



Staff Report

To: Francis City Council
From: Katie Henneuse
Report Date: March 30, 2022
Meeting Date: April 14, 2022
Title: Conservation Subdivision Townhomes
Type of Item: Code Text Amendment

Executive Summary:

The City Council approved several code text amendments in their last meeting (March 10, 2022) but decided to table one of the proposed amendments regarding townhomes in conservation subdivisions (17.60.025). The purpose of this amendment is to make the code less ambiguous. The previous discussion focused on whether townhomes should be permitted at 25 percent of the number of planned units or 25 percent of the number of units zoning would allow.

Background:

During the Hidden Meadow Ranches annexation, a disagreement between the developer and staff arose in interpreting the current code which says, "townhomes will be allowed at 25 percent of the total development." Staff interpreted "total development" to be the total number of units to be built, whereas the developer interpreted it to be the total number of units allowed by zoning. The developer argued that with AG-2 zoning they would be allowed to build around 250 units and a maximum of around 62 townhomes. The developer was approved to build 150 units – 102 single-family homes and 48 townhomes (32% townhomes).

Another disagreement arose between the developer and staff on the Stewart Ranches project in interpreting the number townhomes required to be designated as moderate income. Current code says, "As an incentive to provide moderate-income housing per Chapter 17.55 FCC, multifamily housing townhomes will be allowed at 25 percent of the total development." Staff interprets this as all townhomes are to be designated moderate income, while the developer says the code is ambiguous and no set number of townhomes are required to be moderate income.

Planning Commission Recommendation:

The Planning Commission reviewed the original code text amendment at their February 2022 meeting and made some modifications which have been incorporated. They are forwarding this to the City Council with a unanimous positive recommendation.

Staff Recommendation:

Review the amended code options, suggest changes if needed, and approve Ordinance 2022-04 if an amendment is agreeable to the City Council.

Community Review:

A public hearing is not required for this item. A public hearing was held for this item on March 10, 2022.

Exhibit A Ordinance 2022-04

OPTION 1 – Townhome Percent Based on Concept Plan

17.60.025 Dimensional standards.

~~As an incentive to provide moderate income housing per Chapter 17.55 FCC, multifamily housing townhomes will be allowed at 25 percent of the total development.~~

Townhomes will be allowed at up to 25 percent of the total number of units shown on the approved concept plan.

For each townhome approved within the conservation subdivision, a unit in the development must be deed-restricted to provide moderate income housing per Chapter 17.55 FCC.

OPTION 2 – Townhome Percent Based on Zoning

17.60.025 Dimensional standards.

~~As an incentive to provide moderate income housing per Chapter 17.55 FCC, multifamily housing townhomes will be allowed at 25 percent of the total development.~~

Townhomes will be allowed at up to 25 percent of the total number of units allowed by the zoning.

For each townhome approved within the conservation subdivision, a unit in the development must be deed-restricted to provide moderate income housing per Chapter 17.55 FCC.

FRANCIS CITY ORDINANCE NO. 2022-03

AN ORDINANCE AMENDING FEE SCHEDULES AND POLICIES FOR CONSTRUCTION, BUILDING, WATER, SEWER, FACILITY RENTAL, PLANNING, SIGN CODE, BUSINESS LICENSE, BEER AND LIQUOR LICENSES, GRAMA AND OTHER FEES.

WHEREAS, Francis City has enacted various Resolutions and/or Ordinances at various times to set forth a schedule of fees for the various City services and operations as listed above, and

WHEREAS, it is necessary to update the current fee ordinance to reflect the increasing costs of performing services, and

WHEREAS, additional and/or updated Francis City fees need to be included in this fee and rate ordinance, and

WHEREAS, the purpose of this ordinance is to amend and replace all prior resolutions and ordinances setting any fees and rates for Francis City that are included in the text of the following ordinance.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of Francis City, State of Utah as follows:

The Fee Schedule(s) as adopted by any previous Resolutions or Ordinances and that are updated or contained in this Ordinance are hereby repealed, and in its place this Ordinance is adopted establishing the fees for various City services, permits, and processes as follows. All other parts, sections, regulations or fees of any Resolutions or Ordinances other than those modified or included in this Ordinance shall remain in full force and effect.

SECTION 1 CONSTRUCTION AND DEVELOPMENT RELATED FEE SCHEDULE

Note: All buildings larger than 200 square feet require a building permit. Agricultural buildings may qualify for exemption from fees, but still require a permit.

1.1 BUILDING PERMIT FEES

1. Building permit fees shall be in accordance with the International Building Code (IBC) as adopted by the State of Utah.

1.1.1 BUILDING PERMIT FEES (NON- AGRICULTURAL STRUCTURES)--- Commercial and residential buildings will be **valued in accordance with the current Building Valuation Table published by the ICC. Building permit fees based on the valuation total will be accessed as listed in the Building Permit Fee table below.** For square foot construction valuation, all garages will be valued at \$37.87 per square foot, all decks will be valued at \$5.00 per square foot. Unfinished residential basements will be based at **50% of the building valuation rate. Basement finish rate will be based on 50% of the building valuation rate.**

Building **Permit** Fees based on Total Valuation Rate.

