

**Chapter 3: SUPPLEMENTARY PROVISIONS**

The regulations set forth in this chapter qualify or supplement, as the case may be, this Development Code and Regulations appearing elsewhere in this Code.

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**3.1. Purpose**

The regulations in this chapter qualify or supplement the regulations appearing elsewhere in this Code.

**3.2. Substandard Lots**

Nothing in this Code shall be construed as preventing the division of approved and platted duplex lots into separate ownership under the terms of either a condominium ownership structure, a planned unit development ownership structure, or a party-wall agreement. No new lots may be platted or created by deed which do not comply with the requirements established for that zone.

**3.3. 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 set back required by the zone in which the lot is located, and any lot which has been approved by the Town prior to the effective date of this Code which would prevent building because of the front yard, rear yard, and side yard set backs 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 Uniform Building Code for development on construction on or near lot lines must still be met.

This section is not intended to conflict with Subsection 3.9 nor shall it be interpreted as taking precedence over the requirements of Subsection 3.9.

**3.4. Lot Standards**

Except as otherwise provided in this Code, 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 as a Town street 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.

**3.5. Sale or Lease of Required Space**

No space needed to meet the width, yard area, coverage, parking, or other requirements of this Code for lot or building requirements may be sold or leased away from such lot or building.

**3.6. Sale of Lots Below Minimum Space Requirements**

No parcel of land which has less than the minimum width and area requirements for the district 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.

**3.7. Fences, Walls and Hedges****3.7.1. Clear View Area**

No fence, wall, hedge or structure in excess of thirty six (36) 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 twenty five (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 thirty six (36) inches in height nor less than seven (7) feet above the road grade so as to not obstruct the clear view of motor vehicle drivers.

**3.7.2. 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 thirty six (36) inches, provided that where the fence fabric is to be of the chain link or other open mesh type not more than twenty (20) percent opaque and remains non-sight obscuring the height may be increased to sixty (60) inches.

**3.7.3. 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 thirty six (36) inches unless the following conditions are met:

1. No portion of the fence, wall, hedge, planting or other structure shall be located closer than twenty (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 Section 3.7.1.
2. The fence, hedge, wall, planting or structure shall not exceed six (6) feet in height.
3. Placement of the fence, wall, hedge, planting or other structure in the location proposed shall not result in the establishment of a hazardous condition.

**3.7.4. Fences, walls, hedges, and Other Structures on Double Frontage Lots**

*(amended April 21, 1999)*

A sight obscuring fence, wall, hedge, or other structure may be placed within three (3) 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 Planning Commission.

**3.7.5. Determination and Appeals**

.If, in the opinion of the Town Staff and Planning Commission a proposed fence, wall, hedge, or other structure does not conform to the requirements of this Section, the applicant shall be referred to the Board of Adjustment for further action or a written determination. Any applicant aggrieved by a decision of the Town Staff or Planning Commission may appeal the decision to the Board of Adjustment who shall have authority to reverse, affirm or modify any decision of the Town Staff or Planning Commission.

**3.7.6. Exceptions and Fences in Other Locations**

Fences or walls placed around utility buildings for security reasons, or as required by state or federal agencies for the protection of public water facilities, may be any height deemed necessary by the Planning Commission to adequately protect the facility. Fences, walls, and hedges constructed in areas not expressly prohibited may be freely erected provided that no fence shall be higher than six (6) feet, unless the applicant receives a Conditional Use Permit.

**3.8. Frontage Protection, Safety, and Major Streets Access**

The frontage along one or both sides of all State, County and Town roads are subject to special review for protection of right-of-way and safety of access by roads and driveways. These areas, when designated by the Planning Commission, are shown on the Master Street Plan map. Any building or development proposal along these sections of roads are subject to special review by the Planning Commission. The review in these designated areas shall be limited to the following factors:

**3.8.1. Consolidated Access**

To the extent possible, to minimize access points and driveways to the highways, access shall be from existing streets that join with major streets rather than direct access.

**3.8.2. Public Safety**

Access points along major streets shall be reviewed for public safety of ingress and egress on intersections, pedestrian safety, safety of winter access on steep grades and possible flooding and erosion hazards.

**3.8.3. Pathways, View Corridors and Future Improvements**

The Town shall review proposals for pedestrian, equestrian, and bicycling pathways through the frontage, open space, buffered areas, and preservation of view corridors where applicable.

Regardless of the Zone setbacks in this Code, no structure shall be erected within forty (40) feet of the nearest major street right-of-way line in order to allow for possible future improvements of the major street.

