitted access.
 7. **Marquee.** A marquee shall mean and include any roofed structure attached to and supported by a building, and projecting over public property.
 8. **Monument Sign.** A freestanding sign erected on the ground.
 9. **Movable, Freestanding Sign.** Any sign not affixed to or erected into the ground.
 10. **Off-Premise Sign.** 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.
 11. **On-Premise Sign.** 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.
 12. **Outdoor Advertising Structure.** 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 those located, conducted, manufactured, or sold upon the premises on which the structure is erected.
 13. **Projecting Sign.** Any sign attached to a building or structural wall and extending horizontally outward from such wall more than eighteen (18) inches.
 14. **Roof Sign.** Any sign which is erected upon or over the roof or over a parapet of any building or structure.
 15. **Sign.** 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, city, town, 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.
 16. **Sign Area.** 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 (1) 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 forty-five (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.
 17. **Time and Temperature Device.** Any mechanism that displays the time and temperature, but does not display any commercial advertising or identification.
 18. **Wall Sign.** 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.

19. **Wind Sign.** 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.

2.145. Site Development Standards

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.

2.146. Sketch Plan

A sketch preparatory to the preparation of the preliminary plat (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.

2.147. Street, Public

A thoroughfare which has been dedicated and accepted by the Council, which the Town has acquired by prescriptive right or which the Town 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.

2.148. Structure

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 set-backs for the district in which they are located, both above and below the ground.

2.149. Studio Apartment

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.

2.150. Subdivider

Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (2) 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 (3) 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 (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

2.151. Subdivision

Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, site, 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 re-subdivision. 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.

2.152. Subdivision Agent

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.

2.153. Subdivision Plat

The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the Planning Commission and Town Council for approval and which, if approved, may be submitted to the Summit County Recorder for filing at the subdivider's expense.

2.154. 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.

2.155. Tandem Parking

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.

2.156. Temporary Improvement

Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance guarantee.

2.157. Town

The Town of Francis, Utah. Town shall mean City and City shall mean Town in this Ordinance.

2.158. Town Council

The Town or City Council of Francis, Utah.

2.159. Town Engineer

The State of Utah licensed engineer designated by the Town or City to furnish engineering assistance for the administration of these and other regulations.

2.160. Town Staff

Those elected officials, officers, board and commission members, employees, and other agents assigned specific duties by the Mayor, Town Council, or Planning Commission.

2.161. Unit Equivalent

The relative density factor applied in this Code to different sizes and configurations of dwelling units and commercial spaces.

2.162. Use, Intensity

The maximum number of residential units, or commercial, or industrial space within a specified land area designated for that purpose.

2.163. Yard

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.

2.164. Yard, Front

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.

2.165. Yard, Rear

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.

2.166. Yard, Side

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.