Services	Fee Activity Detail	Fee
Total Valuation	Less than \$2,000	\$24.00 for the first \$500 plus \$3.50 for each additional \$100 or fraction thereof, to an including \$2,000.
	\$2,000 to \$25,000	\$76.50 for the first \$2,000 plus \$16.50 for each additional \$1,000 or fraction thereof, to an including \$25,000.
	\$25,000 to \$50,000	\$456.00 for the first \$25,000 plus \$12.00 for each additional \$1,000 or fraction thereof, to an including \$50,000.
	\$50,000 to \$100,000	\$765.00 for the first \$50,000 plus \$8.50 for each additional \$1,000 or fraction thereof, to an including \$100,000.
	\$100,000 to \$500,000	\$1,181.00 for the first \$100,000 plus \$6.50 for each additional \$1,000 or fraction thereof, to an including \$500,000.
	\$500,000 to \$1,000,000	\$3,781.00 for the first \$500,000 plus \$5.50 for each additional \$1,000 or fraction thereof, to an including \$1,000,000.
	over \$1,000,000	\$6,531.00 for the first \$1,000,000 plus \$4.50 for each additional \$1,000 or fraction thereof.
Fees for inspections or checks not specifically listed shall be determined by the Building Official.		

1.1.2 BUILDING PERMIT FEES (AGRICULTURAL STRUCTURES)

Valuation is \$20.00 per square foot; building permit fee is calculated at \$6.00 per \$1,000.00 of valuation or fraction thereof.

1.1.3 APPLICATION FEE

\$25.00 plus a fee for educational purposes in the amount of one percent (1%) of the building permit fee as required by Utah Code Section 15A-1-209 and a plan review fee in the amount of sixty-five percent (65%) of the building permit fee as required by Utah Code Section 10-9a-510. Agricultural buildings are exempt from the plan review fee described in this paragraph.

1.1.4 DEPOSIT REQUIRED AT TIME OF APPLICATION, credited toward permit fee when paid in full, forfeited if plans are withdrawn.

1. \$200.00 for standard plans

2. \$100.00 for modular or manufactured homes
3. \$75.00 for other structures

1.1.5 FIRE SPRINKLER PLAN REVIEW AND INSPECTION FEE:

\$300.00 for structures in which fire sprinklers will be installed

1.1.6 DEMOLITION PERMIT FEE:

\$250.00---Additional amounts may be charged if repeat visits by building inspector to the demolition site are required.

1.1.7 PERMIT TO WORK IN CITY PUBLIC RIGHT-OF-WAY / EXCAVATION PERMIT

A \$250.00 non-refundable fee per utility or company (regardless of number of encroachments in a one-year period), plus a \$1,500.00 cash bond (to be held for one year after acceptance of repair) plus proof of insurance. Engineering inspection fees or City repair costs may be billed to the licensee or charged against the bond if necessary.

1.1.8 FIRE HYDRANT METER USE PERMIT FEE

A \$1,500.00 security deposit will be required at time of rental. A fee of \$10.00 per day plus a \$2.00 fee for every 1,000 gallons of water taken will be charged.

If providing your own meter, a \$500.00 deposit will be required at time of rental. A fee of \$2.00 for every 1,000 gallons of water taken will be charged for usage.

1.1.9 PLUMBING PERMIT FEES

\$10.00 Plus:

1. Agricultural Buildings: \$0.03 per square foot
2. Commercial Structures per the International Plumbing Code (IPC): \$0.03 per square foot
3. Residential Structures per the IRC: **\$0.03** per square foot

1.1.10 MECHANICAL PERMIT FEES

\$10.00 Plus:

1. Agricultural Buildings: **\$0.03** per square foot
2. Commercial Structures per the International Mechanical Code (IMC): \$0.03 per square foot
3. Residential Structures per the IRC: **\$0.03** per square foot

1.1.11 ELECTRICAL PERMIT FEES

\$10.00 Plus:

1. Agricultural Buildings: **\$0.035** per square foot
2. Commercial Structures per the National Electric Code (NEC): \$0.035 per square foot
3. Residential Structures per the IRC: **\$0.035** per square foot

1.1.12 ALTERNATIVE ENERGY PERMIT FEES

1. Photovoltaic System: \$350
2. Geo-Thermal: \$250
3. Solar Hot Water: \$125
4. Wind Generator: \$125

1.1.13 OTHER INSPECTIONS AND FEES

1. Inspections outside of normal office hours: \$100 per hour (minimum of one hour)
2. Re-Inspection fee assessed under the provisions of Chapter 1 of both the IBC and IRC: \$100 per occurrence
3. Inspections and permits for which no fee is specifically indicated: \$100
4. Additional plan review required by changes, additions, or revisions to approved plans: \$100 per hour (minimum of one hour)
5. **An expired building permit will be charged the following fees:**
 - **\$100 for an expired permit requiring a final inspection only.**
 - **Repay original building fees if expired permit requires more than a final inspection on first offense.**
 - **Double original building fees if permit has expired more than once on all inspections.**
6. **Double permit fees will be assessed on a structure completed without a building permit.**