**3.8.4. Conditional Use along Frontage**

All construction in the setback area between 40 feet and 100 feet from the nearest right-of-way line along a collector road is a conditional use and subject to the conditional use review process, including design review, even when the occupancy is a permitted use elsewhere in the zone.

**3.9. Clear View of Intersecting Streets**

In all zones, no obstruction to public or private street views in excess of three (3) 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 twenty five (25) feet from the intersection of the street right-of-way lines, except landscaping plantings are permitted within the clear vision area provided they are pruned and trimmed to a height of not more than thirty-six (36) inches in height nor less than seven (7) feet above the road grade to permit automobile drivers an unobstructed view.

**3.10. 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.

**3.11. 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.

**3.12. Home/Premise Occupations**

**A. Purpose.** The purposes of this section 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 Town, 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.

B. **Home/Premise Occupations License.** A home occupation shall be conducted within the Town of Francis only in zone districts where allowed by this Code and in compliance with the following provisions unless it has been determined to be a nonconforming use pursuant to this code. A license to conduct a home occupation shall be issued by the Town Clerk. In order to be issued a license, a home occupation must receive a recommendation for approval from the Town Planner pursuant to the following provisions or as a nonconforming use.

C. **Standards for Approval of all Home/Premise Occupations Licenses.**

The following standards shall be complied with in the operation of all home occupations at all times:

1. The home/premise occupation shall be an accessory use which is clearly secondary and incidental to the primary use of the dwelling unit for residential purposes.
2. The home/premise occupation shall not physically change or alter the external residential appearance of the principal or accessory structures. Interior alterations for the purpose of accommodating the home occupation are prohibited if such alteration eliminates either the kitchen, dining area, bathrooms, living room or all of the bedrooms.
3. The home/premise 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.
4. There shall be complete conformity with fire, building, plumbing, electrical and all other Town, county, state and federal codes.
5. The home/premise occupation shall 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/premise occupation shall not be associated with or produce odor, smoke, dust, heat, fumes, light, glare, color, materials, construction, lightening, 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 discernable beyond the premises or unreasonably disturb the peace and quiet of the neighborhood.
7. No process can be used which is hazardous to public health, safety, morals or welfare.

8. The home/premise 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. Inspection during reasonable hours by Town 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.

D. **Qualifications.**

1. No more than one (1) person (residing outside of the home) working a maximum of twenty (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 (2) vehicular customers, and/or visits per hour, or six (6) per day, nor deliveries or pickups exceed more than one (1) per day.
3. The home occupation shall not generate or exceed eight (8) 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 (8) 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 non-income producing child care activities (such as baby sitting cooperatives, baby sitting 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/premise 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/premise 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 fifteen thousand (15,000) pounds or less.
7. The home/premise occupation may utilize one unanimated, non-illuminated 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/premise 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 premise occupation may occur in an accessory building which is clearly subordinate to the dwelling.
10. No more than twenty-five percent (25%) of the total main floor area or upper living levels of the dwelling unit, nor, in the alternative more that fifty percent (50%) 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 fifty percent (50%) of the total floor area of the main dwelling may be used in an accessory structure for a premise occupation.

E. **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 (8) children at any one time.
    - i. A maximum of sixteen (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 (6) 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 non-income producing child care activities (such as baby sitting cooperatives, baby sitting exchanges and informal instructional activities for preschool-aged children) conducted within private residences.
  - B. Any home/premise occupation that is expected to generate or exceed eight (8) 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 twelve students/children generating separate vehicle trips is permitted at any one time.
  - ii. A maximum twenty-four (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 (2) 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 (6) 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 non-income producing child care activities (such as baby sitting cooperatives, baby sitting 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/premise occupation using explosives or hazardous chemicals.
  - E. Any home/premise occupation which will generate in excess of two (2) vehicular customers or visitors per hour or six (6) per day. A maximum of twelve (12) vehicular business associated visitors per day may be allowed under a conditional use permit.
  - F. Any home/premise occupation proposing to employ or employing a person working more than twenty (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/premise occupation which proposes to use or uses commercial-use vehicles in excess of one (1) ton.
  - H. Any home/premise 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/premise occupation which proposes or conducts business between the hours of 10:00 pm and 6:00 am.
  - J. Any home/premise occupation that is referred to the Planning

Commission by the Town 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/Premise Occupations must comply with the following:
  - A. The provisions of this code, 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/premise occupation use to mitigate its effects on the area or for the general health, safety and welfare.

### **3.13. Height Provisions**

The height of any structure shall not exceed the maximum height of thirty (30) feet nor exceed the recommendation of the South Summit Fire District. The total height of the building or structure shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point. 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 ten (10) feet above the specified maximum height limit for the zone.
2. Water towers and mechanical equipment may extend up to five (5) feet above the specified maximum height limit.
3. Church spires, bell towers, and like architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as part of the site plan review and final plat approval and under no circumstances shall be more than fifty (50) feet above final grade unless approved as part of a Conditional Use Permit.
4. Heights of occupied structures, higher than 30 feet may be approved by the Planning Commission as a Conditional Use Permit. Under no circumstances shall a height be allowed to exceed a maximum of forty (40) feet.

### **3.14. Low Power Radio and Cellular Towers**

The purpose of this Section 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.

### **3.14.1. Definitions**

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

Antenna - A transmitting or receiving device used in telecommunications that radiates or captures radio signals.

Guyed Wire Tower - An open steel frame supported by guyed wires which extend 80% of the height of the structure away from the structure.

Lattice Tower - A self supporting, multiple sided, open steel frame structure used to support telecommunications equipment.

Low Power Radio Services Facility - 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 - A single cylindrical steel or wood pole that acts as the support structure for antennas.

Roof Mounted Antenna - An antenna or series of antennas mounted on an existing roof, mechanical room or penthouse of a building.

Wall Mounted Antenna - An antenna or series of antennas mounted against the vertical wall of a building or structure.

Whip Antenna - 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 they are 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.

**3.14.2. 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:

**3.14.2.1. 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, smoke stacks, water tanks, and grain elevators. Wall mounted antennas are a permitted use in all industrial zones and on Town owned property, and a conditional use in the commercial, agricultural and manufacturing zones. Any wall mounted antenna shall comply with the following standards:

1. Wall mounted antennas shall not extend above the wall line of the structure more than four (4) feet, nor shall it protrude more than four (4) feet from the wall.
2. 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.
3. 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.
4. 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.

**3.14.2.2. 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 Town owned property, and a conditional use in the commercial and manufacturing zones. Any roof mounted antenna shall comply with the following standards:

1. 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.
2. Antennas must be setback from the edge of the structure no less than one (1) foot for every one (1) foot of vertical antenna height to a

maximum height of ten (10) feet. In no case shall a roof mounted antenna be located closer than five (5) feet from the edge of the structure on which it is erected.

3. 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.
4. 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.

#### **3.14.2.3. Monopole Structures Less Than Two (2) 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 (2) feet in width is a permitted use in all industrial zones and on Town 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 (2) feet in width.

1. The total antenna structure mounted on a monopole shall not exceed two (2) feet in width or diameter nor exceed ten (10) feet in height. The monopole itself shall not exceed more than 60 feet in height.
2. No monopole antenna shall be placed in or within two hundred (200) feet of a residential zone.

#### **3.14.2.4. Monopole Structures Greater Than Two (2) 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 (2) feet in width is a permitted use in all industrial zones and on Town 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 (2) feet in width:

1. The actual antennas and antenna support structure on a monopole shall not exceed thirteen (13) feet in width and eight (8) feet in height.
2. No monopole shall be erect within two hundred (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.
3. All monopoles shall be less than sixty (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 twenty (20) feet for each potential co-location not to exceed three (3) potential co-locations or one hundred (100) feet in total monopole height.
4. Co-location of more than one antenna structure is a permitted use on all approved monopoles and is approved administratively by the Town Staff.
  5. 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 ninety (90) days of the vacation of the tower.
  6. Monopole towers may not be constructed in the required front setback, front landscape buffer area, or required parking area of any zone.
  7. 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.
  8. 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.

#### **3.14.3. 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.

#### **3.15. Liquor Stores and Private Clubs**

Any application for a permit to maintain a liquor store or private club shall be a conditional use and shall conform to the following additional conditions and those created by the Planning Commission and shall comply to all aspects of this Code.

1. No liquor store or private club may be established within three hundred (300) feet of the nearest residence, measured in a straight line from the nearest entrance of the liquor or club outlet.
2. Liquor stores and private clubs shall satisfy the frontage requirements on either collector or arterial streets.

3. Off-street parking shall be provided at the rate of one (1) space per one hundred (100) square feet of total floor space in the building for liquor stores or clubs.
4. A permit to maintain a liquor store or private club as a conditional use must be approved by the Planning Commission.