SECTION 1.2 PLANNING FEES

1.2.1 PROJECT RE-SUBMISSION FEE \$100.00

1.2.2 PROJECT PROCESSING FEES

<u>1. Concept Plan Review</u>	<u>\$25 per lot or unit</u>
<u>2. Preliminary Master Plan Review</u>	<u>\$25 per lot or unit</u>
<u>3. Preliminary Plan Review</u>	<u>\$200 per lot or unit</u>
<u>4. Final Plat Review</u>	<u>\$100 per lot or unit</u>
<u>5. Minor Subdivision Review</u>	<u>\$1,000 (4 lots or fewer)</u>
<u>6. Plat Amendment</u>	<u>\$500 for review by City Council only</u> <u>\$750 for review by City Council and Planning Commission</u>
<u>7. Lot Line Adjustments</u>	<u>\$250</u>
<u>8. Commercial Concept Plan</u>	<u>\$250</u>
<u>9. Commercial Site Plan</u>	<u>\$1,000</u>
<u>10. Recording</u>	<u>\$100 + County Recording Fee</u>
<u>11. Professional Review Fees</u>	<u>Reference Section 1.2.3</u>

1. Concept Plat Review	\$100.00 per plat	
2. Preliminary Plat Review	\$50.00 per unit	
3. Final Plat Review	\$500.00 per plat	
4. Revision to Final Plat	\$250.00 per plat	
5. Minor Subdivision Review	\$500.00 per plat (4 lots or fewer)	
6. Lot Line Adjustments	\$250.00 per plat	7. Special Fees in Accordance with Section 1.2.3 below.

~~8. Commercial Concept Application~~ **1.2.3 SPECIAL ESCROW ACCOUNTS FOR PROFESSIONAL FEES**

Projects which require review and/or inspection by the City Attorney, City Engineer or other consultant(s) shall be billed to the applicant at the accrual billed rates incurred by the City, in additions to all other fees. To assure prompt payment, the applicant shall deposit with the City the following amounts against which the City may draw to satisfy these costs:

Subdivisions: Single-family dwelling \$500.00 per unit. Annexations \$500.00 per unit proposed on development plans OR if no development plan is submitted, \$500.00 per unit of the maximum allowable density of the annexation parcel(s) pursuant to the City's proposed future zoning plan. Other approved projects: Projects other than subdivisions or annexations which require review by the City Attorney, City Engineer or other consultant(s) (including but not limited to commercial projects) may also be required to set up a deposit account in amounts necessary to cover anticipated costs.

All funds in applicant deposit accounts are available always for expenditure by the City to satisfy fees incurred by the City for the project. The City shall notify applicants monthly of the fees incurred during the previous month for the applicant's project. The City shall pay interest on applicant deposit accounts, at the rate at which the City would earn interest on monies in the City's general fund for the applicable period and shall credit said interest to the applicant's deposit account. For both subdivisions and annexations, if the balance on deposit for an applicant drops below a total of \$250.00 per unit, the applicant must pay all outstanding billings for the month plus bring the deposit account back up to a total of \$250.00 per unit. If at any time an applicant's deposit account does not comply with the provisions set forth herein, the City's staff and its contractors, agents and consultants shall stop work on the project until the account comes into compliance. At the conclusion or termination of the project, any unexpended amounts in an applicant's deposit account shall be refunded to the applicant with interest.

Other approved projects will be required to maintain an escrow account for the project.

1.2.4 CONDITIONAL USE PERMIT ~~\$200.00~~\$500.00

1.2.5 TEMPORARY USE PERMIT \$50.00 per day

1.2.6 BOARD OF ADJUSTMENT ~~\$150.00~~\$500.00

If a court reporter or verbatim transcripts are required, the actual cost will be assessed in addition to the fee.

1.2.7 ANNEXATIONS APPLICATIONS ~~\$250.00~~\$2,500.00

Fee is non-refundable and no guarantee of approval of proposed annexation shall be implied by this fee. Application fee includes one public hearing with Planning Commission and one public hearing with City Council. Concurrent concept plan review in these two meetings is included. Any costs incurred by the City above this fee amount shall be billed to the applicant.

1.2.8 ANNEXATION AGREEMENT

Agreements to an annexation fee in the amount of \$8,000 per equivalent residential unit constructed on the annexation property. This fee may be adjusted up or down or waived by the City Council for any annexation, but only for just cause, as determined in the City Council's sole discretion in findings to be set forth in writing.

1.2.9 EXTENSIONS OF APPROVALS ~~\$50.00~~\$100.00

(in accordance with Zoning Ordinance provisions and approved by the governing body).

1.2.10 GENERAL PLAN AMENDMENTS ~~\$250.00~~1,000.00

Fee is non-refundable and no guarantee of approval of proposed amendment shall be implied by this fee.