### **3.16. Temporary Uses**

#### **3.16.1. 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 Town. 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.

#### **3.16.2. 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 thirty (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 (5) 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.

#### **3.16.3. 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 Town. 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 Code, 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.

#### **3.16.4. 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) No preparation of any food on the premises.
  - 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 three hundred (300) feet from the structure and will be accessible during all periods of operation of the use.
  - d) Written evidence from the Town 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 thirty (30) days. Garage sales need not obtain a Temporary Use permit, but shall not operate the sale for a period exceeding five (5) 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 fifteen (15) days of the vacancy.
3. The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, replacement of facilities, and removal of any structures in an amount determined by the Planning Commission.

**3.16.5. 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.

**3.16.6. 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 Town or any other public agency.

**3.16.7. Fees**

In order to offset a portion of the costs incurred by the Town in processing temporary use permits, a fee may be charged as established by the Town in its fee resolutions as may be applicable at the time.

**3.16.8. Christmas Tree Sales; Permit**

It shall be unlawful for any person to sell or offer for sale in the Town, any cut fur, 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 thirty (30) days ending December 25 of the year in which the permit is issued.

**3.16.9. Town Celebrations or Events**

Any Town sponsored celebrations or special events of a temporary nature are exempt from the requirements of obtaining a temporary use permit as described by this Section.

**3.17. Commercial Recreational Vehicle Parks or Camp Grounds****3.17.1. Conditional Use Permit Required**

A conditional use permit for a commercial recreational vehicle (RV) park or campground facility, must be issued in accordance with the provisions of this Code and this section before such a facility may be constructed in any zone in which this use is allowed as a conditional use. In addition to conditions as may be required upon the issuance of a conditional use permit for a RV park or campground, all RV park or campgrounds shall be built to the standards set forth in this Code. RV shall mean Recreational camping type vehicles, travel trailers as well as tent trailers or tents if applicable.

**3.17.2. Property Development Standards**

The following development standards shall apply to the individual RV or camping sites. 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 permit. The plans shall be in conformance with the following general development standards:

1. Each site shall be marked and numbered for identification and shall meet all requirements of this Code.
2. Each RV or camping site in a park shall have an area of not less than one thousand five hundred (1,500) square feet.
3. Each site shall have an average width of twenty-five (25) feet. Trailers shall be separated from each other and from other structures by at least fifteen (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.
4. Each site shall abut directly upon a park street for a minimum distance of twenty (20) feet. Alignment and gradient shall be properly adapted to topography and provisions shall be made for proper drainage.
5. Not more than one (1) RV shall be placed on a RV site.
6. 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.
7. There shall be provided guest parking in each RV or camping park at the ratio of one (1) parking space for each ten (10) RV or camping sites within the park.
8. 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 in conjunction with issuance of a conditional use permit. There shall be at least one (1) tree per camping site.
9. Streets shall be at least twenty-five (25) feet wide. Parking shall not be allowed on park streets. The park streets shall be paved in accordance with Town standards and shall provide concrete curb and gutter if applicable in current standards. Curb and gutter may be of a "roll" type to provide convenient access to trailer sites.
10. A central recreation area shall be established in all RV parks which shall be easily accessible from all trailer sites. The size of such recreation areas shall be not less than ten (10) percent of the gross site area of all RV spaces, or three thousand (3,000) square feet, whichever is greater.
11. RV or camping parks may have one (1) or more laundry rooms. Outdoor laundry drying lines shall not be permitted on any RV or camping sites.
12. Restrooms, including toilets, showers, and lavatories, shall be provided within a RV or camping park to conveniently and adequately serve said park.
13. All utility distribution facilities, including television antenna service lines serving individual RV sites, shall be placed underground. The owner is responsible for complying with the requirements of this section, and 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 RV sites must be served with water and electricity. Tent only campgrounds shall only be serviced with water to each site or group of sites. Natural gas hookups shall not be provided to individual RV or camping sites.

14. There shall be no open storage of personal belongings within a RV or camping site, nor shall there be an accessory building, shed, or cabinet placed upon or erected upon an individual RV or camping site for the storage of materials or personal belongings.
15. All fuel tanks maintained within a RV site must be mounted securely upon or attached to the RV or recreation vehicle which they serve. No such tanks shall be larger than fifty (50) gallon capacity.  
There shall be no removal of axles, wheels or tires from a RV or other vehicle located within a RV or camping park, except for emergency, temporary removal to accomplish repairs.
16. There shall be no separate mail boxes, separate street address designations, or other similar accessories which would give the appearance of "permanence" to occupants of a RV site.
17. RV Parks and Camp Grounds shall be subject to the infrastructure review set forth in section 1.13.
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#### **3.17.3. Minimum Park Area**

RV parks or camping facilities shall contain at least five (5) acres.