1.2.11 ~~AMENDING OR~~ VACATING A SUBDIVISION \$250.00 per plat

1.2.12 DEVELOPMENT CODE AMENDMENTS ~~\$250.00~~1,000.00

Fee is non-refundable and no guarantee of approval of proposed amendment shall be implied by this fee

1.2.13 ZONE CHANGES ~~\$250.00~~\$2,500.00

Fee is non-refundable and no guarantee of approval of proposed amendment shall be implied by this fee.
Application fee includes one public hearing with Planning Commission and one public hearing with City Council. Concurrent concept plan review in these two meetings is included. Any costs incurred by the City above this fee amount shall be billed to the applicant.

1.2.14 SIGN PERMIT (when required) \$50.00

1.2.15 CODE AND MAP PURCHASES

Francis City General Plan	\$.50 per page
Francis City Development Code	\$.50 per page
Francis City Zoning Map	\$.50 per page

1.2.16 SPECIAL OR ADDITIONAL MEETINGS ~~\$150.00~~500.00

Any project requesting a special meeting to be convened shall submit a fee for scheduling the meeting. In the event the meeting may not be convened due to scheduling conflicts the fee shall be returned to the applicant, less any cost associated with staff time and advertising.

SECTION 2 WATER FEES

2.1 WATER IMPACT FEES

¾ inch line	\$5,209
1-inch line	\$8,381
1 1/2-inch line	\$16,762
2-inch line	\$26,819
3-inch line	\$58,667
4-inch line	\$167,621

This fee is used to help pay for the City impact of the development of public water infrastructures and capital improvements necessary to benefit the user that may have been paid for in whole or in part by existing residents of the City. This fee is due with the building permit fee(s), or in some cases, when in the opinion of the City Council the fees will be needed for immediate off-site improvements to serve the development. The fees may be required to be paid in total before the final plat is signed by the Mayor (or as otherwise stipulated by development agreement).

Impact fees are assessed in accordance with the adopted Impact Fee Analysis.

2.2 WATER RIGHTS TRANSFERS

On single family and multi-family residential developments any water rights and delivery, pumping, transmission, storage, or diversion facilities that are part of the property, previously used for irrigation, that are not required for the operation or maintenance of private or public open spaces or common spaces of the development under other agreements must be transferred to Francis City in a form acceptable to the City Council. Quantities of water necessary for the development will be calculated by the City based on size and nature of the development. Water rights transfers for meters larger than 3" and for commercial uses will be determined at the time a building permit is issued.

In addition to dedicating to the City all necessary water rights and appurtenances, applicants will be required to compensate the City for any fees that may be charged by third parties in relation to said transfers.

2.3 WATER METER FEES

	<u>Size</u>	<u>Fee</u>
Meters	$\frac{3}{4}$ "	\$500.00
	All others	\$500.00 plus difference in the cost of the meter

2.4.1 WATER BASE CHARGE

The Water Base Charge is charged on all units receiving water service in Francis City. All accessory type units or apartments are required to be on separate meters.

<u>Meter Size</u>	<u>Monthly Base Allowed Gallons</u>		<u>ERU (Equivalent Residential Unit)</u>
$\frac{3}{4}$ "	\$30	15,000	1
1"	\$60.00	30,000	1.67
1 $\frac{1}{2}$ "	\$120.00	60,000	3.33
2"	\$180.00	90,000	5.33
3"	\$360.00	180,000	11.67
4"	\$900.00	450,000	33.33
6"	\$1920.00	960,000	66.67
All others---Charge based on equivalent ERU			

Overage

1---5,000 gallons	\$1.00/kg per 1,000 gallons
5,001---15,000 gallons	\$1.25/kg per 1,000 gallons
15,001---35,000 gallons	\$2.50/kg per 1,000 gallons
Over---35,001 gallons	\$4.00/kg per 1,000 gallons

Construction Meter Base monthly charge---Construction water will be charged at the rate of \$2.00 per 1,000 gallons.

2.4.2 WATER CONSERVATION/OVERAGE RATES

All water delivered through each meter serving customers more than 15,000 gallons per meter per month during the summer months shall be billed at the following rates:

Standard Overage:	15,001---20,000 gallons---	\$1.00 per 1,000 gallons
	20,001---30,000 gallons---	\$1.25 per 1,000 gallons
	30,001---50,000 gallons---	\$2.50 per 1,000 gallons
	50,001 gallons and above	\$4.00 per 1,000 gallons

2.5 WATER VIOLATION, RE-CONNECTION FEES AND PENALTIES

\$50.00 first violation
\$100.00 second violation
\$200.00 third violation and subsequent violations (deposit may be required prior to re-connection)
\$50.00 re-connection charge

\$25.00---meter concealment charge per month for each month that a water meter and/or cover is buried or concealed by soil, vegetation or debris by the owner. If Francis City acts to expose the meter for access, the property owner shall be billed any costs associated. Francis City shall not be responsible for any damage or the replacement of any landscaping. The compliance period for said action shall be a minimum of 14 days, except for bona fide emergency work.

2.6 TEMPORARY TURN ON FOR WATER SERVICE

If water service which has been shut off is turned on temporarily for home inspection or other reason, Francis City will charge a \$50.00 temporary turn on fee.

2.7 LATE FEES, SHUT OFF NOTICE FEES, RETURN CHECK FEE, INTEREST

Shut off notice if door notice is posted	\$25.00
--	---------

Return check fee	\$25.00
------------------	---------

Interest on late balance shall be accrued at 1.5% per month.

Note: If 2 or more checks are returned unpaid, all future payments may be required either in cash or money order.

2.8 EXTENSION OF WATER SERVICES POLICY

Any project, applicant, or developer, whether an individual unit or multiple unit or subdivision, that requires connection to the City water system, shall be required to pay all the costs of any extensions or facilities necessary to achieve a connection that meets the City Council's standards or specifications in place at the time. This may include not only the capital cost of the project, but any City costs associated with plan approval, engineering, and inspection work exclusive to the extension.

The City may specify an extension of a higher capacity, or of additional appurtenances that are required for the development to service potential future users beyond the present extension. The extra capacity cost shall be paid for by the City in this instance, and an aid to construction agreement may be entered by both parties to establish the joint extension responsibilities.

Any extension parties, whether the City applicant or developer, or a combination, may enter into an extension agreement that shall be filed with the City Clerk setting forth cost recovery procedures for the users connecting to the extension part of the system in the future. The agreement will outline a formula to be used for calculation of the future contributions to the extension and shall specify that the fees must be paid to the original party(s) of the extension before building permits are issued to any new connector. Future extensions beyond the current extension are not eligible for cost recovery, only connections on to the line itself. The recovery period to the original party(s) may not exceed ten (10) years and is to be pro-rated to the future connectors in an equitable manner detailed in the extension agreement. The agreement may establish refunding of the costs of the extension not only to the original applicant or developer, but also to any other parties that have paid into the extension within the ten-year period.

The City must be held harmless and indemnified from any claims arising out of any disputes between parties regarding application of and recovery of any cost associated with the agreement, or disputes as the interpretation or application thereof.

After final inspection of the improvements or extension(s), the applicant or developer must provide title and easements to the systems, free and clear of any encumbrances to the City, to be operated as a public system by the City. A one-year warranty will be required on the system from the date of acceptance.

SECTION 3 SEWER FEES

3.1 SEWER IMPACT FEES \$2,223.00

This fee is used to help pay for the City impact of the development of public sewer infrastructures and capital improvements necessary to benefit the user that may have been paid for in whole or in part by existing residents of the City. This fee is due with the building permit fee(s), or in some cases, when in the opinion of the City Council the fees will be needed for immediate off-site improvement to serve the development. The fees may be required to be paid in total before the final plat is signed by the Mayor (or as otherwise stipulated by development agreement).

Impact fees are assessed in accordance with the adopted Impact Fee Analysis.

3.2 MONTHLY SEWER FEES

Sewer rate of **\$63.00** per Equivalent Residential Unit @ ERU.

The monthly sewer fee is charged on all units receiving sewer service in Francis City. All accessory type units or apartments on a common sewer service must be approved in advance by the City Council on new construction or new rentals/conversions.

Construction Sewer connection base monthly charge: \$20.00

~~3.3 SEWER VIOLATION AND RE-CONNECTION PENALTIES~~

~~—\$50.00 first violation—~~

~~—\$100.00 second violation—~~

~~—\$200.00 third violation and subsequent violations (deposit may be required prior to re-connection)—~~

3.4 EXTENSION OF SEWER SERVICES POLICY

Any project, applicant or developer, whether an individual unit, multiple unit or subdivision that requires connection to the City Sewer system, shall be required to pay all the costs of any extensions or facilities necessary to achieve a connection that meets the City Council's standards or specifications in place at the time. This may include not only the capital costs of the project, but any City costs associated with plan approval, engineering and inspection work, and exclusive to the extension.

The City may specify an extension of a higher capacity, or of additional appurtenances that are required for the development to service potential future users beyond the present extension. The extra capacity cost shall be paid for by the City in this instance, and an aid to construction agreement may be entered by both parties to establish joint extension responsibilities.

Any extension parties, whether the City, applicant, developer, or a combination of the two, may enter into an extension agreement that shall be filed with the City Clerk setting forth cost recover procedures for users connecting to the extension part of the system in the future. The agreement will outline a formula to be used for calculation of the future contributions to the extension and shall specify that the fees must be paid to the original party(s) of the extension before building permits are issued to any new connectors. Future extensions beyond the current extension are not eligible for cost recovery, only connections onto the line itself. The recovery period to the original party(s) may not exceed ten (10) years and is to be pro-rated to the future connectors in an equitable manner detailed in the extension agreement. The agreement may establish refunding of the costs of the extension not only to the original applicant or developer, but also to any other parties that have paid into the extension within the ten-year period.

The City must be held harmless and indemnified from any claims arising out of any disputes between parties regarding application of and recover of any costs associated with the agreement, or disputes as to the interpretation or application thereof.

After final inspection of the improvement or extensions(s), the applicant or developer must provide title and easements to the systems, free and clear of any encumbrances to the City, to be operated as a public system by the City. A one-year warranty will be required on the system from the date of acceptance.