#### **3.17.4. Length of Occupancy**

No RV or camping site located within a park established under these provisions shall be occupied for a period exceeding thirty (30) days.

#### **3.17.5. Eating and Cooking Facilities**

Each RV or camping site shall be equipped with a picnic table and benches or equivalent, and an outdoor cooking facility which meets the approval of the South Summit Fire District.

#### **3.17.6. Wastewater and Trash Disposal and Drinking Water Stations**

Each RV or camping park shall have facilities for disposal from the holding tanks of trailers and similar vehicles which shall be hooked to the Town sewer system, or a wastewater disposal system approved by the Town 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.

### **3.18. Off-Street Parking**

**3.18.1. 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.

**3.18.2. 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.

**3.18.3. 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 3.28.1 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.

**3.18.4. Setback Exclusions and Conflicts**

In a residential zone, no part of any private or public parking lot, for a non-single family residential use, shall be located in a set back adjacent to a street except under the following circumstances:

1. A parking lot may be approved in the portion of a front setback area which is outside the area formed by two (2) lines which extend from the outermost dimensions of the building perpendicular to the property line adjacent to the street, provided there is a minimum of ten feet (10) of landscaping adjacent to the street, there is a total of at least thirty feet (30) of landscaping between the street and the building, and the landscaping plan is approved by the Planning Commission.
2. A parking lot may be approved in any portion of a front setback area provided there is a minimum of ten feet (10) of landscaping adjacent to the street, there is a total of at least thirty feet (30) of landscaping between the street and the building, and the landscaping plan is approved by the Planning Commission.
3. A parking lot may be approved in the area of a side setback facing a street provided there is a minimum of ten feet (10) of landscaping adjacent to the street, there is a total of twenty feet (20) of landscaping between the street and the building, and the landscaping plan is approved by the Planning Commission.
4. In cases where there is a unique lot configuration, or an existing structure that the applicant is remodeling or when it is necessary to change the parking requirements, the Board of

Adjustment may, upon appeal of the applicant, consider lowering the landscaping requirements immediately adjacent to an arterial street providing such variance does not create increased unreasonable hazards to the health, safety, and general welfare of the residents in the area.

**3.18.5. 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.

**3.18.6. 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.

**3.18.7. Area of Spaces**

For the purpose of this section, a space of not less than eight and one-half feet (8 ½') by twenty feet (20') of lot area with access to public streets by standard-sized automobiles shall be deemed to be parking space for one vehicle.

**3.18.8. 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 ordinance 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 ordinance.

**3.18.9. Parking Surfaces**

All required parking areas shall be surfaced with either concrete or bituminous asphalt as approved as to specifications by the Town Engineer.

**3.18.10. 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 Town as per this Code.

**3.18.11. Specific Requirements by Use**

revised April 29, 1999

Minimum on-site and off-street parking spaces for individual or similar uses shall be provided for in accordance with Table 3.1 as follows and as interpreted by the

Planning Commission for uses not specific to those listed in the following table.  
Note that SLU means Standard Land Use codes.

Table 3.1 Parking Requirements per Use

SLU Code	Category	Number of Spaces Required	Per Unit Description
1100	Household Units	2	per each unit up to four (4) plexes
1400	Mobile home parks	2	per each unit plus (1) guest parking space per (3) units
4221	Motor freight terminals	1.25	per employee at highest employment shift
5300	General merchandise	5	per 1000 square feet of floor area
5400	Food - retail	5.5	per 1000 square feet of floor area
5600	Apparel and access.	5	per 1000 square feet of floor area
5700	Furniture and home furnishings, equip.	1	per 600 square feet of floor area
5800	Eating and Drinking places	1	per (2) employees, plus one (1) per (4) seats
5900	Other retail	5	per 1000 square feet of floor area
6100	Finance, insur. & real estate	1	per 250 square feet of floor area
6230	Beauty and Barber	2	per employee at highest employment shift
6300	Business services	1	per 200 square feet of floor area
6370	Warehouse and storage	1	per 1000 square feet of floor area
6400	Repair	1	per 250 square feet of floor area, except SLU 6411
6411	Repair, Auto	6	per 1000 square feet of floor area
6500	Professional	1	per 300 sq. feet of floor area
6600	Contract construction	1	per employee at highest employment shift
6710	Government offices	1	per 250 square feet of floor area
6800	Educational: nurse./day care	1	per employee
	Grades K-8	2	per teaching station
	Grades 9-12	3	per teaching station
6911	Churches, temples, etc.	1	per (4) seats or (4) person seating capacity