SECTION 4 PARK IMPACT FEE

4.1 PARK IMPACT FEE \$437.00

SECTION 5 ROAD IMPACT FEE

5.0 ROAD IMPACT FEE \$1,547.00

SECTION 6 BUSINESS LICENSE, BEER AND LIQUOR LICENSE

Business License	\$60.00 per year
Home Occupation fee (business impact is greater than normal residential use)	\$40.00 per year
Administrative/Application fee	\$25.00 per year
Beer and/or Liquor License fee	\$100.00 per year
Dwelling Rental Unit fee	\$10.00 per unit per year
Commercial Warehouse/Storage Facility Rental fee	\$.06 per square foot of building per year
Motion Picture Production fee (See 7.4 and 7.41 to make sure all fees charged)	\$500.00 per production or event

Note: All licenses may require other planning department fees and/or permits.

SECTION 7 UNIQUE CONDITIONAL USES

Mines, Sand, Gravel and Earth Products Pit Operation Fee:

Standard Sites:	
<u>Maximum Annual Truck Loads</u>	<u>Annual Fee</u>
1---49	\$1,000.00
50---99	\$2,000.00
100---249	\$5,000.00
250---499	\$10,000.00
500---999	\$20,000.00
1,000 and Over	\$50,000.00

Stockpile-Only sites:

<u>Maximum Annual Truck Loads</u>	<u>Annual Fee</u>
1---49	\$500.00
50---99	\$1,000.00
100---249	\$2,500.00
250---499	\$5,000.00
500---999	\$10,000.00
1,000 and Over	\$25,000.00

For purposes of this section, a truck load is defined as a vehicle having the capacity to haul two (2) tons or more of sand, gravel, dirt, or rock entering or leaving the site while loaded with any amount of sand, gravel, dirt, or rock. The applicable fee as set forth in this section shall be determined and established in the applicant's conditional use permit and shall remain in effect for the duration of the permit. Fees are due on January 1 of each year and are non-refundable. Fees may be prorated for first year of operation. The City Council hereby finds that Mines, Sand, Gravel, and Earth Products Operations cause disproportionate costs of municipal services, which may include costs for public utilities, police, fire, storm water runoff, traffic control, parking, transportation, road construction and maintenance, beautification and/or snow removal. The City Council further finds that the amount of the fees contained in this section are reasonably related to the disproportionate costs to use all reasonable and necessary means to enforce and verify the fee amounts set forth herein. Permit holders shall report load counts annually to the City. The City may at any time during the year require a permit holder to supply load counts to date for purposes of verification and enforcement under this section.

SECTION 8 PEDDLERS, SOLICTORS, AND OTHER LICENSING

8.1 SOLICTERS \$60.00 annually for each person licensed as a solicitor.

8.2 OUTDOOR SALES (SEASONAL PLANTS, CHRISTMAS TREES, PRODUCE, ETC.)

\$60.00 annually for seasonal plants and produce.

\$60.00 annually for Christmas tree lots. (For 30 days ending December 25th.)

SECTION 9 RENTAL OF CITY FACILITIES

9.1 CITY PARK BUILDING

Francis City resident usage per day, or any fractional part thereof	\$50.00 per day
Kamas Valley resident usage per day, or any fractional part thereof	\$100.00 per day
Non-Kamas Valley resident usage	\$150.00 per day
Cleaning Deposit Francis City/ Kamas Valley residents	\$200.00
Cleaning Deposit outside of Kamas Valley	\$400.00

9.2 CITY PARK GROUNDS

Arena Bowery and restroom usage per day or any fractional part thereof:

City resident	\$25.00
Non-resident	\$50.00
Special Events Park Rental	\$350.00 per day

Athletic Field **\$100.00 per day per field tournament play**
\$25.00 per single game on single day per field

Cleaning Deposit (refundable if area is clean when finished) \$250.00

9.3 ARENA

Arena rental	\$200.00 per day or any fractional part thereof
Maintenance fee per day to work and water arena	\$100.00
After 5:00 p.m. an additional fee will be charged per hour thereafter	\$25.00
Cleaning Deposit (refundable if facility is clean when finished)	\$250.00

9.4 MOVIE PRODUCTION RENTAL OF CITY FACILITIES

Rental per day of any City facility or property for movie production or support: \$1,000.00/facility or property.

Use of any City owned facility or property requires a \$5,000.00 cash deposit that is refundable upon return of City property or facilities in good operation and condition.

Note: If any rental of a City Facility requires a City staff or support person to be present, the cost of service will be billed at a \$80.00 per hour per staff person.

9.4.1 MOTION PICTURE PRODUCTION

All motion picture or commercial filming operation in Francis City must obtain Council approval and pay a license fee of \$500.00 per production or event. Note: All licenses may require other planning department fees and/or permits.

9.5 FEE REDUCTION OR WAIVERS

Use of facilities for non-profit, public service clubs or organizations, or special fundraising events may have all or part of their associated rental fees waived by the City.

SECTION 10 GRAMA (Governments Records Access and Management Act Fees)

10.1 COPIES

Copies made at facility \$.50 per page, double sided charged as two pages.

10.2 COPIES IN EXCESS OF 50 PAGES

Outside copy facilities: for requests for copies more than 50 pages, the City reserves the right to send the documents out to be copied and the requester shall pay the actual cost to copy the documents, including any fee charged for mileage or pick-up and delivery of the documents.

10.3 COMPILING DOCUMENTS

A governmental entity may charge a reasonable fee to cover the governmental entity's actual cost of providing a record. Staff time must be based on the salary of the lowest paid employee with the necessary skill and training to fulfill the request, and there can be no charge for the first quarter hour of staff time.

SECTION 11 EFFECTIVE DATE

THIS ORDINANCE shall be effective upon posting, as permitted by the terms of Section 10-3-712 of the Utah Code.

Aye Nay

Mayor Brussel

Councilmember Crittenden

Councilmember Forman

Councilmember Fryer

Councilmember Querry

APPROVED:

ATTEST:

Mayor Jan Brussel

City Recorder Suzanne Gillett

City Seal



FRANCIS CITY

ORDINANCE NO. 2022-02

AN ORDINANCE OF THE FRANCIS CITY COUNCIL AMENDING SECTIONS OF THE CITY CODE RELATING TO: R-C ZONE SETBACKS SECTION 18.40.050

WHEREAS, the Francis City Council finds that it is in the public interest to amend provisions of the Francis City Code relating to the R-C Zone section 18.40.050.

NOW, THEREFORE, BE IT ORDAINED by the Francis City Council as follows:

Section 1. Amendment. Section of the Francis City Code is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 2. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall take effect upon publication or posting or (30) days after passage, whichever occurs first.

PASSED AND ADOPTED by the Francis City Council the 14th, day of April 2022.

Aye Nay

Mayor Jan Brussel
Councilmember Crittenden
Councilmember Forman
Councilmember Fryer
Councilmember Querry

APPROVED:

ATTEST:

Mayor Jan Brussel

City Recorder Suzanne Gillett

City Seal



FRANCIS CITY

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE FRANCIS CITY COUNCIL AMENDING SECTIONS OF THE CITY CODE RELATING TO: 17 (SUBDIVISIONS)

WHEREAS, the Francis City Council finds that it is in the public interest to amend provisions of the Francis City Code relating to the Planning Commission, Subdivisions.

NOW, THEREFORE, BE IT ORDAINED by the Francis City Council as follows:

Section 1. Amendment. Section of the Francis City Code is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 2. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall take effect upon publication or posting or (30) days after passage, whichever occurs first.

PASSED AND ADOPTED by the Francis City Council the 14th, day of April 2022.

Aye Nay

Mayor Jan Brussel
Councilmember Crittenden
Councilmember Forman
Councilmember Fryer
Councilmember Querry

APPROVED:

ATTEST:

Mayor Jan Brussel

City Recorder Suzanne Gillett

City Seal



Staff Report

To: Francis City Council
From: Katie Henneuse
Report Date: March 30, 2022
Meeting Date: April 14, 2022
Title: R-C Setbacks
Type of Item: Code Text Amendment

Executive Summary:

Paul Weller has applied for a code text amendment to reduce the setbacks in the R-C zone. The applicant purchased three lots in the Frontier Cottages subdivision and expressed a concern with fitting a home within the current setbacks on one lot. Other lot owners have expressed the same concern and have opted to shift the placement of the home or select a different home plan that fits within the setbacks.

City Code:

Setbacks in the R-C zone are set in section 18.40.050. The following changes are proposed:

Setback	Current	Proposed
Front and Side Street	25 ft	20 ft
Rear Yard	20 ft	15 ft

Current setbacks were carried over from the R-2 zone in the previous version of code.

Arguments for the text amendment:

1. Frontier Cottages is the first R-C subdivision in Francis, and several lot owners have reported that they needed to reconfigure building plans once setbacks are taken into account. There has been a greater impact on corner lots that have both a front and side street setback.
2. Francis already has smaller front and side street setbacks for similarly sized lots in conservation subdivisions, where the setbacks are 20 ft (front and side street), 10 ft (side), and 20 ft (rear).

Arguments against the text amendment:

1. The setbacks were set when the R-C zone was created. The Planning Commission and City Council at the time decided to slightly reduce the setbacks from the R-H zone to make them more reasonable for a cottage-sized lot. Their intent was to ensure space between homes and to maintain an open and rural feel in Francis.

2. Larger setbacks will require builders to build smaller homes which are more affordable. Affordability was one of the reasons this zone was created and why the city approved re-zoning of certain areas to R-C. If the setbacks are reduced and larger homes are allowed, the homes will be more expensive.
3. The lot owners that already built in Frontier Cottages and other R-C zones selected homes that fit on the lots. In some cases, they reduced the square footage of their home and chose a new plan to find something that fit. They followed code and expected their neighbors to have similar setbacks.