### **3.19. Signs and Outdoor Advertising**

#### **3.19.1. General Requirements**

The following general requirements shall apply to all signs and outdoor advertising structures which may be erected or maintained within the Town.

##### **3.19.1.1. 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 Commission based upon the provisions of this section. Approval shall not be required for temporary non-electrical wall

and non-electrical freestanding signs of less than thirty-two (32) square feet in area. (Examples of signs not requiring planning commission approval are real estate "for sale" signs and election campaign signs.)

#### **3.19.1.2. Permits**

The approval of the Planning Commission 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 Commission. 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 commission. A permit may be revoked and a sign removed pursuant to Section 3.29.1.7 if the applicant for a permit makes a false or misleading statement in the permit application or renewal.

#### **3.19.1.3. Sound or Emissions**

No sign shall be designed for the purpose of emitting sound, smoke, or steam.

#### **3.19.1.4. 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.

#### **3.19.1.5. 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 (6) square feet.

#### **3.19.1.6. Violations**

It is unlawful to erect or maintain a sign contrary to the provisions of this section. If a sign is erected or maintained in violation of this section the Planning Commission may do the following:

1. Order the defect corrected within a fixed period of time, not exceeding thirty (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 thirty (30) days.
3. If the owner of the sign contests the order of the Planning Commission, 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 Code. If the owner of the sign fails or refuses to remove the subject sign at the order of the Planning Commission, the Town 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 Town shall be at the expense of the owner, and the Town may obtain judgment against the owner in an amount equal thereto, together with reasonable attorneys fees and costs.
- 4.

#### **3.19.2. 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.

#### **3.19.3. 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 non-commercial 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.

#### **3.19.4. 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 twenty-five (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 ten (10) feet.

#### **3.19.5. Special Purpose Signs**

revised April 29, 1999

In addition to any other permitted sign(s), signs for special purposes set forth in this Sub-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 (1) sign per street face, unless otherwise provided by the zoning provisions, and shall not exceed an area of six (6) square feet in residential zones or thirty-two (32) square feet in non-residential 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 (2) feet inside the property line and shall not exceed ten (10) feet in height. Said sign shall not exceed an area of fifty (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 thirty-two (32) square feet in area. In other districts, no such sign shall exceed an area of sixty-four (64) square feet, and no freestanding sign shall exceed twelve (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 (6) square feet.

5. In all districts, a church or quasi-public organization may erect one (1) wall sign on the premises to identify the name of the organization and announce activities thereof. Apartment houses of five (5) or more dwelling units may erect one (1) 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 twenty-five (25) square feet, and may be mounted upon a freestanding, ornamental masonry, wood or stone wall.
6. One (1) development promotional sign may be placed on the premises of each subdivision having five (5) or more lots or approved dwelling units. The promotional sign may have an area of twenty four (24) square feet. A second development promotional sign may be placed on the premises of each subdivision, planned development, or condominium project having two (2) or more separate, major points of access and having fifty (50) or more lots or approved dwelling units. The above signs shall be removed no later than thirty (30) 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 (1) name plate or marker shall be allowed for each dwelling to indicate only the occupant's name. Name plates shall not exceed two (2) square feet in area, and shall not contain an occupational designation.

#### **3.19.6. Classification of Signs**

Every sign erected or proposed to be erected within the Town shall be classified by the Planning Commission in accordance with the definitions of signs contained in this section. 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 Commission.

#### **3.19.7. Signs Permitted - 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 Code, except that certain special purpose signs may be erected in all zones in compliance with the provisions of section 3.29.5.

#### **3.19.8. Signs Permitted in Public Facilities Zones**

The signs described below are permitted on public property.