Planning Commission Recommendation:

The Planning Commission reviewed this amendment at their meeting on March 17th. They are forwarding it to the City Council with a negative recommendation (3 to 1). Most commissioners agreed that the setbacks should stay the same as they are. The dissenting commissioner expressed concern that lots with two front setbacks or two rear setbacks were left with a small lot area to build a home. He suggested that R-C lots only be required to have one front setback and one rear setback, even if the lot is a corner lot or is oddly shaped.

Staff Recommendation:

Review the text amendment and read the statement provided by the applicant. Discuss any questions with the applicant and staff. Decide if the text amendment provides a benefit to the city and its residents. If it does, approve Ordinance 2022-02.

Community Review:

A public hearing is required for this item. The public hearing was noticed more than ten days before this meeting in accordance with State law and City code.

Code Text Amendment – Exhibit A Ordinance 2022-02

18.20.030 Setback and frontage requirement table.

Setbacks and Frontage

Zone	Front (from property line)	Side*	Rear	Frontage Min.
Agricultural, AG-2	35 ft.	12 ft.	30 ft.	150 ft.
Agricultural, AG-1	30 ft.	12 ft.	25 ft.	150 ft.
Residential Half, RH	30 ft.	12 ft.	25 ft.	100 ft.
Residential Cottage, RC	25 <u>20</u> ft.	10 ft.	20 <u>15</u> ft.	70 ft.
Commercial, C1 City Center, CC	10 ft.	0 ft. (15 ft. when adjoining existing residence)	0 ft. (20 ft. when adjoining existing residence)	35 ft.
Public Facilities, P-F	30 ft.	see Ch. 18.50 FCC	20 ft.	50 ft.
Light Industrial, LI-1	30 ft.	30 ft.	30 ft.	50 ft.

18.40.050 Yard requirements – Dwellings and main buildings.

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

1. Front Yard and Side Street Setback. The minimum front yard and side street setback shall be ~~25~~ 20 feet from the front property line or ~~55~~ 50 feet from the center line of the right-of-way, whichever distance is greater.
2. Side Yard Setback. The minimum side yard for all buildings on interior lots in the R-C zone shall be 10 feet.
3. Rear Yard Setback. The minimum rear yard for all buildings in the R-C zone shall be ~~20~~ 15 feet.

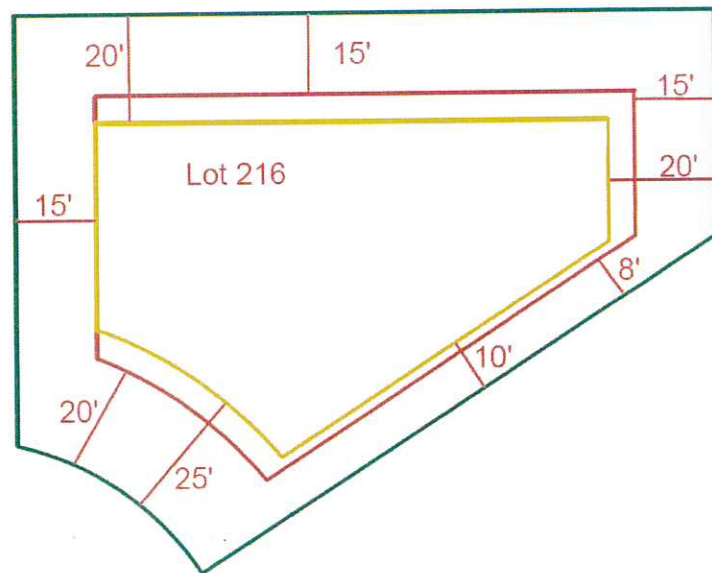
The residential cottage zone setbacks in their current form are in place to help ensure the homes built have enough space between them for safety and aesthetics. While this goal is appreciated to help us maintain a rural small-town feel, lots with multiple rear yard or street/front yard setbacks are impacted negatively. For example, lot 216 in the Frontier Cottages Subdivision Phase 2 has two 20 foot rear yard setbacks and an irrigation easement on the west side yard that requires a minimum building distance from the property line of approximately 15 feet. Lots 208, 210, 212, and 214 face a similar issue with having a front yard and side street setback, giving the lot only one side yard setback. This pushes these homes into the back corner of the lots.

We propose to amend the required setbacks for the residential cottage zone to 20 feet for the front yard and side street (or 50 feet from the center line of the right-of-way), 15 feet the rear yard, and 8 feet for the side yards. This will help the lots within this zone that have multiple front or rear yard setbacks build homes that have more space while still maintaining the rural small-town feel that we all desire. Thank you for your consideration in this matter.

Current set back

Property line

New proposed set back



LOCATED IN SOUTHEAST QUARTER OF SECTION 29,
TOWNSHIP 2 SOUTH, RANGE 8 EAST,
SALT LAKE BASE AND MERIDIAN.

FROM THE DISTRICTS

[illegible]

RECORDED AND FILED AT THE REQUEST OF ERIC SIMONSON
Dallen Davis COUNTY RECORDER Deputy Recorder
 ANTER COTTAGES SUBDIVISION PHASE 2