1. Nameplates not exceeding thirty-two (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 thirty-two (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 (5) feet or less in height. Except as otherwise provided in this section, wall signs on public property shall comply with the following requirements:

1. Maximum area shall be thirty-two (32) square feet.
2. No part of any sign shall extend above the top of the wall upon which it is situated.
3. All signs, including any light box or structural part, shall not project more than twelve (12) inches from the front face of the building to which it is attached.
4. Pertinent freestanding signs over five (5) feet in height shall be allowed only with the issuance of a conditional use permit by the Planning Commission, and is subject to the conditions established therein. No sign shall not exceed a height of fifteen (15) feet.
5. No signs shall project over a property line, nor project into any required front yard.
6. Only indirect and diffused lighted signs are permitted on public property.

#### ***3.19.9. 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 (6) feet in height and sixty (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 (5) potential businesses the Planning Commission may approve a sign up to ten (10) feet in height and one hundred (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 that the additional sign(s) are necessary to the Planning Commission. In no case shall the Planning Commission approve more than one monument sign for a commercial project which has less than two hundred (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 (5) feet into any required front yard.
  - B. One wall sign not to exceed thirty (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:

- i. No part of any sign shall extend above the wall upon which it is situated.
- ii. No sign, including any light box or structural part, shall project more than twelve (12) inches from the face of the pan of the building to which it is attached.

#### **3.19.10. Signs Permitted in the Light Industrial Zone**

Signs permitted in The Light Industrial Zone shall include freestanding signs under five (5) feet, wall signs and painted wall signs, all in conformance with the following provisions:

1. One monument sign less than six (6) feet in height and sixty (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 (5) potential businesses the Planning Commission may approve a sign up to ten (10) feet in height and one hundred (100) square feet measured from the farthest extent of the sign to form a rectangle. Application for additional monuments signs will be considered a conditional use. The applicant must demonstrate that the additional sign(s) are necessary to the Planning Commission. In no case shall the Planning Commission approve more than one monument sign for a project which has less than two hundred (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 (5) feet into any required front yard.
  - B. One wall sign not to exceed thirty (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:
    - C. No part of any sign shall extend above the wall upon which it is situated.
    - D. No sign, including any light box or structural part, shall project more than twelve (12) inches from the face of the pan of the building to which it is attached.

#### **3.19.11. 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 Commission 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.

### **3.19.12. Off-Premise Advertising Structures**

#### **3.19.12.1. Prohibition of New Off-Premise Signs**

Except for off-premise public information and government signs meeting the size, shape, color, and other requirements described in 3.29.12.2 below, no permits shall be issued for the construction of off premise signs or outdoor advertising structures. All lawfully existing off-premise signs and outdoor advertising structures are non-conforming uses in all zones of the Town.

#### **3.19.12.2. Public Information and Government Signs**

Off-premise 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 Commission.

#### **3.19.12.3. Acquisition of Interests**

The Town of Francis may acquire title to off-premise non-conforming signs or outdoor advertising structures by gift, purchase agreement, exchange, or eminent domain, and shall have the right to amortize off-premise non-conforming signs as permitted by state or federal law.

### **3.19.13. Non Conforming Signs**

All on-premise or appurtenant signs which have been made non-conforming by the adoption of provisions contained within this code 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 thirty (30) days of mailing or otherwise given notice of the unsafe condition.
2. A non-conforming 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 Code. Alterations shall also mean that changing of the text or message that the sign is conveying from a use of the premise to another use of the premise 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-premise advertising signs, theater signs, outdoor billboards or other similar signs which are designed to accommodate changeable copy.
3. Non-conforming 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

sixty (60) percent of its assessed value shall, if repaired, be repaired or rebuilt in conformity with the regulations of this Code or shall be removed.

All off-premise signs which are made non-conforming uses by the provisions of this Code shall be subject to the following:

1. Any sign or portion thereof found or declared unsafe in a manner provided by law must be restored to a safe condition within thirty (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.
2. All off-premise 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.
3. A non-conforming off-premise 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 non-conforming use has been abandoned, the non-conforming 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 Code.

#### **3.19.14. Definitions Pertaining to Signs**

Please refer to Chapter 2, DEFINITIONS, for specific definitions relating to signs.

#### **3.20. Technical Review**

The Town Council and Planning Commission, which advises the Council on zoning matters, have determined that the various aspects of the Permitted and Conditional Review process, as well as the infrastructure review and environmental impact review process of sensitive lands require certain expertise in dealing with special or unique technical situations. These situations may be better dealt with through the formation of a Technical Review Committee made up of experts in the field to review the permit and make recommendations to the Planning Commission and Town Council regarding conditions of approval. The members shall be appointed by the Planning Commission, with input of the Town Council when necessary and the members shall act as Town Staff to the Planning Commission.

The Committee may review a project as directed by the Planning Commission and submit a certificate of review with findings and concerns to the Commission prior to their adoption of conditions to the permit. Any appeal from the Committee's decision

shall be reviewed by the Planning Commission. If necessary, the decision of the Commission may then be appealed to the Board of Adjustment, and ultimately to the courts.

This Committee may be formed on a case by case basis as the need arises and consist of the same members or additional and replacement members as necessary. The Committee may adopt administrative procedures as appropriate and the Committee derives its authority to meet and act under this section of this Code.

### **3.21. *Right to Farm Provisions***

Francis has areas that have traditionally been agriculture. The Town Council places a high value on the protection and preservation of agricultural land. At the discretion of the Town 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 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 Town. 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 Town, 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, barb 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 land owner of appropriate responsibility.

### **3.22. Standards for Approving a Storage Yard**

Adopted April 29, 1999

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 an unsightly or uncontained storage, junk or salvage yards.

#### **3.22.1 Application of Standards**

The provisions of this section shall apply to storage yards authorized by zoning sections 5.1.1.

#### **3.22.2 Permits**

The Town planner may grant a permit for a storage yard provided the following conditions are met:

1. Such use is located in the AG-1 Zone.
2. All industrial Supplies, building materials, automobiles (except currently licensed vehicles of employees or visiting customers which are parked in the designated off-street parking lot provided as per zoning section 3.27.) parts, and other items, whether functional or not, which are stored outside of a building, shall be surrounded by a well-maintained sight-obscuring fence.
3. The sight-obscuring fence shall be constructed to a height of at least eight (8) feet and must obscure all storage items from view from any adjacent public street and adjacent parcel of land.
4. Any parts or materials which are light enough to blow in the wind shall be kept in an enclosed building.
5. Off street parking and landscaping shall be provided according to the standards of zoning section 7.3.4.

### **3.23. Open Pit Extraction of Earth Products**

The intent and purpose of this section 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.

### **3.23.1. Applications of Provisions**

The provisions of this section 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 this ordinance 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.

### **3.23.2. 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 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.
3. 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 this zoning section; 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 Town 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 (7) 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 5 years. When limited to 7-acre units, the pit, or portions of it, shall be closed, rehabilitated, and approved by the City Engineer as meeting the standards of this ordinance before further areas are

disturbed.

4. 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 operators 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 (eg. 33 degrees for gravel deposits).
  - E. All areas shall be covered with a one-inch or thicker layer of topsoil and re-seeded with a hardy plant material having a sufficient concentration to screen at least 25% of the exposed surface from view.
5. 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 Town. The Planning Commission may request an annual on-site investigation and report of the Town Engineer to determine whether the terms of the grading plan, rehabilitation plan and bond agreement are being met.
6. 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.
7. 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.
8. 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 (5) feet.
9. 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.
10. The pit and/or extraction operation shall not constitute a nuisance.

### **3.23.3. Bond**

1. A cash or surety bond in the amount set by the Town Engineer, but not less than \$2500.00 per acre, shall be posted by the applicant to guarantee compliance with the provisions of this section. A violation of either provisions shall be sufficient grounds for forfeiture of the entire bond to the Town. If the bond is over the minimum bond amount per acre and the owner disputes the cost of reclamation set by the Town Engineer, the Town 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 (7) 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 Town of Francis and the applicant (plus the property owner if the latter is not also the applicant) wherein the county agrees to return the bond at the completion of work if the standards of this section 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 county 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 section.
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 (2) year period of time in which no material is extracted, or any one (1) 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 ordinance, the terms of the permits issued thereunder, and the balance of any expense not covered by the bond to rehabilitate the property.

The Bond requirement under Section D is satisfied by submission of a properly executed Reclamation Contract for surety under the Large Mining Operations requirements as found in Utah State Code.

#### **3.23.4. 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 31 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 ordinance. The Town planner, with the advice of the Town Engineer, shall determine if such compliance exists.

#### **3.24. 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-1.

**3.24.1.** Areas of Francis Town which have historically been agricultural domesticated farm animals as can be properly cared for on each lot.

**3.24.2.** Areas of Francis Town 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, subject to the CC&R's of the development. Additional animal densities may be approved through the Conditional Use process.

**3.24.3.** No more than three household animals are permitted per half acre lot, however additional densities may be approved through the Conditional Use process.

**3.24.4.** No domesticated farm animals are permitted in the R-2 Zone.